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A DICTIONARY

OF

GREEK AND ROMAN ANTIQUITIES.

EDITED BY

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PREFACE

TO

THE THIRD EDITION.

THE first Edition of the Dictionary of Greek and Roman Antiquities was published in 1842; the second, improved and enlarged, appeared in 1848, since which time the work has been reprinted from the stereotyped plates without alteration. The fact that forty-two years have elapsed since any change was made in the work shows of itself that a new Edition has become necessary. Moreover, these years have been a period of quite exceptional activity both in classical research and exploration; and in most, and indeed nearly all, the subjects treated in this work, recent treatises and recent discoveries have amplified or superseded much of the information which was available for the writers of the articles in the former Editions. These are especially subjects relating to constitutional history and law, religious offices and festivals, architecture and arts in general, coins, dress, and domestic life. The views held on many of these subjects have been greatly altered by newly discovered inscriptions, by additions to museums in this country and elsewhere, and by the labours of recent scholarship bestowed upon such collections.

Epigraphy alone has revolutionised several departments of knowledge. The inscriptions known to Boeckh and Orelli forty years ago are almost insignificant in amount compared with the wealth of material which has accumulated under their successors. In many cases the discovery of single inscriptions has had results of unexpected importance. We may instance the new light thrown upon the laws of Crete by the inscription at Gortyn, and upon Roman municipal law by those at Malaca and Salpensa, in Spain. Nor has epigraphy been the only department of archaeological research. The excavations of ancient sites have not only thrown new light upon the temples, tombs, theatres, and domestic architecture of the Greeks and Romans, but have yielded many treasures of art, pottery, and ornaments, illustrating the domestic life of the ancients. It is only necessary to allude to the excavations of the pre-historic sites of Troy, Mycenae, and Tiryns, of Olympia, Halicarnassus, and Ephesus, of the Acropolis of

Athens, and of many others which cannot be enumerated in the limits of a Preface.

The literary activity of the period, in reference to classical subjects, has been scarcely less marked than the vigour of its archaeological explorations. The constitutional histories both of Greece and Rome have been rewritten. When the last edition was published, only a small part of the great work of Grote had appeared: this, since its completion, has now been supplemented by the researches of Ernst Curtius, Busolt, and others, while the works of Mommsen and his school have opened up new views of Roman constitutional law and provincial government. At the same time, the life of the Greeks and Romans, so long treated as the only "ancients" worth studying, has come to be regarded less and less as an isolated group of phenomena. The application of the comparative method to history (including the history of religions) and philology has furnished a key to much that before seemed arbitrary and inexplicable. The phrases "Ancient Law" and "Primitive Culture" have acquired a new meaning in the hands of eminent writers: much that had been thought characteristic of man only in the savage state has been shown to have coexisted with, and even to have survived, the flowering-time of Graeco-Roman, not to say of modern civilisation. Political changes, too, have not been without influence upon the modern representatives of the two great nations of antiquity. The Italians of the Kingdom are pursuing with renewed vigour and originality the studies which they had never suffered to fall into decay: the Greeks, in the happier circumstances of the last few years, have thrown themselves with zeal, if not always with discretion, into the records of their glorious past. It is not surprising, therefore, that the archaeological hand-books, to which the former editions of this work were so much indebted, have either been rewritten (as, for instance, the *Attische Process*, the *Antiquities* of K. F. Hermann and the Becker-Marquardt series), or altogether superseded by later works.

Accordingly, it has been found necessary to rewrite a great part, and remodel the remainder, of the articles in the present Edition, which may therefore be regarded, to a great extent, as a new work. It contains eight hundred pages more than the old Edition. One-third of the articles has been entirely rewritten. The remaining two-thirds have been in all cases greatly altered: scarcely twenty have been reprinted as they originally stood. There are, besides, about two hundred additional articles which did not appear in the old Edition, many of considerable length and importance, by which it is hoped that all omissions have been supplied. The subjects are more extensively illustrated than formerly: there are upwards of four hundred and fifty new woodcuts in the present Edition.

It would take up too much space to give a list of even the most important works which have been used in the preparation of the articles,

nor is it necessary, as they are in all cases quoted in their proper places. We may be allowed to mention, as illustrations of the difficulties under which works like the present are produced, and in explanation of the length of time during which it has been in progress, that the "Dictionnaire des Antiquités Grecques et Romaines" edited by Daremberg and Saglio, commenced in 1877, has as yet only reached the letter D; that the new series of Hermann's *Antiquities*, edited by Blümner and others, was announced for completion in 1884 and is still unfinished in 1890; and that the valuable work of Iwan Müller is still incomplete. From all these, so far as they have been available, the greatest assistance has been derived, and is here thankfully acknowledged.

To the Keepers of Classical Antiquities in the British Museum we must also express our obligations for much assistance and advice in the course of the work.

It remains to say a few words respecting the references to ancient writers. These references are now brought as much as possible to a uniformity, though an absolute uniformity cannot be claimed for them. Following recent German (and English) works, we have quoted the Greek and Latin authors, wherever practicable, from the Editions published by Teubner. There is only one way, among scholars, of quoting such authors as Plato, Strabo, Plutarch, and Athenaeus; yet even this amount of uniformity was not attained by our predecessors. In these, it is believed, absolute uniformity has now been introduced. In Thucydides and Herodotus, when the chapters are long, the sections also have been added, though not uniformly. Such authors as Polybius and Diodorus are now for the first time quoted from the Teubner editions, in which the fragments discovered by Mai and others are now incorporated; whereas in the former Edition there were many references to Mai and other collections not easily to be procured.

In the Orators we follow all German and most recent English scholars in quoting by the §§ of Bekker's Berlin edition, which differ from those in the Oxford. In the less voluminous orators this single reference has been deemed sufficient; but as few students could find their way among the sixty Demosthenic orations without further help, in these the usually cited pages (Reiske's) have been added.

Of the numerous references to Cicero, some were to the larger, others to the smaller chapters in the old edition; the *double reference*, deemed essential by most scholars, has now been supplied throughout.

In Plautus and Terence contributors have been allowed to quote either by the lines of the play, or by acts and scenes, both being marked in recent editions. But Pliny's Natural History is now quoted, according to the modern fashion, uniformly by the marginal sections of Sillig and Jan.

The references to Clemens Alexandrinus were sometimes difficult to verify, when only a chapter of twenty or more pages was named; they

are now all to Potter's pages, marked in the margin of all subsequent editions.

The Comic Fragments, to which the references are unusually copious, are cited by Meineke's *numbers* (omitting the name of the play), so as to be verified either in his larger or smaller editions. The more recent edition of Kock was incomplete while our work was in progress; there are a few references to it.

The case of Aristotle's works is peculiar. The books of the Politics, as is known, are arranged in different orders; and where contributors have referred both to Bekker's and Susemihl's arrangement, this has been allowed to stand. But in most cases (though not quite in all) the works of Aristotle are cited by the pages *and lines* of Bekker's Berlin Edition, which removes all uncertainty.

In conclusion, I have to express my warm thanks to my two colleagues for the unwearied labour and assiduity which they have bestowed upon the Work. Mr. Wayte undertook the direction of Vol. I., and Mr. Marindin that of Vol. II. They have, under my superintendence, selected the contributors, revised the articles and the proofs as they went through the press, and have themselves written a large number of important articles.

WILLIAM SMITH.

November, 1890.

A

DICTIONARY

OF

GREEK AND ROMAN ANTIQUITIES.

ABACTO'RES. [ADIGEI.]

ABACTUS VENTER. [ABORTIO.]

ABAC'ULUS (*ἀβακίσκος*), diminutive of ABACUS, denoted a tile of marble, glass, or any other substance used for making ornamental pavements. They were of various colours (Plin. *H. N.* xxxvi. § 199; Moschion, *ap.* Ath. v. 207 d.) [MUSIVUM OPUS.] [W. W.]

AB'ACUS (*ἄβαξ*), a word probably of Eastern origin, which has been explained from two different Semitic roots: (1) *abaq*, "sand, dust," a derivation propounded by several eminent French scholars and accepted by Daremberg and Saglio (*Dict. des Antiq.* s. v.); or (2) *abak*, "to raise or lift up," recently suggested in Wölfflin's *Thesauri Latini specimen*, 1884. According to the former, the oldest meaning is that of the sanded board for calculations, rendered necessary at an early period by the rise of commerce between the East and the West. The latter has the merit of accounting more completely for the various usages of the word; but neither derivation can be regarded as anything more than a more or less probable conjecture.

Adopting, for the sake of classification, the primary meaning of "anything raised," we have:

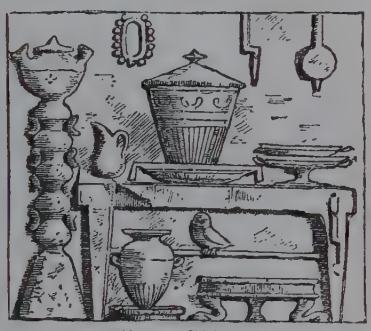
I. A table, dresser, or stand for supporting vessels of any kind.

(1) The simplest kind was no doubt that enumerated by Cato among farm requisites, and distinguished by him from *mensa* (*R. R.* 10, 4; 11, 3). Of a more elaborate sort was—

(2) A table or sideboard, used for the display of plate, of a square form, supported by a *trapezophoron*, as the leg or legs were sometimes called; but the word *trapezophoron* also signified the table itself. (Pollux, x. 69; Cic. *Fam.* vii. 23, 3; Dig. 33, tit. 3, s. 3.) The abacus was supported sometimes by four legs, sometimes by one, which were made of marble, ivory, bronze, or silver, highly ornamented. Cf. Juv. iii. 203:

> Urceoli sex,
> Ornamentum abaci, nec non et parvulus infra
> Cantharus et recubans sub eodem marmore Chiron.

Here the "Chiron" was the *trapezophoron;* and similar ones representing sphinxes and griffins are found in museums. The use of abaci (*mensae vasariae*) in private houses was first introduced at Rome (according to Liv. xxxix. 6, 7; and Plin. *H. N.* xxxiv. § 14) from Asia Minor after the victories of Cn. Manlius Vulso, B.C. 187,



Abacus or Sideboard.
(From a sarcophagus in the British Museum.)

and their introduction was regarded as one of the marks of the growing luxury of the age. (Varr. *L. L.* ix. § 46; Cic. *Verr.* iv. 16, 35; *Tusc.* v. 21, 61; Juv. iii. 204; Plin. *H. N.* xxxvii. § 14; Petron. 73; Auson. *Epigr.* viii. 2.) Sidonius Apollinaris (*Carm.* xvii. 7) speaks of "per multiplices abaco splendente *cavernas.*" These *cavernae* were probably shelves under the abacus in which ornaments were placed, somewhat resembling cabinets in modern drawing-rooms. *Mensae Delphicae* appear to have been a variety of abacus, but distinguished from it, as being round tables with three legs, and taking their name from resemblance to the Delphic tripod (Procop. *B. Vand.* i. 21; Cic. *Verr.* iv. 59, 131; Mart. xii. 66). The abacus or sideboard was used also in temples and at the festivals of the gods, where offerings of food were placed upon it, or sacred objects exposed to view (Becker-Göll, *Gallus*, ii. p. 353; Marquardt,

Röm. Alterth. vii. p. 310; Tyrrell, *Corresp. of Cicero*, ii. p. 239).

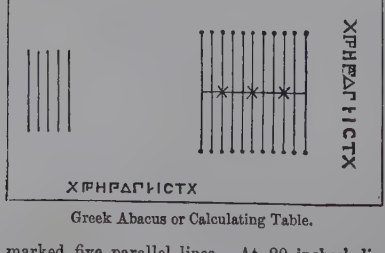
(3) A wooden tray, platter, or trencher, used for a variety of purposes in domestic economy. It was, for instance, a name given to the mactra (*μάκτρα*) or trough for kneading dough (Cratin. *Fragm.* 86, Meineke; Pollux, vi. 86, 90, x. 105; Plin. *H. N.* xxxvii. § 18, *ib.* 21; Apul. *Met.* ii. 7; Hesych. *s. v. μάκτρα*).

II. A board for playing a variety of games, either with dice or counters or figures, called *lutrunculi*, and divided into compartments like the abaci described below (Pollux, x. 150; Caryst. *ap.* Ath. x. p. 435 d; joined with *latrunculi*, Macrob. *Sat.* i. 5, § 11). We may distinguish two kinds, one more resembling a backgammon board [DUODECIM SCRIPTA]; the other corresponding to the chess or draught board [LATRUNCULI]. The game of *πεσσοί* being traditionally said to have been invented by Palamedes, we find the board called *τὸ Παλαμήδειον ἀβάκιον* (Eustath. *in Od.* i. 107). The abacus mentioned by Suetonius was a kind of table, on which toy-chariots could be made to run ("cum eburneis quadrigis in abaco luderet," Suet. *Ner.* 22).

III. A calculating table. This might be—

(*a*) A tablet with a frame or rim, covered with sand, in which lines or figures could be drawn either with the finger or some pointed instrument; and used in geometry, arithmetic, &c. (Pers. i. 131; Apul. *Apol.* c. 16, p. 426; Sen. *Ep.* 74, 27; Plut. *Cat. min.* 70; *eruditus pulvis*, Cic. *N. D.* ii. 18, 48.) The name Arenarius applied to the elementary teacher, *qui calculare monstrabat* (Mart. Cap. vii. *init.*), implies that this sort of abacus was used by school-children.

(*b*) A development of this simple form was the abacus on which *ψῆφοι*, *calculi*, pebbles or counters, were employed to calculate with. It was a board marked off by ridges or grooves (along which balls, counters, or buttons could be moved) into compartments, for the several orders of numbers. We have examples of both Greek and Roman abaci: of the former, one found by Rangabé at Salamis is figured here (Rangabé, Letronne, and Vincent in *Revue Archéol.* année iii. p. 295 ff., p. 401 ff.). It is of marble, about 40 inches long by 28 broad. At a distance of 10 inches from one of the sides are



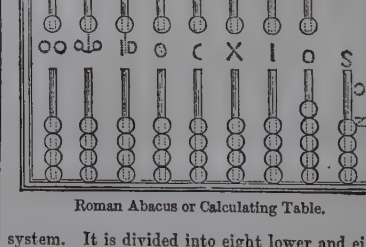
Greek Abacus or Calculating Table.

marked five parallel lines. At 20 inches' distance from the last of these, eleven others are marked and bisected by a cross line, the point of whose intersection with the third, sixth, and ninth lines is marked by a star. Along three of the sides is arranged a series of characters in the same order, and so as to be read with equal ease whichever way the abacus is turned: the series on one side having two more characters than the others. These characters (⊢ being known as = drachma) give the following scale, reckoned from the left of ⊢:—

⊢	Ⅎ	Δ	ⅭⅠ	H	ⅭⅠ	X
1	5	10	50	100	500	1000

A short explanation of these characters, which are of great antiquity, will facilitate the study of the numerous inscriptions in which public accounts have been preserved. ⊢ is a mutilated E, initial of *ἓν*; Ⅎ an old form of Π, *i.e. πέντε*; Δ obviously represents *δέκα*, and X *χίλιοι*: while of the three remaining characters H is for HEKATON, the old way of writing *ἑκατόν*, ⅭⅠ is Ⅎ with Δ inscribed, ⅭⅠ Ⅎ with H. The characters on the right of ⊢ are I = obol, ⁘ = ½ obol, ⊥ = ¼ obol, X = *χαλκοῦς*, ⅛ obol. The two additional characters in the left-hand series are ⅭⅠ = 5000 (Ⅎ with X inscribed), and ⊤ = talent (of 6000 drachmas); so that the lowest and highest money units are at the two ends of the scale. To understand the use of this abacus, the calculator must be supposed sitting before one of its long sides, and putting counters into the spaces between the marked lines. Each space represents an order of numerals, the space on the right hand being intended for units, the next space for tens, the next for hundreds, and so on. The numbers belonging to the first four of each series are put on that side of the bisecting line which is nearest the calculator; those over 5 are put beyond it. As five spaces out of the ten would be enough for these purposes, it is conjectured that after the progression of drachmas going up to 5000, a fresh progression of talents began (⊤ = 6000 drachmas), going up to the seventh place (1,000,000). Thus the Greek abacus, like the Roman, which was no doubt derived from it, reckoned up to a million. The fractions of the drachma were reckoned on the five lines at the other end of the slab. It is to an abacus of this kind that Polybius refers, when he compares the ups and downs of court favourites to the *ψῆφοι* on an *ἀβάκιον*, which according to the line in which they are placed may signify either a talent or a chalcus (Polyb. v. 26, § 13). This comparison is elsewhere attributed to Solon (Diog. Laërt. i. 59).

The Roman abacus (figured here from the Kircherian Museum at Rome) was on the same



Roman Abacus or Calculating Table.

system. It is divided into eight lower and eight higher (somewhat shorter) grooves: there is

also a ninth lower groove, without an upper groove to correspond. Four sliding buttons are attached to each lower groove except the eighth, which has five: each upper groove has one button. Between the two sets of grooves the following numbers are marked:—

ↀ	CCCIↃↃↃ	CCIↃↃ	CIↃ	C	X	I
1,000,000	100,000	10,000	1,000	100	10	1

The units of any other number when not above 4 are marked by moving a corresponding number of buttons along the lower groove upwards, the button in the upper groove = 5. The eighth row was used by reckoning fractions (*aes recurrens*) on the duodecimal system, by ounces, or twelfth of the *as*, and is accordingly marked ○ or ⊖ = uncia: each of its five lower buttons = 1 ounce, and the upper one = 6. Fractions below an ounce were reckoned on the ninth groove, marked:

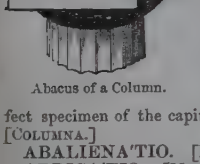
S	Ↄ	Z or 2
semuncia.	sicilicus.	duella.
½ oz.	¼ oz.	⅛ oz.

(Marquardt, vii. p. 97 *seq.*; Becker-Göll, *Gallus*, ii. p. 100; Daremberg and Saglio, *s. v.*) [LOGISTICA.]

IV. In architecture—

(*a*) A painted panel, coffer, or square compartment in the wall or ceiling of a chamber. (Plin. *H. N.* xxxiii. § 159, xxxv. §§ 3, 32; Vitruv. vii. 3, § 10; Letronne, *Peinture mur.*, p. 476.)

(*b*) The flat square tone which constituted the highest member of a column, being placed immediately under the architrave (Vitruv. iii. 5, § 5; iv. 1, § 11). The annexed figure is drawn from that in the British Museum, which was taken from the Parthenon at Athens, and is a perfect specimen of the capital of a Doric column. [COLUMNA.] [A. G.] [J. H. O.]



Abacus of a Column.

ABALIENA'TIO. [MANCIPIUM.]

ABDICA'TIO. [MAGISTRATUS.]

ABIG'EI, ABIGEATO'RES or **ABACTO'RES**, terms used to signify the class of thieves who commit the crime of cattle stealing (*abigeatus*), which was distinguished from ordinary *furtum* and punished as a special offence. Abigeatus was committed by stealing beasts of pasture, as horses, oxen, sheep, goats, and pigs; but only if the theft was of a sufficiently serious kind. The stealing of one horse and perhaps of an ox made the thief abigeus; but it was thought that to steal less than ten sheep, or than four or perhaps five pigs, was not abigeatus, but simple furtum. It was abigeatus, however, if the aggregate of sheep or pigs stolen on separate occasions amounted to the above numbers. It appears that a person who stole cattle was not abigeus unless it was his practice to steal cattle. (Dig. 47, 14, 1, § 1: "et abigendi studium quasi artem exercent;" but see Platner, *De jure crim. quaest.*, p. 447.) An abigeus who took cattle from a stable was punished more severely than one who drove them from pasture ground. (Dig. 47, 14, 3, § 1, "plenius coercendum;" but see Cujas, *Obs.* vi. 8.) Abigeatus was not prosecuted by a judicium publicum, but fell under the extraordinary jurisdiction of the magistrate, who punished it according to his discretion. The different punishments by which the crime was visited are enumerated in a rescript of Hadrian (Collat. xi. 7; Dig. 47, 14). They included different forms of death, the mines, and other kinds of penal servitude for a term or for life, but a person of superior rank was only liable to banishment (*relegatio*) and degradation from his rank. For an abigeus to carry arms was a great aggravation of his offence. Ulpian does not think the exposure of armed abigei to wild beasts too severe a punishment. Pastoral districts were at times devastated by armed and mounted bands of cattle stealers. (Paul. *Sent.* v. 18, *de Abactoribus;* Collat. xi. *de Abigeatoribus;* Dig. 47, 14, *de Abigeis;* Cod. ix. 37, *de Abigeis;* L. Platner, *Quaestio de jure crim.* pp. 445–449; Rein, *Das Criminalrecht der Röm.* pp. 323–325, Leipzig, 1844.) [E. A. W.]

ABOLLA, a thick, double cloak, which, according to Servius (*ad* Verg. *Aen.* v. 421), resembled the chlamys, and which he identifies with the *duplex pannus* of Horace (*Ep.* i. 17, 25). It was of foreign origin; and in a Roman inscription (A.D. 202) found in Mauretania, there is mentioned the *abolla cenatoria* in a *Lex vestis peregrinae* (*C. I. L.* viii. 4508). The generally accepted identification of the word with the Greek ἀναβολή is questionable etymologically; and it is rightly pointed out by Daremberg and Saglio (*s. v.*), that the Greek word applies especially to the manner of wearing *any* cloak (thrown back over the shoulder), while the Latin denotes a cloak of a particular form. Varro (*ap.* Nonium, p. 538, 16) contrasts it with the toga as a distinctively military garment (*vestis militaris*), much as the sagum and toga are commonly contrasted. The sagum (*q. v.*) appears as early as Cato (*R. R.* 59) to have been not confined to military wear; and the abolla similarly had become in imperial times an indiscriminately worn garment. Thus we find it used as an outdoor dress in Juvenal, iv. 76. Ptolemy of Mauretania offended Caligula by the

Abolla, Military Cloak.

splendour of his *purpurea abolla* (Suet. *Cal.* 35), and Martial satirizes a similar extravagance in the fop Crispinus (*abolla Tyria*, viii. 48). While for rich and fashionable wearers the original

military form of the abolla was probably altered, and its rough texture exchanged for fine linen, it seems to have retained or exaggerated its simple coarseness when adopted by philosophers. It was thus worn by the cynic, serving alike for day- and night-clothes (Martial, iv. 53, 5; Hor. *Ep. l. c.*, same as the *τρίβων διπλοῦς*, Diog. Laërt. vi. 22). Hence *facinus majoris abollae* (Juv. iii. 115) means "a crime committed by a deep philosopher." The abolla as worn by soldiers is probably to be recognised in the bas-relief from the arch of Septimius Severus, figured above; as worn by philosophers, in the annexed representation from a silver vase in the Paris Cabinet des Médailles (*apud* Daremberg and Saglio, *s. v.*; cf. Marquardt, *Röm. Alterth.* vii. p. 553). [A. G.] [W. S.]

Abolla, Cloak of Philosophers.

ABOR'TIO, ABORTUS, "immature birth," "miscarriage." If we may judge from poets and satirists, it was not an uncommon practice among the Romans to procure abortion (Plaut. *Truc.* 202; Juv. ii. 32, vi. 368). Cicero (*Cluent.* 12) relates a case where a testator, leaving his wife pregnant, endeavours to secure the birth of his son by leaving his wife a handsome bequest if his son become heir, and nothing if he does not. Cicero charges Oppianicus with paying the amount contingently bequeathed to the widow, and procuring abortion in order that Oppianicus' son may succeed to the inheritance. A woman at Miletus, who in similar circumstances procured abortion by the use of drugs, was condemned to death in the time of Cicero's proconsulate. Similar cases or charges are recorded in Tac. *Ann.* xiv. 63; Suet. *Dom.* 22; Amm. Marc. xvi. 10. It was probably some such dangers that led to the Lex Cornelia making it a criminal offence to give love-potions or medicines for abortion, the penalty being death if the patient died; if not, then banishment and partial confiscation for persons of a higher rank, work in the mines for those of a lower rank (Paul. *Sent.* v. 23, 214). And women who procured abortion (*vim visceribus suis intulerunt; partum abegerunt*) were, by a rescript of Severus and Caracalla, condemned to exile (Dig. 47, 11, 4; 48, 7, 8), at least if divorced, and so acting in order to avoid bearing a son to their estranged husbands (Dig. 48, 19, 39).

Of the practice and law in Greece still less is known. Lysias in a speech (or declamation) impeached Antigonus for procuring abortion (*κατ' Ἀντιγόνου ἀμβλώσεως, Fragm.* 10, ed. Bait. and Sauppe). Plato recommended it in certain circumstances in his ideal Republic (*Rep.* v. 9, p. 461 c), and so also Aristotle, but only *πρὶν αἴσθησιν ἐγγενέσθαι καὶ ζωήν* (*Polit.* iv. (vii.) 16). [H. J. R.]

ABRASAX, Abraxas, gems. This subject belongs exclusively to Christian antiquities. See *Dict. of Christ. Biog.* s. v. Abrasax. [W. S.]

ABROGA'TIO MAGISTRA'TUS. The deposition of a magistrate from his office by any legal process was, strictly speaking, unknown to the Roman constitution (Becker, *Rhein. Mus.* N. S., iv. 293). The only legitimate termination of the magistrate's power was his own abdication. But (1) it was in the power of a superior magistrate to forbid an inferior one to exercise his official functions (*vetare quicquam agere pro magistratu*): thus the dictator L. Quinctius in B.C. 458 suspended the consul L. Minucius from his office (Liv. iii. 29, 2; Dionys. x. 25); and this action was followed by the abdication of Minucius. (2) The people, by the exercise of its sovereign legislative power, could put an end to a magistrate's tenure of office. Thus, according to the tradition followed by Cicero (*Brut.* 14, 53; *de Off.* iii. 10, 40), and held by Schwegler (ii. 43, note 2) to be older than that of Livy and Dionysius, one of the first two consuls was deposed from his consulship (*Brutus . . . collegae suo imperium abrogavit*). The right of the people to do this was never challenged, and was admitted in terms by the Lex Cassia (cf. Ascon. p. 78), *ut quem populus damnasset* cuive imperium abrogasset *in senatu non esset.* There are no other instances of the *abrogatio* of a consul, except in the troubled times of the Civil Wars; *e.g.* Cinna (Vell. ii. 20: *ex auctoritate senatus consulatus ei abrogatus est*), who refused to regard it, because the deposition proceeded from the senate, not from the people. But there are two cases of the actual abrogation of proconsular *imperium* (cf. Appian, *Iber.* 83; Asconius, p. 78), and two more in which it was threatened (Liv. xxvii. 20, 21; xxix. 19, 6). The strict legality of the deposition of the tribune M. Octavius by the people, on the proposal of Ti. Gracchus, was never called in question, and Mommsen now withdraws the statement made in his earlier editions that "deposition was a constitutional impossibility" (cf. *Gesch.* ii. 88; *Röm. Staatsr.* i. pp. 512–3). See also Lex. [A. S. W.]

ABSIS or **APSIS** (the former more correct in Latin) (*ἀψίς*), in its literal meaning from *ἅπτω*, is a fastening of any kind; for example, the meshes of a net. (Hom. *Il.* v. 487.) It was applied specially to the joining together the extremities of a piece of wood, so as to give it the shape of a bow; and hence it came to signify anything of that shape, such as a bow, an arch, or a wheel. (Hes. *Op.* 424; Herod. iv. 72.) A potter's wheel is described, in the Anthology, as *κύκλος ἀψῖδος.* The next transition of meaning is to anything *vaulted* (for example, *ἡ ὑπουράνια ἀψίς, the vault of heaven*, Plat. *Phaedr.* p. 247 b); and in this sense it was adopted in architecture, first, for any building or portion of a building of a circular form, or vaulted (Plin. *Epist.* ii. 17, § 18), and more especially for the circular and vaulted end of a Basilica. (Paul. Nol. *Ep.* 12; Augustin, *Ep.* 203; Isid. *Orig.* xv. 8.) For the application of the word in Christian churches, see *Dict. of Christ. Ant.* s. v. Apse. [P. S.]

ABSOLU'TIO. [Judex.]

ABSTINENDI BENEFI'CIUM. [Heres.]

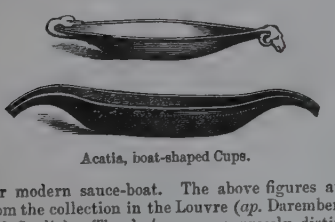
ABU'SUS. [Usus Fructus.]

ACAENA (*ἀκαίνη, ἄκαινα*, or in later Greek *ἄκενα*, in one place *ἄκαινον*) is a very ancient Greek word, for it is said to have been derived from the Thessalians or from the Pelasgians. It

seems originally to have meant a pointed stick: thus it was applied both to a goad and to a shepherd's staff. Afterwards it came (like our *pole* and *perch*, and the German *Stange*) to mean a measuring rod of the length of ten Greek feet, or, according to Hesychius, 9¾ *πήχεις*, which is the same thing. It was used in measuring land, and thus it resembles the Roman decempeda. It is doubtful whether there was a corresponding square measure. (Schol. *in* Apoll. Rhod. iii. 1326; Suid. *s. v.*; Hesych. *s. v.*; Schow, *Hesych. Restit.* p. 648; Olympiodor. *ad* Aristot. *Meteorolog.* p. 25; Heron. *ap.* Salmas. *ad Solin.* p. 481; Wurm, *de Pond.* p. 93; Hultsch, *Griech. u. Röm. Metrol.* p. 36.) [ACNA.] [P. S.]

ACAPNA, sc. ligna (*ξύλα ἄκαπνα*), firewood specially prepared in order to burn without smoke. Owing to the primitive simplicity of ancient chimneys, smokeless fuel was in great request. At least three different processes are mentioned in ancient writers. 1. The wood might be simply dried and scorched over a fire, without however being converted into charcoal; these were also called *ligna cocta*, Dig. 32, 55, 7, and *coctilia*, Trebell. *Claud.* 14. 2. After peeling off the bark, it might be soaked in water and then well dried before being used (Theophr. *Hist. Plant.* xv. 10). 3. It might be smeared with oil-lees (*amurca*), and afterwards exposed to the sun (Cato, *R. R.* 130; Plin. *H. N.* xv. § 33). In Martial, *Ep.* xiii. 15, the lemma has *ligna acapna*, but the epigram itself throws no light on the mode of preparation. ACAPNON MEL, honey taken from the hive without smoking the bees, which was preferred, as usually there was a slight taste of smoke. (Colum. vi. 33, § 2; Plin. *H. N.* xi. § 45.) [W. W.]

ACATUS, dim. **ACATIUM** (*ἄκατος, ἀκάτιον*). **1.** A kind of boat or small vessel [NAVIS]. **2.** In the rigging of a ship, *ἀκάτια* were certain sails, perhaps stay-sails, of which nothing definite is known (cf. Liddell and Scott, *s. v.*). The statement in Julius Pollux and Hesychius that the main-mast was so called is extremely doubtful; in the only classical text where the word occurs, *τὰ ἀκάτια* are contrasted with *τὰ μέγαλα ἱστία* (Xen. *Hellen.* vi. 2, § 27); and Rich, *s. v.*, rightly observes that the only certain thing is that the acatium was especially adapted for fast sailing with light winds. **3.** A drinking-vessel, so named from its shape, somewhat like



Acatia, boat-shaped Cups.

our modern sauce-boat. The above figures are from the collection in the Louvre (*ap.* Daremberg and Saglio). The *ἀκάτια* are expressly distinguished from larger cups (Epicrat. *ap.* Ath. xi. p. 782 f., fr. 9, Meineke); but there was also a *μεγάλη ἄκατος* used in libations (Antiph. *ap.* Ath. xv. p. 692 f., fr. 5, Meineke). [W. W.]

ACCENSI, properly "supernumeraries," from *accenseo* (the other derivations given by Varro, *Ling. Lat.* vi. 89, Müll., are impossible and absurd). The word is used in four senses.

1. Livy (i. 43, 7) adds to the fifth class of citizens in the Servian classification a century of *accensi* (*in his accensi, cornicines, tubicinesque, in tres centurias distributi*); and Cicero, in a fragmentary passage (*de Rep.* ii. 22, 40), writes *quin etiam accensis velatis, liticinibus, cornicinibus, proletariis* .... Lange corrects Livy, reading *in his accensis*, and takes *accensi* to be the general name for the fifth class, accepting also the earlier correction *in II. centurias* (approved by Sir G. C. Lewis). This has the advantage of bringing the total number of centuries (193 instead of 194) into harmony with the statements of Dionysius and Cicero, and giving an odd number instead of an even one. Whether Livy was mistaken, or his text is corrupt, may be doubtful; but the view that *accensi* denotes the whole of the fifth class can hardly be disputed. The alternative hypothesis of Niebuhr, that the *accensi* were those citizens who possessed between 12,500 and 7000 asses, while those possessing between 7000 and 1500 were called *velati*, has but slight support, and is generally abandoned.

2. As a military term, *accensi* denotes the reserve-soldiers, who, at the time when each soldier had to find his own arms, could provide themselves with nothing better than sticks and stones. Besides serving as light infantry, they would add force to the impact of the phalanx by pressing on from behind. From their lack of defensive armour they were known as *velati*; but when any heavy-armed soldiers were killed or wounded, the *accensi* took their places, and used their armour and weapons (Varro, *L. L.* vii. 56; Paul. D. s. v. *adscripticii*). They were also called *ferentarii*, probably as Cato says (*ap.* Paul. D. *l. c.*) *quod tela ac potiones militibus pugnantibus ministrabant*; not as Varro suggests, *qui ea modi habebant arma quae ferrentur, ut jaculum.* (Corssen, *Krit. Beitr.* p. 178, suggests a wholly different derivation.) After B.C. 352, when soldiers received pay from the state, the *accensi* provided themselves with better weapons; but we find even on the Column of Trajan a soldier armed with stones alone. At this later stage the term *rorarii* was in use for the light-armed slingers, while the *accensi* denoted the *proletarii* who were *ad legionum censum adscripti.* The term *accensi* was also used to denote the attendants on the cavalry, who held their spare horses (Paul. D. s. v. *pares equi*; Varr. *L. L.* v. 82), and the orderlies of the centurions (Fest. s. v. *optio: optio qui nunc dicitur, antea appellabatur accensus; is adjutor dubatur centurioni a tribuno militum*).

3. The magistrates who were attended by lictors had also supernumerary attendants (*accensi*), who did not bear the fasces, but were ready to replace a lictor if occasion should arise. So long as the custom lasted that the two colleagues were preceded by the fasces on alternate days, an *accensus* attended on the one *penes quem fasces non erant.* There is no sufficient reason to assume with some that these attendants were always chosen from the class of *accensi*; in later times they were generally the freedmen of the magistrates whom they served. (Cic. *ad Q. fr.* i. 1, 4, 12; *in Verr.* iii. 67, 157; *ad Att.* iv. 6, 12, and often in inscriptions.) Among the duties of an *accensus* was to summon the people to the *comitia* (Varr. *L. L.* vi. 88):

the *accensus* of the consul, and afterwards of the praetor, also proclaimed the third, the sixth, and the ninth hour of the day in the *comitium*.

4. On inscriptions of the time of the Empire mention is made of *accensi velati*, who formed a college of 100 members, charged with the superintendence of the public roads. They consisted largely of knights and high officials, and were exempt *a tutelis et curis* (*Frag. Jur. Rom. Vat.* § 189 : cf. Mommsen in *Annali dell' Instit. Arch.* 1849, p. 209). It is probable that they derived their name and functions from the *centuria accensorum velatorum*, mentioned above, who may have had charge of the communications of the army in the field (Marquardt, *Staatsr.* ii. 319). [A. S. W.]

ACCEPTILA'TIO is a formal mode of extinguishing a verbal obligation. The debtor says to the creditor, "Quod ego tibi promisi, habesne acceptum?" and the creditor answers, "Habeo" (Gai. iii. 169); or the form might be, "Accepta facis decem" (sc. sestertia), answer "Facio" (Dig. 43, 4, 7). This method of release was not regarded as peculiar to Romans, but a part of general law (*juris gentium est*), and thus the words might be Greek without impairing the effect. The term Acceptilatio must have been originally borrowed from bookkeeping, and in this connexion we find *acceptum* (*accepto*) *ferre* used in Dig. 21, 2, 4, § 1; 32, 1, 29, § 2, &c.: and in a metaphorical sense, "to credit with," in Val. Max. ii. 7, Ext. 2; viii. 2, § 3; Sen. *Ep.* 78, § 2. But *acceptum facere* or *fieri* is used in the sense of putting an end to an obligation in Cic. *Verr.* iii. 60, § 139; Plin. *Ep.* ii. 4, vi. 34; and in the lawyers frequently and indiscriminately with *acceptum fieri*. For the declinable *acceptum accepto* (dative?) is sometimes used by the lawyers. *Acceptum* (*accepto*) *rogare* is used of the debtor who seeks to be freed. The spoken words constituted an acceptilatio, but a record of the act would, as in other cases, be written and preserved. An *apocha* was what we call a receipt. (See examples in Bruns, *Fontes*, pt. ii. 8.) It was evidence of a payment, but might be rebutted by proof that the repayment had never actually taken place. But acceptilatio was a formal release of the obligation, and operated effectually whether payment had or had not been received. "Velut solvisse videtur qui acceptilatione solutus est" (Dig. 46, 4, 16 and 19). In form an acceptilatio must be absolute, not conditional, and must release at once, and not at a deferred date (*ib.* ss. 4, 5). It was applicable only to debts contracted by stipulation; the form of release must strictly follow the form of obligation, and the parties to the stipulation must (themselves or their heirs or slaves) be present and parties to the release. But the difficulty arising from these restrictions was got over by a new stipulation being entered into referring to the existing obligation, and giving it a new form suitable to the intended release. [See NOVATIO.] Hence a future debt was converted into a present one,—a debt due from Titius was converted into one due from his procurator; and an obligation arising from a loan or sale, &c., was stated in a stipulation and verbally promised (*ib.* s. 13, § 10). The new verbal obligation extinguished the old obligation, and was in turn itself extinguished by the formal acceptilatio. Gallus Aquilius invented a formula for reducing the whole liabilities of one party to another to a single obligation, in order that it might be thus extinguished. The formula is given in s. 18, Inst. iii. 29, § 2, and is called the *Aquiliana stipulatio*.

What is invalid as a release may sometimes take effect as an agreement (*pactum*, s. 19; 2, 14, 27, § 9). And in other cases, *e.g.* of a *donatio mortis causa*, or a gift between husband and wife, the operation of an acceptilatio was suspended till the death of the donor (Dig. 39, 6, 24; 24, 1, 32, § 23). The chief authorities are Gai. iii. 169–172; Dig. 46, 4; Inst. iii. 29, §§ 1, 2. [H. J. R.]

ACCESSIO, "addition," is not strictly a technical word, but is used frequently in certain connexions in a somewhat technical manner. The verb *accedere* is similarly used.

1. In some bargains it was not unusual, besides the price, to stipulate for certain extra payments (*accessiones*). In the draft contracts given by Cato we have mention of allowances both in money and kind made to a contractor for gathering the olives (*R. R.* 144); of allowances of oil and salt to the contractor for pressing the oil, besides a small sum for the use of vessels (*vasarium*, ib. 145). If the olive-harvest was sold before gathering (*olea pendens*), one of the conditions of sale was that the buyer should pay the auctioneer's fee (*praeconium*) and 1 per cent. more than the price (*amplius quam quanti emerit omnis pecuniae centesima accedet*, ib. 146). This was a commission paid to the banker or collector of the sale-moneys (cf. Cic. *Rab. P.* 11; Lex Metalli Vipasc. init. *apud* Bruns, p. 141). Such a commission may probably have been the pretext for the considerable sums of money which Verres' agents extorted from the Sicilian farmers over and above (*accessionis*) the quantity of corn due or demanded (Cic. *Verr.* iii. 32, 36, 49, 50). Columella (i. 7, § 2) speaks of wood and other extras, besides the rent, due from farming tenants (*coloni*). And among the regulations for market-sales issued by the aediles is a provision that, in case a sale is annulled, the buyer should recover besides the price any money he has given *accessionis nomine* (Dig. 21, 1, 25, § 9; cf. ss. 27, 33, &c.). An auctioneer is said by Pliny to have sold a candelabrum for 50,000 sesterces and thrown a humpback into the bargain: *accessio candelabri fuit* (*H. N.* xxxiv. § 11).

2. In the law writers both noun and verb are used in speaking of such appurtenances and accessories as share the legal fate of the principal (*accessio cedit principali*). It is especially used to include accretions from without as opposed to growths (cf. *fructibus et causis et omnibus accessionibus*, in the heading of Dig. 22, 1). Such accretions are buildings erected on land, trees planted in gradual deposits on a river bank, writing on paper, gold setting of a jewel, embroidery on dresses (Dig. 4, 1, 23). A controversy existed whether a painting by one man on another's panel should be regarded as principal or accessory. Justinian decided in favour of the painter, who, as in other similar cases, would have to reimburse the owner of the panel (Inst. ii. 1, §§ 29–38). But not only such secondary objects as are in *physical* connexion with a thing (to which class of appurtenances modern lawyers would confine the term: cf

Wächter, *Pand.* § 65; Böcking, *Pand.* §§ 78. 81) are called *accessiones*, but even such as the terms of a bargain or the intention of a testator may have made accessory (Dig. 21, 1, 1, § 1; ss. 32, 33; 30, 1, 63, &c.). For the general law see also Keller, *Inst.* § 67.

Accessio is also specially used (3) in reckoning the length of time necessary for resuccession, when a possessor has the benefit of the addition of the time during which another person (*e.g.* a vendor or donor or testator) to whose rights he succeeds had the possession (Dig. 41, 2, 13; 44, 3, 6, 14–16); and (4) of *fidejussores* and other sureties who were regarded as accessories to the principal debtor (Gai. iii. 126; Dig. 46, 1, s. 3; s. 34, &c.). [H. J. R.]

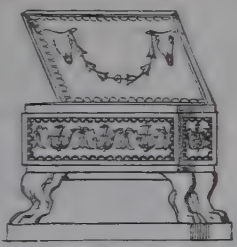
ACCLAMATIO was the public expression of approbation or disapprobation, pleasure or displeasure, &c. by loud acclamations. For the special forms of *acclamatio* at marriages, funerals and triumphs, see MATRIMONIUM, FUNUS, TRIUMPHUS. Orators were usually praised by such expressions as *Bene et praeclare, Belle et festive, Non potest melius*, &c. (Cic. *de Orat.* iii. 26, 101.) For the applause given to authors reciting their own compositions, see RECITATIO. Under the Empire the expression of popular applause in the circus and the theatre was reduced to a system. All the audience rose at the entrance of the emperor, and greeted him with an acclamation in a set form of words, and in a fixed rhythm. Nero developed this, selecting more than 5000 among the claqueurs and citizens (called *Laudicenes* or *Laudenses*) to be trained in the Oriental method of musical salutation (*modulatis laudationibus*, Suet. *Ner.* 20), so as to greet him at his entrance in accordance with a time for which the signal was given by one of his suite (Dio, xliii. 14; lxi. 20). The name *acclamationes* was also given to the decrees passed by the senate in honour of the emperor, and to the congratulations addressed to him, inasmuch as these were always carried by acclamation. Under Trajan these were entered on the *Acta*, and engraved upon bronze. (Plin. *Panegyr.* 75, &c.; Capitol. *Maximin. duo*, 18. 26, *Gordiani tres*, 11; Lamprid. *Alexand. Sever.* 6–12; Vopisc. *Tac.* 4. 5. 7. *Prob.* 11.) Many instances of *acclamationes* are given by Ferrarius, *De Veterum Acclamationibus et Plausu*, in Graevius, *Thesaur. Rom. Antiq.* vol. vi. Cf. also Henzen, *Acta Fratr. Arval.* p. 75 b. [W. S.] [A. S. W.]

ACCUBATIO, or **ACCUBITIO**, the act of reclining at meals. [CENA.] [W. S.]

ACCUBITUM, a couch used for reclining upon at meals, which in the imperial period took the place of the more ancient *triclinium*. It seems to have held any number of guests, whereas the triclinium only accommodated three. (Schol. *ad Juv.* v. 17, "apud veteres accubitorum usus non erat;" Lamprid. *Heliog.* 19, 25, Casaub. and Salmas. *ad loc.*: *C. I. L.* iii. 4141, "pretium sum accubito . . . restituit:" Labbaei. *Glossa*, "accubitum, ἀνακλιντήριον:" Marquardt, *Röm. Alterth.* vii. p. 298; cf. Lamprid. *Alex. Sev.* 34, "numerus accubitionum crescebat et multitudo convivarum.") The accubitum was lower and more luxurious than the triclinium, and its coverings and pillows were called *accubitalia*. (Trebell. Poll. *Claud.* 14.) [W. S.]

ACCUSATIO. [JUDEX.]

ACERRA, the incense box used in sacrifices. (Hor. *Carm.* iii. 8, 2; Verg. *Aen.* v. 745.) The



Acerra, Incense Box.

incense was taken out of the acerra and let fall upon the burning altar: hence we have the expression *de acerra libare*. (Ov. *ex Pont.* iv. 8, 39; Pers. ii. 5.) It was distinct from the *turibulum* or censer in which incense was burnt; and was the more common mode of offering incense. [TURIBULUM.] The acerra represented above is taken from a frieze in the museum of the Capitol. Another figure, from a bas-relief at Rome (*ap.* Daremberg and Saglio, *s.v.*), illustrates the mode of using it. The acerra was also, according to Festus (*s. v.*), a small altar, placed before the dead, on which perfumes were burnt. There was a sumptuary law in the Twelve Tables which restricted the use of acerrae at funerals. (Cic. *de Leg.* ii. 24, 60.) [J. Y.] [W. W.]

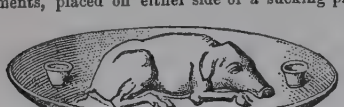
Servant carrying the Acerra.

ACETABULUM. I. GREEK (ὀξίς, ὀξύβαφον, ὀξυβάφιον, ἐμβάφιον). A small shallow vessel, used originally, as the name denotes, for holding vinegar or sauces, to dip the food into (Poll. vi. 85; Athen. xi. 494 b; Suidas, *s. v.* ὀξίς and ὀξύβαφον). It was afterwards employed for a variety of other purposes, *e.g.* for holding salad (Athen. ii. 64 a), wine (Athen. xi. 494 c–f), or honey (Alex. Com. *Frag.* 3, 462), or for playing one form of the game of cottabos (Athen. xv. 667 e; Poll. x. 86). [COTTABOS.] [J. H. O.]

II. ROMAN. Originally a vessel for holding vinegar (*acetum*, Isidor. xx. 4, 12); then any similar vessel (Quintil. *Inst. Or.* viii. 6, § 35). It was sometimes made of silver (Dig. 34, 2, 19, § 9). The word is used of the socket of the hip-bone (Plin. *H. N.* xxviii. § 179); the suckers in the arms of polypi (id. ix. § 86); and the cup of a flower (id. xviii. § 245), from which we get the general idea of a small vessel of bell shape with a wide mouth. The first cut represents an acetabulum, given in Dennis's *Etruria*, vol. i. p. xxii.; the second, from Cassini's *Pitture antiche*,

Acetabuium.

Rome, 1783 (*ap.* Daremberg and Saglio, *s. v.*), shows two such vessels, probably containing condiments, placed on either side of a sucking pig



Dish showing two small Acetabula.

that has been served up in a lanx. Similar vessels were used by conjurers in their tricks (Sen. *Ep.* 45, 7, with Lipsius's note); and the name was also applied to a kind of cymbal (Isid. iii. 21, 11). [A. G.]

ACETA'BULUM, a Roman measure of capacity, fluid, and dry, equivalent to the Greek ὀξύβαφον. It was one-fourth of the hemina; and therefore one-eighth of the sextarius. It contained the weight in water of fifteen Attic drachmae. (Plin. *H. N.* xxi. § 185.) [P. S.]

ACHAICUM FOEDUS (τὸ Ἀχαϊκόν), the league or confederation of a number of towns on the north-west coast of Peloponnesus. In speaking of the Achaean league we must distinguish between two periods, an earlier and a later one. The former, though formed for mutual protection, was mainly of a religious character, whereas the latter was pre-eminently a political confederation to protect the towns against the domination of Macedonia.

1. *The earlier League.*—When the Herakleidae took possession of Peloponnesus, which until then had been inhabited chiefly by the Achaean race, a portion of the latter, under Tisamenos, turned northwards and took possession of the northern coast of the peninsula, which was called Αἰγιαλός: the Ionians, who had hitherto occupied that country, took refuge in Attica and on the west coast of Asia Minor. The country thus occupied by the Achaeans, from whom it derived its name of Achaia, contained twelve towns which had been leagued together even in the time of their Ionian inhabitants. They were governed by the descendants of Tisamenos, until, after the death of king Ogyges, they abolished the kingly rule and established democratic institutions. The time when this happened is not known. In the time of Herodotus (i. 145; comp. Strab. viii. p. 483 foll.) the twelve towns of which the league consisted were: Pellene, Aegeira, Aegae, Bura, Helike, Aegion, Rhypes, Patrae, Pharae, Olenos, Dyme, and Tritaea. After the time of Herodotus, Rhypes and Aegae disappear from the number of the confederate towns, as they had decayed and become deserted (Paus. vii. 23, 25; Strab. viii. p. 387), and Leontion and Keryneia stepped into their place (Polyb. ii. 41; comp. Paus. vii. 6). Helike appears to have been their common place of meeting; but this town, together with Bura, was swallowed up by the sea during an earthquake in B.C. 373, whereupon Aegion was chosen as the place of meeting for the confederates (Strab. viii. p. 384; Diod. xv. 48; Paus. vii. 24). Of the constitution of this league very little is known; but it is clear that the bond which united the different towns was very loose, and less a political than a religious one, as is shown by the common sacrifice offered at Helike to Poseidon. When that town was destroyed and Aegion had become the central point of the league, the common sacrifice was offered up to the principal divinities of Aegion, *i.e.* to Zeus, surnamed Homagyrios, and to Demeter Panachaea (Paus. vii. 24). The looseness of the connexion among the towns in a political point of view is evident from the fact that some of them acted occasionally quite independent of the rest (Thuc. ii. 9). The confederation generally kept aloof from the troubles of other parts of Greece, on which accordingly it exercised no particular influence down to the time when the league was broken up by the Macedonians. But they were nevertheless highly respected by the other Greek states on account of their honesty, sincerity, and wise moderation. Hence after the battle of Leuktra they were chosen to arbitrate between the Thebans and Lakedaemonians (Polyb. ii. 39). Demetrios, Kassander, and Antigonos Gonatas placed garrisons in some of their towns, while in others they favoured the rising of tyrants. The towns were thus separated from one another, and the whole confederation was gradually destroyed.

2. *The later League.*—The ancient confederacy had thus ceased to exist for some time when events took place which in some towns roused the ancient spirit of independence. When in B.C. 281 Antigonos Gonatas attempted to drive Ptolemaeos Keraunos from the throne of Macedonia, the Achaeans availed themselves of the opportunity of shaking off the Macedonian yoke and renewing the ancient confederation. The grand object however now was no longer a common worship, but a real political union among the confederate towns. The places which first shook off the yoke of the oppressors were Dyme and Patrae, and the alliance concluded between them was speedily joined by the towns of Tritaea and Pharae (Polyb. ii. 41). One town after another now expelled the Macedonian garrisons and tyrants; and when in B.C. 275 Aegion, the head of the ancient league, followed the example of the other towns, the foundation of the new confederation was complete, and the main principles of its constitution were settled, though afterwards many changes and modifications were introduced. The fundamental laws were that henceforth the confederacy should form one inseparable state; that every town which should join it should have equal rights with the others; and that all members in regard to foreign countries should be regarded as dependent, and be bound in every respect to obey the federal government and those officers who were entrusted with the executive (Polyb. ii. 37 foll.). No town, therefore, was allowed to treat with any foreign power without the sanction of the others. Aegion, for religious reasons, was at first appointed the seat of the government, and retained this distinction until the time of Philopoemen, who proposed a measure according to which the national meetings should be held in rotation in any of the other towns (Liv. xxxviii. 30); but whether this plan was adopted is uncertain. At Aegion, therefore, the citizens of the various towns met at stated and regular times to deliberate upon the common affairs of the confederation, and if necessary upon those of any separate town or even individuals, and to elect the officers of the league. After having thus established a

firm union among themselves, the Achaeans zealously exerted themselves in delivering other towns also from their tyrants and oppressors. The league however did not acquire any great strength until B.C. 251, when Aratos united Sikyon, his native place, with it, and some years later also gained Corinth for it. Megara, Troezen, and Epidauros soon followed their example. Afterwards Aratos prevailed upon all the more important towns of Peloponnesus to join the confederacy; and Megalopolis, Argos, Hermione, Phlius, and others were added to it. In a short time the league thus reached its highest power, for it embraced Athens, Aegina, Salamis, and the whole of Peloponnesus with the exception of Sparta, Tegea, Orchomenos, Mantineia, and Elis. Greece seemed to revive, and promised to become stronger and more united than ever, but it soon showed that its new power was employed only in self-destruction and its own ruin. We cannot here enter into the history of this new confederation, but must confine ourselves to giving an outline of its constitution, as it existed at the time of its full development.

Polybius (ii. 38) remarks that there was no other constitution in the world in which all the members of the community had such a perfect equality of rights and so much liberty, and, in short, which was so perfectly democratic and so free from all selfish and exclusive regulations, as the Achaean league; for all its members had equal rights, whether they had belonged to it from the beginning or had only recently joined it, and whether they were large or small towns. Their common affairs were regulated at general meetings by the citizens of all the towns, and were held regularly twice every year, in the spring and in the autumn. These meetings, which lasted three days, were held in a grove of Zeus Homagyrios, in the neighbourhood of Aegion, and near a sanctuary of Demeter Panachaea. (Polyb. ii. 54, iv. 37, v. 1, xxix. 9; Liv. xxxii. 22, xxxviii. 32; Strab. viii. p. 385; Paus. vii. 24.) In cases of urgent necessity, however, extraordinary meetings might be convened, either at Aegion or in any other of the confederate towns (Liv. xxxi. 25; Polyb. xxv. 1, xxix. 8; Plut. *Arat.* 41). Every citizen, both rich and poor, who had attained the age of thirty, might attend the assemblies, speak, and propose any measure, to which they were invited by a public herald (Polyb. xxix. 9; Liv. xxxii. 20). Under these circumstances the assemblies were sometimes of the most tumultuous kind, and a wise and experienced man might sometimes find it difficult to gain a hearing among the crowds of ignorant and foolish people (Polyb. xxviii. 4). It is, however, natural to suppose that the ordinary meetings, unless matters of great importance were to be discussed, were attended chiefly by the wealthier classes, who had the means of paying the expenses of their journey, for many lived at a considerable distance from the place of meeting.

The subjects to be brought before the assembly were prepared by a council (*βουλή*), which seems to have been permanent (Polyb. xxiii. 7, xxviii. 3, xxix. 9; Plut. *Arat.* 53). The principal subjects on which the assembly had to decide were —peace and war (Polyb. iv. 15 foll.); the reception of new towns into the confederacy (Polyb. xxv. 1); the election of the magistrates of the confederation (Polyb. iv. 37, 82; Plut. *Arat.* 41); the punishment of offences committed by the magistrates, though sometimes special judges were appointed for that purpose, as well as the honours and distinctions to be conferred upon them (Polyb. iv. 14, viii. 14, xl. 5, 8; Paus. vii. 9). The ambassadors of foreign states had to deliver their messages to the assembly, where they were discussed by the assembled people (Polyb. iv. 7, xxiii. 7 foll., xxviii. 7; Liv. xxxii. 9). The assembly further had the power to determine as to whether negotiations were to be carried on with any foreign power or not, and no single town was allowed to send an embassy to a foreign power on its own responsibility, even on matters of merely local importance, although otherwise every individual town managed its own internal affairs at its own discretion, so long as it did not interfere with the interests of the league. No town, moreover, was allowed to accept presents from a foreign power (Polyb. xxiii. 8; Paus. vii. 9). The votes in the assembly were given according to towns; each town, whether large or small, having one vote (Liv. xxxviii. 22 foll.).

The principal officers of the Achaean league were:—

1. At first two strategi (*στρατηγοί*), but after the year B.C. 255 there was only one (Strab. viii. p. 385), who, in conjunction with the hipparchus (*ἵππαρχος*) or commander of the cavalry (Polyb. v. 95, xxviii. 6) and an under-strategus (*ὑποστρατηγός*, Polyb. iv. 59), commanded the army furnished by the confederate towns, and was entrusted with the whole conduct of the war.

2. A state-secretary (*γραμματεύς*).

3. An apparently permanent council of ten men, called the *δημιουργοί* (Strab. viii. p. 385; Liv. xxxii. 22, xxxviii. 30; Polyb. v. 1, xxiii. 10, where they are called *archontes*). These demiurgi, whom Polybius in another passage (xxxviii. 5) calls *γερουσία*, appear to have presided at the great assemblies, which either they or the strategus might convene, though it seems that the latter could do so only when the people were convened in arms or for military purposes (Polyb. iv. 7; Liv. xxv. 25).

All the officers of the league were elected in the assembly held in the spring, at the rising of the Pleiades (Polyb. ii. 43; iv. 6, 37; v. 1), and legally they were invested with their several offices only for one year; but it often happened that men of great merit, like Aratos and Philopoemen, were re-elected for several successive years (Plut. *Arat.* 24, 30; *Cleom.* 15). If an officer died during the period of his office, his place was filled by his predecessor, until the time for the new elections arrived (Polyb. xl. 2). The close union subsisting among the confederates was, according to Polybius (ii. 37), strengthened by their adopting common weights, measures, and coins. Many Achaean coins are preserved in various collections.

The Achaean league might at one time have become a great power, and might have united at least the whole of Peloponnesus into one state; but the original objects of the league were in the course of time so far forgotten that it sought the protection of those against whom it had been formed; and the perpetual discord among its members, the hostility of Sparta, the intrigues of the Romans, and the folly and rashness of the

last strategi brought about not only the dissolution and destruction of the confederacy, but the political annihilation of the whole of Greece in the year B.C. 146. After a time the Romans again allowed certain national confederations to be renewed (Paus. vii. 16), but they had no political influence, and were entirely dependent upon the Roman governor of Macedonia, until in the reign of Augustus all Greece was constituted as a Roman province under the name of Achaia. (Comp. Schorn, *Gesch. Griechenlands von der Entstehung des Aetol. u. Achaeischen Bundes*, p. 49 foll. and p. 60 foll.; Drumann, *Ideen zur Gesch. des Verfalls der Griech. Staaten*; K. F. Hermann, *Griech. Staatsalterthümer*, § 185 foll.; Thirlwall, *Hist. of Greece*, vol. viii. p. 86 foll.; Hertzberg, *Gesch. Griechenlands unter den Römern*, vol. i.; Schömann, *Griech. Alterthümer*, vol. ii. p. 106 foll.) [L. S.]

ACHANE (ἀχάνη), a Persian and Boeotian measure, equivalent to 45 Attic medimni. (Aristot. *ap.* Schol. *ad* Aristoph. *Acharn.* 108, 109; Suid. *s. v.*) According to Hesychius, a Boeotian ἀχάνη was equal to one Attic medimnus. (Hultsch, *Griech. u. Röm. Metrol.* pp. 257, 275.) [P. S.]

ACHARISTIAS DIKĒ (ἀχαριστίας δίκη), mentioned among private actions by Pollux, viii. 31; but according to Xenophon, *Mem.* ii. 2, § 13, the law recognised no ἀχαριστία except towards parents. [KAKOSIS.] [W. W.]

AC'IES. [EXERCITUS.]

ACI'NACES (ἀκινάκης), a Persian sword, whence Horace (*Carm.* i. 27, 5) speaks of the *Medus acinaces*. It was a short and straight weapon, and thus differed from the Roman *sica*,

Acinaces or Persian Sword.

which was curved. (Pollux, i. 138; Joseph. *Ant. Jud.* xx. 7, § 10.) [SICA.] It was worn on the right side of the body ("insignis *acinace dextro*," Val. Flacc. *Argon.* vi. 701), whereas the Greeks and Romans usually had their swords suspended on the left side.

The form of the acinaces, with the method of using it, is illustrated by the preceding Persepolitan figures. In all the bas-reliefs found at Persepolis, the acinaces is invariably straight, and is commonly suspended over the right thigh, never over the left, but sometimes in front of the body. The form of the acinaces is also seen in the statues of the god Mithras.

A golden acinaces was frequently worn by the Persian nobility, and it was often given to

Statue of Mithras with Acinaces.

individuals by the kings of Persia as a mark of honour. (Herod. viii. 120; Xen. *Anab.* i. 2, § 27; 8, § 29.) That of Mardonius was among the spoils of the battle of Plataea in the Acropolis at Athens; it weighed 300 darics. (Demosth. *c. Timocr.* p. 741, § 129). The acinaces was also used by the Caspii (Herod. vii. 67). It was an object of religious worship among the Scythians and many of the northern nations of Europe (Herod. iv. 62: comp. Mela, ii. 1; Amm. Marc. xxxi. 2). [J. Y.] [W. W.]

ACIS'CULUS. [ASCIA.]

ACLYS or **ACLIS.** [CATEIA.]

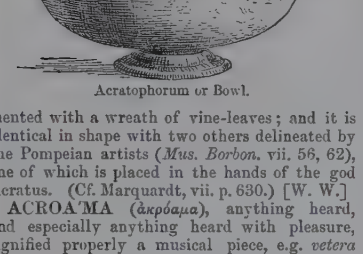
ACNA or **ACNUA** (also spelt *agna* and *agnua*) was, according to Varro, the Italian name, but, according to Columella and Isidore, the common Baetican name of the *actus quadratus*. [ACTUS.] An old writer, quoted by Salmasius, says "agnua habet pedes XIIII. cccc," *i.e.* 14,400 square feet. It is very doubtful whether the word is connected with the Greek ἄκαινα or ἄκενα, seeing that the measure is so very different, and that it is quite uncertain to what language *acna* belongs. (Varro, *R. R.* i. 10, § 2; Colum. *R. R.* v. 1, § 5; Schneider, *Comment. ad ll. cc.*; Isidor. *Orig.* xv. 15; Salmasius, *ad* Solin. p. 481.) [P. S.] [A. S. W.]

ACON'TION (ἀκόντιον). [HASTA.]

ACRATISMA (ἀκράτισμα), the early breakfast (πρωϊνὸν ἄριστον), which the Greeks took immediately after rising, corresponding to the first breakfast of the French or Germans. It consisted of bread dipped in unmixed wine (ἄκρατος οἶνος), whence the name ἀκράτισμα. [See CENA.] [W. S.]

ACRATOPH'ORUM (ἀκρατοφόρον), a vessel for containing pure and unmixed wine (ἄκρατος), thus distinct from the *crater*, in which the wine was mixed with water. It differed also from the *oenophorum* in being placed upon the table [CRATER; OENOPHORUM], while Julius Pollux compares it to the ψυκτήρ [PSYCTER]. The Greek word was early naturalised in Latin (Varro, *R. R.* i. 8, 5; Cic. *de Fin.* iii. 4, § 15). The shape, as might be expected, varied considerably; but the cut in the next column from Buonarotti

(*Vasi di Vetro*, p. 31, *ap.* Rich) is probably a common type. It is from a marble vase bearing an inscription to Silvanus (Silenus), and orna-



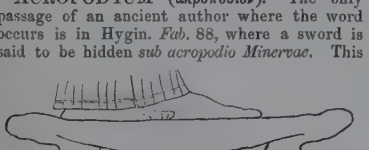
Acratophorum or Bowl.

mented with a wreath of vine-leaves; and it is identical in shape with two others delineated by the Pompeian artists (*Mus. Borbon.* vii. 56, 62), one of which is placed in the hands of the god Acratus. (Cf. Marquardt, vii. p. 630.) [W. W.]

ACROA'MA (ἀκρόαμα), anything heard, and especially anything heard with pleasure, signified properly a musical piece, e.g. *vetera acroamata* (Suet. *Vesp.* 19); but also a play, a dance (Plin. *Ep.* vi. 31, 13), or a recitation, such as were common at meals. The word is also applied to the actors and musicians who were employed to amuse guests during an entertainment (Cic. *Verr.* iv. 22, 49; *pro Arch.* 9, 20; Suet. *Octav.* 74; Macrob. *Sat.* ii. 4), or even an actor on the stage (Cic. *pro Sest.* 54, 116: *ille maximus ludius, non solum spectator, sed actor et acroama* (an artiste), *qui omnia sororis emblolia novit*). See Friedländer, *Sittengesch. Roms*, i.[3] p. 334; Marquardt, *Röm. Alterth.* vii. p. 327; and it is sometimes used to designate the *anagnostes* (Nep. *Att.* 14). [ANAGNOSTAE.] [W. S.] [A. S. W.]

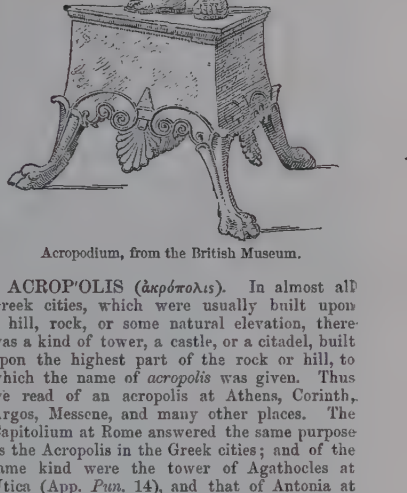
ACROLITHI (ἀκρόλιθοι), statues of which the extremities (face, feet, and hands, or toes and fingers only) were of marble, and the remaining part of the body either gilt or, what seems to have been more used, covered with drapery. The word occurs only in the Greek Anthology (Brunck, *Anal.* iii. p. 155, No. 20; *Anth. Pal.* xii. 40), and in Vitruvius (ii. 8, § 11); but statues of the kind are frequently mentioned by Pausanias (ii. 4, § 1; vi. 25, § 4; vii. 21, § 4 or 10; vii. 23, § 5; viii. 25, § 4 or 6; viii. 31, § 1 or 2, and § 3 or 6; ix. 4, § 1). It is a mistake to suppose that all the statues of this kind belonged to an earlier period. They continued to be made at least down to the time of Praxiteles. (Comp. Jacobs, *Comment. in Anthol. Graec.* vol. iii. pt. 1, p. 298; Winckelmann, *Gesch. der Kunst*, P. i. c. 2, § 13; Müller, *Archäol.* § 69.) [P. S.]

ACROPOD'IUM (ἀκροπόδιον). The only passage of an ancient author where the word occurs is in Hygin. *Fab.* 88, where a sword is said to be hidden *sub acropodio Minervae.* This



Acropodium, from the Naples Museum.

is almost certainly a low pedestal a little off the ground, like those here figured from the Neapolitan and British Museums. The explanation in the new edition of Stephens's *Thesaurus*, s. v. ἀκροπόδιον, that it is equivalent to ἄκροι πόδες, the toes of the statue itself, is much less satisfactory. [W. W.]



Acropodium, from the British Museum.

ACROP'OLIS (ἀκρόπολις). In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the rock or hill, to which the name of *acropolis* was given. Thus we read of an acropolis at Athens, Corinth, Argos, Messene, and many other places. The Capitolium at Rome answered the same purpose as the Acropolis in the Greek cities; and of the same kind were the tower of Agathocles at Utica (App. *Pun.* 14), and that of Antonia at Jerusalem (Joseph. *B. J.* v. § 8; *Act. Apostol.* xxi. 34). At Athens, the Acropolis served as the treasury; and as the names of all public debtors were registered there, the expression "registered in the Acropolis" (ἐγγεγραμμένος ἐν Ἀκροπόλει) always means a public debtor (ἐν ἀκροπόλει γεγραμμένοι, Dem. *c. Theocr.* p. 1337, § 48; Böckh, *Publ. Econ. of Athens*, p. 388). For an account of the Acropolis at Athens, see *Dict. of Geogr.* i. p. 265 foll. [W. S.]

ACROSTOL'IUM (ἀκροστόλιον). [NAVIS.]

ACROTE'RIUM (ἀκρωτήριον) signifies an extremity of anything. It is generally used in the plural. **1.** In Architecture it was used originally in the same sense as the Latin *fastigium*, namely, for the sloping roof of a building, and more particularly for the ornamental front or gable of such a roof; that is, *the pediment.* (Plut. *Caes.* 63, compared with Cic. *Phil.* ii. 43, 110, and Suet. *Caes.* 81.) The usual meaning of *acroteria*, however, is the pedestals placed on the summit of a pediment to receive statues or other ornamental figures. There were three *acroteria*, one above each angle of the pediment. Vitruvius says that those over the outer angles (*acrot. angularia*) should be as high as the apex of the tympanum, the central one (*acrot. mediana*) an eighth part higher (Vitruv. iii. 3, or iii. 5, § 12). Some writers include the statues themselves as well as the bases under the same (Salmas. in Ael. Spart. *Pescenn. Nig.* 12; Bursian ap. Pauly, *s. v.*), but this appears to be a mistake; in Plato, *Criti.* 116 D, the pinnacles or *flèches* of a temple are all that is meant. **2.** The extremities of the prow of a vessel, which were usually taken from a conquered vessel as a mark of victory: the act of doing so was called ἀκρωτηριάζειν. (Xen. *Hell.* ii. 3, § 8; vi. 2, § 36; Herod. iii. 59, viii. 121.)

3. The extremities of a statue, wings, feet, hands, &c. (Dem. *c. Timocr.* p. 738, § 121; Athen. v. p. 199 c.) [P. S.] [W. W.]

ACTA. 1. Signified the public acts and orders of a Roman magistrate possessing the *jus agendi cum populo*, which after the expiration of his office were submitted to the senate for approval or rejection. (Suet. *Jul.* 19, 23; Cic. *Phil.* i. 7, 16, &c.) After the death of Julius Caesar, the triumvirs swore, and compelled all the other magistrates to swear (Dio, xlvii. 48), to observe and maintain all his acta (*in acta jurare*: cf. Tac. *Ann.* i. 72; Suet. *Tib.* 67); and hence it became the custom on the accession of each emperor for the new monarch to swear to observe and respect all the acta of his predecessors from Julius Caesar downwards, with the exception of those who had been branded with infamy after death, such as Nero and Domitian (Tac. *Ann.* iv. 42; Dio, lvi. 33, &c.). The senate also swore that it would recognise the validity of the acts of the new emperor. Every year all the magistrates upon entering office on the 1st of January swore approval of the acts of the reigning emperor: this oath was originally taken by one magistrate in each department on behalf of his colleagues, but subsequently it was the usual practice for each magistrate to take the oath personally. (Dio, xlvii. 18, liii. 28; Tac. *Ann.* xvi. 22, with the Excursus of Lipsius; Dio, lviii. 17, lx. 25.)

2. ACTA SENATUS, called also COMMENTARII SENATUS (Tac. *Ann.* xv. 74) and ACTA PATRUM (*Ann.* v. 4), contained an account of the various matters brought before the senate, the opinions of the chief speakers, and the decision of the house. We may infer from a passage of Suetonius ("Inito honore primus omnium instituit, ut tam senatus quam populi diurna acta confierent et publicarentur," *Jul.* 20), that the proceedings of the senate were not usually published till the first consulship of Julius Caesar, B.C. 59; but under the direction of the presiding magistrate, assisted by certain senators appointed for the purpose (*qui scribendo adfuerunt*), the decrees of the senate had been written down and recorded in the Aerarium long previously, and the debates on the Catilinarian conspiracy had been widely circulated by Cicero (*p. Sull.* 14, 15) from notes taken by some friends of his among the senators. Julius Caesar ordered that the proceedings of the senate, which had been only occasionally published before, should henceforth be published regularly every day (*senatus acta diurna*) under the authority of government, from the notes of shorthand writers taken *inter loquendum* (Sen. *de mort. Claud.* 9). Augustus forbade the publication of the proceedings of the senate, but they still continued to be preserved; and one of the senators, who received the title *ab actis senatus*, was chosen by the emperor to compile the account. (Tac. *Ann.* v. 4; Spart. *Hadr.* 3; Orelli, *Inscr.* No. 2274, 3186.) This office was generally held as an annual one, after the quaestorship (Spart. *Hadr.* 3), but before the praetorship or aedileship. The persons entrusted with this office must not be confounded with the various clerks (*actuarii, servi publici, scribae*; see also CENSUALES), who were present in the senate to take notes of its proceedings, and who were only excluded when the senate passed a *senatusconsultum tacitum*; that is, when they deliberated on a subject of the greatest importance, respecting which secrecy was necessary or advisable (Capit. *Gord.* 12). It was doubtless from notes and papers of these clerks that the acta were compiled by the senator, who was entrusted with this office. The acta were deposited in the imperial archives (*tabularium*) or in particular departments of the public libraries, to which access could only be obtained by the express permission of the *praefectus urbi*. They were consulted and are frequently referred to by the later historians (Vopisc. *Prob.* 2; Lamprid. *Sever.* 56; Capitol. *Opil. Macr.* 6), and many extracts from them were published in the Acta Diurna.

3. ACTA DIURNA, a gazette published daily at Rome by the authority of the government during the later times of the republic, and under the empire, corresponding in some measure to our newspapers. (Tac. *Ann.* iii. 3, xiii. 31, xvi. 22.) In addition to the title *Acta Diurna*, we find them referred to under the names of *Diurna*, *Acta Publica*, *Acta Urbana*, *Acta Rerum Urbanarum*, *Acta Populi*, and they are frequently called simply *Acta*. The Greek writers on Roman history call them *τὰ ὑπομνήματα*, *τὰ δημόσια ὑπομνήματα*, *τὰ δημόσια γράμματα*, and *τὰ κοινὰ ὑπομνήματα*. The nature of their contents will be best seen from the following passage of Petronius (c. 53), where an imitation of them is given by the actuarius of Trimalchio: —"Actuarius—tanquam acta urbis recitavit: vii. Kal. Sextiles in praedio Cumano, quod est Trimalchionis, nati sunt pueri XXX, puellae XL; sublata in horreum ex area tritici millia modium quingenta; boves domiti quingenti. Eodem die Mithridates servus in crucem actus est, quia Gai nostri genio maledixerat. Eodem die in arcam relatum est, quod collocari non potuit, sestertium centies. Eodem die incendium factum est in hortis Pompeianis, ortum ex aedibus Nastae villici . . . Jam etiam edicta aedilium recitabantur, et saltuariorum testamenta, quibus Trimalchio cum elogio exheredabatur; jam nomina villicorum et repudiata a circitore liberta in balneatoris contubernio deprehensa; atriensis Baias relegatus; jam reus factus dispensator; et judicium inter cubicularios actum." From this passage, and from the numerous passages in ancient writers, in which the Acta Diurna are quoted (references to which are given by Hübner), it would appear that they usually contained the following matters:—(1) The number of births and deaths in the city, an account of the money paid into the treasury from the provinces, and everything relating to the supply of corn. These particulars would be extracted from the *tabulae publicae*. By an ancient regulation, ascribed to Servius Tullius (Dionys. iv. 15), all births were registered in the temple of Venus, and all deaths in that of Libitina; and we know that this practice was continued under the empire, only that at a later time the temple of Saturn was substituted for that of Venus for the registration of births. (Jul. Cap. *M. Aurel.* 9.) (2) Extracts from the Acta Forensia, containing the edicts of magistrates, the testaments of distinguished men, reports of trials, with the names of those who were acquitted and condemned, and likewise a list of the magistrates who were elected. (3) Extracts from the Acta Senatus, especially all

the decrees and acclamations [ACCLAMATIO] in honour of the reigning emperor. (4) A court circular, containing an account of the births, deaths, festivals, and movements of the imperial family. (5) Curious and interesting occurrences, such as prodigies and miracles, the erection of new edifices, the conflagration of buildings, funerals, earthquakes, a list of the various games, and especially amatory tales and adventures, with the names of the parties. (Comp. Cic. *ad Fam.* ii. 15.) News of private affairs seem to have been communicated to the official editor by way of advertisement (cf. Quint. ix. 3. 17, where a widower speaks of himself as *spectus portus*). The fragments of some Acta Diurna have been published by Pigalius and Dodwell, but their genuineness is more than doubtful. (Cf. Heinze, *de specie diurnorum act. fragmentis*, Greifswald, 1860.)

It is certain that these acta were published under the authority of the government, but it is not stated under whose superintendence they were drawn up (Hübner, p. 65). It is probable, however, that this duty devolved upon the magistrates, who had the care of the *tabulae publicae*, namely, the censors under the republic (Liv. iv. 8, xliii. 16), and sometimes the quaestors, sometimes the *praefecti aerarii* under the empire (Tac. *Ann.* xiii. 29). By a regulation of Alexander Severus, seven of the fourteen curatores urbis, whom he appointed, had to be present when the acta were drawn up (Lamprid. *Alex. Sev.* 33). The actual task of compiling them was committed to subordinate officers, called *actuarii* or *notarii*, who were assisted by various clerks, and by reporters (*excipientes*), who took down in shorthand the proceedings in the courts, &c. After the acta had been drawn up, they were exposed for a time in some public place in the city, where persons could read them and take copies of them. Many scribes, whom Cicero speaks of under the name of *operarii*, made it their business to copy them or make extracts from them for the use of the wealthy in Rome, and especially in the provinces, where they were eagerly sought after and extensively read (Cic. *ad Fam.* viii. 1, xiii. 8; Tac. *Ann.* xvi. 22). After the acta had been exposed in public for a certain time, they were deposited, like the Acta Senatus, in some of the record offices, or the public libraries.

The style of the acta, as appears from the passage in Petronius, was very simple and concise. They contained a bare enumeration of facts without any attempt at ornament.

Hübner has proved against Becker (*Handbuch*, i. pp. 90 and 92) that these acta were first published in the first consulship of Julius Caesar. Previous to this time it was common for a MS. chronicle of public events at Rome to be compiled by scribes, and forwarded along with private letters to friends at a distance (Cic. *ad Fam.* viii. 1, 2, 8, 11, ii. 8, xii. 22, xv. 6; cp. Hübner, p. 30: Mommsen, *Hist.* iv. 606).

There is no evidence to support an opinion adopted by many modern writers, that the publication of the acta first commenced in B.C. 130, to supply the place of the Annales Maximi, which were discontinued in that year (Cic. *de Orat.* ii. 12), while on the contrary the great difference of their contents renders it improbable that such was the case. The Annales Maximi dealt with the affairs of the republic generally, especially wars, &c.: but the Acta Urbana, as their name implies, were restricted to the news of the city. The Acta Diurna are last mentioned by Vopiscus (*Prob.* c. 2), and probably continued in use to the downfall of the Western empire, or at least till the removal of the seat of government to Constantinople, but they were never published at the latter city.

4. ACTA FORENSIA. These were of two kinds. (1) The Romans were accustomed to keep their private accounts with so much accuracy that their *tabulae accepti et expensi*, bonds (*chirographa*) and contracts (*syngraphae*) were admitted as legal evidence. Frequently witnesses (*praesentes*, Sen. *de ben.* ii. 23. § 2) were employed to establish their authenticity. At a later date notaries (*tabelliones*) who had offices (*stationes*) in the public streets drew up these documents, which were ratified by the signature (*subscriptio*) of the parties. A senatus consultum passed under Nero (Suet. *Ner.* 17; Quintil. xii. 8, 13; Paul. *Sent. Recept.* v. 25. 6) prescribed the legal form of such documents.

(2) *Acta judiciorum* contained the record of all proceedings of the magistrates, alike in contentious and in non-contentious business. The latter included such matters as adoptions, *cessio in jure*, manumissions, the appointment of guardians, and the like. Such magisterial functions could be discharged anywhere, even in the baths or in the streets (Instit. Just. i. 5, 2). Under the republic there is no evidence of the method of legal attestation in these cases; but under the empire it was customary for the parties to have a formal statement drawn up by a public official (*acta* or *gesta*), and confirmed by the magistrate (Instit. Just. i. 11, 2, and 12, 8). In the case of contentious business, so long as the *legis actiones* were in use [ACTIO], there was no need of a written record, for the *litis contestatio* was attested by witnesses. On the other hand, when *formulae* came into use, these were necessarily in writing, though the decision of the *judex* was given *viva voce*. There was a special form of action (*judicati actio*) against a defendant who denied the existence of a decision given against him. There is evidence of the existence of a record (*acta*, Frag. Vat. Jur. 112) under the empire. The *cognitiones extraordinariae* increased the importance of this. But the existence of a written decision was not compulsory before the Constitutions of Valentinian, Valens, and Gratian (c. 213, Cod. Just. *de sentent. prov. recit. subd.*, vii. 44, &c.). From this date the *acta judiciorum* prepared by the officials of the courts (*officiales*) become extremely numerous (cf. Rudorff, *Rom. Rechtsgesch.* i. p. 299).

5. ACTA MILITARIA contained an account of the duties, numbers, and expenses of each legion (Veget. ii. 19), and of the amount of property possessed by each soldier (*peculium castrense*). They were probably preserved among the official papers of the several legions. The soldiers who drew up these acta are frequently mentioned in inscriptions and ancient writers under various titles, as *librarii legionis*, *actuarius* or *actarius legionis*, *tabularius castrensis* (cf. Renier, *Inscriptions romaines de l'Algérie*, 343, 551, 799).

(Lipsius, *Excursus ad Tac. Ann.* v. 4; Ernesti, *Excursus ad Suet. J. Caes.* 20; Schlosser, *Ueber die Quellen der spätern latein. Geschichtschreiber*,

besonders über Zeitungen, &c. in the *Archiv für Geschichte*, 1830, pp. 80–106; Prutz, *De Fontibus, quos in conscribendis rebus inde a Tiberio usque ad mortem Neronis gestis auctores veteres secuti videantur*, Halle, 1840; Zell, *Ueber die Zeitungen der Alten*, Friburg, 1834; Le Clerc, *Des Journaux chez les Romains*, Paris, 1838; Lieberkühn, *De Diurnis Romanorum Actis*, Wiemar, 1840; and especially Hübner, *De senatus populique Romani actis*, Lips. 1860.) [A. S. W.]

AC'TIA (Ἄκτια), a festival of Apollo Actius, celebrated at Nicopolis in Epirus, with wrestling, musical contests, horse-racing, and seafights. It was established by Augustus, in commemoration of his victory over Antony off Actium, and was probably the revival of an ancient festival; for there was a celebrated temple of Apollo at Actium, which is mentioned by Thucydides (i. 29) and Strabo (vii. p. 325), and which was enlarged by Augustus. The games instituted by Augustus were celebrated every four years (πεντετηρίς, *ludi quinquennales*) at Nicopolis, probably on Sept. 2, the anniversary of the battle of Actium; they received the title of a sacred Agon, and ranked next after the four great games of Greece. Some counted by *Actiads* instead of Olympiads. (Joseph. *B. Jud.* i. 20, 4; Strab. *l. c.*; Dio Cass. li. 1; Suet. *Aug.* 18; Stat. *Silv.* ii. 2, 6; Böckh, *Corp. Inscr.* No. 1720, 1793; Krause, *Olympia*, p. 221.)

Actia were also celebrated at the same time at Rome by the orders of the senate. (Dio Cass. liii. 1, liv. 19; Mommsen, *Res gest. D. Aug.* p. 27.) They are frequently mentioned in inscriptions, and were also celebrated in other parts of the empire. (Friedländer, *Sittengesch.* ii. p. 304.) [W. S.] [A. S. W.]

AC'TIO. An action or proceeding in the technical sense is the lawfully recognised mode of enforcing one's rights, and usually took place under the control of a magistrate and in forms prescribed by the law. Three principal systems of judicial procedure prevailed successively among the Romans, the first however continuing along with the second for certain classes of cases.

I. The first mode has to be collected principally from the fragments of the Twelve Tables and the mutilated account of Gaius, iv. 11 foll., whose statements however may not be perfectly accurate respecting the early times. The sources are so meagre that a good deal of assumption is necessary, and there is no part of the history of Roman law which has given rise to more discussion and to greater divergences of opinion. A plaintiff summons his opponent into court: if he does not go, the plaintiff calls a bystander to witness the summons and refusal, and then takes the defendant by force if he shirks or resists. If illness or age prevents his going, the plaintiff has to provide a beast to carry (or draw?) him, but is not obliged to furnish a cushioned car if he does not choose. ("Si in jus vocat, ito: ni it, antestamino: igitur em capito: si calvitur pedemve struit manum endo jacito. Si morbus aevitasve vitium escit qui in jus vocabit jumentum dato; si nolet arceram ne sternito." XII. Tab.; cf. Gell. xx. i. "Pedem struit" was explained by Serv. Sulpicius as meaning *fugit*: perhaps "fixes his foot" was the real meaning; cp. Fest. p. 313.) The *antestatio* was accompanied by the plaintiff's touching the ear of the witness, as a symbolical way of bidding him listen to the summons (cf. Hor. *Sat.* i. 9, 76; Plaut. *Pers.* 747, 748). The defendant had two courses open to him in lieu of obedience; viz., he might either find an adequate defender (*vindex*, Gai. iv. 46; *Lex Rubr.* 21) to accept suit in his place, or he might settle the difference at once (Dig. 2, 4, 22). For a proletarius (*i.e.* a citizen assessed at not more than 1500 asses) any one might serve as vindex; a richer defendant required a richer vindex. ("Assiduo vindex assiduus esto; proletario jam civi qui volet vindex esto," XII. Tab.; cf. Gell. xvi. 10; Cic. *Rep.* ii. 22. The words, however, are by some referred to a different stage of the proceedings; cf. Demotius and Lenel in *Zeitschrift für R. G.* xv.) If no settlement was made, then, if we may trust the scanty fragments of the Twelve Tables, both parties before noon, either in the comitium or in the forum, stated their case (*causam coiciunto*). If one was present and the other not, the property in question was after noon assigned to the one present. The proceedings were not continued beyond sunset; and if the case was not concluded, bail (*vades*) was given for future appearance. Gaius (iv. 16, 17) gives us fuller though still imperfect information of the proceedings in court. If some piece of property was in dispute—*e.g.* a slave, an animal, or some other movable article—it was brought into court. If it was a flock of sheep, one sheep or a lock of wool was brought in; if it was land or a house or ship, a sod or brick or piece of the ship was brought in, and these were made the subjects of the formal acts just as if they were the whole of the property in dispute. Then the claimant, holding a rod (*festuca*), laid hold of the slave or other article claimed, and said, "Hunc ego hominem ex jure Quiritium meum esse aio secundum suam causam. Sicut dixi, ecce tibi vindictam imposui," and at the same time put his rod upon the slave, thereby giving physical expression to the claim contained in his words, "sicut dixi;" cf. Liv. viii. 9, § 8. (Some connect "sicut dixi" with "suam causam," and both are by some put with what precedes, by others with what follows.) "Ecce tibi" (See you there) is addressed to the defendant. The thing was claimed subject to special grounds or restrictions ("secundum suam causam:" cf. Dig. 13, 7, 18, § 2; 44, 2, 11, § 2, &c.). The rod represented a spear, which was the symbol of the most absolute right of ownership, that acquired by conquest in war. A similar claim (*vindicatio*), with like words and gestures, was made by the other party, and there was thus a symbolical strife (*manum conserebant*) over the thing. The praetor bade them take their rods off; which being done, the first claimant demanded of his opponent on what ground he had made his claim; the other answered, "Jus feci sicut vindictam imposui." The former then replied by denying the rightfulness of the other's claim, and challenging him to a trial by the devotion (*sacramento*) of fifty pounds of copper (*asses*), or, if the property was worth 1000 pounds or more, by the devotion of 500 pounds. The other claimant then went through the like forms and made the same challenge. The praetor assigned the possession of the disputed thing itself (not its representative in court) to one of the parties, and ordered him to give sureties to

the other for the eventual delivery, if the possessor were defeated, of the thing itself, and of any profits which accrued before the final decision of the case. These sureties were called "praedes litis et vindiciarum, id est" (as Gaius says, §§ 16, 94) "rei et fructuum." Further bail was demanded by the praetor from both parties for the amount devoted, as that was forfeited by the losing party to the public treasury.

The next step was for a judge to be appointed to try the case. This before the Lex Primaria (A.U. 282? 322?) was done immediately, but by that law notice was given to come to court on the thirtieth day to have a judge appointed (*ad judicem accipiundum*). On the judge being appointed, notice was given of trial on the next day but one (*comperendinum diem denuntiabant*). They appeared before the judge and stated their case briefly, and then proceeded to the fuller statement, is spoken of by Gaius as occurring before the judge. How witnesses were summoned, and generally what was the procedure for supporting a case by evidence, is not told us. A fragment of the Twelve Tables, *cui testimonium defuerit is tertiis diebus ob portum obvagulatum ito*, may perhaps belong here, but its purport is obscure. Serious illness (*morbus sonticus*), or an appointment for a trial with a foreigner (*status condictus dies cum hoste*), whether affecting judge or defendant (or plaintiff, Festus v. *rem*), was a good ground for adjournment (Cic. *Off.* i. 12; Gell. xx. 1, § 27).

Gellius (xx. 10) tells of a time when the praetor accompanied the parties to the place where the thing (*e.g.* a piece of land) was, and the formal claims at least were made on the spot. When the territory grew and the praetor became more occupied, the parties left the court and went to the place and brought a turf or piece of the disputed property into court. A still later stage is given us in Cicero's satirical attack on lawyers in the speech *pro Murena*, 12. After the claim is made to a field in the Sabine territory, the claimant proceeds, *Inde ibi ego te ex jure manum consertum voco*—"Thereupon (*inde*) I summon thee there (*ibi*, perhaps only an enclitic to *inde*: Karlowa, *C. P.* p. 79, note) to join hands in accordance with law." (So Huschke, *Z. R. G.* vii. 186; others generally take *ex jure*, "out of court.") The opponent retorts, *Unde tu me ex jure manum consertum vocasti, inde ibi ego te revoco*—"I in turn call you," &c. The praetor then says, *Suis utrisque superstitibus praesentibus istam viam dico: ite viam*—"Each party having their witnesses present, I order you that way; go ye that way;" and immediately afterwards, "Come back that way." The proceedings had then become a mere formality, the parties not leaving the court; and probably any article serving as dummy for the distant property, or even for the clod, its original representative.

But this *sacramenti actio* was applicable, not only to suits in which claims to the ownership of property were urged, but also to claims upon particular persons, *e.g.* to repay loans, or to pay compensation for injuries done by them, &c. Gaius' account is mutilated, but the ritual was probably as like the other as circumstances allowed. In Valerius Probus (ed. Krüger, p. 144) we have probably some of the phrases preserved, beginning with *Aio te mihi dare oportere*, and followed by a sacramental challenge. Different reconstructions may be seen in Huschke's edit. of Gaius, iv. § 5; Rudorff, *Röm. Rechtsgesch.* ii. § 21 (p. 78); Karlowa, *Civil-Prozess*, p. 110, &c.

The distinctions just referred to between actions *in rem* and *in personam* are of great importance. An action *in rem* is a suit to establish your right to a particular thing or animal, or to a share of a particular thing, or your right to use a road, or to take water, or enjoy uninterrupted light, or to establish a personal right, such as liberty. Such claims or suits are maintainable against all the world, though in practice they are brought only against those withholding the possession or enjoyment, or disputing the right. But an *actio in personam* is a right only against a certain person or persons who by some act or omission on their part have become bound (*obligatus*) to us. The obligation may have arisen from a contract, or from a tort (*delictum*), *i.e.* an injurious act for which they are bound to make reparation, or from some course of action or neglect which in the eye of the law is tantamount to a contract (*quasi ex contractu*), or tantamount to a tort (*quasi ex delicto*). By a real action (*actio in rem*) we claim *rem nostram esse* or *jus aliquod nobis competere;* by a personal action (*actio in personam*) we claim that some one *dare oportere*. If we sue for a field, we cannot say that the possessor *ought to give* it us, for we say it is ours (*i.e.* our property) already; if we sue for the repayment of a loan, we cannot say that the money is ours, for our money (*i.e.* our actual coins lent, cf. *Lex Rubr.* 21 n.) is spent, and what we claim is that a like amount be handed over to us, to become thereby our property. Real actions are called *vindicationes;* personal actions (at least of some kinds) were called *condictiones* in the wider sense of the term (Dig. 44, 7, 25, pr.).

The second *legis actio* named by Gaius is that *per judicis postulationem*, but his account of it is lost. It is reasonable to suppose that this was the proper proceeding when an inheritance was to be divided among co-heirs, or boundaries to be regulated between neighbours, or accounts to be taken between guardian and ward, or like matters required judicial administration (cf. Rudorff, *Röm. R. G.* ii. § 22). The ridicule of Cicero (*Mur.* 12), and the formula given by Valerius Probus, *te praetor judicem arbitrumve postulo uti des*, have led some to think that this proceeding was alternative to the *actio sacramenti*, and applicable whenever a party was in some uncertainty about the extent of his rights; and fearing the loss of his case, and consequently of his *sacramentum*, if he claimed too much, sought authoritative arbitration. An analogy for this view is found in proceedings for an injunction (Gai. iv. 163 foll.). Or again, in many cases, whether of personal or real actions, an assessment of damages for the breach of contract or for the tort, or for the value of the property rightfully claimed but not duly restored, would be necessary, and an arbiter *liti aestimandae* (so in Valer. Prob.) might be demanded. But nothing is really known. (Gaius' criticism of the *actio per conditionem* (iv. 20) has been wrongly taken to imply that the process *per judicis postulationem*, as well as the *sacramenti actio*, was applicable to claims for sums of money certain, or other certain things. But Gaius has chosen

to speak of the whole sphere of *quod dari oportet*, and this sphere comprises certain and uncertain claims, some of which are enforceable by *actio sacramenti*, some *per judicis postulationem*, some by both.)

The third *legis actio* is *per condictionem*. Apparently the first stage of the formal proceedings before the praetor was dispensed with, and the action was commenced by notice (*condictio = denuntiatio*) by the plaintiff to the defendant to appear on the thirtieth day to have a judge assigned. (Many writers, however, on account of Gai. iv. 29, think unnecessarily that this notice and all proceedings took place in court.) This proceeding *per condictionem* was introduced by the Lex Silia for a claim to an amount of money certain, and extended by the Lex Calpurnia to a claim for any certain amount. Gaius (iv. 20) was ignorant of any good reason for introducing such special procedure. But besides the above-named shortening of the process, two other characteristics of the new procedure have been suggested with great probability, viz., (1) that either party might tender an oath to the other as to the truth of his contention, and thereby all further proof be saved; and (2) if this were not done, a wager to the amount of one-third of the sum in question should be entered into, and thus the risk to the wrongful party be increased. There can be no doubt that the *actio de pecunia certa credita* or *si certum petitur* is the continuation of the *legis actio per condictionem lege Silia* (cf. D. 12, 1, rubr. and 13, 3, 1). Then the position of the title *de jurejurando* in the Digest (D. 12, 2; cf. Paul. *Sent.* ii. 1) and certain passages of Plautus (*Rud.* 14 *sq.*; *Pers.* 478; *Curc.* 496) go far to prove the first characteristic: and the use of *legitimae* in Cic. *Rosc. Com.* 4, § 14, compared with ib. § 14; Gai. iv. 171, go far to prove the second (Rudorff on Puchta, *Curs.* § 162 f; Huschke, *Multa*, p. 501). The *condictio triticaria* (D. 13, 3) is clearly the continuation of the action created by the Lex Calpurnia. The name *condictio* was afterwards applied to other personal actions, excepting *bonae fidei* actions, civil actions arising from torts, and praetorian actions on the case (cf. Savigny, *Syst.* v. p. 503 *sqq.*; Bethmann-Hollweg, ii. p. 274).

Of the fourth *legis actio* (*per manus injectionem*) we have a fuller account in Gaius, iv. 21–25; Gell. xx. i. 42 foll.; and the recently discovered Lex Ursonensis, cap. 61 (Bruns, pt. i. 3, 9). It was the early form of execution of a judgment, and was sanctioned by the Twelve Tables. If a man admitted the debt, or if judgment was given against him, the plaintiff laid hold of him, stating in a recognised form the fact of the judgment or admission, and the amount thereby due. The defendant then had two courses only open to him, either to pay the amount, or to find a vindex who would take legal measures in his defence, and in fact assume entire responsibility in his stead. He was no longer allowed to defend himself. (The words of the Twelve Tables as to the sufficiency of the person coming forward as vindex would apply here also; according to some writers, here only.) If neither course was taken, he was assigned (*addicebatur*, Gell. *l. c.*) to the plaintiff, who led him off to the plaintiff's house (*secum ducito*), and bound him either in the stocks (*nervo*), or with shackles on his feet (*compedibus*), the weight of the shackles to be not less (more ?) than fifteen pounds. The prisoner might, if he chose, find his own provisions; if he did not, his creditor had to give him at least a pound of corn (*far*) a day. This position lasted, if debtor and creditor did not come to terms, for sixty days, during which he had to be produced on three market days in succession before the praetor in the comitium, and the amount of his debt declared. On the third occasion, if the debt was not paid, the final step was taken. Sext. Caecilius (Gell. *l. c.*) describes it thus, the debtors *capite poenas dabant aut trans Tiberim peregre venum ibant*. If there were more creditors than one, the Twelve Tables declared *tertiis nundinis partes secanto: si plus minusve secuerunt se fraude esto*, which was taken by Sext. Caecilius and Quintilian (iii. 6, § 84) to mean that the creditors might slice the debtor's body, without incurring any risk if they happened to cut more or less than their share. Sext. Caecilius says (so also Dio Cass. *Fragm.* 17, § 8) that he never read or heard of this actually taking place. This view has been adopted by most modern writers (Kuntze, *Excurs.* p. 140, ed. 2, quotes some analogies from old German law), but is opposed by Huschke (*Nexum*, p. 89), Schwegler (*R. G.* iii. 38), Karlowa (*Civ. Proc.* p. 163), and Münderloh (*Z. R. G.* xii. p. 195). Comparing such expressions as *sectio oppidi* (Caes. *B. G.* ii. 33), *sector Pompeii* (Cic. *Phil.* ii. 26), *sectio alicujus* (Varr. *L. L.* ii. 10, § 4), we may reasonably translate "they shall make a dividend," and may apply the words to the proceeds of the sale of the debtor's person and his property. Münderloh gives as the meaning of the clause *si plus*, &c., that whether the dividend each creditor got came to more or less than the amount of his debt, there was no further responsibility of the debtor to him or of him to the debtor. In the case of a single creditor, the debtor would probably not be killed, but either be sold, or kept and made or allowed to work off his debt. At any rate the class of *addicti* are spoken of as numerous (Liv. vi. 27, 9, &c.). Neither Gaius nor the Lex Ursonensis mentions any further proceedings after the debtor was *vinctus* by his creditor, the old procedure having been long altered—as is generally supposed, by a law passed in A.U. 428, commonly called Lex Poetelia. Savigny considered the *manus injectio* and its consequences to have been originally confined to debts for money borrowed (*Verm. Schr.* ii. p. 206 foll.).

Gaius states (iv. 22) that the procedure *per manus injectionem* was made by a Lex Publilia applicable against any one who had not within six months reimbursed his surety (*sponsor*) for money expended on his behalf, and by many other laws in other cases. Thus a recently discovered inscription at Luceria (Bruns, pt. i. 3) forbids defilement of a grove under penalty of *manus injectio*. Other laws made the procedure applicable, but in a modified form, to further cases. The words *pro judicato* were omitted in the formal declaration, and the effect was that the debtor was then not disabled from making his own defence. The same relaxation was by a Lex Vallia introduced in all cases, except only the case of a judgment-debtor, or of one who had not repaid his surety. For them the harshness of the old law continued as long as this *legis actio* lasted.

It thus appears that *agere sacramento* was

probably the normal way of conducting a suit at law, and applicable generally to all disputed claims which admitted of being brought to a simple issue. The *postulatio judicis* was probably applicable to matters where several persons in common sought authoritative arrangement or distribution. The *condictio* was probably a summary method of enforcing a perfectly simple claim for a liquidated amount. The *manus injectio* was a mode, originally perhaps the only mode, of obtaining execution of a judgment. But *lege agere* is used also of surrender in court (*in jure cessio*) because the form of a real action is applied to effect an amicable conveyance (Gai. ii. 24 foll.). Most lawyers, Gaius tells us (iv. 29), reckoned as a *legis actio* the old proceeding of seizing a pledge (*pignoris capio*), but only on the ground of its being accompanied by a declaration in set words. Others objected to ranking it as a *legis actio*, because it was not done in court, it was often done in the absence of the debtor, and it might be done on any day, even on those when *lege agere* was not allowed. These objections seem decisive.

The rigour of the statutable actions is given by Gaius as the reason why they went out of use. The smallest error was fatal to a man's case (iv. 30). The very words of the statute had to be strictly followed (ib. 11); a suitor must appear in person, and could not be represented by any agent or attorney, except in certain cases (ib. 82). (What they were is much disputed, see Keller, *Röm. C. P.* 254, ed. Wach. The vindex was not so much the representative of the defendant as a new defendant in his room.) Whenever security had to be given, personal sureties were required (ib. 94). A suit once brought could not be brought again on the same matter, and there was no such use of equitable pleas against the strict technical right as was allowed in Gaius' time (ib. 108). Yet in some way it must have been possible for a defendant, *e.g.*, to show that he was a minor, and by the Lex Plaetoria was not liable on a loan; or that the action had been tried and decided before; or that he had never received the loan which the stipulation on which the plaintiff was proceeding was intended to secure. The general view among modern lawyers is that such matters were urged before the magistrate, who, if he found them valid, refused to allow the *legis actio;* and that if investigation were needed, a wager (*sponsio*) to determine the point was entered into between the parties (cf. Sell. *de exceptionum usu*, 1875; B.-Hollweg, i. 338, citing Plaut. *Rud.* v. 3, 22 *sqq.*). Others maintain that all, or at least some, such grounds of defence were made the subject of a counter action, the possibility of which was often enough to deter the plaintiff from proceeding with his unjust claim (Ihering, *Geist*, iii. § 52; Karlowa, *C. P.* § 46). Huschke, but in a special way, favours the former view (*Multa*, p. 224). Be that as it may, the whole system of the *legis actiones*, as a form of contentious procedure, went out of general use under the influence of the Lex Aebutia (date quite uncertain; generally put between 150 and 250 years B.C.) and two *leges Juliae* (perhaps of Augustus). The *actio sacramenti* was retained in suits before the Court of the Hundred Men (*centumviri*), and an action on the statute might be, but in practice was not, used in the case of *damnum infectum* (Gai. iv. 30). The non-contentious procedure on the statute remained, and could be exercised not only before the praetor, but also before a consul (D. 1, 10), a proconsul (ib. 16, l. 1), a governor of a province (ib. 18, l. 10) and a juridicus (ib. 20). Adoption and emancipation were acts which could take place before those magistrates *apud quos legis actio fuit* (cf. D. 1, 7, l. 4; 16, l. 2; l. 3; Gell. v. 19, § 3), and hence are often regarded as themselves forms of non-contentious "proceeding on the statute."

In Cicero *lege agere* or *agi* is used in *Div. c. Caecil.* § 19, of proceeding under the *lex de provinciis repetundis*, but in general appears to refer to the suits under the statute of the Twelve Tables, *i.e.* to the *actio sacramenti* (*de Or.* i. 36, 167; *Verr.* i. 45, 115; ii. 16, 39; *Caecin.* 33, 97; *Mur.* 11, 25). So in Plautus (*Mil.* 453; *Aul.* 458; Ter. *Phorm.* 984). In Liv. xxvi. 15, *lege agito*, addressed to a lictor, is probably merely equivalent to "execute the law."

II. *Per formulas litigare.* The procedure on the statute was succeeded by a method more flexible, and better adapted to promote a judgment on the merits of a case. The change consisted in omitting the ancient ceremonial, and giving the praetor power to state the issue to be decided in a way which would enable the equitable claims of both parties to be duly regarded. The proceeding commenced as before by a summons given by the plaintiff to the defendant to appear in court, and non-appearance was visited by the praetor with a fine (D. 2, 5, 2, pr.). Future appearances after the first were secured by his being compelled to enter into a formal arrangement for this purpose. The defendant was said *vadimonium facere*, the plaintiff *vadari reum*. Such *vadimonium* was defined by the edict according to circumstances: either a simple promise (*purum vad.*), or a promise secured by bail (*vades*), or an oath, or a forfeit, the amount of the forfeit being usually fixed by oath of the plaintiff, but in case of a judgment debt, or of money actually paid out, it was the value of the matter in dispute (Gai. iv. 186). Persons of certain official dignity were exempt from liability to summons; so also parents and patrons, and any persons actually engaged in attending a funeral, or being married, or keeping close in their own house (D. 2, 4, s. 2; s. 4; s. 18; s. 19). On the parties appearing and stating the nature of their case the praetor appointed a judge or judges to determine the questions of fact, and gave him instructions which showed both the claim of the plaintiff, so far as it deserved legal recognition, and the duty of the judge if the facts were found to support or negative the claim. These instructions were comprised in a short formula, varied according to the equities and circumstances. The essential parts of it were two: the claim (*intentio*), and the judge's duty (*adjudicatio* or *condemnatio*). Frequently the matter in question required to be briefly stated: this was called *demonstratio*. Then came the claim. If the suit was one for partition of an inheritance or of any common property, or for defining the borders of neigbouring estates, the formula closed with a direction to the judge to adjudicate this or that thing or part to the claimant or to the defendant. In other cases it closed with a *condemnatio* or *absolutio*, i.e. with a direction to the judge, if certain things were found to be or not to be the fact, to

order the defendant to pay so much money as damages to the plaintiff, or to acquit the defendant of all liability. Occasionally, where a preliminary question has to be decided (*praejudicium*) this question might be stated simply by itself, e.g. *An A. Agerius libertus sit?* or *Quinta Marciae dos sit?* Gaius (iv. 44) considers in these cases the formula to consist of the *intentio* only. As an example of a simple formula, we may take this.

L. Titius judex esto.

Quod A. Agerius N. Negidio hominem vendidit, (*Demonstratio*)

Si paret N. Negidium A. Agerio sestertium x milia dare oportere, (*Intentio*)

L. Titi, N. Negidium A. Agerio sestertium x milia condemna: si non paret, absolve. (*Condemnatio.*)

As an example of a formula in a suit for partition may be taken this (which is partly hypothetical).

L. Titius judex esto.

Quod fundus Cornelianus A. Agerio et N. Numidio communis est, (*Demonstratio*)

Quantum ejus fundi A. Agerio adjudicari oportet,

Tantum Titius A. Agerio adjudicato; reliquum N. Numidio adjudicato. (*Adjudicatio.*) Gai. iv. 42.

A distinction of much importance in many respects is found in the issue raised by the claim (*intentio*). It may state a matter of fact, and then the formula is said to be *in factum concepta*; or it may state a question of law, *formula in jus concepta*. It is an issue merely of fact if, *e.g.*, the plaintiff asserts that the defendant has been duly cited and has not appeared in court, nor produced an adequate representative (*vindex*, Gai. iv. 46). An issue of law is raised if the plaintiff asserts, *e.g.*, that anything is his property, or that something ought to be given to him; the first being a real action, the second a personal one, but both raising a question as to the legal right of the plaintiff. In the case of a deposit or a loan (*commodatum*), the formula might be shaped either way. If the complaint was merely of the refusal to restore a thing deposited with the defendant, or lent to him for use, the facts only of deposit (or loan) and non-restoration required to be proved to entitle the plaintiff to judgment in his favour. The formula then, in the case of a deposit, runs thus (Gai. iv. 47):

L. Titius judex esto. Si paret A. Agerium apud N. Negidium mensam argenteam deposuisse, eamque dolo malo N. Negidii A. Agerio redditam non esse, quanti ea res erit, tantam pecuniam judex N. Negidium A. Agerio condemnato: si non paret, absolvito.

It is true that the second fact thus stated is not quite a simple one, for an article returned in a damaged condition was deemed to be not returned, and *dolo malo* 'maliciously' is a qualification which both restricts and amplifies the conception of non-restoration. Still the question is one which, as we should say, is a question for the jury. Has the defendant restored, or honestly done his best to restore, the article deposited?

The *formula in jus concepta* has a wider range of considerations:—

L. Titius judex esto. Quod A. Agerius apud N. Negidium mensam argenteam deposuit, quid de re agitur, quidquid ob eam rem N. Negidium A. Agerio dare facere oportet ex fide bona, ejus judex N. Negidium A. Agerio condemnato; si non paret, absolvito. (We have omitted the words *nisi restituat*, given in many editions of Gaius, because they are very doubtful: cf. Keller, *Inst.* p. 115). Here the fact of deposit is not put in issue, presumably because it was not disputed. But by the formula so shaped the judge is directed to decide upon the whole of the mutual obligations created between the two parties by the deposit, and to give judgment, not for the value of the table, but for less or more according to circumstances.

In the case of all formulae the condemnation "sounds in damages"; it directs not this or that act to be performed, but, if the sentence is against the defendant, a sum of money to be paid. The injury, be it what it may, is estimated at its money value, and this money value it is for the defendant to pay. Sometimes a fixed amount (*certa pecunia*) is stated in the formula as the damages; sometimes it is left uncertain and indefinite, and the judge has to ascertain it; sometimes a maximum is named (e.g. *dumtaxat sestertium x milia*). The judge is bound to give judgment for a specific sum of money, neither exceeding the amount if a maximum is named, nor varying at all from it if a specific sum is named, nor leaving the amount undetermined if the amount is left uncertain in the formula. In the first two cases, if he does so, he is said to make the suit his own (*litem suam facit*, Gai. iv. 52; D. 4, 13, 6), *i.e.* he is responsible to the injured party for his malfeasance. In actions for a thing (*in rem*) or for the production of a thing (*ad exhibendum*) and in many *bonae fidei actions*, the judge might, and naturally often would, direct the restitution or production of the thing, or proper security for future action, and only in case this was refused condemn the defendant in damages, or at any rate in damages to the full amount otherwise proper. If a defendant maliciously or obstinately (*dolo malo aut contumacia*) refused compliance or put it out of his own power to comply, the judge had an additional weapon. He could, instead of assessing the damages himself, allow the plaintiff to assess them himself on oath (*in litem jurare*), and the assessment so sworn would as a rule be entered as judgment against the defendant (D. 8, 5, 7) unless indeed the judge, on proof being given, thought the amount excessive (D. 12, 3, 2; 4, §§ 2, 3; s. 5). It does not appear that the judge ever forcibly executed his own order for restoration, as long as the formulary process was in use. The passage (D. 6, 1, 68) quoted from Ulpian, which speaks of forcible restorations, *manu militari officio judicis ab eo possessio transfertur*, is generally considered to contain words interpolated by the compilers of the Digest. (Cf. Savigny, *Syst.* v. 123; Wächter, *Pand.* i. 565.) Those actions in which the judge had the power to direct specific performance, and only in case this was refused to condemn in damages, were sometimes called *arbitrariae* (Just. *Inst.* 4, 31; Dig. 4, 2, 14, § 4, &c.). The formula would contain the words *nisi restituat* or the like (cf. Cic. *Verr.* ii. 12, 31; Dig. *l. c.* § 11).

An error in the formula might have disastrous effect. If indeed the error was in the statement of circumstances (*demonstratio*), so as to make the statement really false, the matter which was really meant being thereby not brought forward, the proceeding was nugatory. The plaintiff was

not however precluded from bringing on the case again with an amended formula (Gai. iv. 58). An error in the allegation (*intentio*) was similar if the error consisted in claiming a different thing altogether from what the plaintiff was justified in claiming, as for instance if he claimed a slave Stichus instead of the slave Eros, or based his claim on a will instead of on a formal verbal contract. But if the allegation contained the right subject-matter, but the claim was excessive (*plus* or *pluris petitio*), the plaintiff must fail (*causa cadit*). It might be excessive from claiming either too large a sum, or payment in the wrong place, or before the due time, or by restricting the choice of payment which the defendant was entitled to. If the plaintiff's claim was specific, but less than he was entitled to, he was not thereby hindered from gaining so much as his allegation covered, but he could not, within the same praetor's term of office, claim the residue. Both these could obviously only occur where the allegation of claim was specific in quantity. If the terms were general (e.g. *quidquid dare facere oportet*), no excessive or defective claim was possible (Gai. iv. 53–56).

The formula in *bonae fidei* suits was always general in terms, and it was the duty of the judge, though not expressed in the formula, to take account of any counter-claim and allow one to be set off against the other. The judgment was then only for the balance. In a banker's account with a customer all present debits and credits are taken as *ipso facto* neutralising one another; and therefore the banker cannot sue his debtor for all he has debited him, but only for the balance in account. The allegation in the formula is of this kind: *si paret Titium argentario x milia dare oportere amplius quam ipse Titio debet* (Gai. iv. 64–68).

If the damages are put at an excessive amount, the defendant can claim annulment of the formula (*restitutio in integrum*), and the case must be brought anew. If the damages are put at too little, the plaintiff cannot recover more, nor can he bring another suit for the remainder. (Gai. iv. 57.)

In some cases, where a similar danger might await the plaintiff, it was possible to obviate it by prefixing to the formula a limitation (*praescriptio*) of the matter to be put in issue. If a man entitled to an annuity brought an action to enforce payment of the sum actually due, he had to prefix the words *ea res agatur cujus rei dies fuit*, i.e. "that only is to be in suit of which the due time has already come." Then the claims to the future payments remained unaffected, not having been brought into issue in this suit (cf. Cic. *Orat.* i. 37, § 168). So if a man sued for conveyance of an estate bought, unless he specified that he sued only for the formal conveyance (*ea res agatur de fundo mancipando*), he might be held to have no further right to sue for actual delivery of the thing (Gai. iv. 130–132). Gaius says that at one time similar *praescriptiones* were prefixed in the interest of the defendant to prevent a minor issue being held to conclude a greater one, but in Gaius' day such limitations took the form of special pleas (*exceptiones*, ib. § 133).

A general denial by the defendant was outside of the formula; but any special plea which he might urge, if such as the praetor recognised to be good in itself, was by him inserted in the *intentio* of the formula in the shape of an exception or negative condition. That is to say, the allegation of the plaintiff was qualified in the formula so that it should hold good, only if the plea of the defendant was found to be untrue, or at any rate if the plea was not proved. Many such special pleas were set forth by the praetor in his edict; others were framed by the praetor to fit the particular circumstances which disclosed an equity on the side of the defendant. Pleas regularly in use are such as fraud, agreement, intimidation, &c. (D. 44, 4; 2, 14). For instance, if I sue a man on a stipulation which was entered into as a security for money lent him, and I have never paid him the money, the stipulation is still valid in strict law, but the praetor allows him to plead fraud on my part, and my claim is defeated. So an agreement not to sue for a debt does not nullify the obligation, for the regular maxim is *obligatio pacto convento non tollitur;* but the agreement may be pleaded (*pacti conventi exceptio*), and the suit is thus blocked. So intimidation or compulsion may be pleaded against any attempt to enforce an obligation entered into under them. The plea of fraud would take the form *si in ea re nihil dolo malo A. Agerii factum sit neque fiat;* that of agreement not to sue would be *si inter A. Agerium et N. Negidium non convenit ne ea pecunia peteretur*, and the claim of the plaintiff would succeed, only if these propositions (*i.e.* the absence of fraud or the absence of an agreement not to sue) were proved. Otherwise the judge would acquit the defendant (Gai. iv. 115–119).

A plea might be absolute (*peremptoria*), or dilatory (*dilatoria*). Absolute pleas are valid without limitation, such as fraud, intimidation, contravention of a statute, previous decision of the same matter, agreement not to sue at all. Dilatory pleas are good only for a time or against certain persons, &c., such as agreement not to sue within five years. In this case if, on the plea being brought forward, I withdraw from the suit, I can bring it again after the period of five years has expired; but if I persist, the matter is then brought to trial, and the plea being proved defeats my suit. If I then on the expiration of the period bring the suit again, I may be met by a fresh plea (*exceptio rei in judicium deductae*) that the matter has been already decided, and my suit is thus again defeated. Another dilatory plea is *litis dividuae*, which is good against my suing for the rest of a sum of money of which I have already sued for part. The plea is good against the further suit within the same praetorship; after that I am free. (But for the later law see Just. *Inst.* iv. 6, § 34.) Again, I may have appointed an attorney (*cognitor*) to sue for me; my suit may be defeated by a dilatory plea if I persist in suing, though I was not authorised to appoint an attorney at all (disgraced persons, *infames*, and women are in this plight, D. 3, 1, 5, § 5), or not authorised to appoint the persons whom I have appointed (some persons being not allowed to act as attorneys). Gai. iv. 120–125.

The plea may admit of a replication (*replicatio*) on the part of the plaintiff: *e.g.* an agreement not to sue may be followed by another agreement allowing me to sue. Then the plea *si non convenerit ne eam pecuniam peterem* would be met by the replication *si non postea convenit*

ut mihi eam pecuniam petere liceret, and both would be inserted in the formula. The defendant may however have a rejoinder (*duplicatio*), and to this the plaintiff may have a surrejoinder (*triplicatio*), and so on. (Gai. iv. 126–129.)

A still further extension of the formulae was due to the praetor's bold recognition of equities requiring protection. A person whom the praetor had recognised as equitably entitled to a deceased's estate obtained the *bonorum possessio*, *i.e.* the *de facto* rights of an heir, but was not the heir *de jure* (Gai. iii. 32). He could not in strict law claim any of the property as *his*, nor could he enforce payment of a debt due to the estate as due to him. The difficulty was got over by a *fiction*. The formula was made to apply to him, on condition that it would have applied if he had been heir. And this was stated in the formula: *L. Seius judex esto. Si A. Agerius L. Titio heres esset* (*fictio*), *tum si eum fundum de quo agitur ex jure Quiritium ejus esse oporteret* (*intentio*), *L. Sei, N. Negidium, A. Agerio x milia condemna; si non oporteret* (or *paret oportere?*) *absolve* (*condemnatio*).

A similar fiction was made in favour of the *bonorum emptor*, i.e. the person who bought the insolvent estate of a deceased. But here another frame, invented by P. Rutilius, was sometimes given to the formula, the object being achieved by allowing the *intentio* still to run in the name of the heir, but inserting in the condemnatory clause the name of the purchaser of the inheritance (as plaintiff), instead of that of the heir. Still more boldly, if a foreigner sued or was sued for theft or for injury under Aquilius' statute, it was feigned that he was a Roman citizen: e.g. *si paret a Dione Hermaei filio furtum factum esse patereae aureae, quamobrem eum si civis Romanus esset pro fure damnum decidere oporteret*, &c. (Gai. iv. 34–38). In the Lex Rubria, cap. 20 (*Corp. I. L.* i. 115; Bruns, p. 91, ed. 4), prescribing analogous jurisdiction in the province to that which prevailed at Rome, we have an instance of a formula to be used in the case of a person who ought to have given security against possible damage to another from his buildings, but had not done so before the damage occurred. *Judex esto. Sei, antequam id judicium qua de re agitur factum est, Q. Licinius damnei infectei, eo nomine qua de re agitur, eam stipulationem, quam is quei Romae inter peregrinos jus deicet in albo propositam habet, L. Seio repromeisisset, tum quicquid eum Q. Licinium ex ea stipulatione L. Seio dare facere oporteret ex fide bona, duntaxat H. S. . . . ejus judex Q. Licinium L. Seio, sei ex decreto IIveirei IIIIveirei praefecteive Mutinensis, quod ejus is IIveir IIIIeir praefectusve ex lege Rubria seive id plebeiscitum est decreverit, Q. Licinius eo nomine qua de re agitur L. Seio damnei infectei repromittere noluit, condemnato; sei non paret, absolveto.* "If before the present trial Q. Licinius had given L. Seius a guaranty against possible damage on account of the matter in question, the guaranty being couched in the standing form approved by the praetor at Rome who presides over cases between aliens (*fiction*), then whatsoever Q. Licinius ought to pay or do to L. Seius in accordance with the said guaranty, all equities being duly considered, and the amount not exceeding . . . sesterces (part of the *intentio*), so much shall the judge direct Q. Licinius to pay or do to L. Seius (*condemnatio*), if Q. Licinius has refused to give L. Seius a guaranty against possible damage on account of the matter in question, in compliance with a decree of the duumvir or quattuorvir or praefect of Mutina, so far as said decree is made in accordance with the statute, or Commons' resolution, proposed by Rubrius" (part of the *intentio*); "if this is not the case, acquit him."

The proceedings before the judge are explained under JUDICIUM.

Actions were brought or defended either by the parties in person or by attorneys. In the ante-Justinian Law an attorney was either a cognitor or procurator. A cognitor was an attorney appointed in set words by the party in person in presence of his opponent. Such words might be for the plaintiff: *Quod ego tecum agere volo, in eam rem L. Titium cognitorem do*; for the defendant: *Quia tu mecum agere vis, in eam rem P. Maevium cognitorem do.* Strict precision in the words, at any rate in Ulpian's time, was not necessary (Gai. iv. 83; *Vat. Fr.* 318, 319). If the person so appointed was absent, he did not become attorney until he undertook the business. A procurator might be appointed by simple mandate or even by his practically undertaking the business, and neither the presence nor knowledge of the adversary was necessary to his appointment. When persons were represented by others, the formula contained the name of the representative instead of the principal in the clause of condemnation, but not in that of allegation (*intentio*).

Persons under the age of 17 years, and deaf persons, were not allowed to plead their own cause. If they had no advocate of their own, the praetor gave them one (D. 3, 1, 1, § 4). Some persons were disqualified from acting as attorneys for others. Such were soldiers (D. 3, 3, 8, § 2), women, blind persons, and those who had been convicted of a capital offence or of dishonesty in suing or defending a suit (*calumnia*), or of hiring oneself out to fight beasts in the arena. Further, all persons who were *infames*, "disgraced," were disqualified from acting for any others except for near relations, either by blood or marriage, or for a patron or patron's child. Under this head of *infames* came stage-players; persons who had had judgment against them or made a compromise in suits implying disgraceful conduct; persons dismissed ignominiously from the army; panders and persons who had married, or as fathers had consented to the marriage of, a widow before the expiration of the statutable period of mourning (which before 350 A.D. was ten months, afterwards a year: *Cod.* v. 9, l. 2). Bankrupts were apparently in ante-Justinian times disqualified. (See under INFAMIA.) Persons under guardianship were represented in suits by their guardians (*tutores et curatores*), and a disqualification for acting for others was waived in case of a guardian (Gai. iv. 92; D. 3, 1, 1, § 6), as it was in some few other cases (D. *ibid.* s. 6; s. 10).

A plaintiff suing in his own person or by a cognitor was not required in any case to give security. But a plaintiff's procurator or guardian had to give security that his principal would ratify his acts (*ratam rem dominum habiturum*), otherwise the defendant might be exposed to a fresh suit by the principal, whereas a cognitor's acts bound his principal as much as his own acts would. A defendant was in a dif-

ferent position. If the action was *in rem*, whether he appeared himself or by others, the plaintiff was entitled to receive security for due restitution of the disputed property or its equivalent. If the action was *in personam*, and the defendant was represented by a cognitor, the defendant had to give security; if by a procurator or guardian, the representative had to give security for the due performance of the judgment (*judicatum solvi*). If he appeared in person, he might in special circumstances be required to give security, either on account of the nature of the action, as for instance an action on a judgment or for money paid out by a surety (*depensi*); or the old action *de moribus mulieris* (cf. Just. *Cod.* 5, 17, 11, § 2); or on account of his own character—if for instance he was insolvent or was an heir suspected by the praetor to have insufficient means (Gai. iv. 88–102; D. 42, 5, 31).

Checks were provided in several ways against heedless litigation. The plaintiff was exposed to four risks. (1) To an action for *calumnia*, in which he was condemned if he was shown to have consciously brought an unjust claim. The penalty was a tenth (of the claim?), excepting in a suit to prove a man free, in which case the penalty was a third (of the value of the slave?). (2) To a counter trial (*contrarium judicium*). This was allowed in a few cases only, viz. in an action for *injuriae*, the penalty being one tenth part, and in two other special actions, the penalty being one fifth part. The plaintiff in the former action, now defendant, was condemned if he had not succeeded in the action impugned. (3) In some actions a wager (*sponsio*) and counter-wager (*restipulatio*) used to be made for a third part in an action for a specific sum of money lent, and for a half in an action for an agreed debt (*pecunia constituta*), and this was dependent simply on success or failure in the action. (4) Moreover the defendant might put the plaintiff on his oath as to his honesty in bringing the suit. If the oath was executed, the plaintiff was no longer liable to the other risks; and generally a defendant might bring one only of the actions named (Gai. iv. 174–181).

The defendant was similarly exposed to risk if he allowed the action to proceed. (1) In the case of actions on a judgment or on money paid out (*depensi*), or injury under Aquilius' statute, or legacies (*per damnationem*), if the defendant denied and judgment went against him, the damages were doubled. (2) In the cases of loan certain and of an agreed debt a wager was made, and the defendant had to pay if he lost the suit. (3) An oath might be tendered him on the honesty of his denial (Gai. iv. 171–173). (4) Further, any one condemned in certain actions become disgraced (*ignominiosus*). These actions were theft, robbery with violence, insult (*injuriae*), actions of partnership, trust, guardianship, commission, deposit. And in the case of the first three ignominy was incurred by making a compromise as well as by condemnation (Gai. iv. 182). *Ignominia* in Gaius appears to be identical with *infamia* in the Praetor's Edict (D. 3, 2, 1).

Many distinctions and divisions of actions are made. Some of the most important are the following.

Actio civilis and *actio honoraria.* The former is an action given by the civil law, the latter one created by the praetor. All actions belong to one or other of these classes (D. 44, 7, 25, § 2). As examples may be taken the ordinary actions *in rem*, as opposed to the *Publiciana actio*, which the praetor gave to protect one who, without formally valid conveyance, had had delivery on good ground from the owner, but had not yet held a thing long enough for usucapion to have taken effect (D. 6, 2, 1). So an action for a sum of money if founded on a formal verbal contract (*stipulatio*) is *civilis*; if on informal agreement (e.g. *pecunia constituta*), is *honoraria*. The distinction was important, not merely historically but in practice, because as a rule honorary actions could be brought only within the period of the praetor's office, *i.e.* only within one year. Civil actions were not so limited; nor indeed were those honorary actions (*e.g.* actions on contract) which aimed at recovering one's property or what is due to one, rather than inflicting damage on another. These latter actions might be brought also against the heir of the person bound; others only so far as the heir was enriched by his predecessor's wrong act (D. 44, 7, 35).

Actio directa and *actio contraria.* Some relations are essentially two-sided, and an action to enforce the rights of the one party is as likely to be required as an action to enforce the rights of the other. Such for instance are the actions *ex empto* and *ex vendito*, the purchaser suing for the delivery of the thing purchased, the seller for the purchase money. But in other cases an action is more inherently likely on one side than on the other, but yet the relations may beget occasion for an action in the reverse direction. Thus for instance an *actio commodati* or *depositi* is usually *directa*, i.e. to enforce the rights of the person who has deposited or lent a thing; but circumstances may make the recall of the thing lent unfair to the borrower, and then he has an *actio commodati contraria* (D. 13, 6, 17); or the receiver may have had to incur expenses for the protection or other care of the deposit, and he has then an *actio depositi contraria* (D. 16, 3, 5, pr. See also Cic. *Off.* iii. 17, 30). This use of *in factum* must be carefully distinguished from *actio in factum concepta*.

Actio directa and *actio utilis.* The term *directa*, besides being opposed to *contraria*, is also opposed to *utilis*. Here the great sphere of the praetor's action is seen. The precise action granted by the civil law was not applicable to numerous cases which came within its spirit but not within its letter. The praetor allowed an action which was not the same in theory, but analogous to it, and this was called a *serviceable* action, or not infrequently an "action on the case" (*actio in factum*). The Aquillian statute was noticeably extended in this way by the praetor. A person who did not actually with his own person kill a slave did not come strictly within the statute; but if he pushed the horse or mare so that they killed the slave, an *actio in factum* was granted (D. 9, 2, 7, § 3). A usufructuary was not properly an owner: this statute gave the action to the owner; but the praetor extended it to the usufructuary, and he therefore had an *actio utilis* (D. 9, 2, 11, § 10). The incidents of such an action were of course conformable to those of the prototype, the actual case being by a fiction (see above) treated as identical in its

claim to remedy with the statutable or original action. The name of the prototype was often used with *quasi* prefixed for that of the analogous action, e.g. *quasi Serviana* (D. 16, 1, 13).

Actio stricti juris and *actio bonae fidei*. The stern simplicity of the old law, which would hear of nothing but definite obligations created by precise words, had to give way before the complicated circumstances and countervailing equities of the business of the world. The *actio ex stipulato* was the type of the former; commercial intercourse gave rise to many instances of the latter. Gaius enumerates the latter as sale and purchase, letting and hiring, unasked agency (*negotiorum gestorum*), commission, deposit, trust (*fiduciae*, i.e. mortgage), partnership, guardianship (and here the passage is mutilated, but we may probably add) wife's property, loan, pledge, division of inheritance, partition, actions on the case (Gai. iv. 62; Just. *Inst.* iv. 6, § 28). In all these the judge was instructed to examine and estimate the rights of the parties in the matter so far as they were founded on good faith (Cic. *Off.* iii. 17, 30). And of course therefore any debt due from the plaintiff to the defendant might be set off against anything due to the plaintiff on his claim. Justinian in some degree broke down the distinction between those two classes of actions (*Inst.* iv. 6, §§ 29, 30).

The word *actio* itself is in some passages opposed to *petitio* and *persecutio*, as for instance by Papinian (D. 44, 7, 28) *actio in personam infertur; petitio in rem; persecutio in rem vel in personam rei persequendae gratia:* and Ulpian (D. 5, 16, 178) refers *persecutio* to extraordinary proceedings, such as those for enforcing a trust (*fidei commissum*). But this must be regarded as only applicable to some particular uses; *e.g.* in the Aquillian stipulation (D. 46, 4, 18) and other places where the words are obviously to be distinguished from each other. Otherwise *actio* is general, and even includes interdicts (D. 44, 7, 37). *Judicium* is often found as equivalent to it, but there appears to have been an inclination to use the latter word in preference in cases where both parties might be regarded as indiscriminately plaintiff and defendant. Such are the *judicia finium regundorum* (D. 10, 1), *familiae erciscundae* (ib. 2), *communi dividundo* (ib. 3).

Poenalis actio was one where neither the recovery of a thing nor of damages proper (both of which were said to be *rei persequendae causa*) was the object, but the pecuniary penalty affixed by the law to certain acts (*poenae persequendae causa*). Such was the *actio furti* and the *actio injuriarum* (Gai. iv. 7). In other actions, such as those in which denial exposed the defendant to the risk of double damages (see above), both damages and penalty were the object of the action (Gai. iv. 9). A penal action did not lie against the heir, unless it had been commenced in the life of his predecessor (D. 44, 7, 26; s. 33).

The same fact often gave opportunity for several actions; sometimes the plaintiff had to choose between them, sometimes he might bring one, and then if his claim was not satisfied by that bring another action of a different class for the residue (D. 44, 7, 34; s. 31).

The plaintiff is usually called actor or is *qui agit*, sometimes *agens* or (especially in actions *in rem*) *petitor*. The defendant is *reus*, or is *unde petitur*, or *cum quo agitur*, or *qui convenitur*, or (in actions *in rem*) possessor. The plaintiff is said *agere*, *petere*, or *actionem*, *intendere*, *experiri*, *convenire;* the defendant *convenire*, *suscipere*, *actionem* or *judicium*, &c.

III. Beside this formulary procedure, in which the praetor gave instructions to a judge or judges, and this judge actually tried the issue so directed, there were other matters which the praetor himself heard and decided (*causa cognita decrevit*). From this hearing by the praetor himself, these trials were called *cognitiones*. These were partly of an executive character, such as issuing injunctions (*interdicta*) to stop apprehended wrong, or conferring security, or putting a party into possession of disputed property. But there were other matters which, on account of the delicacy of their character, were not passed through the usual forms. Of these the most important were trusts (*fidei commissa*), which, being regarded at first not as legal obligations, but as matters of honour and propriety, were not subjects for ordinary procedure, but required the special cognizance of a high officer of state (Gai. ii. 278; Ulp. xxv. 12). Similarly claims for alimony by parents against children or the reverse (D. 25, 3, 5); questions of the proper remuneration of physicians, teachers, advocates, &c. (D. 5, 13, 1), and some other matters (*e.g.* Gai. i. 53) were also placed outside the rank of ordinary suits (*extra ordinem*). In the course of time, after the period of the classical jurists, this system became universal. The various officials of the empire heard and decided all suits themselves, and the distinction of *praetor* and *judex*, *jus* and *judicium*, ceased, the general principles of decision remaining the same. Exactly how and when this change in the form was brought about we do not know. A law of Diocletian A.D. 297 (*Cod.* iii. 3, 2), which directed governors of provinces (*praesides*) to decide cases themselves, so far as their public duties allowed them, instead of appointing *pedaneos judices*, is regarded by most writers as the origin of the change, and Constantius (A.D. 342) abolished the formulae (*Cod.* ii. 57 (58), 1). Justinian says, "all trials are now *extra ordinem*" (*Inst.* iv. 15, 8; iii. 12, pr.). But the power of delegating their jurisdiction, at least in less important cases, was still reserved to the governors (*Cod.* iii. 3).

In the extraordinary trials by the praetor the defendant was summoned (*evocatus*), not by the plaintiff but by the praetor by notice (*denuntiatio*), either conveyed to him or affixed to the praetor's notice-board (cf. D. 42, 1, 53, § 1). The notice was repeated three times, and, if the defendant did not appear, the case was proceeded with in his absence (Paul. *Sent.* v. 52, § 7). In Justinian's time suits were begun generally by a written bill of complaint (*libellus*) delivered to the judge, and by him communicated to the defendant.

The checks against reckless litigation were simplified by Justinian, and these consisted (1) in an oath taken by each party of his *bona fide* action, and (2) in the costs of the suit being thrown on the loser (*Cod.* iii. 1, 13, § 6), *i.e.* probably if he had no reasonable case (cf. *Inst.* iv. 16, § 1, *improbus litigator*, D. 5, 1, 79; 31, 78, § 2).

For further details respecting the constitution of the courts and proceedings at trials, see JUDICIUM; for criminal procedure, see also

CRIMEN. The principal actions will be dealt with under their respective names.

The best treatises on the subject are Keller's *Civil-Prozess* (5th ed. edited by A. Wach, 1876), which gives references to the other writers; and the elaborate work of Bethmann-Hollweg, *Die römische Civil-Prozess*, 1865, foll. [H. J. R.]

ACTOR generally means a plaintiff in a civil action, but is sometimes used for a prosecutor in a public or criminal trial. The plaintiff in a civil action is also called *petitor*, and one who prosecutes another for a crime *accusator* (Cic. *ad Att.* i. 16; Dig. 48, tit. 2). The defendant was called *reus*, both in private and public causes; *reus*, however, in a general sense, meant a party to an action or other legal proceeding, and so is used by Cicero for the plaintiff as well as the defendant (*De Orat.* ii. 43). In a private action the defendant was often called *adversarius* but either party might be called *adversarius* in opposition to the other. As free persons who were under *potestas* had no independent property, they could not, as a rule, be plaintiffs in an action, but certain actions could be maintained by *filii*, as well as *patres familiarum* (Dig. 9, 44, 7). In respect to *peculium castrense* and *quasi-castrense* a *filius familias* was in the position of an independent person. Actions on behalf of wards (*pupilli*) who were below the age of seven were brought by their guardian (*tutor*); actions on behalf of wards above the age of seven were either brought by their guardian, or, as was more commonly the case, the action was brought in the name of the ward with the sanction (*auctoritas*) of the guardian. *Peregrini* or aliens could not maintain an action under the early form of procedure called *legis actio;* in later procedure, partly by means of feigned assumptions of citizenship (Gaius, iv. 37), they became capable of suing and being sued. Persons who appeared in actions as representatives of the parties directly concerned were called *cognitores* or procurators [ACTIO]. A universitas or corporate body was represented for the purposes of procedure by an agent, who was called *actor* or *syndicus* (Dig. 3, tit. 4).

Actor has also the sense of an agent or manager of another's business generally; so a slave who was given the management of an estate, and put over other slaves, is termed *actor*. (Plin. *Ep.* iii. 19, § 2; Paul. *Sent.* iii. 6, 47, 48.)

The *actor publicus* was the officer who had the superintendence or care of slaves belonging to the state; he was himself a slave or freedman. In the case mentioned by Pliny (*Ep.* vii. 18, § 2) the *actor publicus* was the representative of the community (*respublica*) of Comum (Tac. *Ann.* ii. 30; iii. 67).

The *actor rerum privatarum nostrarum* was the manager of the emperor's private estate (Cod. Just. iii. 26, 9). [G. L.] [E. A. W.]

ACTOR in the theatre. [HISTRIO.]

ACTUARIAE NAVES. [NAVIS.]

ACTUARII, or **ACTARII**, clerks who compiled the Acta Publica. [ACTA.] The name is also sometimes given to the *Notarii*, or short-hand writers, who took down the speeches in the senate and the courts (Suet. *Jul.* 55; Sen. *Ep.* 33, 9); respecting whom and the use of short-hand among the Romans, see NOTARII.

2. A clerk who kept the accounts of a private person (Petron. 53).

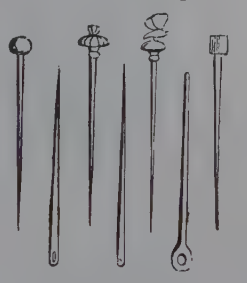
3. Military officers whose duty it was to keep the accounts of the army, to see that the contractors supplied the soldiers with provisions according to agreement, &c. (Aurel. Vict. *Caes.* 33, 13; Amm. Marc. xx. 5; Cod. Just. xii. tit. 38, s. 5, 16; xii. tit. 50.)

4. The title of certain physicians at the court of Constantinople. [MEDICUS.] [W. S.]

ACTUS, a Roman measure of land, which formed the basis of the whole system of land measurement. The word *actus* sometimes denotes a way between fields, along which cattle could be driven (Dig. 8, 1, 5; 5, 4, &c.). Varro (*L. L.* v. 34, Müller) asserts that the name of the measure was derived from this, but couples this remark with an absurd derivation of *ager: ut ager quo agi poterat, sic qua agi actus*. According to Varro, Columella (v. 1, 5, on the authority of Varro) and Festus, *s. v.*, the *actus simplex* or *minimus* was 120 (Roman) feet long and 4 feet wide. The *actus quadratus*, or simply *actus*, was a square of 120 feet each way, containing thus 14,400 square feet. Pliny (xviii. § 9) says of it: *actus in quo boves agerentur cum aratro uno impetu justo* (i.e. without turning); *hic erat cxx pedum*. Mommsen (*Hist.* i. 215) explains *actus*, "the driving," to be properly a measure of labour, denoting the half-day's work, with reference to the marked division of the day in Italy by the noon-tide siesta. The *jugerum*, or "yoking," the double of the *actus*, would thus denote the day's work. This is far more probable than the earlier explanations. The *actus* furnishes an example of the combination of the duodecimal with the decimal system, its length being twelve times the standard DECEMPEDA. Columella (*l. c.* § 6) says that the Gauls called the *actus quadratus*, *arepennis;* but this could only be an approximate identification, for the *actus quadratus* is somewhat smaller than the great French *arpent* and much larger than the small *arpent*. (Compare ACNA; Niebuhr, *Hist. of Rome*, vol. ii. Appendix I.) [A. S. W.]

ACTUS. [SERVITUTES.]

ACUS. I. GREEK—(*βελόνη, βελονίς, ῥαφίς, ἀκέστρα*), a pin or needle, made sometimes of metal, sometimes of wood, bone, or ivory. They varied greatly in size, according to the purposes for which they were employed; and those used in dressing the hair or fastening the robe were



Acus—Greek pins.

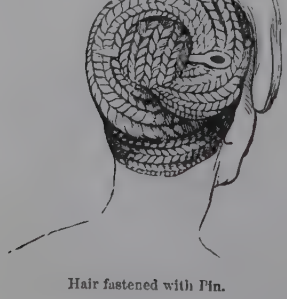
often of gold or silver, and ornamented with figures. The *ῥαφίς* seems to have answered to our sewing-needle, the *ἀκέστρα* (from *ἀκέομαι*) to our darning-needle, while *βελόνη* was appa-

rently a wider term, corresponding both to our pin and needle (cf. Pollux, vii. 42; x. 136). The preceding engraving represents a few of the more ordinary types. [J. H. O.]

II. ROMAN—a pin or needle (*qua sarcinatrix vel etiam ornatrix utitur*, Festus, *s. v.*). As a pin the *acus* seems to have been specially used for women's hair (*acus crinalis*, Apul. *Met.* c. 13, or *comatoria*, Petron. 21; or simply *crinale*, Ov. *Met.* v. 53), and is accordingly figured, together with a comb, on the funeral monument of an *ornatrix* or *coiffeuse*. The *acus crinalis* was used to part the hair; hence called *discriminalis* (Hieron. *in Rufin.* 3, 42); and other *acus* served to curl, dye, or perfume it (Ov. *Amor.* i. 14, 15, and 30; Quintil. ii. 5, § 12; Juv. ii. 94, vi. 498). When the coiffure was complete, an ornamental pin, such as the one figured in the annexed illustration, confined the plaits or ribbons. The length of these hair-pins varies from 6 to 9 inches; the material is generally gold or silver. Pins used for other purposes, such as fastening parts of the dress, were of course smaller, though adorned with equal art; the material is various, bone, ivory, and metal being all found. As a needle, the *acus* is mentioned in embroidery (*pingere acu*, Verg. *Aen.* ix. 582; Mart. viii. 28, 17, xiv. 150) and in surgical use for sewing wounds (Celsus, vii. 16).

Acus. Roman gold Hair-pin from British Museum.

The mode of plaiting the hair, and then fastening it with a pin or needle (*figat acus tortas sustinentque comas*, Mart. xiv. 24), is shown in the annexed figure of a female head, taken from a marble group which was found at Apt, in the south of France. (Montfaucon, *Ant. Exp. Suppl.* iii. 3.) This fashion has been continued to our own times by the females of Italy, and of some parts of Germany, as, for instance, in the neighbourhood of Coblenz. (Böttiger, *Sabina*, i. p. 163; Becker-Göll, *Gallus*, iii. p. 272.) [A. G.]



Hair fastened with Pin.

ADDICTI. [NEXI.]

ADDICTIO. [ACTIO.]

ADDIX (ἄδδιξ), a Greek measure of capacity, equal to four χοίνικες. (Aristoph. *Fr.* 573 Dind., 689 Meineke, *ap.* Eustath. *in Od.* p. 1854, 12; Phot. p. 8, 6; Bekk. *Anecd.* p. 342, 26; *Etym. M.* p. 16, 53; 17, 46; Hultsch, *Metrol.* p. 275.) The form ἄδδιξις is merely a corrupt reading in Hesych. *s. v.* [P. S.] [W. W.]

ADEIA (ἄδεια), freedom from fear, or security, in any public action. When any one in Athens, who had not the full privileges of an Athenian citizen, such as a foreigner, a slave, &c., wished to accuse a person of any offence against the people, he was obliged to obtain first permission to do so, which permission was called *adeia*. (Andoc. *de Myst.* p. 2, § 11; Plut. *Pericl.* 31.) The *adeia* of a citizen did not protect the false accuser (Andoc. *l. c.* p. 4, § 20). An Athenian citizen who had incurred *atimia* was also obliged to obtain *adeia* before he could take part in public affairs (Plut. *Phoc.* 26); and it was not lawful for any one to propose to the people, that an *atimos* should be restored to his rights as a citizen, or that a public debtor should be released from his debt, till *adeia* had been granted for this purpose by a decree passed in an assembly of 6000 citizens voting secretly by ballot. (Dem. *c. Timocr.* p. 715, § 47; Böckh, *Public Economy of Athens*, p. 292.) [W. S.] [W. W.]

ADEMPTIO. [LEGATUM.]

ADGNATI. [COGNATI.]

ADGNATIO. [HERES; TESTAMENTUM.]

ADITIO HEREDITATIS. [HERES.]

ADJUDICATIO. [ACTIO.]

ADLECTI or ALLECTI. **1.** Those who were chosen to fill up a vacancy in any office or collegium, and especially those who were chosen to fill up the proper number of the senate. As these would be generally equites, Festus (*s. v.*) defines the *adlecti* to be equites added to the senate, distinguishing between the *patres qui sunt patricii generis*, and the *conscripti, qui in senatu sunt scriptis annotati*; cf. also Festus, s. v. *Conscripti*. Livy (ii. 1) says *conscriptos in novum senatum appellabant lectos*. [W. S.]

2. Under the empire, by *adlectio*, which answers to the *lectio* under the republic (Mommsen, *Staatsr.* ii. 877, note), those added to the senate by the emperor were admitted to a place among the senators who had held the rank of consul, praetor, tribune or quaestor, according to the emperor's pleasure. Such were styled *adlecti inter consulares, praetorios, tribunicios*, or *quaestorios*, all which titles are found as inscriptions. The full form, however, in use even in the time of Claudius, was *adlectus in senatum et inter tribunicios relatus* (*Corp. Inscr.* v, No. 3117; cf. Mommsen, *Röm. Staatsr.* ii. 878, note 2); the abbreviated expression does not occur before Vespasian (*Corp. Inscr.* iii. 335; vi. 1359, &c.); the expression *adlectus inter consulares* apparently not before the 3rd century (Orelli, *Inscr.* 1178). Mommsen distinguishes this *adlectio* from the conferring of *ornamenta consularia*, &c. It is more probable that the two represent the same institution at different periods (cf. Willems, *Le Sénat Romain*, i. pp. 626–633).

3. *Adlecti* was also the name applied to those admitted by a decree of the council of a *municipium* or *colonia* to a seat in this body, an admission which generally involved heavy charges (cf. Plin. *Ep.* x. 112, 113; Orell. *Inscr.* 3721; Marquardt, *Staatsv.* i. 499, 507–8). [A. S. W.]

ADLECTOR, a collector of taxes in the provinces in the time of the Roman emperors. (*Cod. Theod.* xii. tit. 6, s. 12; Orelli, 369, 3654.) [W. S.]

ADLOCUTIO. This was the Roman technical term for a speech or address made by an Imperator to his troops; such as stood in the place of a modern proclamation or a general order. In this sense the word occurs only upon coins. The emperors on visiting a district or province made usually a formal speech to the troops quartered there. Such a scene is represented on the accompanying coin of Trajan and medallion of Gordian III., where the emperor, accompanied by the prefect of the camp, is addressing the army represented in an abridged form by standard-bearers. [P. G.]

Adlocutio on coins of Trajan and Gordian III.

ADMIS'SIO, reception or audience at court. At first all visitors were admitted without distinction to the *atria* of their wealthy friends. According to Seneca (*de Benef.* vi. 33; *de Clem.* i. 10), C. Gracchus and Livius Drusus were the first to receive some privately and others in a limited number, doubtless for political reasons. Afterwards these distinctions became the rule, and it was the exception for any one to open his doors to all comers (Cic. *ad Att.* vi. 2, 5). Under the empire friends were distinguished as *amici admissionis primae, secundae*, &c. The first alone could enter without delay, and could pay a separate visit. The rest had to await, and sometimes to purchase the favour, of the porter. At the imperial court there was a body of slaves and freedmen, acting as the introducers of visitors (*officium admissionis*, Suet. Vesp. 14; *servi ab admissione*, Orell. 2888, or *ab officiis et admissione*, and later as *admissionales*, Lamprid. *Alex. Sev.* 4). The head of the *officium admissionis* was the *magister admissionum*, subordinate himself to the *magister officiorum*. The *magister admissionum* himself introduced the most exalted visitors, and, at least in the time of Justinian, none were introduced by the *admissionales* but such as were *illustres* (Amm. Marc. xxii. 7). Hence the *admissionales* seem to have been at this time of a higher rank than most of the attendants on the court. (Cf. Marquardt, *Privatalt.* pp. 149, 231. 264.) [A. S. W.]

ADMISSIONA'LES. [ADMISSIO.]

ADOLESCENS. [INPANS.]

ADO'NIA ('Αδώνια), a festival celebrated in honour of Adonis, the beloved of Aphrodite. It had been introduced into Greece from the East, probably about the time of the Persian wars, and, like many other Eastern rites, was celebrated in most of the Greek cities (Aristoph. *Lys.* 362; *Pax*, 410). The time and duration of the solemnities differed in the different towns and countries; but in Greece generally they seem to have lasted two days, the first being the day on which Adonis disappeared (ἀφανισμός), and the second on which his body was sought (ζήτησις) by the women in what were called "the gardens of Adonis," *i.e.* small earthen vessels which were placed before the door of private houses and at the entrance of the temple of Adonis, and in which quickly-growing and quickly-decaying herbs were planted as a symbol of the brief duration of human life. The first of these days was a day of mourning, and the second one of rejoicing and amusements of various kinds, such as the proposing of riddles, because on that day Adonis was conceived to be coming to life again to dwell with Aphrodite for six months (Plut. *Alcib.* 18; *Nic.* 13; Athen. p. 451 b; Hesych. and Suidas, *s. v.*; Roulez, *Mélanges*, vol. iii. p. 1 ff.). Other particulars respecting the worship and festivals of Adonis are given under ADONIS in the *Dict. of Biogr. and Mythol.* [L. S.]

ADOP'TIO, adoption. The idea of the conservation of families lay at the root of Greek and Roman, as of Hindoo, adoption; and Isaeus (*Menecl.* § 29) speaks of it as in use both among Greeks and barbarians.

I. GREEK, was called by the Athenians εἰσποίησις, or sometimes simply ποίησις or θέσις. The Greek writers use θέσις also as equivalent to the Roman *adoptio*, and θετοί as equivalent to *adoptivi*. (App. *B. C.* iii. 13, 14.) The adoptive father was said ποιεῖσθαι, εἰσποιεῖσθαι, or sometimes ποιεῖν: and the father or mother (for a mother after the death of her husband could consent to her son being adopted) was said ἐκποιεῖν; the son was said ἐκποιεῖσθαι, with reference to the family which he left; and εἰσποιεῖσθαι, with reference to the family into which he was received. The son, when adopted, was called ποιητός, εἰσποιητός, or θετός: in opposition to the legitimate son born of the body of the father, who was called γνήσιος.

A man might adopt a son either in his lifetime or by his testament, provided he had no male offspring and was of sound mind. He might also, by testament, name a person to take his property, in case his son or sons should die under age. (Lex ap. Demosth. ii. *Steph.* p. 1133, § 14.) If he had male offspring, he could not dispose of his property. This rule of law was closely connected with the rule as to adoption; for if he could have adopted a son when he had male children, such son would have shared his property with the rest of his male children, and to that extent the father would have exercised a power of disposition which the law denied him.

Only Athenian citizens could be adopted; but females could be adopted (by testament at least) as well as males. (Isaeus, *Hagn.* §§ 8, 41.) The adopted child was transferred from his own family and demus into those of the adoptive father; he inherited his property and maintained the sacra of his adoptive father. It was not necessary for him to take his new father's name, but he was registered as his son.

The adopted son might return to his former family, but only in case he left a child to represent the family of his adoptive father (Isaeus, *Philoctem.* § 53: *ὁ γὰρ νόμος οὐκ ἐᾷ ἐπανιέναι ἐὰν μὴ υἱὸν καταλίπῃ γνήσιον*). Unless he so returned, he lost all right which he might have had on his father's side if he had not been adopted: *οὐδεὶς γὰρ πώποτε ἐκποιητὸς γενόμενος ἐκληρονόμησε τοῦ οἴκου ὅθεν ἐξεποιήθη, ἐὰν μὴ ἐπανέλθῃ κατὰ τὸν νόμον* (Isae. *Astyph.* § 4). But he retained all rights which he might have on his mother's side, for the act of adoption had no effect so far as concerned the mother of the adopted person; she still continued his mother after the act of adoption (Isae. *Apollod.* § 31).

If the adopted son were a minor, the consent of his natural parents was required; the contrary has been maintained, but the right of refusal may be considered as proved by a passage in Isaeus (*Menecl.* § 26): *ἀλλ' οὐκ ἂν αὐτῷ ἔδωκεν, ἄπαιδα αὐτὸν καθιστάς.*

The next of kin of an Athenian citizen were entitled to his property if he made no disposition of it by will, or made no valid adoption during his lifetime; they were, therefore, interested in preventing fraudulent adoptions. The whole community were also interested in preventing the introduction into their body of a person who was not an Athenian citizen. To protect the rights of the next of kin against unjust claims by persons who alleged themselves to be adopted sons, it was required that the father should enter his son, whether born of his body or adopted, in the register of his phratria (*φρατρικὸν γραμματεῖον*) at a certain time, the Thargelia (Isae. *Apollod.* §§ 3, 5), with the privity of his kinsmen and phratores (*γεννῆται, φράτορες*). Subsequently to this, it was necessary to enter him in the register of the adoptive father's demus (*ληξιαρχικὸν γραμματεῖον*), without which registration it appears that he did not possess the full rights of citizenship as a member of his new demus.

If the adoption was by testament, registration was also required, which we may presume that the person himself might procure to be done, if he was of age, or, if not, his guardian or next friend. If a dispute arose as to the property of the deceased (*κλήρου διαδικασία*) between the son adopted by testament and the next of kin, there could properly be no registration of the adopted son until the testament was established. If a man died childless and intestate, his next of kin according to the Athenian rules of succession took his property (*ἀγχιστεία κατὰ γένος*: Dem. *Leochar.* §§ 2, 6, 7, &c.). Though registration might in this case also be required, there was no adoption properly so called, as some modern writers suppose; for the next of kin necessarily belonged to the family of the intestate.

The rules as to adoption among the Athenians may be mainly deduced from the orations of Isaeus, and those of Demosthenes against Macartatus and Leochares. These last two speeches are instructive examples of opposite cases: in the former, the plaintiff claims as an adopted son; in the latter, the next of kin resist a similar claim. [G. L.] [W. W.]

II. Roman.—1. This was the subjecting of a Roman citizen to the fatherly power of another otherwise than through marriage. The person adopting became the lawful (*justus*) father of one who was not his natural child, but who thereupon became his lawful son or daughter, and a member of his family. Accordingly the adopted child received the name of the adopter, adding to it, as an additional cognomen, either a derivative from the name, or the name itself, of his former family. Thus the son of L. Aemilius Paullus, when adopted by P. Cornelius Scipio, became P. Cornelius Scipio Aemilianus; and Q. Servilius Caepio Brutus was the name of M. Brutus after his adoption by Caepio. If the person who thus entered into a new family was dependent (*filius familias*), the matter was of less legal importance, and required less solemnity than when a head of a family (*pater familias*), *i.e.* a man not under the power of another (*sui juris*), and presumably having property and perhaps children, was to become subject to another's power. Of the latter, the best-known case was that of P. Clodius, who, though a senator, got himself adopted by P. Fonteius, a plebeian of twenty years of age, in order to qualify himself to be elected a tribune of the Commons. He retained his old name, perhaps, as suggested by Lange (*Röm. Alt.* i. p. 139, ed. 3), because the adoption was only a form (*fiduciae causa*, like the co-emptions of women, Gai. i. 114, 115), and he was immediately emancipated. Cicero's discussion of this case (*Dom.* 13, 14) gives us the state of law of the period. According to him, the college of priests (*pontifices*) used to inquire into the reason of the adoption, the suitability of the transaction to the dignity of the two families, and the security for the due maintenance of the sacred rites of the family which was thus losing a representative. The adopter ought to be one who had been married, who had no children, and could not have any, and who, in age, might have been the natural father of the adoptee. On the favourable report, or on the proposal of the priests, a bill (*rogatio*) authorising the adoption had still to be passed by the *curiae*. Gellius (vi. 19; comp. also Cic. *Dom.* 29) gives this form: "Velitis jubeatis uti L. Valerius L. Titio, tam jure legeque filius siet, quam si ex eo patre matreque familias ejus natus esset, utique ei vitae necisque in eum potestas siet uti patri endo filio est. Haec ita uti dixi, ita vos Quirites rogo." From this procedure by bill the term *adrogatio* was applied to the adoption of a person *sui juris*. The earliest uses that we know is in Gaius and A. Gellius. Cicero uses *adoptio*, or *adoptatio* of both forms, and so do the lawyers, frequently distinguishing them as *adoptio quae per* (or *apud*) *populum fit*, and *ad quae apud praetorem fit*. The difference relates to the form and conditions of the act, and not to the legal position thereby acquired.

2. *Adoptio per populum*, or *arrogatio*.—The procedure in the case of arrogation was inquiry before the priests and a bill passed by the *curiae*. But even in Cicero's time the *curiae* were not assembled, but were represented by thirty lictors (Cic. *Rull.* ii. 12, § 31). Some have thought that the *pontifices* took their place (Vangerow, § 251), but there seems no ground either from Gellius, *l. c.*, or from Tac. *Hist.* i. 15, *si te privatus lege curiata apud pontifices ut moris est adoptarem*, to assign to them any other function than they always had in this matter, though no doubt this function gained in relative importance as the curial assembly became a mere form. At length

a rescript of the emperor was substituted for both, and the arrogation took place before the magistrate (comp. Gai. i. 98 with Just. *Inst.* i. 17, § 1). The first mention, by some considered the first Constitution, of this is in a law of Diocletian (Cod. viii. 47, 2). The arrogator had to appear in person (Dig. 1, 7, 25). The *detestatio sacrorum* mentioned by Gellius (xv. 27; vi. 12) is taken by Savigny (*Verm. Schr.* i. 197) to be part of the ceremony, viz. the formal abandonment of the sacred rites of the gens on the part of the arrogatus. (Danz, *Sacral. Schutz.* p. 87, opposes; Vehring, *Röm. Erbr.* p. 124, supports this view.)

In Gaius' time arrogation still required the authority of the people, and consequently could take place at Rome only, and when he wrote some of his Institutes (i. 101), according to the better opinion, applied only to males; so also Ulpian (*Fr.* 25). But later on Gaius tells us (if the quotation in the Digest [1, 7, 21; cf. *Cod.* viii. 47, 8] has not been altered), by a rescript of the emperor the arrogation was allowed. Whether a younger could adopt by either form an elder was, in his time (i. 106), still undecided. Later it was held that the adopter must be older than the adopted by the age of full puberty, *i.e.* by a period of eighteen years (D. 1, 7, 15, § 3; s. 40, § 1). Unless, indeed, some special reason of health or intimacy existed, an arrogator ought to be sixty years old (s. 15, § 2).

The effect of arrogation was to transfer, as a whole (*per universitatem*), the property and future acquisitions of the person arrogated to his new father (Justinian allowed him only the usufruct, and only on the son's death unemancipated gave him the property in fee, *Inst.* iii. 10, § 2). All the children who were in his power fell under the same power as himself, and became grandchildren of the adopter of their father (s. 15, s. 40; Gai. i. 107). Hence Tiberius was made to adopt Germanicus before he himself was adopted *lege curiata* by Augustus (Suet. *Tib.* 15). But the change of civic person (*capitis deminutio*, Gai. i. 162) brought about by his adoption caused a loss altogether of rights attached to his person, viz. any usufruct vested in him (repealed by Justinian, *Cod.* iii. 33, 16), any services which his freedman had sworn to render him (cf. D. 38, 1, 7; 9), and some others (Gai. iii. 83). At the same time all debts owed by the arrogatus on his own account did not, in strict law, become chargeable on the arrogator, but dropped altogether. The praetor, however, interfered, and gave the creditors a right, if their claims were not duly satisfied, to obtain payment by selling all the property that would have been their debtor's if he had not been adopted. If, however, the debts were owing by the arrogatus, in capacity of heir to some one else, the arrogator took the burden as parcel of the inheritance (Gai. iii. 84). A will made by a person adopted was broken, unless he was emancipated before his death (Gai. ii. 147; D. 29, 7, 8, § 3).

A person under the age of puberty (*impubes* or *pupillus*) could not be arrogated until a letter of Antoninus (Pius) allowed it under certain circumstances and conditions (Gell. v. 19, § 10; Gai. i. 102). If the arrogator had a child or children already, the propriety of the adoption was very questionable. In any case the consent of all the guardians was required (*Cod.* v. 59, 5), and the adoption must be shown to be for the youth's interest, due inquiry having been made into the morals of the arrogator and into the means of both parties; and the arrogator had to give security to a public officer (*servus publicus* or *tabellarius*) that, if the arrogatus died before the age of puberty, he would restore all the property of the arrogatus to those who would have been entitled if the adoption had not taken place (Just. i. 11, 3; D. 1, 7, 17; 18). On the death of the arrogator, the son, if surviving, and even though emancipated, unless for good cause, was entitled to the same; and in addition to one-fourth part of the arrogator's property (D. 1, 7, 22; *Cod.* viii. 37, 2; D. 38, 5, 13). This fourth part is often called *Quarta divi Pii*. A guardian or curator was not allowed to adopt one who had been his ward, lest it should be done to avoid giving account of his charge (D. 1, 7, 17). A stepfather, being guardian, was allowed by Antoninus Pius to adopt his stepson (s. 32), and the stepson (or any adopted *impubes*?) could, on reaching puberty and showing adequate cause, sometimes obtain emancipation (ss. 32, 33).

After the time of Claudius the adoption of a minor (s. 8) required the consent of his curator (s. 8).

3. *Adoptio apud praetorem.*—Adoption, in the narrower sense of the term, as opposed to *arrogatio*, came under somewhat different considerations. The natural father had to give his consent (besides the consent, actual or tacit, of the child, s. 5); and this was a safeguard of the adoptee's interests (Theoph. *Inst.* i. 11, § 3). Moreover, the adoptee would, as *filius-* or *filia-familias*, have no property (except perhaps *castrense peculium*, and that would not pass to the adopter: D. 49, 17, 12). Nor would his children, if any, leave the family of their grandfather (D. 1, 7, 40, pr.). Persons of either sex and of any age could be adopted either at Rome before the praetor, or in the provinces before the proconsul or legate (Gai. i. 101, 102). The procedure was the result of the person to be adopted not being *sui juris*. The link with the natural family had to be dissolved before the link with the adoptive family could be made. The law held that not until a father had mancipated his son three times (a daughter or grandchild only once: Gai. i. 132) was the son deemed free from the father's control. Accordingly, on the first mancipation, the person to whom he was thus transferred set him free. The father's old power at once attached. The second mancipation and manumission had the same result. The father then mancipated him a third time. If he were manumitted, he would be free from the control of his father, and indeed would be *sui juris*. So, instead of manumission, the adopter claims (*vindicat*) him as his son, and on no counter-claim being asserted the magistrate assigns (*addicit*) him to the adopter. This ceremony was sometimes transacted merely between the natural and the adoptive father, who, in that case, on receiving him from the natural father on the third mancipation, did not manumit him, but remancipated him to his natural father, from whom he then claimed him as his son. This was the usual and more convenient course. But sometimes a third person was employed, to whom the father mancipated the son. In that

case, on the third mancipation, the adoptive father interfered and claimed him as his son (Gai. i. 134). This form is referred to in Cicero's words "filium in adoptionem D. Silano emancipaverat" (*Fin.* i. 7, § 24), and in Suetonius: "Gaium et Lucium adoptavit (Augustus) domi per assem et libram emptos a patre Agrippa" (*Aug.* 64). Justinian abolished this antiquated form, and substituted simple declaration by deed (*actis intervenientibus*), both parties being present before the magistrate (*Cod.* viii. 47, 11). A child did not lose by adoption all his rights in his natural family. He was still a cognate, and as such entitled to succeed in the third degree to the inheritance of an intestate father (Gai. iii. 31). If emancipated by his adoptive father, he reverted to the position and rights of an emancipated son of his natural father (Gai. ii. 137).

A Constitution of Justinian (*Cod.* viii. 47, 10; *Inst.* i. 11, § 2) greatly altered the effect of this adoption. The adoptee no longer either lost his natural rights, or acquired and conferred any, except a right to succeed in due place to the inheritance of the adopter if he died intestate without having emancipated him. If, however, the adopter was a maternal or (if the father was emancipated) a paternal grandfather, in this case, natural and adopted ties concurring, the old effect of adoption remained.

4. In all adoption the rule holds: "Adoptio non jus sanguinis sed jus agnationis adfert" (D. 1, 7, 23), and a person adopted became *agnate* to all to whom his adoptive father is *agnate* (D. 38, 8, 1, § 4; 16, 2, § 3), and brothers and sisters by adoption were called *consanguinei* as well as those by birth (D. 38, 16, 1, § 11; cf. *Collat.* xvi. 6). But the adopted son was not related either to the mother or to the emancipated children of the adopter or to his wife, unless the wife were *in manu*, in which case she would be legally a sister to the adopter. (Cf. Gai. iii. 14.) The son of an adopted person was himself in an adoptive position (D. 1, 7, 27). Emancipation of an adopted child broke all connexion between him and the adoptive family (s. 13), excepting that marriage between the adopter and his adopted daughter or granddaughter, though emancipated, remained unlawful (Gai. i. 59). No re-adoption by the same person, not being the natural father, was possible (D. 1, 7, 37).

A person might be adopted into the place of son, or grandson (even if the adopter had no son), or great-grandson, &c., and the same applies analogously to the adoption of girls. Further, the adoption into the place of grandson might specifically connect him with a particular son of the adopter, and thus make him brother of that son's children, if any. But the son's consent was required. If the son did not consent, the adoptee would not fall into the son's power on the death of the adopter (D. 1, 7, 6, 10, 43, 44).

The adoption of another person's freedman was not allowed (D. 1, 7, 15, § 3), probably lest the patron's rights should be impaired. Nor could a slave be adopted in the time of Sabinus (Gell. v. 19, § 3), though in early days it was allowed, the slave of course being mancipated and then claimed as son, as in the adoption of a *filius familias* (cf. Schlesinger, *Zeitschr. R. G.* vi. 119 ff.). The adoption of illegitimate children by their father was forbidden by Justin, A.D. 519 (*Cod.* vii. 27, 7).

5. Besides feelings of affection, other causes sometimes led to adoptions. In early times there was the desire to maintain the family and its sacred rites (cf. Cic. *Legg.* ii. 19); in the time of Claudius the desire to qualify under the provisions of the Lex Julia et Papia Poppaea (cf. Gell. ii. 15), or escape the penalties on childless persons. A decree of the senate declared that no such pretended adoption (manumission having at once followed the adoption) should have any effect (Tac. *Ann.* xv. 19), and so we find adopted children were not counted so as to excuse from public offices (D. 50, 5, 2, § 2). And a trust conditional on the death of sons leaving no children was not defeated by their leaving an adopted child (D. 35, 1, 76).

6. Testators, at the time of Cicero, and later in several cases, coupled the grant of part of their estate with a direction to the heir to bear the testator's name; and this is often spoken of by historians as an adoption. So in the case of a Crassus, spoken of by Cicero (*Brut.* 58, § 212); of Atticus, adopted by will by his uncle Q. Caecilius (Nep. *Att.* 5); and especially of Octavius, adopted by Julius Caesar (Suet. *Jul.* 83). In this last case a *lex curiata* was obtained to confirm it (Appian, *Civ.* iii. 94; Dio Cass. xliv. 35, xlv. 3–5, &c.). No such adoption (though recognised by Greek law; cf. Isae. *Dicaeog.* § 6) is mentioned by Roman lawyers, and it obviously lacks both the due form and the substance of fatherly power obtained over the adopted. Some modern writers have regarded it as an appointment of heir conditional on bearing the testator's name (cf. Cic. *Att.* vii. 8, § 3). Suetonius tells of Tiberius taking an inheritance but declining the name attached (*Tib.* 6). But this conduct is not wholly destitute of legal support (cf. D. 36, 1, 63, § 10); and, in any case, acts either of Octavius or of others of the imperial family are scarcely to be trusted as indications of general law.

Another pseudo-adoption is found in the rescript of Diocletian (*Cod.* viii. 47, 5; cf. D. 5, 2, 2, § 3) allowing women to adopt a son. Rights of inheritance would probably be the only legal result.

The principal authorities are Cic. *pro Domo*; Gaius, i. 97–107, 134, iii. 83, 84; Ulpian, *Fr.* 8; Just. *Inst.* i. 11, iii. 10; Dig. 1, 7; *Cod.* viii. 47 (48). [G. L.] [H. J. R.]

ADORA'TIO (*προσκύνησις*) was paid to the gods in the following manner: — The person prostrated himself (*pronus*, Juv. xi. 47) before the statue of the god whom he wished to honour, then kissed his hand and waved it to the statue (cf. Apul. *Met.* iv. 28, *admoventes oribus suis dexteram, primore digito in erectum pollicem residente — adorationibus venerabantur*). While doing this he moved round his whole body, usually from left to right, but sometimes (*e.g.* in Gaul, Plin. *H. N.* xxviii. § 25; and in the temple of Aesculapius at Rome; *Corp. Inscr. Gr.* 5980) from right to left, for which custom Plutarch (*Num.* 14) gives some curious reasons; but the true reason is quite unknown. Hence the *convertere se* is used for *adorare* in Liv. v. 21 (cf. Plaut. *Curc.* i. 1, 69). It was also the practice to have the head and ears covered, so that only the forepart of the face remained

uncovered (Plin. *l. c.*; Lucret. v. 1197).

Adoratio, from a vase in the British Museum.

Minucius Felix, 2; The *adoratio* differed from the *oratio* or prayers, which were offered with the palms open and upturned to heaven, the suppliant usually kneeling. (*Il.* vii. 177; *ὑπτιάσματα χερῶν*, Aesch. *Prom.* 1005; *caelo supinas ferre manus*, Hor. *Carm.* iii. 23, 1.) Clasping of the hands (*digitisinterse pectine iunctis*, Ov. *Met.* ix. 299; *digitis pectinatim inter se implexis*, Plin. *H. N.* xxviii. § 59) was a gesture only resorted to by witches, as a means of hindering childbirth. The adoration paid to the Roman emperors was borrowed from the Eastern mode of adoration, and consisted in prostration on the ground, and kissing the feet and knees, or even the dress (cf. Amm. Marc. xxi. 9, *adorari purpuram principis*) of the emperor (but this did not become the ordinary etiquette of the court before the time of Diocletian). Instances, however, of this servile adoration occur much earlier; thus Vitellius "adored" Caius Caesar when returning from Syria: *capite velato circumvertensque se deinde procumbens* (Suet. *Vit.* 2). This mode of prostration is also called *adulatio* (Liv. ix. 18, 4, *humi jacentium adulationes;* cf. xxx. 16, 5). [A. S. W.]

ADROGA'TIO. [Adoptio (Roman).]

ADSCRIPTI'VI. [Accensi.]

ADSERTOR. [Assertor.]

ADSESSOR. [Assessor.]

ADSIGNA'TIO. [Agrariae Leges and Ager.]

ADSTIPULA'TIO. [Obligationes.]

ADSTIPULA'TOR. [Intercessio.]

ADULA'TIO. [Adoratio.]

ADULTE'RIUM, adultery. **1.** Greek. Among the Athenians, if a man caught another in the act of criminal intercourse (*μοιχεία*) with his wife, he might kill him with impunity. According to Lysias (*de Caede Eratosth.* § 2) the law was the same in all Greek states, oligarchical or democratic, and without reference to the rank or position of the offender (cf. Xen. *Hiero*, iii. 3). Other punishments short of death are alluded to in Aristophanes (*Nub.* 1083; *Plut.* 168) and Lucian (*de Morte Peregr.* § 9). The right of vengeance extended to the cases of a wife, mother, sister, daughter, or even a concubine (*παλλακή*), if she were the mother of free children (Lys. *l. c.* § 31; Dem. *Aristocr.* p. 637, § 53). But it was no adultery for a man to have connexion with a married woman who prostituted herself, or who was engaged in selling anything in the agora (Dem. *c. Neaer.* p. 1367, § 87). The husband might, if he pleased, take a sum of money from the adulterer by way of compensation, and detain him till he found sureties for the payment. If the alleged adulterer had been unjustly detained, he might bring an action against the husband; and, if he gained his cause, he and his sureties were released. If he failed, the law required the sureties to deliver up the adulterer to the husband before the court, to do what he pleased with him, except that he was not to use a knife or dagger. (Dem. *l. c.* p. 1367, § 85.)

The husband might also prosecute the adulterer in the action called *μοιχείας γραφή*. If the act of adultery was proved, the husband could no longer cohabit with his wife under pain of losing his privileges as a citizen (*ἀτιμία*). The adulteress was excluded even from those temples which foreign women and slaves were allowed to enter; and if she was seen there, any one might treat her as he pleased, provided he did not kill her or mutilate her. (Dem. *l. c.* p. 1374, § 115; Aeschin. *c. Timarch.* § 183.)

Lysias further tells us (*l. c.* § 32) that the law punished seduction more than actual violence: *τοὺς βιαζομένους ἐλάττονος ζημίας ἀξίους ἠγήσατο εἶναι ἢ τοὺς πείθοντας.* The infidelities of a husband, as might be expected, were viewed more leniently, and gave the wife no right of action for divorce. [G. L.] [W. W.]

2. Roman. Adulterium properly signifies, in the Roman law, the offence committed by a man, married or unmarried, having sexual intercourse with a woman whom he knows to be another man's wife. Stuprum (called by the Greeks *φθορά*) signifies intercourse with an unmarried woman, but to live with a woman in the state of concubinage was not stuprum (D. 25, 7, 3, § 7). It was the condition of the female which determined the legal character of adultery; there was no adultery unless the female was married. The infidelity of the husband was restrained simply by moral and not by legal sanctions (Cato, *ap.* Gell. x. 23, § 5). The male who committed adultery was *adulter*, the female *adultera*. The Latin writers were puzzled about the etymology of the word *adulterium;* but if we look to its various significations besides that of illegal sexual intercourse, we find that we may safely refer it to the same root as that which appears in *adultus*. The notion is that of "growing to," "fixing" or "fastening to" one thing on another and extraneous thing; hence, among other meanings, the Romans used *adulterium* and *adulteratio* as we use the word "adulteration," to express the corrupting of a thing by mixing something with it of less value. Early Roman law appears to have left the punishment of adultery to private revenge and the jurisdiction of the family. (Dionys. ii. 25; Suet. *Tib.* 35.) The husband and also the father of the adulteress were allowed to take the law into their own hands, and put to death the two guilty parties. The Lex Julia de Adulteriis deprived the husband of the right of killing his wife taken in adultery; under this law he was not entitled to kill the adulterer, unless the latter was an infamous person, and had been detected in the husband's house. (Paul. ii. 26, 1–7; Coll. Leg. iv. 8.) The Lex Julia left the father the power of killing his daughter. This power was strictly limited. Thus he was not entitled to put one of the parties to death and spare the other (if he killed only one of the parties, he brought

himself within the penalties of the Cornelian law de Sicariis); the punishment had to be inflicted at once and on both; the father had only jurisdiction when the offence was detected in his own house or in that of the husband (Dig. 48, 5, 23, § 4; cf. Quint. iii. 11. 7, 5. 10, 104. 7, 1. 6). If the father were a *filius familias*, he had not by the Lex Julia any power of killing, but notwithstanding this he was permitted to exercise it (Paul. *Sent.* 26, 2). He had no jurisdiction over an emancipated child. The Lex Julia de Adulteriis coercendis, passed in the time of Augustus (probably B.C. 17), repealed in its first chapter some prior enactments on the same subject, the exact purport of which is unknown. Horace (*Carm.* iv. 5, 21) alludes to the Julian law. By this enactment the husband and father of the adulteress were given the right of prosecuting the adulterer and adulteress; but if they did not do so within sixty days, any other person might prosecute (Dig. 48, 5; Tac. *Ann.* ii. 85). A woman convicted of adultery was mulcted in half of her *dos* and the third of her separate property, and was banished (*relegata*) to some island. The adulterer forfeited half his property, and was banished in like manner, but not to the same island as the woman. The adulterer and adulteress were subjected also to civil incapacities. This law did not inflict the punishment of death on either party; and in those instances under the emperors in which death was inflicted, it must be considered as an extraordinary punishment, and beyond the provisions of the Julian law (Tac. *Ann.* ii. 50; iii. 24). By the Julian law, if a husband kept his wife after an act of adultery was known to him, and let the adulterer off, he was guilty of the offence of *lenocinium*. If the wife was divorced for adultery, the husband was entitled to retain part of the *dos* (Ulp. *Fr.* vi. 12). The husband, by the fifth chapter of the Julian law, could detain for twenty hours the adulterer whom he had caught in the act, for the purpose of calling in witnesses to prove the adultery. The Emperor Constantine limited the right of prosecuting under the Lex Julia to the husband, father, brother, and uncle of the accused woman. In the same Constitution of Constantine, the offence of the adulterer was made capital (*sacrilegos autem nuptiarum gladio puniri oportet*, *Cod.* ix. 9, 29). By the legislation of Justinian (*Nov.* 134, c. 10), the law of Constantine was probably only confirmed; but the adulteress was put into a convent, after being first whipped. If her husband did not take her out in two years, she was compelled to assume the habit, and to spend the rest of her life in the convent. Justinian also provided for the disposal of the forfeited property of the adulterer and adulteress.

The authorities for the Lex Julia de Adulteriis are collected by Rein, *Das Criminalrecht der Römer*; cf. Wächter, *Abh.* i. 102–122; Rudorff, *Röm. Rechtsgesch.* [G. L.] [E. A. W.]

ADULTUS. [INFANS.]

ADVENTUS. The arrival of an emperor in one of the provinces is an event frequently commemorated in bronze coins issued at Rome. The specimen engraved in the next column represents the arrival of Hadrian in Judaea, Judaea being represented by a female figure accompanied by children. [P. G.]

ADVERSA'RIA, note-book, memorandum-book, posting-book, in which the Romans entered memoranda of any importance, especially of money received and expended, which were afterwards transcribed, usually every month, into a kind of ledger. (*Tabulae justae, codex accepti et expensi.*) The *adversaria* were not admitted as legal evidence, although the *tabulae* were (cf. Gaius, § 128–133; Ortolan, *Explic. Hist.* iii. 244 ff.). They were probably called *adversaria* because they lay always open before the eyes. (Cic. *p. Rosc. Com.* 2, 7; Propert. iii. 23, 20.) [W.S.] [A.S.W.]

Adventus on coin of Hadrian.

ADVERSA'RIUS. [ACTOR.]

ADVOCA'TUS seems originally to have signified any person who supported another in a cause or other business, as a witness for instance (Varro, *de Re Rust.* ii. 5), or as an assistant in taking possession of disputed property (Cic. *pro Caec.* 8, § 22). It was specially used in the time of the republic for a person who accompanied a party to an action into court, in order to give him legal advice or the support of his presence. The advocatus did not, like the orator or patronus, speak on behalf of the party he was assisting. (Schol. *ad* Cic. *Divin.* i. 11, Orelli, p. 104.) Under the empire the terms patronus and advocatus ceased to be distinct in meaning. (Tac. *Ann.* x. 6.) Advocatus then meant a person who in any way assisted another in conducting an action in court. (Dig. 50, tit. 13, s. 1.) The great jurists sent written opinions (*responsa*), and were not themselves present at the hearing of causes. The office of advocate was originally regarded as a purely honorary one. The Lex Cincia (550 A.U.C.) expressly prohibited patroni from taking any remuneration for their services. Under Augustus, advocati who accepted pay were made liable to a penalty (Dio Cass. liv. 18). Claudius allowed advocati to take fees not amounting to more than 10,000 sesterces. (Tac. xiii. 5; Quint. xii. 7, § 11.) Diocletian made further regulations as to the amount of the fee. The fee was not recoverable as due on a contract of letting and hiring (*locatio conductio*), but payment of it, as a honorarium, was enforced by the magistrate under his *extraordinaria cognitio*.

There came to be attached to each court of justice under the empire a limited number of advocates, who had a monopoly of practice. Such advocates (*statuti*) were appointed by the judge of the court to which they belonged, their names being entered on a register (*matricula*) kept for the purpose. The advocates of each court constituted a corporation.

The advocatus fisci, an officer instituted by

Hadrian (Spart. *Hadr.* 60), was the first in rank of such advocates. It was his business to look after the interests of the fiscus or the imperial treasury, and, among other things, to maintain its title to *bona caduca*. The various meanings of advocatus in the Middle Ages are given by Du Cange, *Gloss.* (Dig. 28, tit. 4, s. 3; Hollweg, *Civil-Prozess*, i. §§ 16, 17.) [E. A. W.]

ADY'NATI (ἀδύνατοι), persons supported by the Athenian state, who, on account of infirmity or bodily defects, were unable to obtain a livelihood. The sum which they received from the state appears to have varied at different times. In the time of Lysias (*Or.* 24, § 29) one obolus a day was given; later, seemingly about the time of Aristotle, it was increased to two oboli. As to the date of this change authorities differ; compare Harpoc. *s. v.* with Bekk. *Anecd.* p. 345. Another sum, intermediate between the two, 9 drachmas (=54 oboli) per month, is mentioned by Philochorus, *ap.* Harpocrat. The bounty was restricted to persons whose property was under three minae. It was awarded by a decree of the people, but the examination of the individuals belonged to the senate of the Five Hundred: the payments were made by prytanies. Peisistratus is said to have been the first to introduce a law for the maintenance of those persons who had been mutilated in war; but, according to others, this provision derived its origin from a law of Solon. (Plut. *Solon*. 31; Schol. *Aeschin.* p. 738, Reiske; Aeschin. *c. Tim.* § 103; Harpocrat., Suid., Hesych. *s. v.*; Lysias, *Or.* 24, *Pro Inval.*, a speech written for an individual in order to prove that he was entitled to be supported by the state; Böckh, *Public Econ. of Athens*, p. 242 ff.) [W. S.] [W. W.]

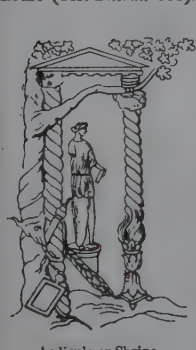
AD'YTUM. [TEMPLUM.]

AEACEIA (αἰάκεια), a festival of the Aeginetans in honour of Aeacus, the details of which are not known. The victor in the games which were solemnised on the occasion consecrated his chaplet in the magnificent temple of Aeacus. (Schol. *ad* Pind. *Ol.* vii. 156, xiii. 109; *Nem.* v. 78; Müller, *Aeginetica*, p. 140.) [L. S.]

AEDES. [DOMUS; TEMPLUM.]

AEDES VITIO'SAE, RUINO'SAE. [DAMNUM INFECTUM.]

AEDI'CULA signifies in the singular a room (Plaut. *Epid.* 402), but in the plural a small house (Ter. *Phorm.* 663). It is, however, more frequently used in the sense of a shrine, whether attached to a temple (Liv. xxxv. 9, *aediculam Victoriae virginis prope aedem Victoriae M. Porcius Cato dedicavit*), or quite an independent building, of which there are many representations in works of art; or finally niches in the walls of temples or houses, containing images of gods and goddesses, like that here figured (Overbeck, *Bildwerke*, pl. 30, 1). (Liv. xxxv. 41; Plin. *H. N.* xxxiii. § 19; Petron. 29; Apul. *Met.* p. 96: *Eponae deae simulacrum residens aediculae.*) The topographers of Rome speak of 423 *aediculae* in Rome, one for every *vicus;* these were probably partly chapels, partly niches, and were usually placed at the cross-ways. They contained the images of the tutelary deity of the *vicus*. On the other hand, the *aediculae* within the house contained images of the Lares and Penates. There were also portable shrines, often of precious materials, like those made at Ephesus (*Act. Ap.* xix. 4). [A. S. W.]



Aedicula or Shrine.

AEDI'LES. I. AEDILES PLEBIS. In the year B.C. 494, after the secession of the plebs to the Mons Sacer, this body was organised for the first time under magistrates of its own, answering to those of the patrician community. As the *tribuni plebis* corresponded to the consuls, so the *aediles plebis* corresponded to the quaestors; they were the subordinate officers of the tribunes, at first perhaps appointed by them, but after the Lex Publilia elected in the plebeian assembly under their presidency, placed under the same *leges sacrae*, and possessing a sacrosanct character (Dionys. vi. 90). The origin of their name is not certain, but the best interpretation is that which explains it from their functions as guardians of the temple of Ceres, in which copies of all the decrees of the senate were preserved (so Niebuhr, *Hist.* i. 621; Lange, *R. A.* i. p. 715; Mommsen, *Staatsr.* ii. 447).* After the Lex Publilia they were no longer mere assistants of the tribunes, but *colleyae minores*. By degrees, as the political side of the functions of the tribunes became the more important, the aediles came to play a more independent part within the sphere that was left to them. In B.C. 454, the Lex Aternia Tarpeia conferred upon them the *ius multae dictionis;* this carried with it the *ius contionis*, and the *ius edicendi*, the right of convening and addressing a meeting of the citizens, and of declaring beforehand the principles on which they meant to act; but the *ius auspiciorum* was still wanting; so that they could not be reckoned as, strictly speaking, *magistratus populi Romani*. The recorded instances of their action at this period are such as were due to the direction either of the tribunes or of the senate. Thus, acting under the orders of the former, they arrested accused men (Dionys. vi. 90), and carried out sentences of death (when confirmed by the popular assembly) by hurling from the Tarpeian rock (Dionys. vii. 35, xi. 6; Plut. *Cor.* 18; Liv. vi. 20). Their superintendence of the publication of the Twelve Tables (Liv. iii. 57), of the exclusion of foreign deities and forms of worship (Liv. iv. 30), of the corn supplies (Plin. *H. N.* xviii. § 15), and of the plebeian (Pseud. Ascon. p. 143, Or.) and Roman (Liv. vi. 42) games, seems to have been the result of special commissions from the senate or the consuls. As the aediles thus ceased by degrees to be the mere assistants of the tribunes, they gradually lost their sacrosanct character, which attached to them only as agents of the inviolable tribunes, and were ranked in

* Madvig, *Verf.* i. 422, prefers the old derivation from *aedes* in the most general sense, arguing both from the application of the name also to the patrician magistrates and from the fact that the title was common in the *municipia*, where no such special relation can be supposed.

this respect with other lesser magistrates (Liv. iii. 55). But they never ceased to be plebeian magistrates, and none but plebeians were eligible; they had no insignia of office; and were always chosen apart from the curule aediles at the comitia tributa, under the presidency of a tribune.

II. AEDILES CURULES. Livy's story (vi. 42) is that in commemoration of the passing of the Licinian Rogations, the senate ordered that a fourth day should be added to the *ludi Romani*; the plebeian aediles were reluctant to bear the burden thus imposed upon them; the young patricians volunteered to undertake it; and a resolution of the senate empowered the dictator to propose to the people the election of two patrician *aediles curules*. This story is altogether rejected by Niebuhr (*Hist.* iii. 33 f.), and it is far more probable that we have here an instance of the desire to absorb into the constitution of the united community an office which was originally characteristic of the plebeian revolution (Mommsen, *Staatsr.* ii. 457). Hence we find after this no traces of any especial connexion between the aediles and the tribunes: but plebeian and curule aediles alike are regarded as the subordinates of the consuls (Liv. xxxix. 14). Hence too the curule aedileship was opened in the year after its institution to the plebeians (Liv. vii. 1); but by a curious provision it was arranged that the office should be held, not by a patrician and a plebeian as colleagues, but by two patricians and two plebeians alternately. This arrangement lasted till B.C. 91, when the plebeian M. Marcellus appears in the place of a patrician (Mommsen, *Röm. Forsch.* i. 97–102), and after that date it was entirely abandoned.* The reason for it seems to lie in the fact that the curule aediles were jointly responsible for the cost of the games, and this might more probably have led to discord if the colleagues had belonged to different orders (Mommsen, *Staatsr.* ii. 488). The curule aediles were distinguished by the bordered robe (*toga praetexta*) and the use of the *sella curulis*, which we find figured on their coins, while the plebeian aediles wore only the ordinary toga, and their official seat was the *subsellium* or *bisellium*. The former were elected in the comitia tributa, under the presidency of a magistrate *cum imperio*, usually the consul, and had from the first the *auspicia minora*, which were only conferred on the latter at a later date (before B.C. 340, when we find *aediles ple'is vitio creati*, Liv. xxx. 39).

Cicero (*de Leg.* iii. 3, 7) defines the aediles as *curatores urbis, annonae, ludorumque sollemnium*. We may arrange their functions under these three heads:—

1. *Cura urbis* (including the district within a mile of the town: cf. Lex Jul. Mun. l. 69): *i.e.* the superintendence of the repair and cleansing of the roads and streets, of the public baths, fountains and aqueducts, of eating-houses and brothels; the aediles also took care that the streets were not encumbered by goods offered for sale, or by the deposit of rubbish, by funerals or carriage traffic (which was strictly limited and regulated: Lex Jul. Mun. l. 58 f.), nor encroached upon by private buildings. Further, they had a general control in matters of police. We find them either inflicting fines themselves or acting as prosecutors before the comitia tributa in cases of witchcraft (Plin. *H. N.* xviii. § 42), *stuprum* (Val. Max. vi. 1, 7; Liv. viii. 22; Plut. *Marcell.* 2), fraud on the part of the *pecuarii* (Liv. x. 23, 47, &c.), insolent language (Gell. x. 6), stone-throwing from a window (Gell. iv. 14), usury (Liv. vii. 28; x. 23; xxxv. 41, &c.), and the like. The fines so inflicted were spent upon public buildings and works of general utility; but more important works, for which the treasury paid, were in charge of the censors. In many respects the police functions of the aediles appear to supplement those of the censors, especially during the period when the censors were not in office, but their action was doubtless more strictly limited to the punishment of offences against positive law (Lange, p. 729). Their control of public buildings does not appear to have extended beyond a general supervision of their condition and proper use; the charge of building and repairs lay rather with the censors or their special commisioners (*Vviri muris turribusque reficiendis, IIIviri reficiendis aedibus:* Liv. xxv. 7; xlii. 6).

2. *Cura annonae.* This is properly only one aspect of the general charge of the market, which was so important a part of the duty of the aediles that it gave them the name by which they are called in Greek writers, ἀγορανόμοι (Dionys. vi. 90). As it was their duty to superintend trade of all kinds, especially in cattle and slaves, to look after the quality of the goods exposed for sale (Plaut. *Rud.* 374), to destroy unjust weights and measures (Juv. x. 100; Pers. i. 129), and to put down usury (Plin. *H. N.* xxxiii. § 19; Liv. x. 23, &c.), so it was especially incumbent upon them to provide for a proper supply of corn, partly by punishing *dardanarii* (forestallers, and regraters), and partly by purchasing themselves and supplying it at a low rate (Liv. x. 11: cf. xxx. 26; xxxi. 4, 50; xxxiii. 42).

3. *Cura ludorum.* This must be distinguished from the general police control of the popular amusements, exercised for instance when the aediles prohibited the people from pelting an unpopular man, who was giving a show of gladiators, with anything but fruit (Macrob. ii. 6, 1). It must be distinguished also from the *presidency* of the games, which was held by a consul or praetor. The aediles had only to organise the games. This was done nominally at the expense of the state. Up to the time of the First Punic War, 500,000 asses were annually allowed for this (Dionys. vii. 71), besides an extra allowance for any official festivals (Liv. xxii. 10; xxxi. 9, &c.). But these sums by no means sufficed to defray the expenses, especially under the later republic, when the aediles were expected to spend largely from their own resources, so that the office became exceedingly burdensome. Milo and Scaurus especially are noted as having spent large fortunes on their aedileships (Ascon. *Scaur.* p. 18; *Mil.* p. 32, Orell.). Cicero kept within moderate limits (*de Off.* ii. 17, 59), but as a rule an aedile who did so lost all chance of election to higher office (*pro Mur.* 19, 40), and Sulla failed as a candidate for the praetorship because he had not been aedile, and given the splendid shows which the people expected of him (Plut. *Sull.* 5). It was a common custom, though forbidden by law (Liv. xl. 44), for the aediles to receive much

* Livy's phrase in vii. 1, "postea promiscuum fuit," is misleading, as is seen from his own account.

assistance, nominally by way of loan, from the provinces in decorating the forum, theatre, and circus with statues and other works of art (*ad Att.* v. 21, vi. 1; *Verr.* iv. 59, 133; *ad Qu. fr.* i. 1, 9, &c.; Plin. *H. N.* xxxv. § 173). The aediles had to provide the general decorations and costumes, to organise the processions and the games, to arrange the seats and preserve order; when plays were given, they selected the piece, and paid and had also the power of chastising the actors (Liv. xxxiv. 44; Plaut. *Truc.* 990; Tac. *Ann.* i. 70, &c.).

Lange (p. 725) has well shown that the *cura ludorum*, like most of the functions of the aediles, arose from their general character as acting under commissions from the superior magistrates. The *ludi Romani* and *Megalenses* were always in charge of the curule, the *ludi plebeii* in that of the plebeian aediles; other games, such as the *Cerealia* and *Floralia*, were superintended by either without distinction, sometimes acting singly, but more commonly as a college.

III. AEDILES CEREALES. In B.C. 44 Julius Caesar added two aediles, with special charge of the *annona* and the *ludi Cereales* (Dig. 1, 2, 2, § 32; cf. Suet. *Caes.* 41). These continued under the empire, and are mentioned in inscriptions and on coins.

IV. But the functions of the aediles were greatly restricted by Augustus and his successors; their powers were gradually diminished, and their functions exercised by new officers created by the emperors. After the battle of Actium, Augustus appointed a praefectus urbi, who exercised the general police, which had formerly been one of the duties of the aediles. Their right of jurisdiction was further transferred to the praetor (Dio Cass. liii. 2), who also assumed henceforth the superintendence of the games (Dio Cass. liv. 2; Tac. *Ann.* i. 15; Plin. *Ep.* vii. 11, 4). Augustus also took from the aediles, or exercised himself, the office of superintending the religious rites, the banishing from the city of all foreign ceremonials, and the superintendence of the temples. Hence no one was willing to hold so contemptible an office, and Augustus was therefore reduced to the necessity of compelling persons to take it: persons were accordingly chosen by lot, out of those who had served the office of quaestor and tribune; and this was done more than once (Dio Cass. lv. 24). The last recorded instance of the splendours of the aedileship is the administration of Agrippa, who volunteered to take the office, and repaired all the public buildings and all the roads at his own expense, without drawing anything from the treasury. (Dio Cass. xlix. 43; Plin. *H. N.* xxxvi. § 122.) The aedileship had, however, lost its true character before his time. Agrippa had already been consul before he accepted the office of aedile. Augustus appointed the curule aediles specially to the office of putting out fires, and placed a body of 600 slaves at their command; but the praefecti vigilum afterwards performed this duty (Dio Cass. lv. 21). In like manner the *curatores viarum* were appointed by him to superintend the roads near the city, and the quatuorviri to superintend those within Rome. The *curatores operum publicorum* and the *curatores alvei Tiberis*, also appointed by Augustus, stripped the aediles of the remaining few duties that might be called honourable. They lost also the superintendence of wells or springs, and of the aqueducts. [AQUAEDUCTUS.] They retained, under the early emperors, the superintendence of the markets, the duty of repressing open licentiousness and disorder: thus the baths, eating-houses, and brothels were still subject to their inspection, and the registration of prostitutes was still within their duties (Tac. *Ann.* ii. 85). We read of the aediles under Augustus making search after libellous books, in order that they might be burnt; and also under Tiberius (Tac. *Ann.* iv. 35).

The last mention of aediles is under Gordian III. (A.D. 238–244): cf. Orell. *Inscript.* 977.

The history, powers, and duties of the aediles are stated with great minuteness by Schubert, *De Romanorum Aedilibus*, lib. iv. Regimontii, 1828. See Hofmann, *De Aedilibus Romanorum*, Berlin, 1842; cf. Rein in Pauly's *Realenkykl.* vol. i. p. 208 ff.; Lange, *Röm. Alt.* i.² 715–735; Mommsen, *Staatsr.* ii. 443–491. Full details as to their municipal duties are given in the Lex Julia Municipalis on the *Tabula Heracleensis* (*C. I. L.* i. p. 122), with the commentary of Dirksen, *Civil. Abh.* Berlin, 1820. [G. L.] [A. S. W.]

AEDI'TUI (*νεωκόροι, ζάκυροι, ἱεροφύλακες*), more anciently called AEDITUMI or AEDITIMI (Varr. *R. R.* i. 2, § 1; *L. L.* vii. 12, viii. 61; Gell. xii. 10, § 4: *aeditiuentes*, Lucr. vi. 1275; Gell. xii. 10, § 8), persons who took care of the temples, and attended to the cleaning of them. Notwithstanding this menial service, they partook of the priestly character, and are sometimes even called priests by the Greek grammarians. (Suid., Hesych., *Etym. M.* s. v. *ζάκορος*; Pollux, i. 14.) In many cases they were women, as Timo in Herodotus (vi. 134), who also speaks of her as *ὑποζάκορος*, from which it is clear that in some places several of these priests must have been attached to one and the same temple, and that they differed among themselves in rank. Subsequently the menial services connected with the office of the *Neocori* were left to slaves, and the latter became a title given to priestly officers of high rank, of whom an account is given in a separate article. [NEOCORI.] The aeditui lived in the temples, or near them, and acted as ciceroni to those persons who wished to see them. (Plaut. *Curc.* i. 3, 48; Cic. *Verr.* iv. 44, 96; Liv. xxx. 17; Schol. *ad* Hor. *Ep.* ii. 1, 230; Suet. *Dom.* 1.) They seem also to have had the administration of the property of the temple, and were anciently held in great honour (Serv. *ad* Verg. *Aen.* ix. 648). They were probably the same as the *curatores templi*, frequently mentioned in inscriptions (Orelli, *Inscr.* 220, 6: cf. Paul. Diac. *s. v.*; Varr. *L. L.* vii. 12; Cic. *de Har. Resp.* 14, 31). [W. S.]

AEGINETA'RUM FE'RIAE (*Αἰγινητῶν ἑορτή*), a festival in honour of Poseidon, which lasted sixteen days, during which time every family took its meals quietly and alone, no slave being allowed to wait, and no stranger invited to partake of them. From the circumstance of each family being closely confined to itself, those who solemnised this festival were called *μονοφάγοι*. Plutarch (*Quaest. Graec.* 44) traces its origin to the Trojan war, and says that, as many of the Aeginetans had lost their lives, partly in the siege of Troy and partly on their return home, those who reached their native island were received indeed with joy by their kinsmen; but,

in order to avoid hurting the feelings of those families who had to lament the loss of their friends, they thought it proper neither to show their joy nor to offer any sacrifices in public. Every family, therefore, entertained privately their friends who had returned, and acted themselves as attendants, though not without rejoicings. [L. S.]

AEGIS (*αἰγίς*), the shield of Zeus. The origin of the word appears to have been confused by the ancients themselves; in the Homeric sense it is probably from the root of *ἄσσω*, to move violently, but it was early taken to come from *αἴξ* (Herod. iv. 189). According to the mythologers, the aegis worn by Zeus was the hide of the goat Amaltheia, which had suckled him in his infancy. Hyginus relates (*Astron. Poet.* 13) that, when he was preparing to resist the Titans, he was directed, if he wished to conquer, to wear a goat-skin with the head of the Gorgon. To this particular goat-skin the term aegis was afterwards confined. Homer always represents it as part of the armour of Zeus, whom on this account he distinguishes by the epithet *aegis-bearing* (*αἰγίοχος*). He, however, asserts that it was borrowed on different occasions both by Apollo (*Il.* xv. 229, 307–318, 360, xxiv. 20), and by Athena (*Il.* ii. 447–449, xviii. 204, xxi. 400).

The skins of various quadrupeds having been used by the most ancient inhabitants of Greece for clothing and defence, we cannot wonder that the goat-skin was employed in the same manner. It must also be borne in mind that the heavy

Aegis worn by Athena.
From Museum at Naples.

shields of the ancient Greeks were in part supported by a belt or strap (*τελαμών*, *balteus*) passing over the right shoulder, and, when not elevated with the shield, descending transversely to the left hip. In order that a goat-skin might serve this purpose, two of its legs would probably be tied over the right shoulder of the wearer, the other extremity being fastened to the inside of the shield. In combat the left arm would be passed under the hide, and would raise it together with the shield, as is shown in a marble statue of Athena, preserved in the Museum at Naples, which, from its style of art, may be reckoned among the most ancient in existence.

Other statues of Athena represent her in a state of repose, and with the goat-skin falling obliquely from its loose fastening over her right shoulder, so as to pass round the body under the left arm. It thus appears in the left-hand figure below, from a statue of Athena at Dresden.

Aegis worn by Athena.
From Torso at Dresden. From Statue at Florence.

Another mode of wearing this garment, also of peaceful expression, is seen in another statue of Athena at Dresden, of still higher antiquity than that last referred to, and in the very ancient image of the same goddess from the temple of Zeus at Aegina. In both of these the aegis covers the right as well as the left shoulder, the breast, and the back, falling behind so as almost to reach the feet. Schorn (in Böttiger's *Amalthea*, ii. 215) considers this as the original form of the aegis.

By a figure of speech, Homer uses the term aegis to denote not only the goat-skin, which it properly signified, but together with it the shield to which it belonged. By thus understanding the word, it is easy to comprehend both why Athena is said to throw her father's aegis round her shoulders (*Il.* v. 738, xviii. 204), and why on one occasion Apollo is said to hold it in his hand and to shake it so as to terrify and confound the Greeks (*Il.* xv. 229, 307–321), and on another occasion to cover with it the dead body of Hector in order to protect it from insult (xxiv. 20). In these passages we must suppose the aegis to mean the shield, together with the large expanded skin or belt by which it was suspended from the right shoulder.

As the Greeks prided themselves greatly on the rich and splendid ornaments of their shields, they supposed the aegis to be adorned in a style corresponding to the might and majesty of the father of the gods. In the middle of it was fixed the appalling Gorgon's head (*Il.* v. 741), and its border was surrounded with golden tassels (*θύσανοι*), each of which was worth a

hecatomb (ii. 446–449). In the figures given above and below, the serpents of the Gorgon's head are transferred to the border of the skin.

By the later poets and artists, the original conception of the aegis appears to have been forgotten or disregarded. They represent it as a breast-plate covered with metal in the form of scales, not used to support the shield, but extending equally on both sides from shoulder to shoulder; as in the right-hand figure in the preceding column, from a statue at Florence.

The Roman poets sometimes regard it as a shield and sometimes as a breast-plate. Thus it is represented as the shield of Jupiter (Verg. *Aen.* viii. 354; Sil. xi. 720), and as the shield of Pallas or Minerva ("protegit aegide fratrem," Ov. *Met.* v. 46; "contra sonantem Palladis aegida," Hor. *Carm.* iii. 4, 57); but it more frequently appears as the breast-plate of Minerva with the Gorgon's head in the centre ("positam in pectore aegida," Ov. *Met.* ii. 754; Verg. *Aen.* viii. 435–438; on which Servius says, "munimentum pectoris aereum, habens in medio Gorgonis caput;" Sil. ix. 442, 443; Val. Flacc. vi. 174).

It is remarkable that, although the aegis properly belonged to Zeus, yet we seldom find it as an attribute of Zeus in works of art. There is, however, in the Museum at Leyden, a marble statue of Zeus, found at Utica, in which the aegis hangs over his left shoulder. The annexed

Zeus with the Aegis on the left arm.
From an ancient cameo.

figure is taken from an ancient cameo. Zeus is here represented with the aegis wrapped round the fore part of his left arm. The shield is placed underneath it, at his feet.

The Roman emperors also assumed the aegis, intending thereby to exhibit themselves in the character of Jupiter. Of this the armed statue of Hadrian in the British Museum presents an example. In these cases the more recent Roman conception of the aegis is of course followed, coinciding with the remark of Servius (*Aen.* viii. 435), that this breast-armour was called aegis when worn by a god; *lorica*, when worn by a man. (Comp. Mart. vii. 1.) [J. Y.] [W. W.]

AEINAUTAE (ἀειναῦται), magistrates at Miletus, consisting of the chief men in the state, who obtained the supreme power on the deposition of the tyrants, Thoas and Damasenor. Whenever they wished to deliberate on important matters, they embarked on board ship (hence their name), put out at a distance from land, and did not return to shore till they had transacted their business. (Plut. *Quaest. Graec.* 32.) [W. S.]

AEIPHY'GIA (ἀειφυγία). [EXSILIUM.]

AEISITI (ἀείσιτοι). [PRYTANEIUM.]

AENEATO'RES (ahenatores, Amm. Marc. xxiv. 4) were those who blew upon wind instruments in the Roman army, namely, the *bucinatores*, *cornicines*, *tubicines*, *liticines*, and they were so called because all these instruments were made of *aes* or bronze. (Paul. Diac. p. 20, Müll.; Mommsen, *I. R.* No. 4232; Suet. *Caes.* 32.) Aeneatores were also employed in the public games. (Sen. *Ep.* 84.) A *collegium aenceatorum* is mentioned in inscriptions. (Orelli, *Inscr.* No. 4059.) [W. S.]

AENIGMA (αἴνιγμα), a riddle. It appears to have been a very ancient custom among the Greeks, especially at their symposia, to amuse themselves by proposing riddles to be solved. Their partiality for this sort of amusement is attested by the fact that some persons, such as Theodectes of Phaselis and Aristonymus, acquired considerable reputation as inventors and writers of riddles. (Athen. x. pp. 451, 452; xii. p. 538.) Those who were successful in solving the riddle proposed to them received a prize, which had been previously agreed upon by the company, and usually consisted of wreaths, taeniae, cakes, and other sweetmeats, or kisses, whereas a person unable to solve a riddle was condemned to drink in one breath a certain quantity of wine, sometimes mixed with salt water. (Athen. x. p. 457; Pollux, vi. 107; Hesych. *s. v.* γρῖφος.) Those riddles which have come down to us are mostly in hexameter verse, and the tragic as well as comic writers not unfrequently introduced them into their plays. Pollux (*l. c.*) distinguishes two kinds of riddles, the αἴνιγμα and γρῖφος, and, according to him, the former was of a jocose and the latter of a serious nature; but in the writers whose works have come down to us, no such distinction is observed; and there are passages where the name γρῖφος is given to the most ludicrous jokes of this kind. (Aristoph. *Vesp.* 20; Becker-Göll, *Charikles*, ii. p. 363; K. F. Hermann, *Gottesdienstl. Alt.* § 62, 29.) The Romans seem to have been too serious to find any great amusement in riddles; and when Gellius (xviii. 2) introduces some Romans at a banquet engaged in solving riddles, we must remember that the scene is laid at Athens; and we do not hear of any Romans who invented or wrote riddles until a very late period. Apuleius wrote a work entitled *Liber Ludicrorum et Griphorum*, which is lost. After the time of Apuleius, several collections of riddles were made, some of which are still extant in MS. in various libraries. [L. S.]

AE'NUM, or **AHE'NUM** (sc. *vas*), a brazen vessel, used for boiling, is defined by Paullus to be a vessel hanging over the fire, in which water was boiled for drinking, whereas food was boiled in the *caccabus* or saucepan [CACCABUS]. (Dig. 33, tit. 7, s. 18, § 3.) This distinction is not,

however, always observed; for we read of food being cooked in the *aënum*. (Juv. xv. 81; Ov. *Met.* vi. 645.) The word is also frequently used in the sense of a dyer's copper; and, as purple was the most celebrated dye of antiquity, we find the expressions *Sidonium aënum*, *Tyrium aënum*, &c. (Ov. *Fast.* iii. 822; Mart. xiv. 133.) The coppers which contained the water for supplying a bath were also called *aëna*. (Vitruv. v. 10, 1.) [BALNEAE.] [W.S.] [W.W.]

Aenum, or brazen vessel used for boiling.

AEO'RA, or EO'RA (*αἰώρα, ἑώρα*). **1.** A festival at Athens, accompanied with sacrifices and banquets, whence it is sometimes called *εὐδειπνος*. The common account of its origin is as follows:—Icarius was killed by the shepherds to whom he had given wine, and who, being unacquainted with the effects of this beverage, fancied in their intoxication that he had given them poison. Erigone, his daughter, guided by a faithful dog, discovered the corpse of her father, whom she had sought a long time in vain; and, praying to the gods that all Athenian maidens might perish in the same manner, hung herself. After this occurrence, many Athenian women actually hung themselves, apparently without any motive whatever; and when the oracle was consulted respecting it, the answer was that Icarius and Erigone must be propitiated by a festival (Hygin. *Poet. Astron.* ii. 4). According to the *Etymologicum Magnum*, the festival was celebrated in honour of Erigone, daughter of Aegisthus and Clytaemnestra, who came to Athens to bring the charge of matricide against Orestes before the Areiopagus; and, when he was acquitted, hung herself, with the same wish as the daughter of Icarius, and with the same consequences. According to Hesychius, the festival was celebrated in commemoration of the tyrant Temaleus, but no reason is assigned. Eustathius (*ad* Hom. pp. 339, 1535) calls the maiden who hung herself Aiora. But as the festival is also called *Ἀλῆτις* (apparently from the wanderings of Erigone, the daughter of Icarius), the legend which was first mentioned seems to be the most entitled to belief. Pollux (iv. 7, § 55) mentions a song made by Theodorus of Colophon, which persons used to sing whilst swinging themselves (*ἐν ταῖς αἰώραις*). It is, therefore, probable that the Athenian maidens, in remembrance of Erigone and the other Athenian women who had hung themselves, swung themselves during this festival, at the same time singing the above-mentioned song of Theodorus. (See Athen. xiv. p. 618; Schömann, *Griech. Alterth.* vol. ii. p. 434.) [L. S.]

2. A swing, which formed a favourite amusement in Greece, as in England at the present day (cf. Suidas, *s. v.*; Zonaras, *s. v.*; Pausan. x. 29). The following cut shows a group swinging one another. [J. H. O.]

Aeora, or Swing, from Panofka.

AEQUIPON'DIUM. [LIBRA; TRUTINA.]

AERA. [CHRONOLOGIA.]

AERA'RII, a class of Roman citizens, excluded from the tribes, and liable to pay a poll-tax, at the discretion of the censors. They consisted of three classes:—

1. *Municipes sine suffragio.* These were the inhabitants of conquered towns, which had been deprived of their local self-government. Their citizens obtained the *conubium* and *commercium*, but no political rights. As Caere was the first *municipium sine suffragio* (about B.C. 353), the lists of the burghers of Caere were called the *tabulae Caeritum;* and this came to be the general name for the lists of the citizens who held only this inferior franchise. Hence *in tabulas Caeritum referri* came to be equivalent to *aerarium fieri* (Ps. Ascon. on Cic. *Div. in Caec.* 3, p. 103 Orell.; Schol. Cruq. on Hor. *Ep.* i. 6, 62; Gell. xvi. 13, § 7; Cic. *pro Cluent.* 43, 122: cf. Madv. *Opusc.* i. 233; Mommsen, *Röm. Trib.* 160 f.).

2. *Infames*, i.e. those who had incurred legal *infamia*, by (1) some dishonouring *act*, such as bigamy; (2) a dishonouring *profession*, such as that of *leno*, actor, gladiator; (3) a *judicium turpe*, such as condemnation in a prosecution for *furtum*, *injuria*, *dolus*, or in a *judicium tutelae*, *pro socio*, or *mandati* (cf. Lex Jul. munic. ll. 110–125: Cic. *Cluent.* 42, 119; *Caec.* 3, 8; *Rosc. Com.* 6, 16; *de Orat.* i. 36, 166, &c.).

3. Those visited by the severest *nota censoria*, who were said to be *tribu moti et aerarii facti* (Liv. iv. 24; xxiv. 18, 43; xlii. 10; xliv. 16; xlv. 15).

All these three classes were *aerarii*, as they had to pay protection-money (*aes*); their exclusion from the tribes and the centuries involved the loss of the suffrage, and doubtless also (though this has been denied) the *ius honorum*. The only instance of a magistracy held by an aerarius is to be regarded as the result of an amnesty passed by the supreme authority of the people. The *infames* were always excluded from military service (Liv. vii. 2; Val. Max. ii. 4, 4), and could not rise above the class of *aerarii:* the *municipes sine suffragio* served in the legions, or formed a special corps (e.g. *legio Campana*), and ceased to be *aerarii* when they

attained the full franchise, as all the Italians did by the *leges Julia* and *Plautia Papiria* (q. v.). Those *notati* by the censors generally had more burdensome conditions of service (Liv. xxiv. 18), but the *nota* could be removed by succeeding censors.

The origin of the class of *aerarii* is a much disputed question, the ancient authorities only referring to the class as existing. Mommsen (*Hist.* i. 101; cf. *Forsch.* i. 389) and Lange (*Röm. Alt.* i. 406) held that they were originally resident aliens (*metoeci*) holding no freeholds, and therefore not included in the tribes. Niebuhr (*Hist.* i. 472) held that they consisted of artisans and freedmen, a view not widely differing from that of Mommsen in practice, though based upon a different idea. Madvig (*Verf.* i. 122) maintains that they were only a class of degraded citizens, not including either the *cives sine suffragio* or the artisans, who would be classed according to their property. Willems (*Droit Romain*, p. 97, note 4), following Göttling, argues that these could not have been citizens in any sense, and that the class cannot be traced back as far as Servius Tullius, but probably grew up by degrees. The first view is perhaps the most correct. (Comp. Zonaras, vii. 9; Huschke, *Verfassung des Serv. Tull.* p. 494, &c.; Göttling, *Gesch. der Röm. Staatsverf.* p. 260, &c.; Becker, *Handbuch der Röm. Alterth.* vol. ii. pp. 183–196; Lange, *Röm. Alt.* i. pp. 408–9, 678–9.) [A. S. W.]

AERA'RII TRIBU'NI. [AES EQUESTRE; TRIBUNI.]

AERA'RIUM (τὸ δημόσιον), the public treasury at Rome. After the banishment of the kings the temple of Saturn and Ops was employed, upon the proposition of Valerius Poplicola, as the place for keeping the public money, and it continued to be so used till the later times of the empire. (Plut. *Popl.* 12, *Quaest. Rom.* 42; Festus, *s. v. Aerarium;* Serv. *on Aen.* viii. 322.*) Besides the public money and the accounts connected with its receipts, expenditure, and debtors, various other things were preserved in the treasury. Of these the most important were:—1. The standards of the legions (Liv. iii. 69, iv. 22, vii. 23). 2. The various laws passed from time to time, engraven on brazen tables (Suet. *Caes.* 28). 3. The decrees of the senate, which were entered there in books kept for the purpose, though the original documents were preserved in the temple of Ceres under the custody of the aediles. (Joseph. *Ant.* xiv. 10, § 10; Plut. *Cat. Min.* 17; Tac. *Ann.* iii. 51.) [AEDILES.] 4. Various other public documents, the reports and despatches of all generals and governors of provinces, the names of all foreign ambassadors that came to Rome [LEGATUS], &c.

The *aerarium* was the common treasury of the state, and is sometimes spoken of as the *publicum* (*e.g.* Liv. ii. 5, 1; 16, 7; 42, 2). Niebuhr's view that the *publicum* was the treasury of the *populus* or patricians (*Hist.* ii. notes 386, 954) is erroneous, and has been disproved, among others, by Schwegler, *Gesch.* ii. 286. Under the republic the aerarium was divided into two parts: the *common* treasury, in which were deposited the regular taxes [TRIBUTUM; VECTIGALIA], and from which were taken the sums of money needed for the ordinary expenditure of the state; and the *sacred* treasury (*aerarium sanctum* or *sanctius*, Liv. xxvii. 10; Flor. iv. 2; Caes. *B. C.* i. 14; Cic. *ad Att.* vii. 21), which was never touched except in cases of extreme peril. Both of these treasuries were in the temple of Saturn, but in distinct parts of the temple. The sacred treasury seems to have been first established soon after the capture of Rome by the Gauls, in order that the state might always have money in the treasury to meet the danger which was ever most dreaded by the Romans—a war with the Gauls. (Appian, *B. C.* ii. 41.) At first, probably part of the plunder which the Romans gained in their wars with their neighbours was paid into this sacred treasury; but a regular means for augmenting it was established in B.C. 357 by the Lex Manlia, which enacted that a tax of five per cent. (*vicesima*) upon the value of every manumitted slave should be paid into this treasury. This money was kept in the treasury in bars of gold: hence Livy speaks of *aurum vicesimarium* (Liv. vii. 16, xxvii. 10, 11; comp. Cic. *ad Att.* ii. 16). A portion of the immense wealth obtained by the Romans in their conquests in the East was likewise deposited in the sacred treasury; and though we cannot suppose that it was spared in the civil wars between Marius and Sulla, yet Julius Caesar, when he appropriated it to his own use on the breaking out of the second civil war, B.C. 49, still found in it enormous sums of money. (Plin. *H. N.* xxxiii. §§ 55, 56; Dio Cass. xli. 17; Oros. vi. 15; Lucan, iii. 155.) Quintilian (x. 3, § 3) speaks of it, in a metaphor, as still remembered, if not actually existing.

Upon the establishment of the imperial power under Augustus there was an important change made in the public income and expenditure. He divided the provinces and the administration of the government between the senate, as the representative of the old Roman people, and the Caesar: all the property of the former continued to be called *aerarium*, and that of the latter received the name of *fiscus* [FISCUS]. The *aerarium* consequently received all the taxes from the provinces belonging to the senate, and likewise most of the taxes which had formerly been levied in Italy itself, such as the revenues of all public lands still remaining in Italy, the tax on manumissions, the custom-duties, the water-rates for the use of the water brought into the city by the aqueducts, the sewer-rates, &c.

Besides the *aerarium* and the *fiscus*, Augustus established a third treasury, to provide for the pensions due to veterans on their discharge, and this received the name of *aerarium militare*. It was founded in the consulship of M. Aemilius Lepidus and L. Arruntius, A.D. 6. Augustus paid a very large sum into the treasury upon its foundation, and promised to do so every year. In the *Monumentum Ancyranum* (iii. 35–39), Augustus says that he paid into the treasury in the consulship of Aemilius and Arruntius 170 millions of sesterces; it has been suggested that this sum is probably the entire amount which he

* The remains of this temple are now recognised beyond doubt in the portico of eight Ionic columns on the Clivus Capitolinus, not (as by Becker, *Röm. Alterth.* i. 315) in the three adjoining Corinthian columns (Dyer, in *Dict. Geogr.* ii. 731; Burn, *Rome and the Campagna*, p. 93, where the two ruins are figured together).

contributed to it during his whole reign. As he reigned eight years and a half after the establishment of the treasury, he would in that case have contributed ten millions of sesterces every half year; but there is no authority for this view. He also imposed several new taxes to be paid into this aerarium. (Suet. *Aug.* 49; Dio Cass. lv. 23–25, 32; *Res Gestae D. Aug.* ed. Mommsen.) Of these the most important was the *vicesima hereditatum et legatorum*, a tax of five per cent., which had to be paid by every Roman citizen upon any inheritance or legacy being left to him, with the exception of such as were left to a citizen by his nearest relatives, or such as were below a certain amount. (Dio Cass. lv. 25, lvi. 28; Plin. *Paneg.* 37–40; Capitol. *M. Anton.* 11.) This tax was raised by Caracalla to ten per cent., but subsequently reduced by Macrinus to five (Dio Cass. lxxvii. 9, lxxviii. 12), and eventually abolished altogether. (Cod. vi. tit. 33, s. 3.) There was also paid into the aerarium militare a tax of one per cent. upon everything sold at auctions (*centesima rerum venalium*), reduced by Tiberius to half per cent. (*ducentesima*), and afterwards abolished by Caligula altogether for Italy (Tac. *Ann.* i. 78, ii. 42; Suet. *Cal.* 16); and likewise a tax upon every slave that was purchased, at first of two per cent. (*quinquagesima*), and afterwards of four per cent. (*quinta et vicesima*) of its value. (Dio Cass. lv. 31; Tac. *Ann.* xiii. 31; Orelli, *Inscr.* No. 3336.) Besides these taxes, no doubt the booty obtained in war and not distributed among the soldiers was also deposited in the military treasury.

The distinction between the aerarium and the fiscus continued to exist at least as late as the reign of M. Aurelius (τὸ βασιλικὸν καὶ τὸ δημόσιον, Dio Cass. lxxi. 33; Vulcat. Gallic. *Avid. Cass.* 7); but, as the emperor gradually concentrated the administration of the whole empire into his hands, the aerarium likewise became exclusively under his control, and this we find to have been the case even in the reign of M. Aurelius, when the distinction between the aerarium and the fiscus was still retained. (Dio Cass. lxxi. 33.) When the aerarium ceased to belong to the senate, this distinction between the aerarium and the fiscus naturally ceased also, as both of them were now the treasury of the Caesar; and accordingly later jurists used the words *aerarium* and *fiscus* indiscriminately, though properly speaking there was no treasury but that of the Caesar. The senate, however, still continued to possess the management of the municipal chest (*arca publica*) of the city. (Vopisc. *Aurelian.* 20.) The officers in charge are called in inscriptions *praefecti aerarii Saturni*; but the inscriptions which make mention of *quaestores aerarii Saturni*, who have been supposed to be their assistants under Hadrian and Severus (Gudius, *Ant. Inscr.* p. 125, n. 6, p. 131, n. 3; Gruter, p. 1027, n. 4), are of doubtful genuineness: the genuine inscriptions refer to the time of Claudius (Mommsen, *Staatsr.* ii. 525). These prefects had jurisdiction; and before their court in the temple of Saturn all informations were laid respecting property due to the aerarium and fiscus. (Plin. *Paneg.* 36; Dig. 49, tit. 14, ss. 13, 15.)

In the time of the republic, the entire management of the revenues of the state belonged to the senate; and under the superintendence and control of the senate the quaestors had the charge of the aerarium. [SENATUS; QUAESTOR.] With the exception of the consuls, who had the right of drawing from the treasury whatever sums they pleased, the quaestors had not the power to make payments to any one, even to a dictator, without a special order from the senate. (Polyb. vi. 12, 13; Liv. xxxviii. 55; Zonar. vii. 13.) In B.C. 45, when no quaestors were chosen, two prefects of the city had the custody of the aerarium (Dio Cass. xliii. 48); but it doubtless passed again into the hands of the quaestors, when they were elected again in the following year. In their hands it seems to have remained till B.C. 28, when Augustus deprived them of it and gave it to two prefects, whom he allowed the senate to choose from among the praetors at the end of their year of office; but as he suspected that this gave rise to canvassing, he enacted, in B.C. 23, that two of the praetors in office should have the charge of the aerarium by lot. (Suet. *Octav.* 36; Dio Cass. liii. 2, 32; Tac. *Ann.* xiii. 29.) They were called *praetores aerarii* (Tac. *Ann.* i. 75; Frontin. *de Aquaeduct.* 100), or *ad aerarium* (Orelli, *Inscr.* No. 723). This arrangement continued till the reign of Claudius, who restored to the quaestors the care of the aerarium, depriving them of certain other offices which they had received from Augustus (Tac. *Ann.* xiii. 29; Suet. *Claud.* 24; Dio Cass. lx. 24); but as their age seemed too young for so grave a trust, Nero took it from them and gave it to those who had been praetors or consuls, and who received the title of *praefecti aerarii*. (Tac. *Ann.* xiii. 28, 29.) In the time of Vespasian we read of *praetores aerarii* (Tac. *Hist.* iv. 9); but in the reign of Trajan, if not before, it was again entrusted to praefects, who appear to have held their office for two years; and henceforth no further change seems to have been made. (Plin. *Paneg.* 91, 92, *Ep.* x. 20; Suet. *Claud.* 24.)

The *aerarium militare* was under the care of distinct praefects, who were first appointed by lot from among those who had filled the office of praetor, but were afterwards nominated by the emperor. (Dio Cass. lv. 25; comp. Tac. *Ann.* v. 8.) They frequently occur in inscriptions under the title of *praefecti aerarii militaris*, e.g. Wilmanns, 1144, 1202, 1214, 1720, &c.; Walter, *Geschichte des Römischen Rechts*, §§ 58, 179, 329, 405, 3rd edition, Bonn, 1860; Marquardt, *Staatsverwaltung*, ii. 293–305; Lipsius, *ad* Tac. *Ann.* xiii. 29. [W. S.] [A. S. W.]

AERO, a basket made of osiers, rushes, or sedge (Donat. *ad* Ter. *Phorm.* i. 2, 72; Vitruv. v. 12), and used to contain sand (Plin. *H. N.* xxvi. § 96), or wheat (Dig. 19, 2, 31). Rich identifies as *aerones* large baskets, somewhat wider at the top than the bottom, carried by soldiers employed on excavations, &c., on the bas-reliefs of Trajan's column. [J. H. F.]

AES (χαλκός). Much confusion arises from the fact that both Greeks and Romans use only one term for copper and for that mixture of copper and tin which we call bronze. Excepting perhaps gold, copper is the easiest of metals to find and fashion, being found in lumps, and not, like iron, hidden in ore. Hesiod and Lucretius, and ancient writers generally, made the age of Bronze precede that of Iron, and that they

were right is abundantly proved by the excavations of modern times. There seems to have been a time immediately succeeding the Stone age when implements were beaten out of pure copper, but it did not last long; the custom of adding tin to copper was introduced, and from that time until the close of ancient history copper unmixed was seldom used for any purpose, various metals being added to it to increase its hardness. Bronze, containing about 12 to 14 per cent. of tin and 88 to 86 per cent. of copper, was used at a very early period in Egypt and Asia. The use of it was introduced into Greece in pre-historic times, probably by the Phoenicians. Tin is not found in Greece, and in fact exists but in few parts of Europe; the Phoenicians are supposed to have travelled in search of it as far as Cornwall and India. The likeness of the Greek word for tin (*κασσίτερος*) to the Sanskrit *kastira* seems to indicate that the original supply of Greek tin came from India. To account however for the enormous quantity of tin which in the Bronze age must have circulated through Europe is not easy.

In Homer's time bronze is the usual material for tripods, vessels, armour of defence, and even spears, though iron was beginning to be used for offensive weapons. It is probable that soon after the Homeric age weapons of bronze fell out of use. This compound however continued to be largely employed for utensils of all kinds, for works of art and other purposes. The interior of the treasuries of Mycenae and Orchomenus were lined with bronze; bronze was used in historical times for vessels, candelabra, chariots, for the inscribing of treaties and laws, for personal ornament, and in places for coin. Also all instruments used for religious purposes were made of bronze from motives of religious conservatism. The abundance of copper sufficiently accounts for its general use among the ancients. We have a remarkable result of this fact in the use of *χαλκεὺς* and *χαλκεύειν*, where working in iron is meant (Hom. *Od.* ix. 391; Aristot. *Poët.* 25). One of the chief sources of copper in antiquity was Cyprus; from the name of that island is derived the Low-Latin *cuprum*, and our word copper. The metal was also procured in Euboea, near the town of Chalcis, and in other parts of Greece; also in Campania in Italy, in Germany and elsewhere. But the most celebrated bronze did not come from those regions, but was an object of special manufacture elsewhere. Two of the most celebrated mixtures were the Delian (Plin. xxxiv. § 9) and the Aeginetan (*l. c.* § 10), which were much used in art; we learn that Myron used the former mixture, Polycleitus the latter. The Delian was reckoned the more precious of these, but still more valuable was the *hepatizon* or liver-coloured bronze, and most valuable of all the Corinthian. With regard to the last-mentioned a silly story was told that it was produced by a fortuitous concourse of melted metals on the occasion of the burning of Corinth by Mummius. Pliny (xxxiv. § 7) sensibly remarks that this story is absurd, because most of the authors of the highly valued works in Corinthian bronze lived at a much earlier period. A large number of varieties of bronze of various colours were known to the ancients, and it seems that they tinted their statues by making them of a judicious mixture of sorts. Thus we hear of a bronze Jocasta which was pale, of an Athamas which was blushing (Plin. xxxiv. § 140), and of a Pallas with ruddy cheeks, made by Pheidias. Not only were the ancients clever at producing varieties in the metal, but they seem to have understood the art of hardening it by dipping in water and exposure to air. There is a passage even in Homer which is supposed to allude to this process (*Od.* ix. 391), and recent experiments have proved that this is a possibility, contrary to the usual opinion of metallurgists. The mixture of copper and zinc which we call brass was also known in antiquity, at all events in later Greek and Roman times. It is of this compound that Roman sestertii and dupondii were made, as has been proved by analysis. As Pliny (xxxiv. § 4) specially states that these were made of orichalcum, it seems that that term, which was in early times of quite vague meaning, was afterwards narrowed to the meaning *brass*. This is further shown by a passage in Cicero (*de Offic.* iii. 23, 92), who says that gold and orichalcum may be confused in consequence of their superficial resemblance.

The chief authority as regards the kinds and working of bronze is Pliny (*Hist. Nat.* xxxiv.). He distinguishes copper ore into two kinds: cadmea, found in Italy and Germany, and chalcitis, in Cyprus and elsewhere. Of Corinthian bronze (§ 8) he distinguishes three kinds; in the first silver predominates, in the second gold, in the third the metals are balanced and harmonized. Of Cyprian bronze (§ 94) the chief classes are *coronarium*, which is of golden hue when divided into thin layers, and *regulare*, which can be hammered and drawn out into bars and wires. A commoner kind of copper (not Cyprian), called *caldarium*, does not give to the hammer, and is only fit for melting. At Capua they added to copper to make bronze 10 per cent. of Spanish plumbum argentarium, which was made of tin and lead in equal proportions. Pliny states that copper was largely used in medicine (§ 100, foll.), being either mixed with milk or sulphur for external application to wounds, or taken internally, mixed with honey, in order to cause vomiting. For a mass of details of this character we must refer the reader to Pliny himself.

In all early bronze-work found in Greece and Etruria, the processes of manufacture are simple. The usual process for cups, utensils, and ornaments is working plates with the hammer into the required shape, fastening them together with nails or (sometimes) with solder, and beating up a pattern on them in *repoussé* work and finishing with a graving-tool. Small figures are sometimes cast in the lump, but nothing large. The hammering process was called by the Greeks *σφυρηλατεῖν*. The British Museum possesses the effigy of a deity thus worked in plates; similar was no doubt the bronze statue earliest erected at Rome, that dedicated by Sp. Cassius to Ceres. When we are told that the Greeks Rhoecus and Theodorus first cast in bronze (*Θεόδωρον καὶ Ῥοῖκον Σαμίους εἶναι τοὺς διαχέαντας χαλκὸν πρώτους*, Pausan. ix. 41, § 1), we must perhaps understand by this that these artists introduced the method of casting statues hollow, not solid, as their predecessors had done. These artists may have lived about the 60th

Olympiad, and certainly soon after that time bronze statuary spread with great rapidity over Greece; and indeed bronze continued a favourite material with sculptors until the decay of art. Of the formative process we have a vivid picture on a Greek vase of good period, engraved as the frontispiece to Mr. Murray's *History of Greek Sculpture*. The extraordinary abundance of works of art in bronze, found on almost all ancient sites, especially at Herculaneum and Pompeii, is a notable fact.

Copper as Coin.—In the coinage of the Greeks and Romans copper is seldom unalloyed. A number of analyses made of late years of Greek coins show a proportion of tin of from 10 to 16 per cent., and an occasional 2 to 5 per cent. of lead. Roman aes signatum in republican times shows a proportion of 5 to 8 per cent. of tin and 16 to 29 of lead. After the time of Augustus a change was introduced in the composition of Roman coin. Thenceforward sestertii and dupondii were made of brass, that is to say, of a mixture containing 20 per cent. of zinc and 80 of copper; while the asses were made entirely of copper. Money of copper and bronze stood on a very different footing in Italy to that on which it stood in Hellas and Asia. For in Western countries copper was the usual medium of exchange and measure of value; the chief currency consisted in early times of huge ingots of copper stamped with an official type; and when gold and silver came into use, they at first passed merely as the equivalents and representatives of so much copper. In the East, on the other hand, where gold and silver were the true media of exchange, and copper was used only for very small values, it was seldom minted save as money of account. [See NUMMUS.] The Ptolemies of Egypt minted copper pieces of full value; and Brandes (*Gewichtswesen*, p. 292) is disposed to think that the early Athenian and other copper money was minted up to full weight for a time. But this was exceptional; and in almost all Hellenic settlements copper money was a currency of tokens; and the weight of it is consequently most irregular. Copper money was first minted in Greece towards the end of the 5th century, at which period the cities of South Italy, Sicily, and Hellas alike began to strike copper pieces in place of the minute silver coins which had hitherto passed as small change. Conservatives objected to the innovation, as we know from Aristophanes (*Frogs*, v. 725). [CHALCUS.]

Since the most ancient coins in Rome and the old Italian states were made of aes, this name was given to money in general, so that Ulpian (Dig. 50, tit. 16, s. 159) says, *Etiam aureos nummos aes dicimus.* (Compare Hor. *Ars Poët.* 345; *Ep.* i. 7, 23.) For the same reason we have *aes alienum*, meaning debt, and *aera* in the plural, pay to the soldiers. (Liv. v. 4; Plin. *H. N.* xxxiv. § 1.) The Romans had no other coinage except copper, till B.C. 269, five years before the First Punic War, when silver was first coined; gold was not coined till sixty-two years after silver. (Plin. *H. N.* xxxiii. § 42, foll.) For this reason Argentinus, in the Italian mythology, was made the son of Aesculanus. (*Quia prius aerea pecunia in usu esse coepit, post argentea:* August. *Civ. Dei*, iv. 21.) For a further account of Roman copper money, see As.

As to the relations in value of the three metals, gold, silver, and copper, see ARGENTUM.

For a fuller account of the use of bronze in antiquity the reader may consult: Rossignol, *Les Métaux dans l'Antiquité*; Guillaume, *La Sculpture en Bronze*; J. Evans, *Ancient Bronze Implements*. The ancient testimonies as to gold, silver, and copper mines are collected by Sabatier, *Production de l'Or, de l'Argent et du Cuivre chez les Anciens* (1850). [P. G.]

AES CIRCUMFORA'NEUM, money borrowed from the Roman bankers (*argentarii*), who had shops in porticoes round the forum. (Cic. *ad Att.* ii. 1.) [ARGENTARII.] [W. S.]

AES CORIN'THIUM. [AES, p. 39, a.]

AES EQUESTRE, AES HORDEA'RIUM, and **AES MILITA'RE**, were the ancient terms for the pay of the Roman soldiers, before the regular *stipendium* was introduced. The *aes equestre* was the sum of money given for the purchase of the horse of an eques; the *aes hordearium*, the sum of money paid yearly for the keep of the horse of an eques—in other words, the pay of an eques; and the *aes militare*, the pay of a foot-soldier. (Gaius, iv. 27.)

The *aes equestre* was probably introduced in the Constitution of Servius Tullius, by way of compounding for the horse previously supplied at the public cost to the country. It amounted, according to Livy (i. 43), to 10,000 asses: according to the method probably followed in Livy's estimates [CENSUS], this sum represents 2000 libral asses, or pounds of copper. As each knight had two horses (Paul. p. 221)—one for himself, one for his attendant squire—this tallies with Varro's statement (*L. L.* viii. 71), *equum publicum mille assarium esse.*

The *aes hordearium* was the money paid annually by the state for the purchase of corn (*hordeum*) for the *equi publici*. It was derived from the contributions of the *viduae et orbi*, i.e. the unmarried women (whether widows or not), orphans, and perhaps also childless old men, past the age for military service. The sum allowed to each knight was 2000 asses, *i.e.* 400 pounds of copper: the total amount paid to the 1800 knights was therefore 720,000 libral asses. There can be little doubt that this sum was levied upon the *viduae et orbi* in proportion to their rateable property, and paid into the *aerarium*, whence, like the *aes equestre*, it was distributed by the *tribuni aerarii* [q. v.]. Both Gaius (iv. 27) and Gellius (vii. 10) expressly tell us that the knights had a right of distraint (*pignoris capio*) against the *tribuni* (or, as Gaius says, *is qui distribuebat*), and there is nothing in the principles of Roman law to make us doubt this. The statement of Cicero that this practice was introduced by Tarquinius Priscus is probably only based upon the erroneous notion that it was borrowed from Corinth (*de Rep.* ii. 20). Cf. Lange, *Röm. Alt.* i. 474–478; Marquardt, *Röm. Staatsv.* ii. 90 ff. [W. S.] [A. S. W.]

AES GRAVE. This term was applied to the early Italian copper or bronze coins, as being heavy money, of intrinsic value, and not mere money of account, like later issues of copper. [AS.] [P. G.]

AES MANUA'RIUM was the money won in playing with dice, *manibus collectum. Manus* was the throw in the game. All who threw certain numbers were obliged to put down a

piece of money: and whoever threw the Venus (the highest throw) won the whole sum, which was called the *ves manuarium*. (Gell. xviii. 13, § 4; Suet. *Aug.* 71.) [W. S.]

AES MILITA'RE. [AES EQUESTRE.]

AES RUDE. The blocks of copper of rude square or oblong form, and roughly stamped with a type which preceded money in Italy. [AS.] [P. G.]

AES UXO'RIUM, a tax paid by men who reached old age without having married. It was first imposed by the censors, M. Furius Camillus and M. Postumius, in B.C. 403, but we do not know whether it continued to be levied afterwards. (Festus, *s. v.*; Val. Max. ii. 9, § 1; Plut. *Cam.* 2.) [LEX JULIA ET PAPIA POPPAEA.] [W. S.]

AESTIMA'TIO LITIS. [JUDEX.]

AESYMNE'TES (*αἰσυμνήτης*, from *αἶσα*, "a just portion," hence "a person who gives every one his just portion") originally signified merely a judge in the heroic games, but afterwards indicated an individual who was occasionally invested voluntarily by his fellow-citizens with unlimited power in a Greek state. His power, according to Aristotle, partook in some degree of the nature both of kingly and tyrannical authority; since he was appointed legally and ruled over willing subjects, but at the same time was not bound by any laws in his public administration. (Aristot. *Polit.* iii. 9, § 5, iv. 8, § 2; Hesych. *s. v.*) Hence Theophrastus calls the office *τυραννὶς αἱρετή*, and Dionysius (v. 73) compares it with the dictatorship at Rome. It was not hereditary; but it was sometimes held for life, and at other times only till some object was accomplished, such as the reconciling of the various factions in the state, and the like. We have only one express instance in which a person received the title of Aesymnetes, namely, that of Pittacus, in Mytilene, who was appointed to this dignity because the state had been long torn asunder by the various factions, and who succeeded in restoring peace and order by his wise regulations and laws. (Dionys. v. 73; Strab. xiii. p. 617; Plut. *Solon*, 4; Diog. Laërt. i. 75; Plehn, *Lesbiaca*, pp. 46, 48.) There were, however, no doubt many other persons who ruled under this title for a while in the various states of Greece, and those legislators bore a strong resemblance to the aesymnetes, whom their fellow-citizens appointed with supreme power to enact laws, as Draeon, Solon, Zaleucus, and Charondas. In some states, such as Cyme and Chalcedon, it was the title borne by the regular magistrates. (Wachsmuth, *Hellen. Alterthum.* i. pp. 423, 441, 2nd ed.; Tittmann, *Griech. Staatsv.* p. 76, &c.; Schömann, *Antiq. Jur. Publ. Graec.* p. 88; Hermann, *Staatsalterth.* § 63.) [W. S.]

AETAS. [INFANS; IMPUBES.]

AETNAEA (*Αἴτναια*), a festival celebrated in honour of Zeus Aetnaeus, so called from Mount Aetna, where a statue had been erected to him. No particulars of this festival are known. (Schol. *ad* Pind. *Ol.* vi. 162.) [L. S.]

AETO'LICUM FOEDUS (*τὸ κοινὸν τῶν Αἰτωλῶν*), a confederation of the Aetolian towns and tribes, which was afterwards joined by towns and cantons of Greece which did not belong to Aetolia proper. The league appears to have been formed shortly after the battle of Chaeroneia, in B.C. 338, to counteract the influence of Macedonia on the affairs of Greece. Its primary object therefore was the same as that of the later league of the Achaeans. It has been suggested by Schömann (*Griech. Alterth.* ii. p. 102) that there had existed from very early times a loose kind of confederacy among the Aetolians, the centre of which was the sanctuary of Apollo at Thermon. (Hom. *Il.* ii. 638; xiii. 217.) In the time of Thucydides (iii. 119) the several Aetolian tribes between the rivers Achelous and Evenus appear to have been quite independent of one another, although they were designated by the common name of Aetolians; but we nevertheless find that on certain occasions they acted in concert, as, for example, when they sent embassies to foreign powers, or when they had to ward off the attacks of a common enemy. (Thuc. *l. c.* iii. 95, &c.) It may therefore be admitted that there did not exist any regularly organised league among the tribes of Aetolia, and that it was only their common danger that made them act in concert; but such a state of things, at any rate, facilitated the formation of a league, when the time came at which it was needed. The league appears as a very powerful one very soon after the death of Alexander the Great, viz. during the Lamian war against Antipater. (Diod. xix. 66; xx. 99.) How far its organisation was then regulated is unknown, though a certain constitution must have existed as early as that time, since we find that Aristotle wrote a work on the Aetolian constitution. (Strab. vii. p. 321.) But it was certainly wanting in internal solidity, and not based upon any firm principles. In B.C. 204, two of the heads of the confederacy, Dorimachos and Scopas, were commissioned to regulate its constitution, and it was perhaps in consequence of their regulation, that a cancelling of debts was decreed two years later. (Polyb. xiii. 1, *Fragm. Hist.* 68.) The characteristic difference between the Aetolian and Achaean leagues, was that the former originally consisted of a confederacy of nations or tribes, while the latter was a confederacy of towns. Hence the ancient and great towns of the Aetolians, throughout the period of the league, are of no importance and exercise no influence whatever. Even Thermon, although it was the head of the league, and the place where the ordinary meetings of the confederates were held (Polyb. v. 8, xviii. 31, xxviii. 4; Strab. x. p. 463), did not serve as a fortress in times of war; and whenever the Aetolians were threatened by any danger, they preferred withdrawing to their impregnable mountains.

The sovereign power of the confederacy was vested in the general assemblies of all the confederates (*κοινὸν τῶν Αἰτωλῶν, concilium Aetolorum*), and this assembly unquestionably had the right to discuss all questions respecting peace and war, and to elect the great civil and military officers of the league. It is however clear that those assemblies could not be attended by all the Aetolians, for many of them were poor, and lived at a great distance, in addition to which the roads were much more impassable than in other parts of Greece. The constitution of the league was thus in theory a democracy, but under the cover of that name it was in reality an aristocracy, and the name *Panaetolicum*, which Livy (xxxi. 29) applies to the Aetolian assembly, must be understood ac-

cordingly as an assembly of the wealthiest and most influential persons, who occasionally passed the most arbitrary resolutions, and screened the maddest and most unlawful acts of the leading men under the fine name of a decree of all the Aetolians.

We have already mentioned that the ordinary place of meeting was at Thermon, but on extraordinary occasions assemblies were also held in other towns belonging to the league, though they were not situated in the country of Aetolia proper, *e.g.* at Heracleia (Liv. xxxiii. 3), Naupactus (xxxv. 12), Hypata (xxxvi. 2, 8), and Lamia (xxxv. 43, 44). The questions which were to be brought before the assembly were sometimes discussed previously by a committee, selected from the great mass, and called Apocleti (ἀπόκλητοι, Suid. *s. v.*; Liv. xxxvi. 28). Some writers believe that the Apocleti formed a permanent council, and that the thirty men sent out to negotiate with Antiochus were only a committee of the Apocleti. (Polyb. iv. 9, xx. 10, xxi. 3; Tittmann, *Griech. Staatsverf.* p. 727.)

The general assembly usually met in the autumn, when the officers of the league were elected. (Polyb. iv. 37.) The highest among them, as among those of the Achaean league, bore the title of στρατηγός, whose office lasted only for one year. The first whose name is known was Eurydamos, who commanded the Aetolians in the war against the Galatians. (Paus. x. 16, § 2.) The strategus had the right to convoke the assembly; he presided in it, introduced the subjects for deliberation, and levied the troops. (Liv. xxxviii. 4.) He had his share of the booty made in war, but was not allowed to vote in decisions upon peace or war. (Liv. xxxv. 25.) This was a wise precaution, as a sanguine strategus might easily have involved the league in wars which would have been ruinous to the nation. His name was signed to all public documents, treaties, and decrees of the general assembly. An exception occurs in the peace with the Romans, because they themselves dictated it and abandoned the usual form. (Polyb. xxii. 15.) Respecting the mode of election, we are told by Hesychius (*s. v.* κυάμῳ πατρίῳ), that it was decided by white and black beans, and not by voting, but by drawing lots. The authority on which the statement of Hesychius is based can be of no weight, and we must suppose that the election was made by voting (see Schömann, *Griech. Alt.* ii. p. 105).

The officers next in rank to the strategus were the hipparchus and the public scribe. (Polyb. xxii. 15; comp. Liv. xxxviii. 11.) We further hear of σύνεδροι, who act as arbiters (Böckh, *Corp. Inscr.* vol. ii. p. 633), and νομογράφοι, who however may have had no more to do with the making of laws than the Athenian nomothetae. (Böckh, *l. c.* pp. 857, 858.)

With the exception of the points above mentioned, the constitution of the Aetolian league is involved in great obscurity. There are, however, two things which appear to have had an injurious effect upon the confederacy: first, the circumstance that its members were scattered over a large tract of country, and that besides Aetolia proper and some neighbouring countries, such as Locris and Thessaly, it embraced towns in the heart of Peloponnesus, the island of Cephallenia in the west, and in the east the town of Cios on the Propontis; in the second place, many of the confederates had been forced to join the league, and were ready to abandon it again as soon as an opportunity offered. (Polyb. iv. 25; comp. xxii. 13, 15; Liv. xxxviii. 9, 11.) The towns which belonged to the league of course enjoyed isopolity; but, as it endeavoured to increase its strength in all possible ways, the Aetolians also formed connections of friendship and alliances with other states which did not join the league. (Polyb. ii. 46.) The political existence of the league was destroyed in B.C. 189 by the treaty with Rome, whereby they became subjects of Rome; and the treachery of the Roman party among the Aetolians themselves caused in B.C. 167 five hundred and fifty of the leading patriots to be put to death, and those who survived the massacre were carried to Rome as prisoners. (Liv. xlv. 31; Justin. xxxiii. 2.) An Aetolian, like an Achaean, league continued to exist under the Roman dominion as late as the time of Pausanias (x. 38), but it was without any political significance. (Comp. Tittmann, *Darstellung der Griech. Staatsverf.* p. 721, &c.; Lucas, *Ueber Polyb. Darstellung des Aetol. Bundes*, Königsberg, 1827, 4to; K. F. Hermann, *Griech. Staatsalterth.* § 183; Schorn, *Geschichte Griechenl.* p. 25, &c.; Brandstäter, *Die Gesch. des Aetol. Landes, Volkes und Bundes*, p. 298, &c.) [L. S.]

AETO'MA (ἀέτωμα). [FASTIGIUM.]

AFFI'NES, AFFI'NITAS, or ADFI'NES, ADFI'NITAS. Affinitas is the term used in Roman law to express the relationship of the husband to the *cognati* of his wife, and of wife to the *cognati* of her husband. The *cognati* of the husband and of the wife are not *affines* to one another.

Affinitas is created by and continues only during marriage, but its legal consequences may come into operation after the termination of the marriage on which it was founded. (Gaius, i. 63; *Frag. Vat.* § 303.)

By mere betrothal a relationship was created which is treated to some extent as equivalent to *affinitas*. It is sometimes described by that term. (Dig. 38, 10, 6, § 1.)

Although *affines* may be more or less nearly connected, they are not, like *cognati*, distinguished by degrees (*gradus*), but by particular terms.

The father of a husband is the *socer* of the husband's wife, and the father of a wife is the *socer* of the wife's husband; the term *socrus* expresses the same affinity with respect to the husband's and wife's mothers. A son's wife is *nurus* or daughter-in-law to the son's parents; a wife's husband is *gener* or son-in-law to the wife's parents. Thus the *avus, avia—pater, mater*—of the wife become by the marriage respectively, the *socer magnus, prosocrus*, or *socrus magna—socer, socrus*—of the husband, who becomes with respect to them severally *progener* and *gener*.

In like manner, the corresponding ancestors of the husband respectively assume the same names with respect to the son's wife, who becomes, with respect to them, *pronurus* and *nurus*. The son and daughter of a husband or wife born of a prior marriage are called *privignus* and *privigna*, with respect to their step-father or step-mother;

and with respect to such children the step-father and step-mother are severally called *vitricus* and *noverca*. The husband's brother becomes *levir* with respect to the wife, and his sister becomes *glos* (the Greek γάλως).

Affinity in the direct line was always impediment to marriage, but not collateral (Cic. *de Div.* i. 46; Val. Max. i. 5, § 4). Marriage with a brother's widow and with a wife's sister were prohibited by imperial Constitutions (Cod. v. 5, ss. 5, 8, 9; Dig. 38, 10, 4, § 3; Puchta, § 196). [G. L.] [E. A. W.]

AGALMA (ἄγαλμα). [STATUARIA.]

AGAMIOU GRAPHE' (ἀγαμίου γραφή). At Sparta, proceedings might be taken against those who married too late (γραφὴ ὀψιγαμίου) or unsuitably (γραφὴ κακογαμίου) as well as against those who did not marry at all (ἀγαμίου). The penalty was ἀτιμία. (Pollux, viii. 40; Plut. *Lycurg.* 15.) [MATRIMONIUM.]

Whether there was any such interference with individual liberty at Athens during the democratic period is more than doubtful. The evidence of passages in Plutarch (*de Am. Prolis*, p. 493 e) and Pollux (iii. 48) is rejected by Meier (*Att. Process*, p. 287), Westermann (in Pauly, *s. v.* ἄγαμοι), and Caillemer (in Daremberg and Saglio). No mention of ἀγαμίου γραφή occurs in the orators, even when we might most expect it; as when proof is required that a man had died unmarried (Demosth. *c. Leochar.* p. 1086, § 18; 1089, § 30). On the other hand, certain disabilities attached, at Athens, to the state of celibacy; those who entered public life, as ῥήτορες or στρατηγοί, were required παιδοποιεῖσθαι κατὰ τοὺς νόμους (Deinarch. *c. Demosth.* p. 99, § 72). Plato characteristically proposes to enforce marriage on all citizens before their 35th year by fines and atimia (*Leg.* iv. p. 721 A, B), and lays down the rule that in choosing a wife every one ought to consult the interest of the state, and not his own pleasure (*Leg.* vi. p. 773). [W. W.]

AGA'SO, a groom, a slave whose business it was to take care of the horses. (Plaut. *Merc.* v. 2, 11; Liv. xliii. 5; Plin. *H. N.* xxxv. § 134.) The word is also used for a driver of beasts of burthen (Apul. *Met.* vi. c. 18, vii. c. 18), and is sometimes applied to a slave who had to perform the lowest menial duties. (Hor. *Serm.* ii. 8, 72; Pers. v. 76.) [W. S.]

AGATHOERGI (ἀγαθοεργοί). In time of war the kings of Sparta had a body-guard of 300 knights (ἱππεῖς), of whom the five eldest retired every year, and were employed for one year, under the name of *agathoergi*, in missions to foreign states. (Herod. i. 67.) It has been maintained by some writers that the *agathoergi* did not attain that rank merely by seniority, but were selected from the ἱππεῖς by the ephors without reference to age. (Ruhnken, *Ad Timaei Lexic. Plat.* s. v.; Hesych. *s. v.*; Bekker, *Anecd.* vol. i. p. 209.) [W. S.]

AG'ELA (ἀγέλη), an assembly of young men in Crete, who lived together from their seventeenth year till the time of their marriage. Up to the end of their sixteenth year they remained in their father's house; and from the circumstance of their belonging to no *agela*, they were called ἀπάγελοι. They were then enrolled in *agelae*, which were of an aristocratic nature, and gave great power to particular families. An *agela* always consisted of the sons of the most noble citizens, who were usually under the jurisdiction of the father of the youth who had been the means of collecting the *agela*. It was the duty of this person, called ἀγελάτης, to superintend the military and gymnastic exercises of the youths (who were called ἀγέλαστοι), to accompany them to the chase, and to punish them when disobedient. He was accountable, however, to the state, which supported the *agela* at the public expense. All the members of an *agela* were obliged to marry at the same time. When they ceased to belong to an *agela*, they partook of the public meals for men (ἀνδρεῖα) [SYSSITIA]. These institutions were afterwards preserved in only a few states of Crete, such for instance as Lyctus. (Ephorus, *ap.* Strab. x. p. 480, &c.; Heracl. Pont. c. 3; Höck, *Creta*, iii. p. 100, &c.; Müller, *Dor.* iv. 5, § 3; Hermann, *Griech. Staatsalterthümer*, § 22; Wachsmuth, *Hellen. Alterthumskunde*, vol. i. p. 362, 2nd ed.; Krause, *Die Gymnastik u. Agonistik d. Hellenen*, p. 690, &c.) At Sparta the youths left their parents' houses at seven years of age and entered the βοῦαι. [W. S.]

AGE'MA (ἄγημα, from ἄγω), the name of a chosen body of troops in the Macedonian army, forming the royal guard, consisting of horse-soldiers and foot-soldiers, but usually of the former. It seems to have varied in number; sometimes it consisted of 150 men, at other times of 300, and in later times it contained as many as 1000 or 2000 men. (Arrian, *Anab.* i. 1, § 11; ii. 8, § 3; iv. 24, § 1; Diod. xix. 27, 28; Liv. xxxvii. 40; xlii. 51, 58; Curt. iv. 13; Polyb. v. 25, 65, xxxi. 3; Appian, *Syr.* 32; Hesych. and Suid. *s. v.*; Eustath. *ad Od.* i. p. 1399, 62.) [W. S.]

AGEORGIOU DIKE' (ἀγεωργίου δίκη) is nowhere mentioned in the classical writers, but is thus explained by grammarians: σημαίνει τὸ ἐπειδάν τις χώριον παραλαβὼν ἀγεώργητον καὶ ἀνέργαστον ἐάσῃ, ἔπειτα ὁ δεσπότης δικάζηται τῷ παραλαβόντι (Bekk. *Anecd.* pp. 20, 336). It has been argued from the use of the word παραλαβεῖν that the right of bringing this action was confined to the owner of mortgaged land as against the mortgagee or incumbrancer, and did not extend to ordinary tenancy (μισθώσασθαι); but it was probably general (Caillemer, *s. v.* in Daremberg and Saglio, against Büchsenschütz, *Besitz und Erwerb*, p. 93). [W. W.]

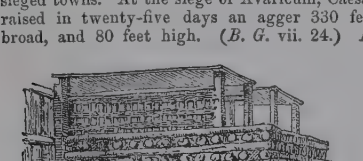
AGER and AGER PUBLICUS. [AGRARIAE LEGES; AGRIMETATIO.]

AGER SANCTUS (τέμενος). For an account of the lands in Greece devoted to the service of religion, see TEMENOS; for an account of those in Rome, see SACERDOS. [W. S.]

AGETO'RIA (ἀγητόρια). [CARNEIA.]

AGGER (χῶμα), from *ad* and *gero*, was used in general for a heap or mound of any kind which might be made of stones, wood, earth, or any other substance. It was more particularly applied to a mound, usually composed of earth, which was raised round a besieged town, and which was gradually increased in breadth and height, till it equalled or overtopped the walls. Hence we find the expressions *aggere oppidum oppugnare*, *aggere oppidum cingere*; and the making of the agger is expressed by the verbs *exstruere*, *construere*, *jacere*, *facere*, &c. Some of these *aggeres* were gigantic works, flanked with

towers to defend the workmen and soldiers, and surmounted by parapets, behind which the soldiers could discharge missiles upon the besieged towns. At the siege of Avaricum, Caesar raised in twenty-five days an agger 330 feet broad, and 80 feet high. (*B. G.* vii. 24.) As



Agger, from Column of Trajan.

the agger was sometimes made of wood, hurdles, and similar materials, we read of its being set on fire. (Liv. xxxvi. 23; Caes. *B. G.* vii. 24, *B. C.* ii. 14, 15.) The word *agger* was also applied to the earthen wall surrounding a Roman encampment, composed of the earth dug from the ditch (*fossa*), which was usually nine feet broad and seven feet deep; but if any attack was apprehended, the depth was increased to twelve feet, and the breadth to thirteen feet. Sharp stakes, &c., were usually fixed upon the agger, which was then called *vallum*. When both words are used (as in Caesar, *B. G.* vii. 72, *agger ac vallum*), the agger means the mound of earth; and the vallum the sharp stakes (*valli*) which were fixed upon the agger.

At Rome, the formidable rampart erected by Servius Tullius to protect the north-eastern side of Rome was called *agger*. It extended seven stadia, or about 1400 yards, from the Porta Collina to the Porta Esquilina, at the back of the Esquiline hill, where Rome is least fortified by nature. It was fifty feet broad, and protected by a ditch a hundred feet wide and thirty feet deep; and the Servian wall was carried along the top of it. (Cic. *de Rep.* ii. 6; Dionys. ix. 68.) Pliny (*H. N.* iii. § 67) attributes the erection of this rampart to Tarquinius Superbus, who may have completed the work of his predecessor. Recent excavations have greatly cleared up the subject of this *agger*, which the older writers sometimes failed to distinguish from the wall itself. (See Burn, *Rome*, p. 48 ff., and the map facing p. 49.) [W. S.] [W. W.]

AGITATO'RES. [Circus.]

AGMEN. [Exercitus.]

AGNA'TI. [Cognati.]

AGNO'MEN. [Nomen.]

AG'OLUM, a shepherd's staff (*pastorale baculum quo pecudes aguntur*, Festus, *s. v.*), identified by Rich with the staff of the modern drovers of the Campagna, "formed by a long straight shoot of prickly pear." [J. H. F.]

AGONA'LES. [Salii.]

AGONA'LIA, AGO'NIA or AGONA'LES DIES, a name given to four festivals in the Roman calendar. Many different explanations have been given of the name (cf. Ov. *Fast.* i. 319–332; Fest. *Epit.* s. v.; Varr. *L. L.* vi. 12), most of them quite absurd. There can be little doubt that it is derived from the Old Latin *agonia*, "a victim," or *agonium*, "a festival," a word also found in other Italian dialects (Corssen, i.² 396; Curtius, *Principles*, i. 209).

1. On Jan. 9 the *rex* offered in the *regia* a ram in honour of Janus (Cal. Praenest.; Ov. *Fast.* i. 333). This sacrifice was said to have been instituted by Numa (Macrob. i. 4, 7).

2. On March 17, the day of the Liberalia, called according to Masurius (*apud* Macrob. i. 4, 15) the *Agonium Martiale*, a victim was offered by the *Salii agonales* on the Mons Quirinalis, hence sometimes called *Mons Agonus*, in honour of Mars, or more probably of Quirinus. (Cal. Vatic.)

3. On May 21 there was a festival called in the Cal. Venus. *Agon. Vediovi*, when a victim was offered to Vejovis in his temple on the Capitoline hill.

4. On Dec. 11 there was, according to Festus, a festival called *Septimontium*, when sacrifice was offered on each of the seven hills. This is denoted in the Fasti Amiternini (*C. I. L.*, p. 325) AG. IN., interpreted by Mommsen as *Agonia Inui*. (Cf. Marquardt, *Röm. Staatsv.* iii. p. 310, note; Huschke, *Das alte röm. Jahr*, Breslau, 1869, pp. 247–8.) [A. S. W.]

AGO'NES (*ἀγῶνες*), the general term among the Greeks for the contests at their great national games. [Olympia, Pythia, Nemea, Isthmia.] The word was also used to signify lawsuits, and was especially employed in the phrase *ἀγῶνες τιμητοί* and *ἀτίμητοι*. [Timema.] [W. S.]

AGONO'THETAE (*ἀγωνοθέται*) were persons, in the Grecian games, who decided disputes and adjudged the prizes to the victors. Originally, the person who instituted the contest and offered the prize was the *agonothetes*, and this continued to be the practice in those games which were instituted by kings or private persons. But in the great public games, such as the Isthmian, Pythian, &c., the *agonothetae* were either the representatives of different states, as the Amphictyons at the Pythian games, or were chosen from the people in whose country the games were celebrated. During the flourishing times of the Grecian republics, the Eleians were the *agonothetae* in the Olympic games, the Corinthians in the Isthmian games, the Amphictyons in the Pythian games, and the Corinthians, Argives, and inhabitants of Cleonae in the Nemaean games. The *ἀγωνοθέται* were also called *αἰσυμνῆται*, *ἀγωνάρχαι*, *ἀγωνοδίκαι*, *ἀθλοθέται*, *ῥαβδοῦχοι* or *ῥαβδονόμοι* (from the staff they carried as an emblem of authority), *βραβεῖς*, *βραβευταί*. [Olympia, Pythia, Nemea, Isthmia.] [W. S.]

AG'ORA (*ἀγορά*). **1.** Agora means an assembly of any nature, and is usually employed by Homer for the general assembly of the people. The agora seems to have been considered an essential part in the constitution of the early Grecian states, since the barbarity and uncivilised condition of the Cyclops is characterised by their wanting such an assembly. (Hom. *Od.* ix. 112.) The agora, though usually convoked by the king, appears to have been also summoned at times by some distinguished chieftain, as, for example, by Achilles before Troy. (Hom. *Il.* i. 54.) The king occupied the most important seat in these assemblies, and near him sat the nobles, while the people sat in a circle around them. The power and rights of the

people in these assemblies have been the subject of much dispute. Platner, Tittmann, and Nitzsch in his commentary on the Odyssey, maintain that the people was allowed to speak and vote; while Müller (*Dor.* iii. 1, § 3), who is followed by Grote (*Hist. of Greece*, vol. ii. p. 91), maintains that the nobles were the only persons who proposed measures, deliberated, and voted, and that the people was only present to hear the debate, and to express its feeling as a body; which expressions might then be noticed by a prince of a mild disposition. The latter view of the question is confirmed by the fact, that in no passage in the Odyssey is any common man represented as taking part in the discussion; while, in the Iliad, Ulysses inflicts personal chastisement upon Thersites, for presuming to attack the nobles in the agora. (*Il.* ii. 211–277.) The people appear to have been only called together to hear what had been already agreed upon in the council of the nobles, which is called **βουλή** (*Il.* ii. 53, vi. 114, **γέροντες βουλευταί**), and **θώκος** (*Od.* ii. 26), and sometimes even **ἀγορά** (*Od.* ix. 112; **ἀγοραὶ βουληφόροι**). Justice was administered in the agora by the king or chiefs (Hes. *Theog.* 85; Hom. *Il.* xviii. 497, *Od.* xii. 439), &c., but the people had no share in its administration, and the agora served merely the purpose of publicity. The common phrases used in reference to the agora are **εἰς ἀγορὴν καλέειν**; **ἀγορὴν ποιεῖσθαι, τίθεσθαι**; **εἰς τὴν ἀγορὴν εἰσιέναι, ἀγείρεσθαι**, &c. (Wachsmuth, *Hellen. Alterthumsk.* vol. i. p. 346, 2nd ed.; Hermann, *Lehrbuch. d. Griech. Staatsalt.* § 55; Grote, *Hist. of Greece*, vol. ii. pp. 91–101.)

Among the Athenians, the proper name for the assembly of the people was **ἐκκλησία**, and among the Dorians **ἀλία**. The term *agora* was confined at Athens to the assemblies of the phylae and demi. (Aesch. *c. Ctes.* § 27, p. 50, 37; Schömann, *de Comitiis Athen.* p. 27, *Antiq. Jur. Publ. Graec.* pp. 203, 205; Böckh, *Corp. Inscrip.* vol. i. p. 125.) In Crete the original name **ἀγορά** continued to be applied to the popular assemblies till a late period. (Bekker, *Anecdot.* vol. i. p. 210.) [W. S.]

2. Agora was also the place of public assembly in a Greek city, both for traffic and for the transaction of all public business. It answers to the Roman *forum;* and, in fact, it is impossible to keep these two subjects entirely separate.

In the earliest times, the agora was merely an open piece of ground, which was generally in front of the royal palace, and in seaport towns close to the harbour. The agora of Troy was in the citadel. Here the chiefs met in council and sat in judgment, and the people assembled to witness athletic games. It was evidently also the place of traffic and of general intercourse; in one passage of Homer we have a lively picture of the idlers who frequented it. It was enclosed with large stones sunk into the earth, and seats of marble were placed in it for the chiefs to sit in judgment, and it was hallowed by the shrine of one or more divinities. In the agora which Homer particularly describes —that of the Phaeacians—there was a temple of Poseidon. (Hom. *Il.* ii. 788, vii. 345, 346, xviii. 497–506; *Od.* vi. 263-285, viii. 16, 109, xvi. 361.)

Out of this simple arrangement arose the magnificent **ἀγορά** of later times, which consisted of an open space, enclosed by porticoes or colonnades, divided into separate parts for the various occupations which were pursued in it, adorned with statues, altars, and temples, and built about with edifices for the transaction of public and private business, and for the administration of justice.

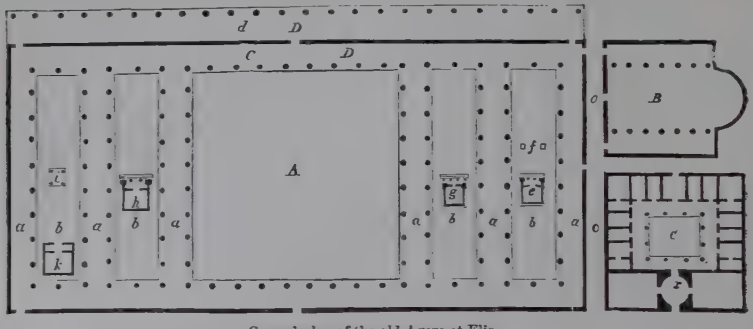
Our information respecting these edifices is rather scanty. The chief authorities are Pausanias and Vitruvius. The existing ruins are in such a state as to give us very little help.

We have, first of all, in this, as in other departments of architecture, to distinguish the ancient style from that introduced by the Greeks of Ionia after the Persian war, and more especially by Hippodamus of Miletus [see *Dict. of Biog.* s. v.], whose connexion with the building of **ἀγοραί** of a new form is marked by the name **Ἱπποδαμεία**, which was applied to the agora in the Peiraeus. (Harpocr. *s. v.* **Ἱπποδαμεία.**) The general character of the Greek **ἀγορά** is thus described by Vitruvius (v. 1): "The Greeks arrange their fora in a square form, with very wide double colonnades, and adorn them with columns set near one another, and with stone or marble entablatures, and they make walks in the upper stories."

Among the **ἀγοραί** described by Pausanias, that of the Eleians is mentioned by him (vi. 24) as being "not on the same plan as those of the Ionians and the Greek cities adjoining Ionia, but it is built in the more ancient fashion, with porticoes separated from one another, and streets between them. But the name of the agora in our days is *hippodromos*, and the people of the country exercise their horses there. But of the porticoes, the one towards the south is of the Dorian style of work, and the pillars divide it into three parts (in this the Hellanodicae generally pass the day); but against these (pillars) they place altars to Zeus... To one going along this portico, into the agora, there lies on the left, along the further side of this portico, the dwelling of the Hellanodicae (**ὁ Ἑλλανοδικεών**); and there is a street which divides it from the agora ... And near the portico where the Hellanodicae pass the day is another portico, there being one street between them: this the Eleians call the Corcyraean portico" (because it was built from the tithe of spoil taken from the Corcyraeans in war). "But the style of the portico is Dorian and double, having columns on the one side towards the agora, and on the other side towards the parts beyond the agora; and along the middle of it is a wall, which thus supports the roof; and images are placed on both sides against the wall." He then proceeds to mention the ornaments of the agora,—namely, the statue of the philosopher Pyrrhon; the temple and statue of Apollo Acesius; the statues of the Sun and Moon; the temple of the Graces, with their wooden statues, of which the dress was gilt, and the hands and feet were of white marble; the temple of Seilenus, dedicated to him alone, and not in common with Dionysus; and a monumental shrine, of peculiar form, without walls, but with oak pillars supporting the roof, which was reported to be the monument of Oxylus. The agora also contained the dwelling of the sixteen females, who wove in it the sacred robe for Hera. It is worthy of remark that several of

these details confirm the high antiquity which Pausanias assigns to this agora.

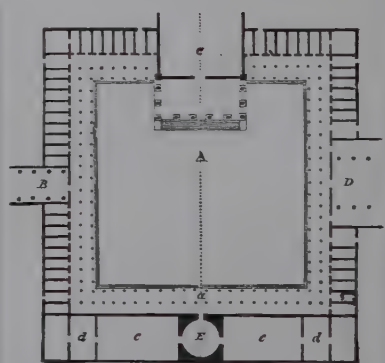
Hirt has drawn out the following plan from the description of Pausanias. (*Geschichte der Baukunst bei den Alten*, Taf. xxi. fig. 5.) We give it, not as feeling satisfied of its complete accuracy, but as a useful commentary on Pausanias.



Ground-plan of the old Agora at Elis.

A, the chief open space of the agora, called, in the time of Pausanias, *hippodromus*; *a*, colonnades separated by streets, *b*; B, the stoa in which the Hellanodicae sat, divided from the agora by a street *o*; C, the house of the Hellanodicae; *x*, the tholus; D, the Corcyraean stoa, composed of two parts, *c* looking into the agora, and *d* looking away from it; *e*, *g*, *h*, small temples; *f*, statues of the Sun and Moon; *i*, monument of Oxylus; *k*, house of the sixteen women.

In this agora the stoa, B, answers to the later *basilica*, and the house, C, to the *prytaneium* in other Greek *ἀγοραί*. With respect to the other parts, it is pretty evident that the chief open space, A, which Pausanias calls *τὸ ὕπαιθρον τῆς ἀγορᾶς*, was devoted to public assemblies and exercise, and the *στοαί* (*a*), with their intervening streets (*b*), to private business and traffic. Hirt traces a resemblance of form between the Eleian agora and the forum of Trajan. It is evident that the words of Vitruvius, above quoted, refer to the more modern, or Ionian form of the agora, as represented in the following plan, which is also taken from Hirt (*Geschichte der Baukunst*, xxi. fig. 1):—



Plan of a Greek Agora, according to Vitruvius.

A, the open court, surrounded by double colonnades and shops; B, the curia; C, the chief temple, also used as a treasury; D, the basilica, or court of justice; E, the tholus, in connexion with the other rooms of the prytaneium, *c*, *d*.

The cut below, which is also from Hirt, represents a section of the agora made along the dotted line on the plan.

Section of the same.

We gain further information respecting the buildings connected with the agora, and the works of art with which it was adorned, chiefly from the statements of Pausanias respecting those of particular cities, such as Athens (i. 5, § 2), Thebes (ix. 17, § 1), Sicyon (ii. 7, § 7, 9, § 6), Argos (ii. 21), Sparta (iii. 11), Tegea (viii. 47, § 3), Megalopolis (viii. 30, § 2), to which passages the reader is referred for the details. The buildings mentioned in connexion with the agora are:—1. Temples of the gods and shrines of heroes [Templum], besides altars and statues of divinities. The epithet *ἀγοραῖος* is often applied to a divinity who was thus worshipped in the

agora (Paus. *ll. cc.*; Aesch. *Eumen.* 976; Soph. *Oed. Tyr.* 161, where mention is made of the circular throne of Artemis in the agora), and Aeschylus expressly refers to the θεοὶ ἀγορᾶς ἑπισκόποι (*Sept. c. Theb.* 271, 272). 2. The senate-house (βουλευτήριον), and other places for the meetings of the governing bodies, according to the constitution of the particular state: in the agora at Sparta, for example, there were the senate-house of the Gerontes and the places of meeting of the Ephori, the Nomophylaces, and the Bidiaei. 3. The residence of the magistrates for the time being [PRYTANEIUM]. 4. Courts of justice [BASILICA]. 5. The public treasury [THESAURUS]. 6. The prison [CARCER]. 7. The police-station, if such a term may be applied to an ancient agora. At Athens, for example, the station of the thousand Scythian bowmen, who formed the police force of the state, was in the middle of the agora; this does not, however, seem to have been a permanent building, but only a number of tents. 8. Buildings used for the regulation of the standards of measure, and so forth; such as the building vulgarly called the Temple of the Winds at Athens [HOROLOGIUM], and the Milliarium Aureum at Rome, which seems to have been imitated from a similar standard at Athens [MILLIARIUM]. To these various buildings must be added the works of art with which the open area and the porticoes of the agora were adorned; which were chiefly in celebration of gods and heroes who figured in the mythology, of men who had deserved well of the state, of victories and other memorable events, besides those which obtained a place there purely by their merits as masterpieces of art. As a specimen we may take the agora at Athens, a portico of which, thence called the στοὰ ποικίλη, was adorned with the paintings of Polygnotus, Micon, and others, and in which also stood the statues of the ten heroes (ἀρχηγέται) after whom the Phylae of Cleisthenes were named, of Solon, of Harmodius and Aristogeiton, of the orator Lycurgus, and of very many others. It was customary also to build new porticoes out of the spoils taken in great wars, as examples of which we have the Corcyraean portico at Elis, mentioned above, and the Persian portico at Sparta.

The open area of the agora was originally the place of public assembly for all purposes, and of general resort. Its use for political purposes is described in the preceding article. Here also were celebrated the public festivals. At Sparta, the part of the agora in which stood the statues of Apollo, Artemis, and Leto, was called χορός, because the choruses of the Ephebi performed their dances there at the festival of the Gymnopaedia. (Paus. iii. 9.) Lastly, it was the place of social and fashionable resort. At Athens, fashionable loungers were called ἀγάλματα ἀγορᾶς.

Originally the agora was also the market, and was surrounded with shops, as shown in the above plan. As commerce increased, it was found convenient to separate the traffic from the other kinds of business carried on in the agora, and to assign to each its distinct place, though this was by no means universally the case. The market, whether identical with or separate from the agora for political and other assemblies, was divided into parts for the different sorts of merchandise, each of course furnished with colonnades, which the climate rendered necessary, and partly with shops and stalls, partly with temporary booths of wicker-work (σκηναί, Harpocr. *s. v.* σκηνίτης; Demosth. *de Cor.* p. 234). Each of these parts was called a κύκλος. It is generally stated that this term was applied only to that division of the market where meat, fish, and such things were sold; but Becker has shown that it was used also for other parts of the market (Becker-Göll, *Charikles*, ii. p. 195). The several divisions of the market were named according to the articles exposed for sale in them. (Poll. ix. 47, x. 19.) Of these divisions, the following were the most important.

The part in which fish and other delicacies for the table were exposed for sale was called ἰχθῦς ὄψον, or ἰχθυόπωλις ἀγορά, and was the chief centre of business. It was open only for a limited time, the signal for commencing business being given by the sound of a bell, which was obeyed with an eagerness that is more than once pleasantly referred to by the ancient writers. (Plutarch, *Sympos.* iv. 4, 2; Strab. xiv. p. 658.) The coarseness and impositions of the fishsellers, and the attempts of purchasers to beat them down, are frequently alluded to by the comic poets. (Amphis, *ap.* Ath. vi. p. 224, e; Alexis, *ibid.*; Xenarch. *ibid.* p. 225, c; Alexis, *ibid.* p. 226, a, b; comp. Plat. *Leg.* xi. p. 917.) It is not quite clear whether meat, poultry, and so forth, were sold in the same place as the fish, or had a separate division of the market assigned to them. Bread was partly sold in the assigned place in the market, which was perhaps the same as the meal-market (τὰ ἄλφιτα), and partly carried round for sale: the sellers were generally women, and were proverbially abusive. (Aristoph. *Ran.* 857; *Vesp.* 1389.) In another part of the market, called μυρρίναι, were the women who sold garlands of myrtle and flowers for festivals and parties. (Plut. *Arat.* 6; Aristoph. *Thesm.* 448, 457.) Near these, probably, were the sellers of ribands and fillets for the head. (Demosth. *in Eubul.* p. 1308, § 31.) The wholesale traffic in wine, as distinct from the business of the κάπηλος [CAUPO], was carried on in the market, the wine being brought in from the country in carts, from which it was transferred to amphorae; the process is represented in two pictures at Pompeii. (Alexis, *ap.* Ath. x. p. 431, e; *Mus. Borbon.* vol. iv. Relaz. d. Scav. A., and vol. v. p. 48.) [AMPHORA.] The market for pottery was called χύτραι; and must not be confounded with the place where cooks sat and offered themselves for hire, with their cooking utensils: this latter place was called μαγειρεῖα. (Poll. ix. 48; Alexis, *ap.* Ath. iv. p. 164, f.) In short, every kind of necessary or luxury was exposed for sale in its assigned place. Thus we find, besides those already mentioned, the market for onions (τὰ κρόμνα), for garlic (τὰ σκόροδα), for nuts (τὰ κάρυα), for apples (τὰ μῆλα), for fresh cheese (ὁ χλωρὸς τυρός), for oil (τοὔλαιον), for perfumes and unguents (τὰ μύρα), for frankincense (ὁ λιβανωτός), for spice (τὰ ἀρώματα), for couches (αἱ κλῖναι), for new and old clothes (ἀγορὰ ἱματιόπωλις, or σπειρόπωλις, Poll. vii. 78), for books (βιβλιοθήκη), and for slaves (τὰ ἀνδράποδα, Poll. x. 19). Lastly, a part of the market was devoted to the money-changers.

(τραπεζῖται). [ARGENTARII.] Mention is sometimes made of the women's market, γυναικεία ἀγορά, a term which has given rise to much doubt. (Theophr. *Char.* 2; Poll. x. 18.) The common explanation is, that it was the part of the market to which women resorted to purchase what they wanted for household uses. But it appears clearly that purchases were seldom made in the market by women, and never by free women. The only plausible explanation is, either that a distinct part of the market was assigned to those commodities the sellers of which were women, such as the ἀρτοπώλιδες, λεκιθοπώλιδες, ἰσχαδοπώλιδες, στεφανοπώλιδες, and others, or else that the term was applied to that part of the market where articles for the use of women were sold. But the matter is altogether doubtful. The above list of commodities, sold in the respective divisions of the market, might be still further extended. Indeed, with reference to the Athenian market, to which the description chiefly applies, there can be no doubt that every article of home produce or of foreign commerce from the known world was there exposed for sale. (See Thuc. ii. 18; Xen. *Oecon. Ath.* ii. 7; Isocr. *Paneg.* 64; Ath. xiv. p. 640, b, c.)

It is not to be supposed, however, that the sale of these various articles was confined to the market. Frequent mention is made of shops in other parts of the city (*e.g.* Thuc. viii. 95); and some articles, such as salt fish, seem to have been sold outside the gates. (Aristoph. *Equit.* 1246.)

The time during which the market was frequented was the forenoon; but it is difficult to determine precisely how much of the forenoon is denoted by the common phrases πλήθουσα ἀγορά, περὶ πλήθουσαν ἀγορὰν, πληθώρη ἀγορᾶς. (Herod. ii. 173, vii. 223.) Suidas (*s. v.*) explains πλήθουσα ἀγορά as ὥρα τρίτη, but elsewhere (*s. v.* περὶ πλήθ. ἀγ.) he says that it was either the fourth, or fifth, or sixth hour. We might infer that the whole period thus designated was from nine to twelve o'clock (equinoctial time); but Herodotus, in two passages (iii. 104, iv. 181), makes a distinction between πλήθουσα ἀγορά and μεσημβρία. (Comp. Liban. *Ep.* 1084.) The time of the conclusion of the market was called ἀγορᾶς διάλυσις (Herod. iii. 104, comp. Xenoph. *Oecon.* 12, 1; and for a further discussion respecting the time of the full market, see Duker, *ad* Thuc. viii. 92; Wesseling, *ad* Diod. Sic. xiii. 48; Perizon. *ad* Aelian. *V. H.* xii. 30; Gesner and Reiz, *ad* Lucian. *Philops.* 11, vol. iii. p. 38; Bähr, *ad* Herod. ii. 173). During these hours the market was a place not only of traffic but of general resort. Thus Socrates habitually frequented it as one of the places where he had the opportunity of conversing with the greatest number of persons. (Xen. *Mem.* i. 1, § 10; Plat. *Apol.* p. 17.) It was also frequented in other parts of the day, especially in the evening, when many persons might be seen walking about or resting upon seats placed under the colonnades. (Demosth. *in Con.* p. 1258, § 7; Pseudo-Plut. *Vit. X. Or.* p. 849, d; Lucian, *Jup. Trag.* 16, vol. ii. p. 660.) Even the shops themselves, not only those of the barbers, the perfumers, and the doctors, but even those of the leather-sellers and the harness-makers, were common places of resort for conversation; and it was even esteemed discreditable to avoid them altogether. (Aristoph. *Plut.* 337, *Av.* 1439; Xen. *Mem.* iv. 2, § 1; Lysias, *in Pancl.* §§ 3, 7, *pro Invol.* § 20; Demosth. *in Aristog.* i. p. 786, § 52.)

The persons who carried on traffic in the market were the country people (ἀγοραῖοι), who brought in their commodities into the city, and the retail dealers (κάπηλοι) who exposed the goods purchased of the former, or of producers of any kind (αὐτοπῶλαι), or of foreign merchants (ἔμποροι), for sale in the markets. (Plat. *de Repub.* ii. p. 371; Xen. *Mem.* iii. 7, § 6; Plut. *Arat.* 8.) [CAUPO.] A certain degree of disgrace was attached to the occupation of a retail dealer, though at Athens there were positive enactments to the contrary. (Andoc. *de Myst.* p. 68; Aristot. *de Repub.* i. 10, iii. 5; Plat. *Leg.* xi. pp. 918, 919; Diog. Laërt. i. 104, ix. 66; Aristoph. *Eq.* 181; Demosth. *c. Eubul.* p. 1308, § 30.) There is an interesting but very difficult question as to the effect which the occupation of selling in the market had upon the social position of women who engaged in it. (Demosth. *in Neaer.* p. 1367, § 67; Plut. *Sol.* 23; Harpocr. and Suid. *s. v.* Πωλῶσι; Becker-Göll, *Charikles*, ii. p. 189 foll.) The wholesale dealers also sold their goods by means of a sample (δεῖγμα), either in the market, or in the place called δεῖγμα attached to the port. (Harpocr. *s. v.* δεῖγμα: Poll. ix. 34; Plut. *Demosth.* 23; Plat. *Leg.* vii. p. 788; Diphil. *ap.* Ath. xi. p. 499, e; Böckh, *Econ. of Ath.* p. 58, 2nd ed.) The retail dealers either exposed their goods for sale in their shops, or hawked them about. (Aristoph. *Acharn.* 33; Plut. *Apophth. Lacon.* 62, p. 236.) The privilege of freely selling in the market belonged to the citizens: foreigners had to pay a toll. (Demosth. *in Eubul.* p. 1309, § 34; Böckh, *Econ. of Ath.* p. 313.)

Most citizens either made their own purchases in the market (Aeschin. *c. Timarch.* § 65; Aristoph. *Lysistr.* 555–559), or employed a slave, who was called, from his office, ἀγορανόμος (Xen. *Mem.* i. 5, § 2; comp. Ath. iv. p. 171; Poll. iii. 126; Terent. *Andr.* ii. 2, 31.) Sometimes female slaves performed this office (Lysias, *de Caed. Eratosth.* p. 18; comp. p. 11), but such an appearance in public was not permitted to any free woman, except a courtesan (Machon, *ap.* Ath. xiii. p. 580.) The philosopher Lynceus, of Samos, wrote a book for the guidance of purchasers in the market. (Ath. vi. p. 228.) It was esteemed disreputable for people to carry home their purchases from the markets, and there were therefore porters in attendance for that purpose, who were called προύνεικοι, παιδαρίωνες, and παιδῶνες. (Theophrast. *Char.* xvii.–xxii.; Hesych., *s. v.* προύνεικοι.) The preservation of order in the market was the office of the AGORANOMI.

Both the architectural details of the agora and the uses of its several parts might be further illustrated by the remains of the ἀγορά or ἀγοραί (for it is even doubtful whether there were two or only one) at Athens; but this would lead us too far into topographical details. This part of the subject is fully discussed in the following works:—Leake, *Topography of Athens*; Krause, *Hellas*, vol. ii.; Müller, in Ersch and Grüber's *Encyclopädie*, art. *Attica*; Hirt, *Lehre d. Gebäude*, ch. v. supp. 1; Wachsmuth, *Hellen. Alterthumsk.* vol. i. supp. 6, b, 2nd ed.

For the whole subject the chief modern authorities are the following:—Hirt, *Lehre d. Gebäude*

d. Griechen und Römer, ch. v.; Stieglitz, *Archäol. d. Baukunst*; Wachsmuth, *Hellenische Alterthumskunde*; Böckh, *Public Economy of Athens*; and especially Becker-Göll, *Charikles*, 4th scene, ii. pp. 177–212. [P. S.]

AGORAN'OMI (ἀγορανόμοι) were public functionaries in most of the Grecian states, whose duties corresponded in many respects to those of the Roman aediles; whence Greek writers on Roman affairs call the aediles by this name. Under the Roman empire, the agoranomi were called λογισταί (Schol. *ad* Aristoph. *Acharn.* 688); they enjoyed in later times great honour and respect, and their office seems to have been regarded as one of the most honourable in the Greek states. We frequently read in inscriptions of their being rewarded with crowns, of which many instances are given by Müller (*Aeginetica*, p. 138). They were called by the Romans *curatores reipublicae*. (Cod. I, tit. 54, s.3.)

Agoranomi existed both at Sparta and Athens, and, as inscriptions prove, in almost every Greek state. Our knowledge of the Spartan agoranomi is very limited, and derived almost entirely from inscriptions. They stepped into the place of the ancient *empelori* (ἐμπέλωροι) in the time of the Romans. They formed a collegium (συναρχία), with one at their head called πρύτανις (Böckh, *Corp. Inscr.* vol. i. p. 610; and Sauppe in *Rheinisches Museum*, vol. iv. p. 159, new series). The Athenian agoranomi were regular magistrates during the flourishing times of the republic. They were ten in number, five for the city and five for the Peiraeus, and were chosen by lot, one from each tribe. (Dem. *c. Timocr.* p. 735, § 112; Aristoph. *Acharn.* 689.) The reading in Harpocration (*s. v.* ἀγορανόμοι), which mentions twenty agoranomi—fifteen for the city, and five for the Peiraeus—is false. (Böckh, *Corp. Inscr.* vol. i. p. 337.)

The principal duty of the agoranomi was, as their name imports, to inspect the market, and to see that all the laws respecting its regulation were properly observed. They had the inspection of all things which were sold in the market, with the exception of corn, which was subject to the jurisdiction of the σιτοφύλακες. [SITOPHYLAKES.] The agoranomi had in fact chiefly to attend to retail trade (κατηλεία); wholesale trade was not much carried on in the marketplace, and was under the jurisdiction of the ἐπιμεληταὶ τοῦ ἐμπορίου. They regulated the price and quantity of all things which were brought into the market, and punished all persons convicted of cheating, especially by false weights and measures. They had in general the power of punishing all infraction of the laws and regulations relating to the market, by imposing a slight fine (ἐπιβολή) upon the citizens. That they had the further power of inflicting personal chastisement upon foreigners and slaves, and even bore whips as a badge of office, must be pronounced very doubtful, as contrary to what we know of Athenian police regulations. The statement rests only on the authority of scholiasts and grammarians (Schol. Aristoph. *Acharn.* 724; Pollux, x. 177).* They had the care of all the temples and fountains in the market-place, and received the tax (ξενικὸν τέλος) which foreigners and aliens were obliged to pay for the privilege of exposing their goods for sale in the market. (Schol. *ad* Aristoph. *Acharn.* 689; Plat. *Leg.* vi. p. 763, viii. p. 849, xi. pp. 917, 918; Liban. *Declam.* 46; ἀγορᾶς τέλος, Aristoph. *Acharn.* 861, and Schol.; Phot. *s. v.* κατὰ τὴν ἀγοράν.) The public prostitutes were also subject to their regulations, as was the case at Corinth (Justin. xxi. 5), and they fixed the πορνικὸν τέλος or license duty which they paid; not, as late grammarians like Suidas and Zonaras (*s. v.* διάγραμμα) absurdly represent, the remuneration which they were to receive. The duties of the agoranomi resembled those of the astynomi. [ASTYNOMI.] (Meier and Schömann, *Att. Process*, pp. 89–92; Böckh, *Publ. Econ. of Athens*, pp. 48, 333.) [W. S.] [W. W.]

AGRA'PHIOU GRAPHḖ' (ἀγραφίου γραφή). The names of all persons at Athens who owed any sum of money to the state (οἱ τῷ δημοσίῳ ὀφείλοντες) were registered by the practores (πράκτορες) upon tablets kept for that purpose in the temple of Athena, on the Acropolis (Dem. *c. Aristog.* i. p. 791, § 70; Harpocr. and Suidas, *s. v.* ψευδεγγραφή); and hence the expression of being registered on the Acropolis (ἐγγεγραμμένος ἐν Ἀκροπόλει) always means being indebted to the state. (Dem. *c. Theocrin.* p. 1337, § 64.) Whoever paid his fine after registration was erased, either wholly or in part, according to the amount paid; but if a person's name was improperly erased, he was subject to the action for non-registration (ἀγραφίου γραφή), which was under the jurisdiction of the thesmothetae. If an individual was not registered, he could only be proceeded against by ἔνδειξις, and was not liable to the ἀγραφίου γραφή. (Dem. *c. Theocrin.* p. 1328, § 67.) This action might also, apparently, be brought against public officers who, through favour or carelessness, omitted to register debtors (κατὰ τῶν μὴ ἐγγραφόντων τοὺς ὀφείλοντας is the correct reading for κατὰ τῶν ἐγγραφόντων τοὺς μὴ ὀφείλοντας in *Etym. M.* p. 13, 17, and Bekk. *Anecd.* p. 199, 28). Hesychius, whose account has been followed by Hemsterhuis and Wesseling, appears to have been mistaken in saying that the ἀγραφίου γραφή could be instituted against debtors who had not been registered. (Meier, *Att. Process*, pp. 353, 354; Böckh, *Publ. Econ. of Athens*, pp. 388, 389.) [W. S.] [W. W.]

AGRAPHOU METALLOU GRAPHḖ' (ἀγράφου μετάλλου γραφή) was an action brought before the thesmothetae at Athens, against an individual who worked a mine without having previously registered it. The state required that all mines should be registered, because the twenty-fourth part of their produce was payable to the public treasury. (Böckh, *Publ. Econ. of Athens*, p. 664, 2nd ed.; Meier, *Att. Process*, p. 354.) [W. S.]

AGRA'RIAE LEGES. The laws so called were laws dealing with the distribution of Roman public land (*ager publicus*), and in general may be said to have been laws providing for giving to the poorer citizens allotments out of the land which belonged to the state, and regulating the tenure on which these allotments and the remaining bulk should be held. Modern discussion of the subject is founded on the brilliant exposition by

* Schömann, in his later writings (*Antiq.* p. 416, E. T.) appears to have changed his views on this point, which however has escaped the attention of the recent editor of the *Att. Process*, pp. 101–104.

Niebuhr, whose views have been in their principal features universally adopted. The main difficulty in coming to a positive opinion on the precise details of the matter is that our earliest authority (except the fragments of the Lex Thoria) is Cicero; the earliest historians are still later, Livy and Dionysius, and the most definite accounts are from the second century of the Christian era, viz. from the Roman land-surveyors and the historian Appian. We hear of assignments of land as early as Romulus (Varr. *R. R.* i. 10, § 2, fol.; cf. Cic. *Rep.* ii. 14, 26). The first agrarian law, according to Livy, was that proposed by Sp. Cassius, B.C. 486; but the aspect of the matter which was present to the minds of Cicero and his age was that given by the laws of the Gracchi, and the violent action of Sulla; the legal arrangements present to the Roman land surveyors were those of the early empire, after numerous assignments, with or without colonies, had been made to their veterans by Julius and Augustus Caesar and their successors. The surveys made under the Gracchi seem to have been the oldest of which clear traces remained in the official records which the land surveyors had before them. One can feel no confidence in the historical accuracy, either of the language used or of the legal conceptions involved, when Romans, with different arrangements before their eyes, were writing of the proposals of Cassius or Licinius, four or more centuries removed from Cicero, and more than six centuries from Appian or the Gromatici. But the general character of the policy, its grounds and its hindrances, is clear enough.

The agrarian laws dealt with the state lands. These lands were the result of conquest in war. It was not till towards the end of the republic that we hear of the state's acquiring territory by the last will of a foreign prince. War in the ancient world made the bodies and belongings of the vanquished the absolute property of the victors. No doubt either policy or pity generally interfered to prevent the full exercise of the power. In Italy especially the persons were not usually made slaves; but, though the conquered community was allowed to exist, it was deprived of part, often of a third part, of its lands. These confiscated lands had sometimes been utterly wasted in war, sometimes were still unhurt and in a state of cultivation, sometimes consisted of moorland and wood. Each kind requires separate treatment.

1. The cultivated lands were dealt with in one, or it may be in all, of four ways.

(*a.*) Part was sold by the quaestors, and hence called *agri quaestorii*. According to the Gromatici (pp. 115, 136, 152, ed. Lachmann), the land for this purpose was measured and divided by balks (*limites*) into square plots (*laterculi*), measuring 10 *actus* each side, and containing fifty jugera, *i.e.* 31 acres, each. As containing 100 square *actus*, it was sometimes called *centuria*. The earliest instance recorded of a sale was in the case of Pometia, where, although the city was surrendered when about to be stormed, some of the chiefs were slain, some of the husbandmen were sold as slaves, the town was destroyed, and the land sold (Liv. ii. 17). Such sales are referred to in Liv. iv. 48; Dionys. viii. 73; and the general principle is mentioned by Appian, *Bell. Civ.* i. 7; Plut. *Ti. Gr.* 8. In the second Punic war relief was given to the treasury by a sale of part of the Campanian territory (Liv. xxviii. 46; xxxii. 7), in one case by the quaestors (i.e. *quaestores urbani*), in another by the censors. Possibly in early days the quaestor attached to the army sold the land either in block or rough parcels to Roman speculators. The sale under the spear (*sub hasta*) gave full rights of ownership (Gai. iv. 16). Conquest had extinguished all previous title or claims to the land, and the state would of course give legal effect to its own acts of transfer. The Gromatici appear to speak of conditions being imposed (p. 115); of this nothing is known, and the Gromatici had in view probably much later arrangements.

(*b.*) Part was given and assigned in full ownership to Roman citizens. This land was duly surveyed, measured, divided by balks into centuries, each containing 200 jugera (125 acres), and assigned by lot to Roman citizens. Such land was called *agri dati adsignati* (Grom. pp. 117, 118; 154–156, &c.). The oldest assignments were two jugera to each man; this formed an hereditament (*heredium*), i.e. he had not the mere use or life interest of the plot, but it passed to his heirs after him. The lots of 100 men thus formed one century (*cent-uir-ia*). Later on seven jugera were regarded as the normal size of a lot (Plin. *H. N.* xviii. § 18), but in fact there was great variety, the amount naturally depending upon the extent of land open to distribution and the number of citizens to share in it. The survey and distribution were effected by a special commission of three, five, or ten men (Cic. *Agr.* ii. 7), called *IIIviri A. D. A.*, i.e. *agris dandis adsignandis*. Sometimes the distribution was accompanied by the establishment of a colony at the place; at other times the allottees were incorporated into some existing colony or borough; sometimes they remained at Rome and had their allotments as well. The two former are principally regarded by the Gromatici (*e.g.* p. 2); the last—called by Niebuhr (*R. H.* ii. 622, Eng. Tr.), from a passage in Festus, *ager viritanus*—has been described by Mommsen (*C. I. L.* i. p. 88; but see *Röm. Stadtrecht*, ii. p. 618, ed. 2) as having two characteristics: the assignment was made to all Roman citizens, or at least to as many as the land admitted; and the measurement of it was by *saltus* of four centuries each; whereas the colonial distributions were to a number of persons specified in the law, and the land was divided by centuries. *Viritim dividere* or *adsignare*, says Mommsen, might be applied to the colonial land, but was properly applicable only to a non-colonial distribution. This distinction, however, appears to rest on quite insufficient grounds; it is inconsistent with Livy's language in iv. 47, 48, and v. 24, where *viritim dividere* is used, without further explanation, of colonies. (See however Mommsen, *ll. cc.*) Neither Festus nor Varro appear to have had the distinction in view; and the passage in Sic. Flacc., p. 154, quoted in support of it, when compared with p. 160, is seen to apply to colonies and to have been misunderstood by Mommsen. Siculus Flaccus is merely showing that division and assignment are different things, and may be found together (which is the usual case) or separately. But land, whether for a colony or for a non-colonial distribution, was generally divided into

centuries, sometimes into oblong blocks (*strigae* or *scamna*, Grom. p. 2). Of the number or mode of selecting the persons to share in a non-colonial assignment, nothing is known. When the territory was at a distance of more than a few miles from Rome, the applicants would hardly be more numerous, as a rule, for an assignment which would attach the holder to an existing colony, than for one which would make him member of a new colony. And these assignments were evidently intended as ground for residents, not as a mere money gift in the form of land. They were however, as a fact, frequently bought up by some wealthy neighbour. There is nothing to show that Varro in explaining *saltus* is not referring to colonial land. The use and application of such a *saltus* is unknown, as also is that of a *saltus* of 25 centuries mentioned by Siculus Flaccus (Grom. p. 158).

(*c.*) Part of the lands confiscated were given back (*redditi*) to their former proprietors. In some cases, where a man owned pieces separated from one another, an exchange was made, so that his possessions might be continuous. These were noted in the official register as *redditi commutati pro suis* (Grom. 117, 55, &c.). No rent was imposed on these plots any more than on those newly assigned to Roman citizens (p. 116).

(*d.*) Part was neither sold, nor assigned, nor restored to the former owners. This happened where the number to share in the distribution was not large enough for the quantity of land taken from the enemy. The whole land, so far at least as it was cultivated, was or might be duly surveyed, and divided into centuries, and allotted as far as was required. The remainder was let for a rent (*vectigal*). In some cases the letting or selling (for both terms were often used: see Gai. iii. 145; Dig. 19, 2, 2) was for a short period, apparently from year to year (*per annos*, Grom. p. 116), or for a lustrum (some editors adding *quinos:* cf. pp. 117, 163; Dionys. viii. 73); in other cases for 100 years or more (*in annos centenos pluresve*, so Huschke and Mommsen, *Stadtrecht*, ii. p. 52, ed. 2). For these long periods the lessees were state-contractors (*mancipes*), who then sublet to the nearest occupiers. There are however two difficulties in the passage of Hyginus, from which this account is taken. *Mancipes qui emerunt lege dicta jus vectigalis ipsi per centurias locaverunt aut vendiderunt proximis quibusque possessoribus* (p. 116). What is *jus vectigalis?* and what is *per centurias?* *Jus vectigalis* was understood by Niebuhr (ii. p. 140) and others as the right of collecting the ground rent, but with this the following part of the sentence seems scarcely to accord. (Voigt, *Jus Nat.* iv. 587; Degenkolb, *Platzrecht*, p. 238.) Hyginus had before his eyes the same facts probably that Siculus Flaccus had. From Grom. pp. 162, 163, we see what these facts were. The two classes of vacant lands which formed *agri vectigales* were oddments and unallotted centuries. Whether these were retained by the Roman state, or granted to the colony, or restored to the borough or other commonwealth from which the district for allotment was taken, they were treated in much the same way. They were sold or let. If they were let, the rent was called *vectigal*. Whether it was in money or kind, whether a lump sum for the particular piece of land or so much per acre, whether a fixed amount or a certain proportion of the produce (cf. p. 235), is not stated, and may have varied considerably in different places, times, and circumstances. Nor is anything said of the persons who actually did the cultivation. They might be slaves or freemen, but they are not recognised as having any right in the soil any more than the plough-cattle, or the plough and other farming gear; but each, according to its nature, would, if the farming was to succeed, have to be maintained in active usefulness—*i.e.* fed, if animals; repaired, if things. To the proprietor who did not farm the land himself the *vectigal* was the evidence of ownership, and the realised permanent result. The interposition of a *manceps* between the owner and the actual cultivation of the land did not really alter this. For the *manceps* was not a mere collector of rents fixed by others than himself, he was the lessee; he could work the land himself if he chose, or engage with others to cultivate it: if he did the latter, he received a rent from them such as he chose or could get; and he in his turn, according to his agreement with the owner, paid a rent to him (cf. Dig. 19, 2, 53). Such share of the produce as was more than was requisite, physically and commercially, for the actual cultivator, represented the worth of the land to the *manceps;* and the same, less what was similarly requisite for the remuneration of the *manceps*, represented the worth of the land in these circumstances to the owner. Given no tenant-right in the actual cultivator—no right either to hold the land, or to pay only a fixed amount or share—the *jus vectigalis* is the same thing as the *reditus* (p. 162), and to buy this *jus vectigalis* is to be lessee of the land. The view of Niebuhr is here too narrow, because it assumes a right in the cultivator which minimises the position and the possible and legal profits of the *manceps*. But there is a natural propriety in the use of this term where a writer speaks of *buying*. The *manceps* did not buy the land from the state, as was the case with the *agri quaestorii;* he only bought, as the ancients regarded it, the produce. This last was really his own: he had the whole, not merely a percentage or poundage out of it. He paid the state for the privilege, but the payment by him has no legal connexion with, no defined proportion to, the payment to him. He does not (or at least did not originally) have an estate in the land: he buys the fruits, and the land is put into his possession merely as the easiest way for the owner to fulfil his bargain with him.

In this view the fact often mentioned in the Gromatici, that the persons who eventually worked the oddments or unallotted centuries were the nearest occupiers, is natural enough. A mere collector of taxes would be one for the whole of a district, not each adjoining occupier; but the latter is just the man for the practical cultivation of the plot in the neighbourhood of his own farm.

The second difficulty is *per centurias*. It might mean "by centuries," *i.e.* in plots of a century each. But this does not apply well to the oddments. It rather means "throughout the centuries," "in each century;" that is to say, whether the land to be dealt with was an odd-

ment or a whole century, in either case it would have neighbours: in the first case possibly it would be let to an occupier in the same century; in the second case, and possibly in the first also, it would be let to some working occupier in the next century, or at any rate to some one near enough to work the land. For the meaning above given to *per centurias* compare *saepe enim et viarum publicarum per centurias modus exceptus est* (Hyg. p. 121); *scio quibusdam regionibus, cum adsignarentur agri, adscriptum aliquid per centurias et flumini* (ib. p. 125), and *per omnes centurias* (Grom. p. 157), *per singulos agros* (p. 146).

Hyginus mentions a long term for a lease, viz. 100 years (or more, according to Mommsen's reading), as well as a short one—five years or one. This long term probably led to what we find in Gaius and the Digest, where *agri vectigales* are defined as those lands which are let *in perpetuum*, the conditions being that so long as the rent (*vectigal*) was paid the lessees were not to be disturbed. Such leases were only found in the case of lands belonging to municipal or religious corporations (Gai. iii. 145; Dig. 6, 3). Longer terms than five years were forbidden by the law of the colony at Ossuna (cap. 82; Bruns, p. 116). The nearest analogy in English law is that of the church and college leases, which were continually renewed on the payment of a fine for the renewal, besides the annual rent. A claim was urged by these lessees to a perpetual tenure on the same terms, but was overruled, and the tenure is now dying out. In the days of the Republic the exigencies of the treasury led to a peculiar but similar tenure. In B.C. 200 those persons to whom the third instalment of a loan made ten years before (Liv. xxvi. 36) was due, had their demands satisfied by a grant of lands to the value of their claim within fifty miles of Rome, that tenure being determinable only on the lessees preferring to receive their money instead, and the seignorial rights of the state being served by a rent of one *as* per juger being imposed. These lands were called *trientabula* (Liv. xxxi. 13). Mention is also made of them in the fragments of the Lex Thoria, line 31, but nowhere else.

2. Besides the cultivated lands still in condition to be sold or let, there were the mountain pastures and woods. The mountain pastures and woods were often granted (*concessa*) to the old proprietors, or to the municipality, or to the new Roman colony, or reserved to the state. And other tracts of land were often useful as pastures where there were not sufficient farmers to require them as arable land (Grom. pp. 21, 133, 201, &c.). Sometimes a small rent was required, and then they came under the head of *agri vectigales* (pp. 203, 205). Sometimes strips of wood on the mountain were annexed by the original assignment to the different estates (*fundi*) of private persons (pp. 48). Pastures in like manner were sometimes appropriated to individuals, but held *pro indiviso;* sometimes made common to the whole of the community (Grom. p. 48). Appian (*Bell. Civ.* i. 7) says that taxes were laid for the use of the common pastures, both for larger and smaller animals, *i.e.* horned cattle and sheep. The last was collected by the publicans. All animals turned on to these pastures were declared to the tax-farmer, and registered in their books (Varr. *R. R.*, i. 16; Festus, v. *scripturarius*, p. 333), and the word *scriptura* was frequently used both of the registration and of the tax itself (*e.g.* Cic. *Verr.* ii. 70, 169; Lex Thor. 19, &c.). Pliny mentions that even in his day the term for revenue in the censor's books was *pascua* (cf. Cic. *Agr.* i. 1, § 3), because for a time this was the only *vectigal* (*H. N.* xviii. 11). The farmers of this tax were called (p. 37) *publicani scripturarii*. The *pecuarii* in Liv. x. 23, § 13, are by some taken to be farmers of this tax (Marquardt, *Staatsverw.* ii. 292), by Huschke to be large occupiers (*Varr.* p. 8). Ovid (*Fast.* v. 283) speaks of a time when persons used to send their herds on the public pastures without being *fined* for it. No doubt the practice of imposing a tax for the use of the pasture, and collecting it through tax-farmers, was not adopted or regularly enforced till the administration of the republican finances had grown out of its infancy.

In the early times indeed the Romans must, like other nations, have lived more on the produce of their sheep and cattle than on the produce of tilled land. And this is supported, as Mommsen has shown, by the smallness of the allotments first spoken of—two jugera. A slave required, according to Cato (§ 51), fifty-one pecks (*modios*) of corn in the year; a jugerum required five pecks for seed, and produced twenty-five pecks. Hence the *heredium* would, if all given to corn, produce forty pecks a year, after deducting the seed. It is clear therefore that it could not support a man and his family on wheat. And spelt is still less profitable as food (*Gesch. R.* i. pp. 184–187, notes). The common pasture was therefore a necessity. So in England, a tenant in former times (says Joshua Williams, *Real Prop.* p. 496, ed. 13) "required a house to live in, arable land for his maintenance, pasture for his cattle, acorns for his pigs, and wood for fuel and repairs." Hence "common appendant is the common law right which every free tenant of arable land in a manor had to depasture upon the lord's wastes all cattle subservient to the tillage and manurance of such land; namely, horses, beasts, and sheep" (*ib.* p. 509).

3. Appian, in the passage above referred to, says that "the larger part of the lands taken from the conquered had been wasted by war, and uncultivated (*ἀργὸν ἐκ τοῦ πολέμου*). As the Romans had no time to distribute it, they gave notice that any one who liked might temporarily work it, paying a tax of a yearly tenth of the seed crops, and a fifth of the plantations (*i.e.* fruits, for instance olives and grapes)." There is no other authority for this definite historical statement of a notice and a tax. (Plut. *Ti. Gr.* 8 is of doubtful reference.) The Gromatici speak frequently of *agri occupatorii*, *i.e.* lands belonging to squatters, and explain that it was conquered land occupied by individuals. *Singuli deinde terram, nec tantum occupaverunt quod colere potuissent sed quantum in spem colendi reservavere* (Sic. Flac. p. 137; cf. Hygin. 115; Festus, p. 241, s. v. *possessiones*). Livy (iv. 36), speaking of the year 422 B.C., says that some candidates for the tribuneship of the soldiers held out hopes of putting a rent (*vectigal*) on the holders of the public land, and

applying it to the pay of the soldiers. The first regular pay was made in 406 B.C. (Liv. iv. 59); nothing is there said of the imposition of a ground rent on the occupiers of the public land, but the pay is defrayed from a tax upon every one (*tributum*).

The word most frequently used to denote this occupation is *possidere;* the occupiers are *possessores*, the lands are *possessiones*. These are the natural expressions for the fact which was patent, and do not by themselves denote or imply anything respecting the title by which the occupiers held. The possession, however, was something different from the actual physical possession. In the case of land this will always be the case. The one or two square feet on which a man stands is not what is meant when a person is said to be in possession of a piece of land. Control as owner, real or apparent, is the meaning of possession generally, and particularly in the case of land. Whether this control is recognised, and to what extent, by the law, is another question. That the occupation was recognised by the law in the case of the public lands is clear from the fact that interference with it by the state was the subject not of judicial proceedings but of legislative enactment. It was indeed a standing principle of Roman law that what is taken from the enemy in war becomes at once the property of the captor (*capientium fit*, D. 41, 1, 5, § 7; Gai. ii. 69, iv. 16); and the captor in the case of land would be the Roman people, acting in the first instance through the commander of the victorious army. An allied though not identical principle was that land or anything else which was found without an owner became the property of him who seized it (*capientium fit, occupanti conceditur*, D. 41, 1, 1; 3; 7, § 3). Here comes in the language of the Gromatici above quoted, and of Livy, who makes Licinius speak of the election of a plebeian consul as necessary to effect a *modum agros occupandi* (vi. 37 *init.*). But an occupation of lands known to belong to the state could give no right to possess as against the state. Possession was protected by the law without regard to title, but on the negative condition that it had been obtained neither by force, nor by stealth, nor by request (*nec vi, nec clam, nec precario*) from the opposing litigant. And the state therefore lost none of its rights by the occupation by private persons of the territory it had conquered. Whether forcible or secret, or by permission, the occupation gave no rights to the possessor which were good against the state. (D. 41, 3, 9; 24.)

In the above it has been assumed that the principles respecting possession, which in later times were embodied in the praetor's edict, existed in effect long before. Niebuhr has suggested that the occupation of the public lands gave rise to the establishment of legal protection in the form of equitable injunctions (*interdicta praetoris*) for possessors, and that by analogy these rules were applied to land not belonging to the public, but otherwise occupied in a similar manner. And Savigny has supported this view (*Recht des Besitzes*, § 12 A, p. 197, ed. 7. See however Puchta, *Cursus*, § 227; Schwegler, *R. G.* ch. XXV. 6; Böcking, *Pand.* 1, § 123, n. 30). Be that as it may, the conditions of protection of possession (in the case of parts of the public land assigned as private property) are expressed in the usual words in the oldest document we have, viz. the Lex Thoria, v. 18; and applied to cases of illicit occupation of public lands in Cicero's third speech against Rullus (3, § 11).

Cicero's language is the more important because he is the earliest extant writer on the subject; and, as a statesman who had actually to deal with proposals by Rullus and by Flavius (*Att.* i. 18, § 6; 19, § 4), for agrarian laws is, if we make allowance for the language of a party-orator, as competent a writer as we could desire. Sulla's outrageous confiscations of private property, and his grants of large tracts of land to his favourites and to his soldiers, were scarcely twenty years old, and were intended to be confirmed by the law of Rullus; and Cicero in the discussion of Flavius's law proposed the same (*Sullanorum hominum possessiones confirmabam*). In the following year (B.C. 59) Julius Caesar carried an agrarian law, and it is of Julius Caesar that he is speaking in the second book (24, 84) of the *de Officiis*, written shortly after Caesar's death.

Cicero says (*Agr.* ii. 26), *antea cum erat a tribuno plebis mentio legis agrariae facta, continuo qui agros publicos aut possessiones invidiosas tenebant pertimescebant*, the latter part of which is illustrated by *Agr.* iii. 3, 12. *Sunt multi agri lege Cornelia publicati nec cuiquam assignati neque venditi qui a paucis hominibus impudentissime possidentur.* The use of *possidere* and its derivatives is not precise throughout these speeches (cf. Savigny, *Recht des Besitzes*, § 8, p. 104, d. 7). The words are applied to owners just as we speak of a person's *possessions*, or what he *possesses*, without any intention of distinguishing between ownership and possession (*e.g.* ii. 29, § 81; 30, § 82; 31, § 85; iii. 4, § 15); but land could not, properly speaking, be public (*i.e.* owned by the state) and private as well. Hence *possess* is naturally applicable to public land, and possession of the public land had sometimes an unjust origin in Cicero's time, as we may well believe it had in earlier times. But Cicero lays great stress on length of possession, even of public property. Land in the provinces being conquered territory was, by Roman law, incapable of absolute ownership by private persons. They could, to use the phrase of English law, only hold an estate in these lands. *In provinciali solo dominium populi Romani est vel Caesaris, nos autem possessionem tantum vel usumfructum habere videmur* (Gai. ii. 7; cf. Frontin. *Grom.* p. 35). Thus Cicero says of some Sicilian land: *Qui agrum Recentoricum possident, vetustate possessionis se non jure, misericordia senatus non agri condicione defendunt, nam illum agrum publicum esse fatentur, se moveri possessionibus, amicissimis sedibus ac dis penatibus negant oportere* (*Agr.* ii. 21, 57). In the *de Officiis* (ii. 22, 78), with Caesar's measures in his mind, he classes together the expulsion of possessors, which was the object of agrarian laws, and the wiping out debts incurred by loan of money, which was another democratic measure. Cicero speaks of both proposals in the same language as measures weakening the foundations of the state. These foundations are common feeling and equity (*concordia et aequitas*). Common feeling is

weakened when moneys are taken from some and given to others. Equity is utterly destroyed if individuals are not allowed to keep their property (*si habere suum cuique non licet*). *Quam autem habet aequitatem ut agrum multis annis aut etiam saeculis ante possessum, qui nullum habuit, habeat, qui autem habuit amittat?* He instances the action of Aratus, who, when he overthrew a despotism which had lasted at Sicyon for fifty years, brought with him a large number (*sexcentos*) of exiles who had been the richest men in the state. He then had to deal with the opposing claims of these to their former property (*bona*), and of the men who had enjoyed them for so long a period. In that time fair claims had grown up. *Jam longo spatio multa hereditatibus, multa emptionibus, multa dotibus tenebantur sine injuria.* It was *iniquissimum* that the old proprietors should be in want, it was *non nimis aequum* that fifty years' possession should be disturbed (*ib.* 23, § 81). Appian puts similar arguments into the mouths of the rich. They pleaded the improvements they had effected on the land, their plantations (vines and olives?), and buildings; some of the land they had bought from their neighbours; it held their fathers' tombs; it had been distributed like ancestral property; they had invested in it the dowries of their wives, and given it in dowry with their daughters. Mortgagees complained that they held it as security for loans (*Bell. Civ.* i. 10). In the speeches made, according to Dionysius, by Appius and Sempronius Atratinus on the occasion of Sp. Cassius's proposals, there is an acknowledgment that parts of the public land had been occupied by private persons unjustly, by force or stealth, and the proposal was made and approved by the senate that the public land should be ascertained, marked out, and partly allotted to the plebeians, partly let for five years (viii. 73–76). And Livy (iv. 51) describes an agrarian law (B.C. 413) as one which *possesso per injuriam agro publico patres pellebat*, and the people as feeling that if a distribution were not made of the land recently taken and then vacant, it would soon be the prey of the few. The language used in reference to the Licinian laws is not certainly applicable, as—though it is usually regarded as an agrarian law dealing with the public lands (see Madvig, *Verfassung*, ii. p. 372)—Huschke, followed by Clason (bk. iv. cap. 2), and apparently Marquardt (*Staatsverw.* i. 102, ed. 2), holds that it was a general measure limiting the extent of land to be held by any one on whatever title, and related not only to the occupation of the public land but to private land also. The penalty was a fine; subject to the fine the land could be held. Whatever may have been the real truth of the matter, the Licinian laws were treated of by Appian and Plutarch in connexion with the agrarian laws of the Gracchi.

On the whole it does not seem probable that any definite arrangement was made in early times for the occupation of public land which was not assigned or sold or leased; and the legal claim of the state to deal with it was as incontestable in theory as it was difficult to enforce without the destruction of those reasonable expectations, arising from long use, which are the foundation of the statesman's view of property. It is disputed whether the patricians alone (to the exclusion of the plebeians) had, before the Licinian laws, the right to hold the public land (see Schwegler, ch. xxv. 9; Madvig, *Verf.* pp. 90, 91): as a fact it was probably the case. They were originally, and continued for long to be, the holders of the government, and they were, as a rule, the richest. Now the occupation of tracts of land wasted in war was not a poor Roman's business; it was at a distance; it required capital; and it was insecure, partly from the enemy on the border, and partly from the state's not having assigned it as private property. Neither the peasant nor the small capitalist would find the occupation of such land at a distance from Rome attractive; moreover, he was liable to be called off to serve in war. The rich man could risk something, could employ slave-labour, could judge of the political prospects, and have a potential voice in the actions of the state. Such possessions had a natural tendency to accumulate in the hands of the few. The holders added field to field (*continuare agros*, cf. Cic. *Agr.* iii. 4, § 14; Liv. xxxiv. 4, § 9), partly by purchase from their poorer neighbours, partly by violence, partly by taking in any vacant land adjoining (Sall. *Jug.* 41; Sen. *Ep.* 90, § 39; Front. *Grom.* pp. 48, 53). Thus were formed the large estates (*latifundia, lati fundi, Grom.* pp. 157, 161) which, worked by slaves, drove out, or gave no opening for, free peasants, and, portending the ruin of Italy (*verum confitentibus latifundia perdidere Italiam*, Plin. xviii. § 35), roused the Gracchi to their famous legislation.

See further under the headings LEX LICINIA, SEMPRONIA, THORIA.] The political struggles in reference to these and other enactments are treated in general histories.

An echo of the old controversies was roused by Vespasian, who made fresh assignments to veterans, and in doing so probably had his attention directed to the quantity of oddments (*subseciva*) and unallotted lands which had never been formally dealt with, and, in consequence, had been usurped by the local community or by the adjoining occupiers. He proceeded to sell them for the benefit of the imperial chest. But deputations came to the emperor, and piteously represented the general alarm which this disturbance of long-standing occupations had occasioned — *quassabatur universus Italiae possessor.* Vespasian stayed his hand, but Titus resumed the action. Domitian issued an edict granting the oddments throughout Italy to the occupiers (*Grom.* pp. 53, 133, 163). Suetonius uses a metaphor when he says "subseciva veteribus possessoribus *ut usucapta* concessit" (*Dom.* 9). [H. J. R.]

AGRAU'LIA (ἀγραυλία) was a festival celebrated by the Athenians in honour of Agraulos, the daughter of Cecrops. (*Dict. of Biogr.* s. v.) We possess no particulars respecting the time or mode of its celebration; but it was, perhaps, connected with the solemn oath which all Athenians, when they arrived at manhood (ἔφηβοι), were obliged to take in the temple of Agraulos, that they would fight for their country, and always observe its laws. (Lycurg. *c. Leocr.* § 76; Dem. *de F. L.* p. 438, § 303; Plut. *Alcib.* 15; Stobaeus, *Serm.* xli. 141; Schömann, *de Comitiis*, p. 332; Wachsmuth, *Hellen. Alterth.* vol. i. p. 476, 2nd ed.)

Agraulos was also honoured with a festival in Cyprus, in the month Aphrodisius, at which human victims were offered. (Porphyr. *de Abstin. ab Anim.* i. 2.) [W. S.]

AGRICULTU'RA, agriculture.

Authorities.—When we remember that agriculture, in the most extended acceptation of the term, was for many centuries the chief, we may say almost the sole, peaceful occupation followed by any large portion of the free population in those European nations which first became highly civilised, we shall not be surprised to find that Varro (*R. R.* i. 1, § 7 foll.) was able to mention upwards of fifty Greek writers who had contributed to this science. But although the Homeric poems are filled with a series of the most charming pictures derived from the business of a country life; although Hesiod supplies abundance of wise saws and pithy aphorisms, the traditional wisdom accumulated during many successive generations; although Xenophon has bequeathed to us a most graceful essay on the moral beauty of rustic pursuits, interspersed with not a few instructive details; and although much that belongs to the Natural History of the subject will be found treasured up in the vast storehouses of Aristotle and Theophrastus, yet nothing which can be regarded in the light of a formal treatise upon the art, as exhibited in the pastures and cornfields of Hellas, has descended to us, except a volume, divided into twenty books, commonly known as the *Geoponica* (Γεωπονικά), whose history is somewhat obscure, but which, according to the account commonly received, was drawn up at the desire of Constantine VI. (A.D. 780–802) by a certain Cassianus Bassus, and consists of extracts from numerous writers, chiefly Greek, many of whom flourished in the second, third, and fourth centuries. This collection is systematically arranged, and comprehends all the chief branches; but it has never been considered of much value, except in so far as it tends to confirm or illustrate the statements found elsewhere. The information conveyed by it is, upon many points, extremely meagre, the materials were worked up at a late period by an editor with whose history and qualifications for his task we are altogether unacquainted, while the most important quotations are taken from authors of whom we know little or nothing, so that we cannot tell whether their precepts apply to the same or to different climates, whether they give us the fruit of their own experience, or, as we have great reason to suspect in many instances, were themselves mere compilers.

The Romans, during the brightest periods of their history, were devotedly attached to the only lucrative profession in which any citizen could embark with honour; and from the first dawn until the decline of their literature, rural economy formed a favourite theme for composition both in prose and verse. The works of the Sasernae, father and son, those of Tremellius Scrofa, of Julius Hyginus, of Cornelius Celsus, of Julius Atticus, and of Julius Graecinus, have perished; but we still possess, in addition to Virgil, four "Scriptores de Re Rustica," two at least of whom were practical men. We have, in the first place, 162 chapters from the pen of the elder Cato (B.C. 234–149), a strange medley, containing many valuable hints for the management of the farm, the olive garden, and the vineyard, thrown together without order or method, and mixed up with medical prescriptions, charms for dislocated and broken bones, culinary receipts, and sacred litanies, the whole forming a remarkable compound of simplicity and shrewdness, quaint wisdom and blind superstition, bearing, moreover, a strong impress of the national character; in the second place, we have the three books of Varro (B.C. 116–28), drawn up at the age of eighty, by one who was not only the most profound scholar of his age, but likewise a soldier, a politician, an enthusiastic and successful farmer; in the third place, the thirteen books of Columella (A.D. 40 [?]), more minute than the preceding, especially in all that relates to the vine, the olive, gardening, and fruit-trees, but evidently proceeding from one much less familiar with his subject; and, lastly, the fourteen books of Palladius (a writer of the fourth century who closely copies Columella), of which twelve form a farmer's calendar, the different operations being ranged according to the months in which they ought to be performed. Besides the above, a whole book of Pliny and many detached chapters are devoted to matters connected with the labours of the husbandman; but in this, as in the other portions of that remarkable encyclopaedia, the assertions must be received with caution, since they cannot be regarded as exhibiting the results of original investigation, nor even a very correct representation of the opinions of others.

We ought not here to pass over unnoticed the great work of Mago the Carthaginian, who, as a native of one of the most fertile and carefully cultivated districts of the ancient world, must have had ample opportunities for acquiring knowledge. This production, extending to twenty-eight books, had attained such high fame that, after the destruction of Carthage, it was translated into Latin by orders of the senate; a Greek version, with additions from the Greek authorities and omissions, was executed by Cassius Dionysius of Utica, and published in twenty books during the century before the commencement of our era; and this, again, was a few years afterwards condensed into six books by Diophanes of Nicaea, and presented to King Deiotarus. In what follows, Cato, Varro, and Columella will be our chief supports, although references will be made to and illustrations drawn from the other sources indicated above. (Varr. *R. R.* i. 1; Col. *R. R.* i. 1; Plin. *H. N.* xviii. § 9 foll.; Proleg. *ad Geopon.* in ed. Niclas; cf. Teuffel, *Roman Lit.* i. p. 73 foll.)

Dicision of the Subject.

Rural Economy may be treated of under two distinct heads—

A. Agriculture proper (*Agricultura*), or the art of tilling the soil.

B. The management of stock (*Pastio*).

A. AGRICULTURA.

Agriculture proper teaches the art of raising the various crops necessary for the sustenance and comfort of man and of the domestic animals, in such a manner that the productive energies of the soil may be fully developed but not exhausted or enfeebled, and teaches, further, how this may be accomplished with the least possible

expenditure of capital. The crops to which the Greeks and Romans chiefly directed their attention were—1. Different kinds of grain, such as wheat and barley; leguminous vegetables cultivated for their seeds, such as beans, peas, and lupines; herbs cut green for forage, such as grass, tares, and lucerne; and plants which furnished the raw material for the textile fabrics, such as hemp and flax. 2. Fruit trees, especially the vine, the olive, and the fig. 3. Garden stuffs.—For the second of these divisions we refer to the articles OLEA and VINEA; and we shall not touch at all upon gardening, since the minute details connected with this topic are of little or no service in illustrating the classics generally.

Agriculture in its restricted sense comprehends a knowledge—

I. Of the subject of our operations, that is, the farm (*fundus, praedium*), which must be considered: *a.* with reference to its situation and soil (*quo loco et qualis*), and *b.* with reference to the dwelling-house and steading (*villa et stabula*).

II. Of the instruments (*instrumenta*) required to perform the various operations (*quae in fundo opus sint ac debeant esse culturae causa*), these instruments being twofold: *a.* men (*homines*); and *b.* the assistants of men (*adminicula hominum*), viz. domestic animals (*boves, equi, canes*, &c.), together with tools (*instrumenta*), properly so called, such as ploughs and harrows. (Varro, i. 18.)

III. Of the operations themselves, such as ploughing, harrowing, and sowing (*quae in fundo colendi causa sint facienda*), and of the time when they are to be performed (*quo quidquid tempore fieri conveniat*). (Varro, i. 5.)

IV. Of the object of these operations, viz. the different plants considered with reference to their species, varieties, and habits. Under this head we may also conveniently include what is termed the rotation of crops; that is, the order in which they ought to succeed each other upon the same ground.

I. *a.* COGNITIO FUNDI.

Knowledge of the Farm.—In selecting a farm, the two points which first demanded attention were: 1. The healthiness of the situation (*salubritas*), a matter of the greatest anxiety in Italy, where the ravages of malaria appear to have been not less fatal in ancient than they have proved in modern times; and, 2. The general fertility of the soil. It was essential to be fully satisfied upon both of these particulars; for to settle in a pestilential spot was to gamble with the lives and property of all concerned (*non aliud est atque alea domini vitae et rei familiaris*: Varro, i. 4, 5); and no man in his senses would undertake to till land which was not likely to yield a fair return for his outlay of money and labour (*fructus pro impensa ac labore*). The next object of solicitude was a good aspect. The property was, if possible, to have a southerly exposure (Cato, i. 3), to be sheltered by a wooded hill from the sweep of boisterous and cutting winds (Varro, i. 12), and not to be liable to sudden misfortunes (*ne calamitosum siet*), such as inundations or violent hail-storms. It was highly important that it should be in the vicinity of a populous town (*oppidum validum*), or, if not, that it should be readily accessible either by sea or by a navigable stream (*amnis qua naves ambu'ant*), or by a good well-frequented road (*via bona celebrisque*); that there should be an abundant supply of water (*bonum aquarium*); that it should be so situated that the proprietor, if he did not live upon the estate, might be able to give active and constant personal superintendence; and, finally, that it should be moderate in size, so that every portion might be brought into full cultivation (*laudato ingentia rura, Exiguum colito:* Verg. *G.* ii. 412).

These preliminary matters being ascertained, the soil might be considered in reference: *α.* to its general external features (*forma*); *β.* to its internal qualities (*qualis sit terra*).

α. In so far as its external features were concerned it might be flat (*solum campestre*), or upland rolling ground (*collinum*), or high lying (*montanum*), or might comprise within its limits all three, which was most desirable, or any two of them. These variations would necessarily exercise important influence on the climate, on the description of crops which might be cultivated with advantage, and on the time chosen for performing the various operations, the general rule being that as we ascend the temperature falls, that corn and sown crops in general (*seyetes*) succeed best on plains, vineyards (*vineae*) on gentle slopes, and timber trees (*silvae*) upon elevated sites, and that the different labours of the rustic may be commenced earlier upon low than upon high ground. When flat, it was better that it should incline gently and uniformly in one direction (*aequabiliter in unam partem vergens*) than be a dead level (*ad libellam aequus*), for in the latter case, the drainage being necessarily imperfect, it would have a tendency to become swampy; but the worst form was when there were converging slopes, for there the water collected into pools (*lacunas*). (Varro, i. 6.)

β. In so far as its internal qualities were concerned, soil might be classed under six heads, forming three antagonistic pairs:—

1. The deep and fat (*pingue*). 2. The shallow and lean (*macrum, jejunum*). 3. The loose (*solutum*). 4. The dense (*spissum*). 5. The wet (*humidum, aquosum, uliginosum*). 6. The dry (*siccum*): while the endless gradations and combinations of which the elementary qualities were susceptible produced all the existing varieties. These are named sometimes from their most obvious constituents: the stony (*lapidosum*), the gravelly (*glareosum*), the sandy (*arenosum*), the mortary (*subulosum*), the chalky (*cretosum*), the clayey (*argillosum*); sometimes from their colour: the black (*nigrum*), the dark (*pullum*), the grey (*subalbum*), the red (*rubicundum*), the white (*album*); sometimes from their consistency: the crumbling (*putre, friabile, cinericium*), as opposed to the tenacious (*densum, crassum, spissum*); sometimes from their natural products: the grassy (*graminosum, herbosum*), the weedy (*spurcum*); sometimes from their taste: the salt (*salsum*), the bitter (*amarum*); *rubrica* seems to have been a sort of red chalky clay, but what the epithets *rudecta* and *materina* applied to earth (*terra*) by Cato may indicate it is hard to determine (Cato, 34; comp. Plin. *H.N.* xviii. § 163 ff.), probably "poor" and "hard." The great object of the cultivator being to separate the particles

as finely as possible (*neque enim aliud est colere quam resolvere et fermentare terram*), high value was attached to those soils which were not only rich, but naturally pulverulent. Hence the first place was held by *solum pingue et putre*, the second by *pinguiter densum*, while the worst was that which was at once dry, tenacious, and poor (*siccum pariter et densum et macrum*). The ancients were in the habit of forming an estimate of untried ground, not only from the qualities which could be detected by sight and touch, but also from the character of the trees, shrubs, and herbage growing upon it spontaneously,—a test of more practical value than any of the others enumerated in the second Georgic (177–258).

When an estate was purchased, the land might be either in a state of culture (*culta novalia*), or in a state of nature (*rudis ager*).

The comparative value of land under cultivation, estimated by the crops which it was capable of bearing, is fixed by Cato (1), according to the following descending scale:—

1. Vineyards (*vinea*), provided they yielded good wine in abundance. 2. Garden ground well supplied with water (*hortus irriguus*). 3. Osier beds (*salictum*). 4. Olive plantations (*oletum*). 5. Meadows (*pratum*). 6. Corn land (*campus frumentarius*). 7. Groves which might be cut for timber or fire-wood (*silva caedua*). 8. *Arbustum*. This name was given to fields planted with trees in regular rows. Upon these vines were trained, and the open ground cultivated for corn or leguminous crops in the ordinary manner, an arrangement extensively adopted in Campania and many other parts of Italy in modern times, but by no means conducive to good husbandry. 9. Groves yielding acorns, beech-mast, and chestnuts (*glandaria silva*). The fact that, in the above scale, corn land is placed below meadows shows how, even in the time of Cato, the Sicilian slave-grown corn was lowering the profits of corn-growing in Italy. Varro (i. 7, 10) places *prata* first of all (cf. Mommsen, *Hist.* ii. 376).

When waste land was to be reclaimed, the ordinary procedure was to root out the trees and brushwood (*fruteta*) by which it might be encumbered, to remove the rocks and stones which would impede the labours of men and oxen, to destroy by fire or otherwise troublesome weeds, such as ferns and reeds (*filices, junci*), to drain off the superfluous moisture, to measure out the ground into fields of a convenient size, and to enclose these with suitable fences. The three last-mentioned processes alone require any particular notice, and we therefore subjoin a few words upon DRAINS, LAND-MEASURES, FENCES.

DRAINS (*fossae, sulci alveati, incilia*) were of two kinds:—

1. Open (*patentes*). 2. Covered (*caecae*).

1. *Fossae patentes*, open ditches, alone were formed in dense and chalky soil. They were wide at top, and gradually narrowed in wedge fashion (*imbricibus supinis similes*) as they descended.

2. *Fossae caecae*, covered drains, or *sivers* as they are termed in Scotland, were employed where the soil was loose, and emptied themselves into the *fossae patentes*. They were usually sunk from three to four feet, were three feet wide at top and eighteen inches at bottom; one-half of the depth was filled up with small stones, sharp gravel (*nuda glarea*), or brushwood tied in bundles (*sarmentis colligatis*, Cato, c. 43), and the earth which had been dug out was thrown in above until the surface was level. Where stones or gravel could not readily be procured, green willow poles were introduced, crossing each other in all directions (*quoquoversus*), or a sort of rope was constructed of twigs twisted together so as to fit exactly into the bottom of the drain; above this the leaves of some of the pine tribe were trodden down, and the whole covered up with earth. To prevent the apertures being choked by the falling down of the soil, the mouths were supported by two stones placed upright, and one across (*utilissimum est . . . ora earum binis utrimque lapidibus statuminari et alio superintegi*, Plin. xviii. § 47). To carry off the surface-water from land under crop, open furrows (*sulci aquarii, elices*) were left at intervals, which discharged themselves into cross furrows (*colliquiae*) at the extremities of the fields, and these again poured their streams into the ditches. (Cat. 43, 155; Col. ii. 2, 8–10, viii. 3, xi. 2; Pallad. vi. 3; Plin. *H. N.* xviii. § 179; Verg. *Georg.* i. 113.)

MEASURES OF LAND.—The measure employed for land in Latium was the *jugerum*, which was a double *actus quadratus;* the actus quadratus, anciently called *acna*, or *acnua*, or *agnua*, being a square whose side was 120 Roman feet. The subdivisions of the *as* were applied to the jugerum, the lowest in use being the *scripulum*, properly the twelfth part of an *uncia:* hence, when applied to land, a square whose side was ten feet. Two jugera formed a *heredium*, 100 *heredia* a *centuria*, a term which is said to have arisen from the allotments of land made by Romulus to the citizens; for these being at the rate of two jugera to each man, 200 jugera would be assigned to every hundred men. Lastly, four centuriae made a *saltus*. We thus have the following table:—

1 scripulum	= 100 square ft., Roman measure.
144 scripula	= 1 actus = 14,400 square feet.
2 actus	= 1 jugerum = 28,800 square ft.
200 jugera	= 1 centuria.
4 centuriae	= 1 saltus.

Now, since three actus quadrati contained 4800 square yards, and since the English imperial acre contains 4840 square yards, and since the Roman foot was about three-fifths of an inch less than the imperial foot, it follows that the Roman juger was less than two-thirds of an imperial acre by about 500 square yards.

In Campania the measure for land was the *versus quadratus*, a square whose side was 100 feet, the words *actus* and *versus* marking the ordinary length of furrow in the two regions. (Varr. *R. R.* i. 10, *L. L.* iv. 4; Col. v. 1; Plin. *H. N.* xviii. § 10.)

FENCES (*saepes, saepimenta*) were of four kinds:—

1. *Saepimentum naturale*, the quickset hedge (*viva saepes*).

2. *Saepimentum agreste*, a wooden paling made with upright stakes (*pali*) interlaced with brushwood (*virgultis implicatis*), or having two or more cross-spars (*amites, longuria*) passed through holes drilled in the stakes, after the manner of what are now termed *flakes* (*palis*

latis perforatis et per ea foramina trajectis longuriis fere binis aut ternis). (Varr. i. 14.)

3. *Saepimentum militare*, consisting of a ditch (*fossa*) with the earth dug out and thrown up inside so as to form an embankment (*agger*), a fence used chiefly along the sides of public roads or on the banks of rivers.

4. *Saepimentum fabrile*, wall (*maceria*), which might be formed either of stones, as in the vicinity of Tusculum, or of baked bricks as in the north of Italy, or of unbaked bricks as in Sabinum, or of masses of earth and stone pressed in between upright boards (*in formis*), and hence termed *formacei*. These last were common in Spain, in Africa, and near Tarentum, and were said to last for centuries uninjured by the weather. (Varr. i. 14; Plin. *H. N.* xxxv. § 169; comp. Col. v. 10, x. 3; Pallad. i. 34, vi. 3.)

Finally, after the land had been drained, divided, and fenced, the banks which served as boundaries and the road-sides were planted with trees, the elm and poplar being preferred, in order to secure a supply of leaves for the stock and timber for domestic use. (Cat. vi. 3.)

I. *b.* Villa Rustica.

In erecting a house and offices, great importance was attached to the choice of a favourable position. The site selected was to be elevated rather than low, in order to secure good ventilation and to avoid all danger of exhalations from running or stagnant water; under the brow of a hill, for the sake of shelter; facing the east, so as to enjoy sunshine in winter and shade in summer; near, but not too near, to a stream, and with plenty of wood and pasture in the neighbourhood. The structures were to be strictly in proportion to the extent of the farm; for if too large, the original cost is heavy, and they must be kept in repair at a great expense; if too small, the various products would run the risk of being injured by the want of proper receptacles (*ita aedifices ne villa fundum quaerat neve fundus villam*, Cat. *R. R.* 3). The buildings were usually arranged round two courts, with a tank in the centre of each, and divided into three parts, named according to the purposes for which they were destined. 1. (*Pars*) *Urbana*. 2. (*Pars*) *Rustica*. 3. (*Pars*) *Fructuaria*.

1. *Urbana*. This comprehended that part of the building occupied by the master and his family, consisting of eating room (*cenationes*) and sleeping apartments (*cubicula*), with different aspects for summer and winter, baths (*balnearia*), and porticoes or promenades (*ambulationes*). Columella recommends that this portion of the mansion should be made as commodious as the means of the proprietor will permit, in order that he himself may be tempted to spend more time there, and that the lady of the family (*matrona*) may be more willing to bear her husband company.

2. *Rustica*. This comprehended that part of the building occupied by the servants, consisting of a large and lofty kitchen (*culina*), to which they might at all times resort, baths (*balnea*) for their use on holidays, sleeping closets (*cellae*) for the *servi soluti*, a gaol (*ergastulum*) under ground for the *servi vincti*. In this division were included also the stables, byres, sheds, folds, courts, and enclosures of every description (*stabula bubilia, saepta, ovilia, cortes*) for the working oxen (*domiti boves*), and other stock kept at home, together with a magazine or storehouse (*horreum*) where all the implements of agriculture (*omne rusticum instrumentum*) were deposited; and within this, a lock-up room for the reception of the iron tools (*ferramenta*). In so far as the distribution of rooms was concerned, the overseer (*vilicus*) was to have his chamber beside the main entrance (*janua*), in order that he might observe all who came in or went out; the book-keeper (*procurator*) was to be placed over the gate, that he might watch the *vilicus* as well as the others; while the shepherds (*opiliones*), oxherds (*bubulci*), and such persons were to be lodged in the immediate vicinity of the animals under their charge.

3. *Fructuaria*. This comprehended that part of the building where the produce of the farm was preserved, consisting of the oil cellar (*cella olearia*), the press-house (*cella torcularia*), the vault for wines in the cask (*cella vinaria*), the boiling-room for inspissating must (*defrutaria*), all of which were on the ground-floor, or a little depressed below the level of the soil. Above were hay-lofts (*faenilia*), repositories for chaff, straw, leaves, and other fodder (*palearia*), granaries (*horrea, granaria*), a drying-room for newly cut wood (*fumarium*) in connexion with the rustic bath flues, and store-rooms (*apothecae*) for wine in the amphora, some of which communicated with the *fumarium*, while others received the jars whose contents had been sufficiently mellowed by the influence of heat.

In addition to the conveniences enumerated above, a mill and bake-house (*pistrinum et furnum*) were attached to every establishment; at least two open tanks (*piscinae, lacus sub dio*), one for the cattle and geese, the other for steeping lupines, osiers, and objects requiring maceration; and, where there was no river or spring available, covered reservoirs (*cisternae sub tectis*) into which rain-water was conveyed for drinking and culinary purposes. (Cat. 3, 4, 14; Varr. i. 11–14; Col. i. 6; *Gcopon.* ii. 3.)

II. Instrumenta.

The instrumenta employed to cultivate the ground were two-fold: *a.* Persons (*homines*); *b.* Aids to human toil (*adminicula hominum*), namely, oxen and other animals employed in work; together with tools (*instrumenta*), in the restricted sense of the word.

a. Homines.

The men employed to cultivate a farm might be either, 1. free labourers (*operarii*), or 2. slaves (*servi*).

1. *Free labourers*. Cato considers the facility of procuring persons of this description as one of the circumstances that ought to weigh with a purchaser in making choice of a farm; for although a large proportion of the work upon great estates was, during the later ages at least of the Roman republic, always performed by slaves, it was considered advantageous to employ hirelings for those operations where a number of hands were required for a limited period, as in hay-making, the corn harvest, and the vintage, or, according to the cold-blooded recommendation of Varro (i. 17, 2), in unhealthy situations where slaves would have died off fast, entailing a heavy loss on their owner. *Operarii* were

usually hired in gangs (*conducticiae liberorum operae*), who entered into an engagement with a contractor (*mercennarius*), who in his turn bargained with the farmer for some piece of work in the slump, or else they were persons who had incurred debt which they paid off in work to their creditors. This, which was an ordinary practice in the earlier ages of the Roman republic, seems in later times to have been confined to foreign countries, being common, according to Varro, especially in Asia, Egypt, and Illyria. The *mercennarius politor* spoken of by Cato (c. 5) was, according to Mommsen (*Hist.* ii. 363 note, and 368), a reaper, or more strictly a thresher, who was paid for his labour by a certain share of the corn.

2. Slaves (*servi*). Rustic slaves were divided into two great classes,—those who were placed under no direct personal restraint (*servi soluti*), and those who worked in fetters (*servi vincti*) when abroad, and when at home were confined in a kind of prison (*ergastulum*), where they were guarded and their wants supplied by a gaoler (*ergastularius*). Slaves, moreover, in large establishments, were ranked in bodies according to the duties which they were appointed to perform, it being a matter of obvious expediency that the same individuals should be regularly employed in the same tasks. Hence there were the ox-drivers (*bubulci*), who for the most part acted as ploughmen also (*aratores*), the stable-men (*jugarii*), who harnessed the domestic animals and tended them in their stalls, the vine-dressers (*vinitores*), the leaf-strippers (*frondatores*), the ordinary labourers (*mediastini*), and many other classified bodies. These, according to their respective occupations, worked either singly, or in small gangs placed under the charge of inspectors (*magistri operum*). When the owner (*dominus*) did not reside upon the property, and in person superintended the various operations in progress, the whole farming establishment was under the control of a general overseer (*vilicus*), himself a slave or freedman, who regulated the work, distributed food and clothing to the labourers, inspected the tools, kept a regular account of the stock, performed the stated sacrifices, bought what was necessary for the use of the household, and sold the produce of the farm, for which he accounted to the proprietor, except on very extensive estates where there was usually a steward (not a slave) (*procurator*) who managed the pecuniary transactions, and held the *vilicus* in check. With the vilicus was associated a female slave (*contubernalis mulier*) called *vilica*, who took charge of the female slaves, and the indoor details of the family. The duties and qualifications of a vilicus will be found enumerated in Cat. c. 5, and Colum. i. 8; comp. *Geopon.* ii. 44, 45; Varro, i. 17, 3; Mommsen, ii. 366.

The food of the slaves composing the household (*familia*) was classed under three heads: 1. *Cibaria.* 2. *Vinum.* 3. *Pulmentarium.*

1. *Cibaria.* The *servi compediti*, being kept constantly in confinement, received their food in the shape of bread at the rate of 4 pounds (Roman pound = 11¼ oz. avoirdupois) per diem in winter, and 5 pounds in summer, until the figs came in, when they went back to 4 pounds. The *servi soluti* received their food in the shape of corn, at the rate of 4 modii (pecks) of wheat per month in winter, and 4½ in summer. Those persons, such as the *vilicus*, the *vilica*, and the shepherd (*opilio*), who had no hard manual labour to perform, were allowed one-fourth less if Cato's text is (c. 56) sound; but cf. Wordsworth's *Specimens of early Latin*, p. 617.

2. *Vinum.* The quantity of wine allowed varied much according to the season of the year and the severity of the toil imposed, but a *servus solutus* received about 8 amphorae (nearly 48 imperial gallons) a year, and a *servus compeditus* about 10 amphorae, besides *lora* [see VINUM], at discretion for three months after the vintage. (Cato, 57.)

3. *Pulmentarium.* As pulmentaria they received olives which had fallen from the trees (*oleae caducae*), then those ripe olives (*oleae tempestivae*), from which the least amount of oil could be expressed, and, after the olives were all eaten up, salt fish (*halec*), and vinegar (*acetum*). In addition to the above, each individual was allowed a sextarius (very nearly an imperial pint) of oil per month, and a modius of salt per annum, rather more than the allowance in the Bengal jails at present.

The clothing (*vestimenta*) of the rustic labourers was of the most coarse description, but such as to protect them effectually from cold and wet, enabling them to pursue their avocations in all weathers. It consisted of thick woollen shirts (*tunicae*) 3½ ft. long, skin coats with long sleeves (*pelles manicatae*), cloaks with hoods (*saga cucullata, cuculiones*), patch-work wrappers (*centones*) made out of the old and ragged garments, together with strong sabots or wooden shoes (*sculponeae*). A tunic, a *sagum*, and a pair of *sculponeae* were given every other year.

The number of hands required to cultivate a farm depended almost entirely on the nature of the crops.

An arable farm of 200 jugers, where the ordinary crops of corn and leguminous vegetables were raised, required two pairs of oxen, two bubulci and six ordinary labourers, if free from trees; but if laid out as an arbustum, three additional hands.

An olive-growing farm of 240 jugers required three pairs of oxen, three asses for carrying manure (*asini ornati clitellarii*), one ass for turning the mill, five score of sheep, a vilicus, a vilica, five ordinary labourers, three bubulci, one ass-driver (*asinarius*), one shepherd (*opilio*), one swineherd (*subulcus*); in all twelve men and one woman.

A vineyard of 100 jugers required one pair of oxen, one pair of draught asses (*asini plostrarii*), one mill ass (*asinus molaris*), a vilicus, a vilica, one bubulcus, one asinarius, one man to look after the plantations of willows used for withes (*salictarius*), one subulcus, ten ordinary labourers; in all fifteen men and one woman. Varro points out that the number in some instances need not be increased in proportion to the increased size of the farm; *e.g.* one vilicus and one vilica will suffice for a much larger estate. (Cat. 5, 10, 11; Varr. i. 19; Colum. i. 7, 8, ii. 12.)

The proprietor was usually himself the farmer, but occasionally, quite as the exception, land was let (*locare*) to a tenant, who paid his rent either in money (*pensio; ad pecuniam numeratam conduxit*), as seems to have been the

practice when Columella wrote, or by making over to the landlord a fixed proportion of the produce (*non nummo sed partibus locare*), according to the system described by Cato, and alluded to by the younger Pliny. These *coloni* sometimes tilled the same farm from father to son for generations (*coloni indigenae*), and such were considered the most desirable occupants, since they had a sort of hereditary interest in the soil, while on the other hand frequent changes could scarcely fail to prove injurious. The worst tenants were those who did not cultivate in person, but, living in towns (*urbanus colonus*), employed gangs of slaves. Upon the whole Columella recommends the owner of an estate to keep it in his own hands, except when it is very barren, the climate unhealthy, or the distance from his usual place of abode so great that he can seldom be upon the spot. Cato gives a table of the proportion which the *partiarius* ought to pay, according to the nature of the crop and the fertility of the region; but as he says nothing with regard to the manner in which the cost of cultivation was divided between the parties, his statement gives us no practical insight into the nature of these leases (Cat. 136, 137; Colum. i. 7; Plin. *Ep.* ix. 37, cf. iii. 19; Mommsen, ii. 364 *n.*).

b. ADMINICULA HOMINUM.

The domestic animals employed in labour and their treatment will be considered under the second great division of our subject, *Pastio*, or the management of stock.

The tools (*instrumenta*) chiefly used by the farmer were the plough (*aratrum*), the grubber (*irpex*), harrows (*crates, crates dentatae*), the rake (*rastrum*), the spade (*ligo, pala*), the hoe (*sarculum, bidens*), the mattock (*marra*), the spud or weeding-hook (*runco*), the scythe and sickle (*falx*), the thrashing-machine (*plostellum Poenicum, tribulum*), the cart (*plostrum*), the axe (*securis, dolabra*). These will be described as we go along in so far as may be necessary to render our observations intelligible, but for full information the reader must consult the separate articles devoted to each of the above words.

III. THE OPERATIONS OF AGRICULTURE.

The most important operations performed by the husbandman were:—1. Ploughing (*aratio*). 2. Manuring (*stercoratio*). 3. Sowing (*satio*). 4. Harrowing (*occatio*). 5. Hoeing (*saritio*). 6. Weeding (*runcatio*). 7. Reaping (*messio*). 8. Threshing (*tritura*). 9. Winnowing (*ventilatio*). 10. Storing up (*conditio*).

The Flamen who offered sacrifice on the Cerealia to Ceres and Tellus, invoked twelve celestial patrons of these labours by the names *Vervactor; Reparator; Imporcitor; Insitor; Obarator; Occator; Saritor; Subruncator; Messor; Convector; Conditor; Promitor*, — significant appellations, which will be clearly understood from what follows. The functions of the last deity alone do not fall within our limits; but we shall add another to the list in the person of *Stercutius* or *Sterculius* (Serv. *ad* Verg. *Georg.* i. 21; Plin. *H. N.* xvii. § 50; Lactant. i. 20; Macrob. *Sat.* i. 7, 25; Prudent. *Peristeph.* ii. 449; Augustin. *de Civ. Dei*, xviii. 15).

1. *Ploughing* (*aratio*).

The number of times that land was ploughed, varying from two to nine, as well as the season at which the work was performed, depended upon the nature of the soil and the crop for which it was prepared. The object of ploughing being to keep down weeds, to pulverise the earth as finely as possible (Verg. *Georg.* ii. 204), and to expose every portion of it in turn to the action of the atmosphere, the operation was repeated again and again (Verg. *Georg.* i. 47), until these objects were fully attained. When stiff low-lying soil (*campus uliginosus*) was broken up for wheat, it was usual to plough it four times: first (*proscindere* or *vervagere*) as early in spring as the weather would permit (Verg. *Georg.* i. 63), after which the land was termed *vervactum*, and hence the god *Vervactor;* for the second time (*offringere, iterare, vervacta subigere*), about the summer solstice, under the patronage of the god *Reparator*, and on this occasion the field was cross-ploughed (Verg. *Georg.* i. 97); for the third time (*tertiare*), about the beginning of September; and for the fourth time, shortly before the equinox, when it was ribbed (*lirare*) for the reception of the seed, the ribbing being executed under favour of the god *Imporcitor* (from *porca*, the ridge between the furrows), by adding two mouldboards to the plough (*aratrum auritum*), one on each side of the share. (Varr. i. 29; Pallad. i. 43.) Rich soil on sloping ground was ploughed three times only, the ploughing in spring or at the beginning of September being omitted; light (*exilis*) moist soil also three times, at the end of August, early in September, and about the equinox; whilst the poorest hill soil was ploughed twice in rapid succession, early in September, so that the moisture might not be dried up by the summer heat. (Verg. *Georg.* i. 70; Col. ii. 4.)

The greatest care was taken not to plough ground that had been rendered miry by rain, nor that which after a long drought had been wetted by showers which had not penetrated beyond the surface (Col. ii. 4, 5; Pallad. ii. 3); but whether this last is really the *terra cariosa* of Cato, as Columella seems to think, is by no means clear. (Cat. 5, 34; comp. Plin. *H. N.* xvii. § 34.)

With regard to the depth to which the share was to be driven, we have no very precise directions; but Columella recommends generally for Italy deep ploughing (ii. 2, 23; comp. Plin. *H. N.* xviii. § 170) in preference to mere scratching (*scarificatio*) with light shares (*exiguis vomeribus et dentalibus*), which is proper for Numidia or Egypt.

The plough was almost invariably drawn by oxen, although Homer (*Il.* x. 351; *Od.* viii. 124) prefers mules, yoked close together in such a manner as to pull by their necks and not by the horns, guided and stimulated chiefly by the voice. The lash was used very sparingly, and the young steer was never pricked by the goad (*stimulus*), since it was apt to render him restive and unmanageable. The animals were allowed to rest at the end of each furrow, but not to stop in the middle of it: when unharnessed, they were carefully rubbed down, allowed to cool, and watered, before they were tied up in the stall, their mouths having been previously washed with wine. (Col. ii. 2, 22–28.)

The ploughman (*bubulcus*) was required to make perfectly straight and uniform furrows (*sulco*

vario ne ares, Cat. 61), so close to each other as altogether to obliterate the mark of the share, and was particularly cautioned against missing over any portion of the ground, and thus leaving *scamna*; that is, masses of hard unstirred earth (*necubi crudum solum et immotum relinquat, quod agricolae scamnum vocant*, Col. ii. 2, 25). The normal length of a furrow was 120 feet; any greater length was considered to try the oxen too much. A distinction is drawn between *versus* and *versura*, the former being properly the *furrow*, the latter the extremity of the furrow, or the turning point; but this is far from being strictly observed. (Col. ii. 2, §§ 27, 28.)

Four days were allowed for the four ploughings of a juger of rich low-lying land (*jugerum talis agri quatuor operis expeditur*, Col. ii. 4, 8). The first ploughing (*proscissio*) occupied two days, the second (*iteratio*) one day, the third (*tertiatio*) three-fourths of a day, and ribbing for the seed one-fourth of a day (*in liram satum redigitur quadrante operae*, ib.). The same time is allowed for the three ploughings of rich upland soil (*colles pinguis soli*) as for the four ploughings of the uliginosus campus, the fatigue being much greater, although the difficulties presented by the acclivity were in some measure relieved by ploughing hills in a slanting direction, instead of straight up and down. (Varr. i. 27, 29; Col. ii. 2, 4; Plin. *H. N.* xviii. § 178; Pallad. i. 6, ii. 3, viii. 1, x. 1; *Geopon.* ii. 23; and comp. Hom. *Il.* xiii. 704, xviii. 370, 540; *Od.* v. 127.)

2. *Manuring (stercoratio).*

Manure (*fimus, stercus*). This was of three kinds: (1) the dung of birds (*stercus columbinum*); (2) of the ordinary domestic animals (*bubulum, ovillum, caprinum, suillum, equinum, asininum*, &c.); (3) human excrements. These differed considerably in quality, and hence those who raised different kinds of crops are enjoined to keep the different sorts of dung separate, in order that each might be applied in the most advantageous manner. That derived from pigeon-houses (*columbariis*), from aviaries where thrushes and blackbirds were fattened (*ex aviariis turdorum ac merularum*, Varro, i. 38), and from birds in general, except water-fowl, was considered the hottest and most powerful, and always placed apart, being sown by the hand exactly as we deal with guano at the present moment. The dung of swine was considered of the least value (Col. ii. 38). The ancient writers very emphatically point out the necessity of procuring large supplies of manure, which the Romans regarded under the special patronage of *Stercutius*, and farmers were urged to collect straw, weeds, leaves of all sorts, hedge-clippings, and tender twigs, which were first used to litter the stock, and then, when mixed with ashes, sweepings of the house, road-scrapings, and filth of every description, served to swell the dunghills (*sterquilinia*). These were at least two in number, one being intended for immediate use, the other for the reception of fresh materials, which were allowed to remain for a year (Varro, i. 13); dung, when old and well rotted, being accounted best for all purposes, except for top-dressing of meadows, when it was used as fresh as possible. The dunghills were formed on ground which had been hollowed out and beaten down or paved, so that the moisture might not escape through the soil, and they were covered over with brushwood or hurdles to prevent evaporation. In this way the whole mass was kept constantly moist, and fermentation was still further promoted by turning it over very frequently and incorporating the different parts. (Col. ii. 14.)

The particular crops to which manure was chiefly applied will be noticed hereafter; but in so far as regards the time of application it was laid down in September or October, on the ground that was to be autumn sown; and in the course of January or February, on the ground that was to be spring sown. A full manuring (*stercoratio*) for a juger of land on an upland slope (*quod spissius stercoratur*) was 24 loads (*vehes*), each load being 80 modii or pecks; while for low-lying land (*quod rarius stercoratur*) 18 loads were considered sufficient. (Col. ii. 5.) The dung was thrown down in small heaps of the bulk of five modii, it was then broken small, was spread out equally and ploughed in instantly that it might not be dried up by the rays of the sun, great care being taken to perform these operations when the moon was waning, and if possible with a west wind. According to the calculations of Columella (ii. 14), the live-stock necessary for a farm of two hundred jugers ought to yield 1440 loads per year; that is, enough for manuring 60 jugers at the rate of 24 loads to the juger. In what proportions this was distributed is nowhere very clearly defined, and must necessarily have varied according to circumstances. If we take two statements of Cato in connexion with each other, we shall be led to conclude that he advises one-half of the whole manure made upon a farm to be applied to the raising of green crops used as fodder (*pabulum*), one-fourth to the top-dressing of meadows, and the remaining fourth for the olives and fruit-trees. Columella recommends the manuring of light soil (*exilis terra*) before the second ploughing; but when rich lands were summer fallowed previous to a corn crop, no manure was considered requisite. (Hom. *Od.* xvii. 297; Theophrast. *Caus. Phys.* iii. 25; Cat. 5, 7, 29, 36, 37, 61; Varr. i. 13, 38; Colum. ii. 5, 14, 15, xi. 2; Pallad. i. 33, x. i.; Cic. *de Senect.* 15, §§ 51, 54; Plin. *H. N.* xvii. §§ 50–55, xviii. §§ 192–194; *Geopon.* ii. 21, 22.)

The system of manuring by penning and feeding sheep upon a limited space of ground was neither unknown nor neglected, as we perceive from the precepts of Cato (30), Varro (ii. 2, 12), and Pliny (*H. N.* xviii. § 194), all of whom recommend the practice.

The ashes obtained by burning weeds, bushes, prunings, or any sort of superfluous wood, were found to have the best effect (Verg. *Georg.* i. 81; Colum. ii. 15, 4; Plin. xvii. § 49; *Geopon.* xii. 4), and sometimes, as we know from Virgil (*Georg.* i. 84), it was deemed profitable to set fire to the stubble standing in the fields (Plin. *H. N.* xviii. § 300). Caustic lime was employed as a fertiliser by some of the tribes of Transalpine Gaul in the time of Pliny, but in Italy its application seems to have been very limited and to have been confined to vines, olives, and cherry-trees. (Cat. 38; Pallad. i. 6; Plin. *H. N.* xvii. § 53.)

Marl also (*marga*) of different kinds was known to the Greeks, was applied by the Megarenses to wet cold lands, and was extensively employed in Gaul and Britain; but not being found in Italy,

did not enter into the agricultural arrangements of the Latins. Pliny devotes several chapters to an elaborate discussion upon these earths, of which he describes various sorts which had been made the subject of experiment, classifying them according to their colour, their constitution, and their qualities: the white (*alba*), the red (*rufa*), the dove-coloured (*columbina*), the clayey (*argillacea*), the sandy (*arenacea*), the tufaceous (*tofacea*), which was either fat (*pinguis*) or rough (*aspera*). Some of them we recognise at once, as, for example, the fat white clayey marl chiefly used in Britain, the effects of which were believed to endure for eighty years. (Plin. *H. N.* xvii. §§ 42, 45; comp. Varro, i. 7, *In Gallia Transalpina intus ad Rhenum aliquot regiones accessi . . . ubi agros stercorarent candida fossicia creta.*) Daubeny believes (p. 134) that the virtue ascribed to marl as a manure, which he says is worthless *as such*, is due to the large quantity of phosphate of lime found in some soils which bear that name.

Somewhat analogous to the use of marl was the system strongly recommended by Theophrastus and Columella, but condemned by Pliny, of combining soils in which some quality existed in excess, with those possessing opposite characters —dry gravel with chalky clay, or heavy wet loam with sand,—the object being frequently attained to a certain extent by subsoil ploughing, which was greatly approved of as a means of renovating fields exhausted by severe cropping. (Theophrast. *Caus. Phys.* iii. 25; Colum. ii. 15; Plin. *H. N.* xvii. § 41.)

When ordinary manures could not be procured in sufficient quantity, a scheme was resorted to which was at one time pursued in this country, and is still adopted with considerable success in many parts of Italy and in the sandy tracts of southern France. The field was sown about the middle of September with beans or lupines, which were ploughed into the ground the following spring, in all cases before the pod was fully formed, and at an earlier stage of their growth on light than on stiff soils. Nay, many crops, such as beans, peas, lupines, vetches, lentils (*ervilia, cicerula*), even when allowed to come to maturity, were supposed to exercise an ameliorating influence, provided their roots were immediately buried by the plough, although perhaps in this case the beneficial effect may have resulted from the manure applied before they were sown. On the other hand, corn in general, poppies, fenugreek, and all crops pulled up by the roots, such as cicer and flax, were supposed to exhaust (*urere*) the soil, which then required either repose or manure to restore its powers. (Theophrast. *Caus. Phys.* viii. 9; Cat. 37; Varr. i. 23; Verg. *Georg.* i. 77; Colum. ii. 13–15, xi. 2; Pallad. i. 6, vi. 4, x. 9; Plin. *H. N.* xvii. § 56, xviii. § 182.)

3. *Sowing* (*satio*)

May be considered under three heads. 1. The time of sowing. 2. The manner of sowing. 3. The choice, preparation, and quantity of the seed.

1. The seed-time (*sementis*), κατ' ἐξοχήν, commenced at the autumnal equinox, and ended fifteen days before the winter solstice. Few, however, began before the setting of the Pleiades (23rd October), unless on cold wet ground, or in those localities where bad weather set in soon; indeed, it was an old proverb that, while a late sowing often disappointed the hopes of the husbandman, an early one never realised them (*maturam sationem saepe decipere solere, seram numquam quin mala sit*); and the Virgilian maxim is to the same purpose (*Georg.* i. 219). Spring sowing (*trimestris satio*) was practised only in very deep stiff land, which would admit of being cropped for several years in succession (*restibilis ager*), or where, from peculiar circumstances connected with the situation or climate, such as the great inclemency of the winters, it was impossible for the farmer to sow in autumn; and hence, generally speaking, was resorted to very sparingly, and for the most part from necessity rather than inclination.

2. We can infer from incidental notices in agricultural writers, that the seed was committed to the ground in at least three different modes.

a. The seed was cast upon a flat surface finely pulverised by the plough and harrow, and then covered up by ribbing the land (*tertio cum arant*, JACTO SEMINE, *boves lirare dicuntur*). (Varr. i. 29; comp. Colum. ii. 13.)

b. The land was ribbed, the seed was then dropped upon the tops of the *lirae* or elevated ridges, according to our fashion for turnips, LIRAS *autem rustici vocant easdem porcas cum sic aratum est, ut inter duos latius distantes sulcos, medius cumulus siccam sedem frumentis praebeat.* (Colum. ii. 4, § 8.) This plan was followed on wet land to secure a dry bed for the seed, which would probably be covered up by hand-rakes (*rastris*).

c. The land was ribbed as in the former case; but the seed, instead of being dropped upon the ridge of the *lira*, was cast into the depression of the furrow, and might be covered up either by the harrow or by ploughing down the middle of the lira. This was practised on light, sloping, and therefore dry, land (*neque in lira sed sub sulco talis ager seminandus est*, Colum. ii. 4, § 11).

Vetches, fenugreek, and some other crops, as will be noticed below, were frequently thrown upon land unprepared (*cruda terra*), and the seeds then ploughed in. The seed seems to have been cast out of a three-peck basket (*trimodiam satoriam*, sc. *corbem*), which from superstitious motives was sometimes covered over with the skin of a hyaena (Col. ii. 9, 9). Pliny points out how necessary it was that the hand of the sower should keep time with his stride, in order that he might scatter the grains with perfect uniformity.

3. The points chiefly attended to in the choice of seed corn were, that it should be perfectly fresh and free from mixture or adulteration, and of an uniform reddish colour throughout its substance. When the crop was reaped, the largest and finest ears were selected by the hand, or, where the produce was so great as to render this impossible, the heaviest grains were separated by a sieve (*quidquid exteratur capisterio expurgandum erit*, Col. ii. 9, 11) and reserved. In addition to these precautions it was not unusual to doctor seeds of all sorts (*medicare semina*) by sprinkling them with an alkaline liquor (*nitrum*, i. e. probably carbonate of soda), or with the deposit left by newly-expressed oil (*amurca*), or by steeping them in various preparations, of which several are enumerated by Columella and Pliny (cf. Verg. *Georg.* i. 193); the object being twofold, in the first place to increase the quan-

tity and quality of the produce, and in the second place to protect it from the ravages of vermin, especially the little animal called *curculio*, probably the same insect with our weevil.

The quantity of seed sown varied according to the soil, the situation, the season, and the weather, the general rule being that less was required for rich and finely pulverised (*pingue et putre*), or light and sharp (*gracile*), or thin poor soil (*macrum, exile*) than for such as was stiff and heavy (*crassum, cretosum*), or moderately tenacious; less for an open field than for an *arbustum*, less at the beginning of the season than towards the close (although this is contradicted by Pliny, *H. N.* xviii. § 196), and less in rainy than in dry weather, maxims which are fully explained by the authorities quoted below. The average amount of seed used for the three principal species of grain—wheat, spelt, and barley—was respectively five, ten, and six modii per juger, which Daubeny (p. 129) shows to correspond pretty nearly with our own practice. (Xenoph. *Oecon.* 17; Theophrast. ii. 6, and iii. 25; Cat. 34, 35; Varr. i. 29, 34, 40, 44, 52; Colum. ii. 2, 3, 8–10, 13, xii. 2; Pallad. i. 6, 34, x. 2; Verg. *Georg.* i. 193, 212, 225; Plin. *H. N.* xviii. §§ 198 ff., 304 ff.; *Geopon.* ii. 15–20.)

4. *Harrowing* (*occatio*)

Might be performed at two different periods: after the first or second ploughing, in order to powder the soil completely; and after sowing, in order to cover up the seed. When the land was encumbered with roots and deep-seated weeds, a grubber (*irpex*, Cat. 10; Varr. *L. L.* v. 136) formed of a strong plank set with iron spikes was employed, but in ordinary cases wicker hurdles (*vimineae crates*), sometimes fitted with teeth (*dentatae*), were dragged over the ground; or the clods were broken with hand-rakes (*rastra*). The seed, as we have seen above, being for the most part ploughed in, and the operation for that reason placed under the patronage of a god *Obarator*, the second harrowing (*iteratio*) was omitted, except where the surface still rose in lumps (Verg. *Georg.* i. 104); but since it was the duty of a good farmer to have his fields in the best order before he began to sow, the older Roman writers considered harrowing after sowing as a proof of bad husbandry.—"Veteres Romani dixerunt male subactum agrum, qui satis frugibus occandus sit." (Colum. ii. 4, 13, xi. 2, 82; Plin. *H. N.* xviii. § 180; Verg. *Georg.* i. 94, 104.)

5. *Hoeing* (*saritio*).

The next care, after covering up the seed, was to loosen the earth round the roots of the young blades, in order that air and moisture might gain free access and enable them to send forth more numerous and more vigorous shoots and fibres (*ut fruticare possint*). This process was termed σκαλεία, *saritio*, or *sarculatio*, and was carried on by hand with an instrument called *sarculum*, the form of which is not known. Corn was usually hoed twice, for the first time in winter, as soon as it fairly covered the ground (*cum sata sulcos contexerint*), provided there was no frost; and for the second time in spring, before the stalk became jointed (*antequ um seges in articulum eat*); great care being taken at all times not to injure the root. On the first occasion, and then only, where the ground was dry and the situation warm, the plants, in addition to a simple hoeing (*plana saritio*), were earthed up (*adobruere*). Columella recommends saritio for almost all crops, except lupines; but authorities differed much as to the necessity or propriety of performing the operation in any case, and those who advocated its expediency most warmly, agreed that the periods at which it ought to be executed, and the number of times that it ought to be repeated, must depend upon the soil, climate, and a variety of special circumstances. (Cat. 37; Varr. i. 18, 29, 36; Colum. ii. 11, xi. 2; Plin. *H. N.* xviii. § 184; *Geopon.* ii. 24: comp. Plaut. *Capt.* iii. 5, 3; Verg. *Georg.* i. 155.)

6. *Weeding* (*runcatio*).

Hoeing was followed by weeding (βοτανισμός, *runcatio*), which in the case of grain crops took place immediately before they began to blossom, or immediately after the flower had passed away. The weeds were either pulled up by the roots (*evulsis inutilibus herbis*), or cut over with a billhook, which Palladius terms *runco*. (Cat. 37; Varr. i. 30; Colum. ii. 11, xi. 2; Pallad. i. *sub fin.*; Plin. *H. N.* xviii. § 185; *Geopon.* ii. 24.)

But after the farmer had laboured with unremitting zeal in cleaning and pulverising the soil, in selecting and medicating the seed, in hoeing the young blades, and in extirpating the common noxious weeds (*lolium, tribuli, lappae, cardui, rubi, avena*), the safety of the crop was threatened by a vast number of assailants (*tum variae illudant pestes*, Verg. *Georg.* i. 181); such as worms of various kinds (*vermiculi*) attacking both root and ear, caterpillars (*uricae*), spiders (*phalangia*), snails (*lìmaces, cochleae*), mice (*mures*), moles (*talpae*), and the whole race of birds, besides which each kind of plant was believed to have its own special vegetable enemy, which, if not carefully watched, would spring up, choke, and destroy it. But the foe dreaded above all others in the vineyard and the cornfield was a peculiar blight or mildew termed *robigo*, which wrought such havoc in damp low-lying situations that it was regarded as a manifestation of wrath on the part of a malignant spirit, whose favour the rustic sought to propitiate by the annual festival of the *Robigalia*. [ROBIGALIA.] (Plin. *H. N.* xviii. § 154; Verg. *Georg.* i. 151.)

Another danger of an opposite description arose from the grain shooting up so rapidly that the stalk was likely to become immoderately long and weak. The danger in this case was averted by pasturing down the too luxuriant herbage with sheep (*luxuriem segetum tenera depascit in herba*), or by dragging over it an iron-toothed harrow (*cratis et hoc genus dentatae stilis ferreis*), by which it was said to be combed (*pectinari*). (Verg. *Georg.* i. 112; Plin. *H. N.* xviii. § 186.)

7. *Reaping* (*messio*).

The corn was reaped as soon as it had acquired a uniform yellow tint, without waiting until it had become dead ripe, in order to avoid the loss sustained by shaking, and by the ravages of animals. The necessity of pursuing this course with regard to barley is especially insisted upon; but it is quite at variance with modern practice. There was a saying that it was better to reap two days too soon than two days too late. (Colum. ii. 9; Plin. xviii. § 298.)

Varro (i. 50) describes three distinct methods of reaping (*tria genera messionis*).

1. That followed in Umbria, where the stalk was shorn close to the ground with a hook (*falx*). Each handful was laid down; and when a number of these had accumulated, the ears were cut off, thrown into baskets (*corbes*), and sent to the threshing-floor, the straw (*stramentum*) being left upon the field, and afterwards gathered into a heap.

2. That followed in Picenum, where they used a small iron saw (*serrula ferrea*) fixed to the extremity of a crooked wooden handle (*ligneum incurvum batillum*); with this they laid hold of a bundle of ears which were cut off, the straw being left standing to be mown subsequently.

3. That followed in the vicinity of Rome and most other places, where the stalks were grasped in the left hand and cut at half their height from the ground, the whole of the portion detached being conveyed in baskets to the threshing-floor, and the part left standing being cut afterwards.

The last two methods only are particularly noticed by Columella, who describes the instruments employed in the second under the names of *pectines* and *mergae* (*multi mergis, alii pectinibus spicam ipsam legunt*); and those employed in the third as *falces veruculatae* (*multi falcibus veruculatis, atque iis vel rostratis vel denticulatis medium culmum secant*); for which comp. Paul. ex Fest. p. 124, Müll. and Schneider's note on Col. ii. 20; Ven. i. 51, 2. In addition to the above, Pliny and Palladius describe a reaping-machine worked by oxen, which was much used in the extensive plains of Gaul. Pliny also describes another kind of reaping: *stipulae alibi mediae falce praeciduntur atque inter duas mergites spica destringitur*, where *mergites* seems to be the same as Columella's *mergae*. Daubeny supposes that *inter duas mergites* = "by a pair of shears," which can hardly be right. Virgil (*Georg.* i. 316), perhaps, alludes to binding up the corn in sheaves; but his words are not so clear upon this point as those of Homer in the charming picture of a harvest-field contained in the eighteenth book of the *Iliad*. (Varr. i. 50; Colum. ii. 20; Plin. *H. N.* xviii. § 296; Pallad. vii. 2; *Geopon.* ii. 25; comp. Hom. *Il.* xi. 67, xviii. 550.)

8. *Threshing* (*tritura*).

After the crop had been properly dried and hardened (*torrefacta*) by exposure to the sun, it was conveyed to the threshing-floor (ἄλως, ἀλωή, or ἀλωή, *area*). This was an open space, on some elevated spot over which the wind had free course, of a circular form, slightly raised in the centre to allow moisture to run off. The earth was compressed by heavy rollers (*gravi cylindro, molari lapide*), pounded with rammers (*paviculis*), and reduced to a solid consistency with clay and chaff, so as to present an even unyielding surface; or, better still, paved with hard stones. Here the corn was spread out and beaten with flails (*baculis excutere, fustibus cudere, perticis flagellare*); or more commonly, except when the ears alone had been brought from the field, trodden out (*exterere*) by the feet of a number of men or horses, who were driven backwards and forwards within the ring. To produce the effect more easily and more perfectly, the cattle were frequently yoked to a machine (*tribulum, tribula, trahea, traha*), consisting of a board made rough by attaching to it stones or pieces of iron, and loaded with some heavy weight; or what was termed a Punic wain (*plostellum Poenicum*) was employed, being a set of toothed rollers covered with planks, on which sat the driver who guided the team.

Attached to the area was a huge shed or half-enclosed barn (*nubilarium*), of sufficient dimensions to contain the whole crop. Here the corn was dried in unfavourable seasons before being threshed, and hither it was hurriedly conveyed for shelter when the harvest work was interrupted by any sudden storm. (Cat. 91, 129; Varr. i. 13, 51, 52; Colum. i. 6, ii. 19; Pallad. i. 36, viii. 1; Plin. *H. N.* xviii. § 298; Hom. *Il.* xiii. 588, xx. 495, xxi. 77; Verg. *Georg.* i. 178; *Geopon.* ii. 26.)

9. *Winnowing* (*ventilatio*).

When the grain was mixed with chaff, it was laid down in small piles upon the area, in order that the lighter particles might be borne away by the passing breeze; but when the wind was not sufficiently strong, it became necessary to winnow (*ventilare*) it. This was effected by a labourer (λικμητήρ, *ventilator*), who tossed it up from a broad basket (*vannus*), sieve (*capisterium*) or shovel (πτύον, *ventilabrum*), when the heavy portion fell down in a heap, and the chaff floated off through the air. When it was intended to keep the corn for any length of time, it was common to repeat the process (*repurgare, repolire*), that it might be thoroughly cleaned. (Varr. i. 52; Colum. ii. 9, 20; cf. Hom. *Il.* v. 499, xiii. 588.)

10. *Preservation of Corn* (*de frumento servando*).

After the corn had been threshed out and winnowed, or at least the ears separated from the stalk, the next care was to store up (*condere*) the grain in fitting repositories (*granaria, horrea*). The great object in view being to preserve it from becoming mouldy or rotten, and to protect it from the ravages of vermin, especially the weevil (*curculio*), we find that very great diversity of opinion existed as to the means by which those ends might best be attained. By some the store-houses were built with brick walls of great thickness, for the purpose, it would seem, of securing a uniform temperature, and had no window or aperture, except a hole in the roof, through which they were filled. Others, again, raised these structures aloft on wooden columns, and allowed currents of air to pass through on all sides and even from below; while others admitted particular winds only,—such, namely, as were of a drying character. Many plastered the walls with a sort of hard stucco, worked up with amurca, which was believed to act as a safeguard against vermin, while others considered the use of lime under any form as decidedly injurious. These and many different opinions, together with receipts for various preparations wherewith to sprinkle the corn, will be found detailed in the authorities cited below, among whom Pliny very sensibly observes that the principal consideration ought to be the condition of the grain itself when housed; since, if not perfectly dry, it must of necessity breed mischief. In many countries, as in Thrace, Cappadocia, Spain, and Africa, the corn was laid up in pits (*scrobibus*) sunk in a perfectly dry soil and well

lined with chaff, a practice now extensively adopted in Tuscany. Wheat in the ear (*cum spica sua*) might, according to Varro, if the air was excluded, be preserved in such receptacles for fifty years, and millet for a hundred. Modern experiments (comp. British Association Reports for 1850) have shown that seeds very rarely retain their vitality for as much as forty years. (Cat. 92; Varr. i. 57; Colum. i. 6; Pallad. i. 19; Plin. *H. N.* xviii. § 307; *Geopon.* ii. 27–31.)

IV. Crops.

Crops, as already remarked, may be divided into four classes:—1. Grain or corn crops. 2. Leguminous crops, or pulse. 3. Crops cut green for forage. 4. Crops which supplied the raw materials for the textile fabrics. We might extend the number of classes did we purpose to treat of certain plants, such as poppies (*papavera*) and *sesamum*, raised to a small extent only, and confined to particular localities; but our limits do not permit us to embrace so wide a field of inquiry.

In addition to the above, much attention was devoted to what may be termed secondary crops; those, namely, which did not afford directly food or clothing for man or beast, but which were required in order to facilitate the cultivation and collection of the primary crops. Thus, beds of willows (*salicta*) for baskets and withes, and of reeds (*arundineta*) for vine-props, were frequently in favourable situations very profitable, just as land in certain districts of Kent yields a large return when planted with young chestnuts for hop-poles.

1. *Corn Crops* (*frumenta*).

The word applied in a general sense to denote what we now call "the cereal grasses" was *frumenta*; but of these wheat being by far the most important, it is not wonderful that the term in question should be employed frequently to denote wheat specially, and occasionally in such a manner as to exclude other kinds of grain, as when Pliny remarks, "calamus altior frumento quam hordeo," meaning "in wheat the stalk is longer than in barley." The only frumenta which it will be necessary for us to consider particularly in this place are—

a. Triticum and *Far*; *b. Hordeum*; *c. Panicum* and *Milium*.

a. Triticum and *Far*. No one entertains any doubt that *triticum* (πυρὸς in Greek, and in the later writers σῖτος) is the generic name for the grain which we denominate *wheat*; but when we proceed to examine the different species or varieties, we are involved in many difficulties, for the botanical descriptions transmitted to us by the ancients are in all cases so imperfect, and in many instances so directly at variance with one another, that it becomes almost impossible to identify with certainty the objects to which they refer, with those familiar to ourselves. Columella (ii. 6; comp. Dioscorid. ii. 107; Theophr. *H. P.* viii. 1, 4), who attempts a systematic classification, assigns the first place among "frumenta" to *Triticum* and *Semen adoreum*, each of which contained several species or varieties. Among many different kinds of triticum he deems the following only deserving of particular notice:—

1. *Robus*, possessing superior weight and brilliancy (*nitor*).

2. *Siligo*, very white, but deficient in weight. (Colum. ii. 9, § 13; Plin. *H. N.* xviii. § 85.)

3. *Trimestre* (τριμηνιαῖος, s. τρίμηνος), a sort of siligo, receiving its name from lying three months only in the ground, being spring-sown. We find this kind sometimes denominated δίμηνος also, since in very warm situations it came to maturity in two months after it was sown.

Among the different kinds of *Semen adoreum*, the following are particularly noticed:—

1. *Far Clusinum*, distinguished by its whiteness.

2. *Far venuculum rutilum.* } Both heavier than
3. *Far venuculum candidum.* } the *Clusinum*.

4. *Halicastrum* or *Semen trimestre*, very heavy and of fine quality. Here we must remark that although *robus*, *siligo*, and *trimestre* are set down as particular species or varieties of the more general term *triticum*, which is used in contradistinction to *semen adoreum*, it is much more usual to find *triticum* used in a restricted sense to denote ordinary winter wheat, in opposition to both *siligo* and *adoreum*, and hence Pliny declares that the most common kinds of grain were "*Far*, called *adoreum* by the ancients, *siligo*, and *triticum*."

Now, with regard to the three kinds of *triticum* enumerated above, we shall have little difficulty in deciding that they were not distinct species, but merely varieties of the same species; for we are assured by Columella (ii. 9), that triticum, when sown in wet land, passed in the course of three years into *siligo*, and by Pliny (*l. c.*) that *siligo*, in most parts of Gaul, passed, at the end of two years, into *triticum*; again, Columella, in describing *trimestre*, admits (although contradicted by Plin. *H. N.* xviii. § 70) that it is a variety of *siligo*, while modern experience teaches us that winter and spring wheats are convertible by subjecting them to peculiar modes of cultivation. Hence we conclude that *robus* and *siligo* were varieties of what is now termed by botanists *Triticum hibernum*, and that *trimestre* was a variety of our *Triticum aestivum*, which is itself a variety of the *hibernum*.

The question with regard to *Far*, *Ador*, *Semen adoreum*, *Semen*, *Adoreum*, names used indifferently by the Latin writers, does not admit of such an easy solution. But after a careful examination of the numerous, vague, perplexing, and contradictory statements scattered over the classics, the discussion of which separately would far exceed our limits, we may with considerable confidence decide that *far* was a variety of the Greek ζέα or ζεία, and of the modern *Triticum spelta*, if not absolutely identical with one or both. Spelt, which is fully recognised by botanists as a distinct species of triticum, is much more hardy than common wheat, succeeding well in high exposed situations where the latter would not ripen, and its chaff adheres with singular firmness to the grain, both of which circumstances were prominent characteristics of *far*. (Colum. ii. 8; Plin. *H. N.* xviii. § 83.) Indeed, it was found impossible to get rid of the thick double case in which it was enclosed, by the ordinary modes of threshing; therefore it was stored up with the chaff attached (*convenit cum palea sua condi et stipula tantum et aristis liberatur*); and when used as food it was necessary to pound it in a mortar, or rub it in a mill of a peculiar construction, in order to separate

the tenacious husks—a process altogether distinct from grinding, and indicated by the words *pinsere, pistura, pistores.* (Varr. *L. L.* v. 138; Plin. *H. N.* xviii. § 97 ff.) The idea entertained by some commentators, that the distinction between triticum and far consisted in the circumstance that the latter was awned while the former was beardless, is altogether untenable; for not only does Pliny say expressly in one passage (xviii. § 92), *far sine arista est*, and in another (xviii. § 298) as distinctly that *far* had *aristae*, but it is perfectly clear from Varro (i. 48; compare Plin. *H. N.* xviii. § 53) that ordinary triticum had a beard, and from Pliny that siligo was generally, although not uniformly, without one—a series of assertions whose contradictory nature need occasion no surprise, since it is now well known that this, like colour, is a point which does not amount to specific difference, for white, red, awned, and beardless wheats are found to change and run into each other, according to soil, climate, and mode of culture. Another fact noticed by Pliny, to which, if correct, botanists seem not to have given due attention, is, that *triticum* had four joints in its stalk, *far* six, and barley eight.

All agree that triticum (we shall use the word hereafter in the restricted sense of common winter-wheat) succeeded best in dry, slightly elevated, open ground, where the full influence of the sun's rays was not impeded by trees, while siligo and far were well adapted for low damp situations and stiff clayey soils (Cato, 34, 35; Varr. i. 9; Colum. ii. 6; Plin. xviii. §§ 94, 95).

The finest Italian wheat weighed from twenty-five to twenty-six pounds the modius, which corresponds to upwards of seventy English pounds avoirdupois to the imperial bushel, the Roman pound being very nearly 11·8 oz. avoird., and the modius ·99119 of an imperial peck. The lightest was that brought from Gaul and from the Chersonese. It did not weigh more than twenty pounds the modius. Intermediate were the Sardinian, the Alexandrian, the Sicilian, the Baetican, and the African, the two last approaching most nearly in excellence to the Italian. (Plin. *H. N.* xviii. § 75.)

The proportion which the produce bore to the seed sown varied, when Cicero and Varro wrote, in the richest and most highly cultivated districts of Sicily and Italy from 8 to 10 for 1; 15 for 1 was regarded as an extraordinary crop obtained in a few highly favoured spots only, while in the age of Columella, when agriculture had fallen into decay, the average return was less than 4 for 1. Parts of Egypt, the region of Byzacium in Africa, the neighbourhood of Gadara in Syria, and the territory of Sybaris were said to render a hundred or even a hundred and fifty fold; but these accounts were in all likelihood greatly exaggerated. (Cic. *in Verr.* iii. 47, § 112; Varr. i. 44; Colum. iii. 3, § 4; Plin. *H. N.* xviii. §§ 89–92.)

Far is uniformly represented as having been the first species of grain ever cultivated in Italy, and as such was employed exclusively in religious ceremonies. Hence also *farina* became the generic term for flour or meal whether derived from far, from triticum, or from any other cereal. Thus we read of *triticea farina, siliginea farina, hordeacea farina*, even *avenacea farina* (Plin. *H. N.* xviii. § 88, xx. § 135, xxii. § 122). In the expressions *far triticeum, far hordeaceum*, found in Columella (viii. 5, 11), *far* is evidently used for *farina*, and we shall see that even *siligo* is in like manner used to denote, not only the solid grain, but the flour produced by grinding it. This being premised, we may proceed to examine the meaning of the terms *pollen, similago* s. *simila, cibarium, siligo, flos, alica, amylum, granea*, &c., several of which have never been clearly explained. Here again we can give the result only of an investigation, in the course of which we are obliged to thread our way through statements at once obscure and irreconcilable. Regarding *triticum* and *siligo* as two well distinguished varieties of wheat, their products when ground were thus classed by millers:—

From triticum,

1. *Pollen*, the finest flour dust, double dressed.
2. *Similа*, or *Similago*, the best first flour.
3. *Cibarium secundarium*, seconds flour.
4. *Furfures*, bran.

From siligo,

1. *Siligo*, the finest double-dressed flour, used exclusively for pastry and fancy bread.
2. *Flos* (*siliginis*), first flour.
3. *Cibarium secundarium*, seconds flour.
4. *Furfures*, bran.

It would appear that Celsus (ii. 18), considering wheat generally as triticum, called the finest and purest flour *siligo;* ordinary flour, *simila;* the whole produce of the grain, bran, and flour mixed together, *αὐτόπυρος.* (Plin. *H. N.* xviii. §§ 89 ff., 138.)

Alica is placed by Pliny among the different kinds of corn (xviii. § 50), and is probably the same with the *Halicastrum, Alicastrum*, or spring-sown *far* of Columella (ii. 6). But *alica* is also used to denote, not only the grain, but a particular preparation of it, most clearly described in another passage of Pliny (xviii. § 109). The finest was made from Campanian zea, which was first rubbed in a wooden mortar to remove the husk, and then (*excussis tunicis*) the pure grain (*nudata medulla*) was pounded. In this manner three sorts were produced and classed according to their fineness,—the *minimum*, the *secundarium*, and the coarsest or *aphaerema*,—and each was mixed with a kind of fine white marl (*creta*), found between Naples and Puteoli, which became intimately amalgamated with it (*transit in corpus, coloremque et teneritatem adfert*). This compound was the principal ingredient in a sort of porridge also called *alica*, while *alicarius*, signifying properly one who pounded alica, sometimes denotes a miller in general. (Plin. *H. N.* xviii. § 109, xxii. § 124; Cat. 76; Cels. vi. 6; Mart. ii. 37, xiii. 6; *Geopon.* iii. 7.)

Amylum is starch, and the modes of preparing it are described by Cato (87), and Pliny (*H. N.* xviii. § 76). It was used both in medicine and for the kitchen.

Granea was wheat, not ground, but merely divested of its husk, and made into a sort of porridge by boiling it in water and then adding milk. (Cat. 86.) Pliny (xviii. § 116) speaks of it as an inferior kind of alica.

b. Hordeum s. *Ordeum* (κριθαί; κρῖ, Hom.). Next in importance to *triticum* and *adoreum* was *hordeum* or barley, which was a more appropriate food for the lower animals than wheat, was better for man when made into *polenta* than

wheat of an indifferent quality, and furnished excellent straw and chaff (*stramentum, palea*).

The species most generally cultivated, termed *hexastichum* or *cantherinum*, was, we can scarcely doubt, identical with the hardy species, now almost confined to Scotland, which we now call *bere* or *bigg*, the *Hordeum hexastichon* or six-rowed barley of botanists. It was sown after the vernal equinox (hence called τρίμηνος, Theophr. *H. P.* viii. 1), upon land that had been twice ploughed, at the rate of five modii to the juger; succeeded best in a dry, loose, rich soil; and being an exhausting crop, the land from which it had been reaped was summer fallowed, or recruited by manure. It was cut as soon as it was ripe; for the stalk being brittle, was liable to be beaten down; and the grain not being enclosed in an outer husk, was easily shaken.

Another species, termed *Galaticum* or *distichum*, the same apparently with the modern *Hordeum vulgare*, or with the *Hordeum distichum*, varieties of the common two-rowed barley, was remarkable for its weight and whiteness, and answered well for mixing with wheaten flour in baking bread for slaves. It was sown in autumn, winter, or early spring, at the rate of six modii to the juger. Five modii of seed hordeum required six days and a half of labour to bring it to the threshing-floor; viz. ploughing three days, harrowing (*occatoria opera*) one, hoeing (*sarritoria*) one and a half, reaping (*messoria*) one.

Pliny speaks of hordeum as the lightest of all frumenta, weighing only 15 pounds to the modius (Roman pound = 11·8 oz. avoird.). In mild climates it might be sown early in autumn. (Theophr. *H. P.* viii. 1; Cat. 35; Varr. i. 34; Colum. ii. 9, §§ 14–16; Verg. *Georg.* i. 210; Plin. *H. N.* xviii. § 62; *Geopon.* ii. 14.)

c. Panicum and *Milium* are commonly spoken of together, as if they were only varieties of the same grain. The first is in all probability the *Panicum miliaceum* or *common millet* of botanists, the ἔλυμος or μελίνη of the Greeks; the second is perhaps the *Setaria Italica* or *Italian millet*, which corresponds to the description of κέγχρος; while the large-grained species noticed by Pliny as having been brought from India less than ten years before the period when he wrote is, we can scarcely doubt, the *Sorghum vulgare*, or *Doora* of the Arabs. (*H. N.* xviii. § 55.)

Panicum and milium were sown in spring (Verg. *Georg.* i. 216), towards the end of March, at the rate of four sextarii (pints) only to the juger, but they required repeated hoeing and weeding to keep them clean. They succeeded well in light loose soil, even on sand if well irrigated; and as soon as the ears were fairly formed, they were gathered by the hand, hung up to dry in the sun, and in this state would keep for a longer period than any other grain. Milium was baked into bread or cakes, very palatable when eaten hot; and both panicum and milium made good porridge (*puls*). Although not much used by the population of Italy, except perhaps in Campania, they formed a most important article of food in the Gauls, in Pontus, in Sarmatia, and in Ethiopia. (Cat. 6; Colum. ii. 9, § 17; Plin. *H. N.* xviii. §§ 100, 101; Pallad. iv. 3; *Geopon.* ii. 38; Theophr. *C. P.* ii. 17, *H. P.* viii. 3; Dioscor. ii. 119.)

Secāle, rye, the *Secale cereale* of botanists, is not mentioned by any of the Greek writers unless it be the βρίζα described by Galen (*de Aliment Facult.* i. 2) as cultivated in Thrace and Macedonia (but this, in all probability, was a coarse variety of spelt), nor by Cato, Varro, Columella, nor Palladius. Pliny alone (*H. N.* xviii. § 141) speaks of it, and in the following terms:—"Secale Taurini sub Alpibus *Asiam* vocant, deterrimum, sed tantum ad arcendam famem: fecunda sed gracili stipula, nigritia triste, pondere praecipuum. Admiscetur huic far ut mitiget amaritudinem ejus; et tamen sic quoque ingratissimum ventri est. Nascitur qualicunque solo cum centesimo grano, ipsumque pro laetamine est." In the previous chapter he makes it identical with *silicia* (fenugreek) and *farrago*; that is, corn sown for the purpose of being cut green as fodder. See remarks upon *Farrago* below.

Avena, the oat (βρόμος s. βρῶμος, Theophr. *H. P.* viii. 4; Dioscorid. ii. 16), the *Avena sativa* of botanists, need scarcely be noticed in this place, since it cannot be raised as a grain with any advantage in a climate so warm as that of Greece or of Italy. Columella (ii. 10, § 9) and Pliny (*H. N.* xviii. § 143, *Avena Graeca*) recommended that it should be sown for green fodder; and the latter, who considers it a degenerate kind of *hordeum*, remarks that it became a sort of corn (*frumenti fit instar*) in Germany, where it formed a regular crop, and where oatmeal porridge was a national dish (*neque alia pulte vivant, H. N.* xviii. §§ 44, 149). In another passage (*H. N.* xxii. § 137) the same author prescribes oatmeal (*avenacea farina*) steeped in vinegar as a remedy for spots on the skin. The *Avena* condemned as a troublesome weed by Cato (*R. R.* 36, § 5) and Virgil (*steriles avenae, Georg.* i. 154) is probably the *Avena fatua* of botanists, although Pliny (*H. N.* xviii. § 149) makes no distinction between this and the cultivated kind.

Other cereals we may dismiss very briefly.

Oryza (ὄρυζα, ὄρυζον), rice, was imported from the East, and was much esteemed for making gruel (*ptisana*). Pliny's description of the plant is quite incorrect.

Zea (ζέα, ζεῖα), *Olyra* (ὄλυρα), *Tiphe* (τίφη), and *Arinca*, of which the first two are named by Homer, must be regarded as varieties of the *Triticum Spelta* or *Far* (Herod. ii. 36; Theophr. *H. P.* ii. 5, viii. 9; Dioscorid. ii. 110; Galen. *de Aliment. Facult.* i. 2, 13). The statements found in the eighteenth book of Pliny's Natural History in reference to these four are altogether unintelligible when compared with each other. He evidently copied, as was too often his custom, from a number of discordant authorities without attempting to reconcile or thinking it necessary to point out their contradictions. In one place (xviii. § 92) he says distinctly that *Arinca* is the *Olyra* of Homer, and in another he seems to say (xviii. § 62) that Olyra in Egypt became Far (*far in Ægypto ex olyra conficitur*). Herodotus (ii. 36) asserts that Olyra and Zea were synonymous, and that these exclusively were cultivated by the Egyptians, but Sir J. G. Wilkinson has proved this to be incorrect. He holds that *olyra* was *doora*. The wheat which has been raised recently from the seeds discovered in the mummy cases is probably *Triticum monococcum*.

With regard to *Irio* and *Horminum*, of which the former seems to have been called *ἐρύσιμον* by the Greeks, both enumerated by Pliny among *frumenta*, although he afterwards somewhat qualifies this assertion, we do not hazard a conjecture. (Plin. *H. N.* xviii. § 49; xxii. § 158.)

We may conclude this section with an enumeration of the technical terms employed to denote the different parts of an ear and stalk of corn.

The whole ear was named *spica;* the beard or awn, *arista;* the ear, when beardless, *spica mutica;* the white solid substance of the grain, *intimum solidum — nudata medulla—granum;* the husk which immediately envelopes the granum, *gluma*, with which *cortex, tunica, folliculus*, are used as synonymous; the outer husk, *acus;* the outer husk with the short straw attached, *palea;* the stem, *stipula, culmus*, to which *scapus, caulis* correspond in leguminous plants; the knots or joints in the stem, *geniculi, articuli;* the sheath-like blade in the stem from which the ear issues forth, *vagina.*

2. *Leguminous Crops* (*χέδροπα, Legumina*).

The vegetables falling properly under this head, chiefly cultivated by the ancients, were: *a. Faba; b. Lupinus; c. Lens* s. *Lenticula; d. Cicer; e. Cicercula; f. Phaseolus; g. Pisum;* to which, in order to avoid multiplying subdivisions, we may add *Napi* and *Rapa*, since in common with the legumina they served as food both for men and cattle.

a. Faba. The ancient *faba*, the *κύαμος* of the Greeks, notwithstanding all that has been urged to the contrary, was certainly one of the varieties of our common field bean, the *Vicia Faba*, or *Faba vulgaris arvensis* of botanists. It required either rich and strong, or well-manured land. If sown upon moist low-lying ground that had remained long uncropped (*veteretum*), no previous preparation was necessary, but the seed was scattered and at once ploughed in; the field was then ribbed and finally harrowed (*cum semen crudo solo ingesserimus, inarabimus, imporcatumque occabimus*), the object being to bury the seed as deep as possible. But if beans were to be sown upon land from which a corn crop had been just reaped (*restibilis ager*), after the stubble was cleared away, manure was spread at the rate of twenty-four *vehes* to the juger, and then the remaining operations were the same as above. Rich land required from four to six modii to the juger, poorer soil somewhat more. A portion of the seed was committed to the ground about the middle (*media sementi*), the remainder at the end of the corn-sowing season (*septimontialis satio*). Virgil (*Georg.* i. 215), indeed, following the practice of his own district, directs that beans should be sown in spring; but this was disapproved of in the rest of Italy because the stalks (*caules—fabalia*), the pods (*siliquae*), and the husks (*acus fabaginum*), all of which were of great value as food for cattle, were less luxuriant in the spring-sown (*trimestris faba*) than in the autumnal crop. Columella recommends that beans should be hoed three times, in which case they required no weeding. When they had arrived at maturity, they were reaped close to the ground, were made up into sheaves (*fasciculi*), were threshed by men who tossed the bundles with forks, trampled them under foot, and beat them with flails (*baculis*), and finally were cleaned by winnowing. The harvest took place in Central Italy about the end of May, and hence the first of June was named *Calendae Fabariae*, because on that day new beans were used in sacred rites. From four to six modii of seed required two days' work of the ploughman, if the land was newly broken up, but only one if it had been cropped the previous season; harrowing occupied one day and a half, the first hoeing one day and a half, the second and third each one day, reaping one day; in all seven or eight days.

Bean meal (*lomentum, σμῆγμα*) was baked into bread or cakes (*ἄρτος κνάμινος*), especially if mixed with the flour of wheat or millet; when made into porridge (*fabacia, puls fabata*), it was accounted an acceptable offering to the gods and termed *Refriva*,—a name properly applied to the beans brought home and set apart for holy purposes. (Hom. *Il.* xiii. 589; Cat. 35; Varr. i. 44; Colum. ii. 10, 12; Pallad. ii. 9, vii. 3; Plin. *H. N.* xviii. §§ 117, 119; *Geopon.* ii. 35; Dioscorid. ii. 127; Theophr. *H. P.* iv. 2, vii. 3, viii. 1: comp. Fest. s. v. *Refriva;* Gell. iv. 11, x. 15; Macrob. *Sat.* i. 12; Cic. *de Div.* i. 30, § 62; Ov. *Fast.* v. 436.)

b. Lupinus, the *θέρμος* of the Greeks, seems to include the *Lupinus albus*, the *L. luteus*, and the *L. pilosus* of botanists, the common white, yellow, and rose lupines of our gardens. The first of the above species was that chiefly cultivated by the Romans, and is pronounced by Columella to be the most valuable of the legumina, because it demanded very little labour, was a sure crop, and, instead of exhausting, actually refreshed and manured the land. Steeped in water and afterwards boiled, it formed an excellent food for oxen in winter, and might be used even for man during periods of scarcity. It could be sown as soon as threshed, might be cast upon ground unprepared by ploughing or any other operation (*crudis novalibus*), and was covered up anyhow, or not covered up at all, being protected by its bitterness from the attacks of birds and other animals.

The proper season for sowing was early in autumn, in order that the stalks might acquire vigour before the cold weather set in; the quantity of seed was ten modii to the juger, and the crop was reaped after it had remained a year in the ground. It succeeded well in any dry light land, especially in reddish soil, but not in wet tenacious soil. Ten modii required in all only three days' work; one for covering up, one for harrowing, and one for reaping, and of these operations, the two first might, if there was a press of work, be dispensed with. (Cat. 34; Colum. ii. 10, 16, xi. 2; Pallad. i. 6, ii. 9, vi. 3, vii. 3, ix. 2; Plin. *H. N.* xviii. § 135; *Geopon.* ii. 39; Verg. *Georg.* i. 75.)

c. Lens s. *Lenticula*, the *φακός* of the Greeks, the modern *Ervum Lens, Vicia Lens*, or Lentile, was sown twice a year, late in autumn (*per mediam sementim*) and early in spring, on dry light soil, in the proportion of rather more than a modius to the juger. It was recommended to mix the seed with dry manure, and, after leaving it in this state for four or five days, then to scatter it. A modius and a half required eight days' work—ploughing, three; harrowing, one; hoeing two; weeding, one; pulling, one. (Cat. 35; Verg. *Georg.* i. 228; Colum. ii. 10, 12;

xi. 2; Plin. *H. N.* xviii. § 123; Pallad. xii. 11; Theophr. *H. P.* viii. 3; Dioscorid. ii. 129; *Geopon.* ii. 37: comp. Martial, xiii. 9, 1; Gell. xviii. 8.)

d. Cicer, the ἐρέβινθος of the Greeks. The *Cicer arietinum* (κριός) and the *Cicer Punicum*, varieties of our common chick-pea, were sown in rich soil, during the month of March, in the proportion of three modii to the juger, the seeds having been previously steeped to make them germinate more readily. The crop was considered injurious to the soil, and therefore avoided by prudent husbandmen. Three modii of Cicer required four days for ploughing and sowing, two days for harrowing, one day for hoeing, one day for weeding, and three days for pulling (*velluntur tribus*). (Colum. ii. 10, 12; Plin. *H. N.* xviii. § 124; Dioscorid. ii. 126; Theophr. viii. 1, 3, 5, 6; *Geopon.* ii. 36.)

e. Cicercula, the λάθυρος of the Greeks, the *Lathyrus sativus* of botanists, which Pliny seems to regard as a small variety of the *Cicer*, was sown in good land either at the end of October or at the beginning of the year, in the proportion of three modii to the juger. None of the legumina proved less hurtful to the ground, but it was rarely a successful crop, for it suffered most from the dry weather and hot winds which usually prevailed when it was in flower. Four modii of Cicercula required six days' work—ploughing, three; harrowing, one; weeding, one; pulling, one. (Colum. ii. 10, 12; Plin. *H. N.* xviii. *l. c.*; Pallad. ii. 5, iii. 4; Theophr. *H. P.* viii. 3; comp. Plutarch. *Quaest. Rom.*)

f. Phaselus s. *Phaseolus* (φασήλος; φασήολος; φασίολος), the common kidney-bean, succeeded best in rich land regularly cropped, and was sown towards the end of October in the proportion of four modii to the juger. These four modii required three or four days' work,—ploughing, one or two, according to the soil; harrowing, one; reaping, one. The pods of the phaselus were sometimes eaten along with the seeds, according to our own custom. (Verg. *Georg.* i. 227; Colum. ii. 10, 12, xi. 2; Plin. *H. N.* xviii. § 125; Pallad. ix. 12, x. 1.)

g. Pisum (πίσον; πίσος; πίσσος), the common field pea, succeeded best in a loose soil, a warm situation, and a moist climate. It was sown immediately after the autumnal equinox, in the proportion of rather less than four modii to the juger, and cultivated exactly in the same manner as the *phaselus*. (Colum. ii. 10, 13; Plin. *H. N.* xviii. § 123; Theophr. *H. P.* iii. 27, viii. 3, 5.)

Napus, the βουνιάς of Dioscorides, is the modern Rape, the *Brassica rapa* of botanists. *Rapum*, the γογγυλίς of Theophrastus, is the modern Turnip, the *Brassica Napus* of botanists. The value of these plants was in a great measure overlooked by the earlier Roman writers, while the Greeks regarded them too much in the light of garden herbs; but Pliny enlarges upon their merits, and by the Gauls beyond the Po, who wintered their oxen upon them, their culture was deemed next in importance to that of corn and wine. They were highly useful as food for man, for cattle, and even for birds; both the leaf and bulb were available; being very hardy, they could be left in the ground, or would keep well if stored up, and thus one crop might be made to hold out until another came in. They required loose, well-pulverised, and highly-manured soil. Rapa succeeded best in low, moist situations, and were sown at the end of June after five ploughings (*quinto sulco*); napi, which were more adapted for dry sloping land, at the end of August or the beginning of September, after four ploughings (*quarto sulco*); both, however, in warm and well-watered spots, might be sown in spring. A juger required four sextarii (about four imperial pints) of turnip seed and five of rape seed, because the napus does not, like the rapum, expand into an ample bulb (*non in ventrem latescit*), but sends a thin root straight down (*sed tenuem radicem deorsum agit*). Columella, however, distinctly states that the rapum and napus passed into each other, under the influence of a change of soil or climate. *Rapina* is the term for a bed or field of turnips. (Daubeny, p. 118 foll.; Dioscorid. ii. 134, 136; Cat. v. 35; Colum. ii. 10; Plin. *H. N.* xviii. § 131.)

3. *Green Forage Crops* (*Pabula*).

This term included all those crops which were cut green and employed exclusively as forage for the lower animals. The most important were: —*a. Medica. b. Faenum Graecum. c. Vicia. d. Cicera. e. Ervum, Ervilia. f. Farrago, Ocinum. g. Faenum.* The description of the last will involve an account of the system pursued in the management of meadows.

a. Medica (Μηδική s. πόα), the modern lucerne. The most important of all the plants cultivated for stock exclusively was Medica, so called because introduced into Greece during the Persian wars. When once properly sown, it would last many years, might be cut repeatedly during the same season, renovated rather than exhausted the soil, was the best fattener of lean cattle, the best restorative for those that were sick, and so nourishing that a single juger supplied sufficient food for three horses during a whole year. Hence the greatest care was bestowed upon its culture.

The spot fixed upon, which was to be neither dry nor spongy, received a first ploughing about the beginning of October, and the upturned earth was allowed to be exposed to the weather for the winter; it was carefully ploughed a second time, at the beginning of February, when all the stones were gathered off, and the larger clods broken by the hand; in the month of March it was ploughed for a third time and harrowed. The ground thus prepared was divided into plots or beds (*areae*) as in a garden, each fifty feet long and ten feet broad, so that ready access might be gained by the walks between for supplying water and extirpating the weeds. Old dung was then spread over the whole, and the sowing took place at the end of April, a cyathus (about $\frac{1}{12}$ of an imperial pint) of seed being allowed for each bed of the dimensions described above. The seed was immediately covered in with wooden rakes (*ligneis rastellis*), and the operations of hoeing and weeding were performed repeatedly with wooden implements. It was not cut for the first time until it had dropped some of its seed, but afterwards might be cut as tender as the farmer thought fit. After each cutting it was well watered, and, as soon as the young blades began to sprout, every weed was sedulously removed. Managed in this manner, it might be cut six times a year for ten

(Pliny says thirty) years. It was necessary to use caution in giving it at first to cattle, since it was apt to inflate them, and make blood too rapidly, but when they were habituated to its use it might be supplied freely. It is very remarkable that this species of forage, to which so much importance was attached by the Romans, has altogether disappeared from Italy. We are assured by M. Chateauvieux that not a single plant of it is now to be seen. In England it is almost confined to Kent and the Channel Islands. (Varr. i. 42; Colum. ii. 10, 28; Verg. *Georg.* i. 215; Pallad. iii. 6, v. 1; Plin. *H. N.* xviii. § 144 ff.; Dioscorid. ii. 177; Theophr. *H. P.* viii. 7.)

b. Faenum-Graecum, variously termed τῆλις, βούκερως s. βούκερας, κεραΐτις and αἰγόκερως, the *Trigonella faenum Graecum*, or common Fenugreek of botanists, was called *Siliqua* by country people, *Silicia* by Pliny, and succeeded best when totally neglected, care being taken in the first place not to bury the seed deep (*scarificatione scritur*). Six or seven modii, which was the allowance for a juger, required two days for sowing, and one for reaping. (Cat. 35; Colum. ii. 10, xi. 2; Plin. *H. N.* xviii. § 140, xxiv. § 184; Dioscorid. ii. 124; Theophr. *H. P.* iii. 17, viii. 6.)

c. Vicia (σάρακον, the βικιόν of Galen), some one of the varieties of the *Vicia sativa*, the Vetch or Summer (or Winter) Tare of botanists. It might be sown on dry land at different periods of the year, usually about the autumnal equinox when intended for green fodder; in January or later when raised for seed. (But see Plin. *H. N.* xviii. §§ 137, 138.) The quantity required in the former case was seven modii to the juger, in the latter six. Particular care was taken not to cast the seed when there was dew or moisture of any sort upon the surface of the ground; the period of the day selected for the operation was therefore some hours after sunrise, and no more was scattered than could be covered up before night. It required little labour—ploughing two days, harrowing one, reaping one; in all, four days' work for six or seven modii. (Cat. 35; Varr. i. 31; Verg. *Georg.* i. 75; Colum. ii. 10, 29; 12, 3; Plin. *H. N.* xviii. §§ 137, 138; comp. Ov. *Fast.* v. 267.)

d. Cicera, the ἄχρος of Theophrastus, the *Lathyrus Cicera* of botanists, was sown after one or two ploughings (*primo vel altero sulco*), in the month of March, the quantity of seed varying, according to the richness of soil, from two and a half to four modii for the juger. In southern Spain it was given to the cattle crushed (*cicera fresa*), steeped in water, and then mixed with chaff. Twelve pounds of *ervum* were considered equivalent to sixteen of *cicera*, and sufficient for a yoke of oxen.

Cicera was cultivated for its seed also, and formed a not unpalatable food for man, differing little if at all in taste from the cicercula, but being of a darker colour. (Colum. ii. 11, § 1, 12; Pallad. iv. 6; Theophr. *H. P.* iv. 2.)

e. Ervum, Ervilia, the ὄροβος of Dioscorides, are apparently varieties of the *Ervum Ervile*, or Wild Tare of botanists. *Ervum* succeeded best in poor dry land; might be sown at any time between the autumnal equinox and the beginning of March, at the rate of five modii to the juger, and demanded little care. The above quantity required six days' labour—ploughing and sowing two, harrowing one, hoeing one, weeding one, reaping one. (Varr. i. 32; Verg. *Ecl.* iii. 100; Colum. ii. 10, 34; ii. 12, 3; ii. 13, 1; vi. 3; xi. 2; Pallad. ii. 8; Plin. *H. N.* xviii. § 139; Theophr. *H. P.* ix. 22; Dioscorid. ii. 131; comp. Plaut. *Mostell.* i. 1.)

f. Farrago, Ocinum. On comparing the various authorities quoted at the end of this paragraph, although they abound in contradictions, we shall be led to conclude—

1. That *farrago* was the general term employed to denote any kind of corn cut green for fodder. The name was derived from *far*, the refuse of that grain being originally sown for this purpose (*farrago ex recrimentis farris praedensa seritur*, Plin.), but afterwards rye (*secale*), oats (*avenae*), and barley were employed; the last-mentioned, used especially in Africa, being, in the estimation of Columella, the best; and these grains were not always sown alone, but frequently with an admixture of the vetch and various legumina. Hence *farrago* is used by Juvenal to denote a confused medley of heterogeneous topics.

2. That as *farrago* properly denoted corn cut green for fodder, so *ocinum* was the name given to plants of the bean kind, when used in the same manner, before they came to maturity, and formed pods. Mamilius Sura (quoted by Pliny) gives the proportions of ten modii of beans, two of vetches, and two of erviliae to the juger; and this combination was said to be improved by the addition of *Avena Graeca*, sown in autumn. Of the three forms *ocinum*, *ocimum*, *ocymum*, the first is the most accurate; the name was, according to Varro, given on account of the rapidity of its growth in spring. From the expression of Pliny, "Apud antiquos erat pabuli genus quod Cato *Ocinum* vocat," and the silence of Columella, who mentions the garden herb *ocinum* (basil) only, we infer that this sort of pabulum was little used after the time of Varro. The notion of Gesner that ocinum is clover, the ὠκίθοον τριπέτηλον of Callimachus, is directly at variance with the statements of Pliny, who mentions *trifolium* as a distinct plant. (Cat. 27, 53, 54; Varr. i. 23, 31; Colum. ii. 10, §§ 31, 35, xi. 3, § 29; Plin. *H. N.* xviii. § 143.)

g. Faenum, Prata. So much importance was attached to stock, that many considered a good meadow as the most valuable species of land, requiring little trouble or outlay, subject to none of the casualties to which other crops were exposed, affording a sure return every year, and that twofold, in the shape of hay and pasture. The meadows were of two kinds, the Dry Meadow (*siccaneum pratum*) and the Irrigated or Water Meadow (*pratum riguum*). The hay produced from a meadow whose own rich natural moisture did not require an artificial stimulus was the best. Any land which declined with a gentle slope, if either naturally rich and moist, or capable of irrigation, might be laid down as a meadow, and the most approved method of procedure was the following:—The land having been thoroughly ploughed and well laboured in summer, was in autumn sown with rapa, or napi or beans, the following year with wheat, and in the third year, all trees, bushes, and rank weeds having been extirpated, with the vetch (*vicia*) mixed with grass seeds. The clods were broken

down with rakes, the surface accurately levelled by wicker hurdles, so that the scythe of the mower (*faeniseca*) might nowhere encounter any obstacle. The vetches were not cut until they had arrived at maturity and begun to drop their seed; and after they had been removed, the grass, when it had attained to a proper height, was mown and made into hay. Then the irrigation commenced, provided the soil was stiff, for in loose earth it was necessary to allow the grass roots to obtain a firm hold. For the first year no stock were permitted to graze, lest their feet should poach up the soft ground, but the young blades were cut from time to time. In the second year, after the hay-making was over, if the ground was moderately dry and hard, the smaller animals were admitted, but no horses or oxen until the third. About the middle of February in each year, an abundant top-dressing of manure mixed with grass-seeds was applied to the upper part of the field, the benefit of which was extended to the lower portions by the flow either of natural rain or of artificial streams. When old meadows became mossy, the best remedy was to sprinkle ashes copiously, which in many cases killed the moss; but when this failed, the most sure plan was to break up the land afresh, which, having lain long undisturbed, was certain to afford abundant crops.

In making hay, the grass was to be cut (*falcibus subsecari*) before the stem had begun to lose its natural moisture, while the seed was not yet perfectly ripe; and in drying, it was essential to avoid the two extremes of exposing it for too long or too short a time to the sun and air. In the former case, the juices were sucked out, and it became little better than straw; in the latter, it was liable to ferment, heat, and take fire. After being properly turned over with forks (*furcillis versari*) it was collected and laid in regular swathes (*coartabimus in strigam*), and then bound into sheaves or bundles (*atque ita maniplos vinciemus*). The loose stalks were next raked together (*rastellis eradi*) and the whole crop (*faenisicia*) carried home and stored in lofts, or, if this was not convenient, built up in the field into conical ricks (*in metas extrui conveniet*). Lastly, the inequalities passed over by the mowers (*quae faenisecos praeterierunt*) were cut close and smooth (*sicilienda prata, id est, falcibus consectanda*, an operation termed *sicilire pratum*); the gleanings thus obtained, which formed a sort of aftermath, being called *faenum cordum*, or *sicilimenta*. (Cat. 5, 8, 9, 29, 50; Varr. i. 7, 49; Colum. ii. 16–18, 22, 3; Pallad. ii. 2, iii. 1, iv. 2, x. 10.)

4. *Crops affording Materials for textile Fabrics.*

Of these the most important were, *a. Cannabis*; *b. Linum*.

a. Cannabis (κάνναβις, κάνναβος), the *Cannabis sativa*, or Common Hemp of botanists, required rich, moist, well-watered, deeply trenched, and highly manured land. Six grains were sown in every square foot of ground during the last week in February, but the operation might be delayed for a fortnight if the weather was rainy. Columella is unable to give any details with regard to the amount of time and labour necessary for raising a crop of hemp. (Varr. i. 23; Colum. ii. 10, 12, 21; Plin. *H. N.* xix. § 173; Dioscorid. iii. 165.)

b. Linum (λίνον), the *Linum usitatissimum*, or Common Flax of botanists, being regarded as a very exhausting crop, was altogether avoided, unless the soil happened to be peculiarly suitable, or the price which it bore in the district very inviting (*nisi pretium proritat*, Col.). It was sown from the beginning of October until the end of the first week in December, in the proportion of eight modii to the juger, and sometimes in February at the rate of ten modii. On account of its scourging qualities (Verg. *Georg.* i. 77), it was generally grown upon rich land, such being less liable to be seriously injured, but some sowed it very thick upon poor land, in order that the stalks might be as thin, and therefore the fibres as delicate as possible. (Verg. *Georg.* i. 212; Colum. ii. 10, 14; Plin. *H. N.* xix. § 2 ff.; Pallad. xi. 2; *Geopon.* ii. 10; Dioscorid. ii. 125; Theophr. *H. P.* viii. 7.)

Succession or Rotation of Crops.

It is evident from the instructions given by Columella (ii. 4) for ploughing the best land, that a summer fallow usually preceded a corn crop. For since the first ploughing was early in spring, the second in summer, and the third in autumn, it is impossible that a crop could have been raised upon the ground during any portion of the period here indicated; and the same author expressly states elsewhere (ii. 9), in accordance with the Virgilian precept (*Georg.* i. 71), that the land upon which wheat (*far, siligo*) was grown ought to repose every other year; in which case, however, manure might be dispensed with. Nor did this plan apply to corn alone, for it would seem to have been the general practice to permit nearly one half of the farm to remain at rest, while the productive energies of the other moiety were called into action. It will be seen from the calculations with regard to time and labour for an arable farm containing 200 jugers (Colum. ii. 12), that 100 jugers only were sown in autumn, 50 with wheat, 50 with leguminous or green crops; and, if spring sowing was resorted to, which was by no means general, 30 more, so that out of 200 jugers, at least 70, and more frequently 100, were left fallowed.

There were, indeed, exceptions to this system. Some land was so peculiarly deep and rich that it might be cropped for two or more years in succession (*terra restibilis*); but in this case it was relieved by varying the crop, the field from which winter wheat (*far*) had been reaped being highly manured and sown immediately with beans, or the ground which had borne lupines, beans, vetches, or any renovating crop, was allowed to lie fallow during winter, and then sown with spring wheat (*far*) (Verg. *Georg.* i. 73; comp. Plin. *H. N.* xvii. § 56, xviii. § 184 ff.), while a third rotation, still more favourable, was to take two leguminous or renovating crops after one exhausting or corn crop. In Campania, the extraordinary fertility of the soil allowed them to tax its energies much more severely, for there it was common to sow barley, millet, turnips (*rapa*), and then barley or wheat again, the land receiving manure before the millet and turnips, but never remaining vacant; while that peculiarly favoured district near Naples, called the *Campi Laborini*, or *Terrae Laboriae*, now the *Terra di Lavoro*, yielded an uninterrupted series

of corn crops, two of far, and one of millet, without a moment of repose (*seritur toto anno, panico semel, bis farre*). (Cat. 35; Varr. i. 44; Verg. *Georg.* i. 71, &c.; Colum. ii. 9, 10, 12; Plin. *H. N.* xviii. § 186 ff.)

It will be proper, before bringing this part of the subject to a close, to explain a word which may occasion embarrassment in consequence of its signification being variously modified by the Roman agricultural writers. This is the adjective *novalis*, which frequently appears as a substantive, and in all the three genders, according as *ager*, *terra*, or *solum* is understand.

1. The original meaning of *novalis* or *novale*, looking to its etymology, must have been *land newly reclaimed* from a state of nature; and in this sense it is used by Pliny (*H. N.* xvii. § 39), *Talis* (sc. *odor*) *fere est in novalibus caesa vetere silva.* (Comp. Callistr. in Dig. 47, 21, 3.)

2. Varro, in his treatise *De Lingua Latina* (v. 39; comp. vi. 59, ed. Müller), places *novalis ager*, land which is allowed occasionally to repose, in opposition to *restibilis ager*, land which is cropped unceasingly,—*Ager restibilis qui restituitur ac reseritur quotquot annis; contra qui intermittitur a novando novalis*,—and hence Pliny (*H. N.* xviii. § 176), *Novale est quod alternis annis seritur.*

3. Varro, in his treatise *De Re Rustica* (i. 29), defines *Seges* to mean a field which has been ploughed and sown; *arvum*, a field ploughed but not yet sown; *novalis ubi satum fuit antequam secunda aratione renovetur*,—ambiguous words, which may be interpreted to denote a field which has borne a crop, but which has not been ploughed for a second crop; in which case it will be equivalent to *a fallow field.*

4. Columella, in one passage (vi. praef. § 1), employs *novale solum* for new or virgin land untouched by the plough; for in contrasting the tastes of the agriculturist and the grazier, he remarks that the former delights *quam maxime subacto et puro solo*, the latter *novali graminosoque*; and Varro (ii. praef. § 4) in like manner places *novalis* as pasture land, in opposition to *seges*, as corn land,—*bos domitus causa fit ut commodius nascatur frumentum in segete et pabulum in novali.*

5. Columella, in another passage, places *culta novalia*, land under tillage in a general sense, in opposition to *rudis ager*, land in a state of nature; and thus we must understand the *haec tam culta novalia* in Virgil's first *Eclogue* (v. 71), and *tonsas novales*, the cultivated fields from which a crop has been reaped,—a phrase which forms the connecting link between this meaning and that noticed above under 3. Hence the force in Juv. xiv. 148 = *segetes.* (Comp. Pallad. i. 6, ii. 10.)

B. PASTIO.

The second great department of our subject is *Pastio*, s. *Res Pastoricia*, s. *Scientia Pastoralis*, these terms being all alike understood to denote the art of providing and feeding stock so as to yield the most ample profit.

But *Pastio* must be considered under the twofold forms of

α. Pastio Agrestis s. *Res Pecuaria*, and

β. Pastio Villatica,

the former comprehending the management of cattle, sheep, horses, &c.; the latter of poultry, game, fish, bees, and some other animals to be noticed hereafter.

α. PASTIO AGRESTIS *s.* RES PECUARIA.

Contains three heads (Varro, Book ii.):

I. *Minores Pecudes*, including, 1. Sheep; 2. Goats; 3. Swine.

II. *Majores Pecudes*, including, 1. Kine; 2. Horses; 3. Asses; 4. Mules. Varro indeed, for no reason apparently except to preserve a sort of numerical symmetry, places mules in the third division; but as they evidently belong to the same class as horses and asses, we have to this extent departed from his arrangement.

III. Animals provided not for the profit which they yield directly in the market, but necessary for the proper maintenance of the foregoing: these are—

1. Dogs (*canes*); 2. Herdsmen (*pastores*).

Again, in each of these nine subdivisions (with the exception of mules, who do not breed) attention must be directed to nine different circumstances, of which four are to be considered in the purchase of stock (*in pecore parando*), four in the feeding of stock (*in pecore pascendo*), while the ninth, of a more general character, relates to number (*de numero*).

The four circumstances which demand attention in purchasing stock are: *a.* The age of the animal (*aetas*). *b.* His points (*cognitio formae*), by which we determine whether he is good of his kind. *c.* His breeding (*quo sit seminio*), by which we determine whether he is of a good kind. *d.* The legal forms (*de jure in parando*) essential to render a sale valid, and the warranty which the buyer may demand (*quemadmodum quamque pecudem emi oporteat civili jure*).

The four circumstances to be considered after a breeding stock has been acquired are: *e.* The mode of feeding (*pastio*), in answer to the questions *where*, *when*, and *with what* (*in qua regione, et quando et queis*). *f.* The impregnation of the female, the period of gestation, and her treatment while pregnant, all of which are embodied in the word *fetura*. *g.* The rearing of the young (*nutricatus*). *h.* The preservation of their health, and treatment when diseased (*de sanitate*).

i. The ninth and last inquiry (*de numero*) relates to the number of flocks and herds which can be maintained with advantage in a given space, the number of individuals which it is expedient to combine into one flock or herd, and the proportions to be observed with regard to the sex and age of the members of each flock and herd.

In following the divisions and topics indicated above, we omit the discussions on the diseases of stock and their remedies, which abound in the agricultural writers, and which form the subject of an elaborate treatise (*Mulo-medicina* s. *De Arte Veterinaria*), bearing the name of *Vegetius*, which is probably a translation or compilation from the works of the Greek ἱππίατροι, or veterinary surgeons, executed at a late period.

I. MINORES PECUDES.

1. Sheep (*pecus ovillum* s. *ovi*arium) were divided into two classes with reference to their wool.

(1.) *Pecus hirtum*, whose fleeces were not protected artificially.

(2.) *Pecus Tarentinum* s. *Pecus Graecum* s.

Oves pellitae s. *Oves tectae*, whose fleeces were protected from all external injury by skin jackets. Their wool being thus rendered finer, and being more easily scoured and dyed, brought a higher price than any other.

Sheep were likewise divided into two classes according as they were home-fed or reared in extensive and distant pastures; we will first consider them under this point of view.

Home-fed sheep (*greges villatici*) were allowed to pasture in the fields around a farm during a portion of the year, wherever the nature of the country and the system of cultivation pursued rendered this practicable, or, more frequently, were kept constantly confined in sheds (*stabula—saepta—ovilia*), built in warm and sheltered situations, with hard floors sloping outwards to prevent the accumulation of moisture, which was regarded as particularly injurious to both the feet and the fleece. They were fed upon cytisus, lucerne, barley, and leguminous seeds, or, when such rich and succulent food could not be obtained, on hay, bran, chaff, grape husks, and dry leaves, especially those of the elm, oak, and fig, being at all times plentifully supplied with salt. They were littered with leaves and twigs, which were frequently changed, and the pens were kept carefully clean.

The more numerous flocks, which were reared in extensive pastures (*qui in saltibus pascuntur*), usually passed the winter in the low plains upon the coast, and were driven by regular drift roads (*calles publici*) in summer to the mountains of Central Italy, just as in modern times vast droves pass every autumn from the Abruzzi to seek the more genial climate of Puglia or the Maremma. Those who were employed to watch them (*opiliones*), being often at a great distance from home, were furnished with beasts of burden for transporting the materials required in the construction of folds and huts, at their halting-places, and all the stores necessary for themselves and their charge. The sheep were usually collected every night to secure them against robbers and beasts of prey; in summer they fed in the morning and evening, and reposed during the noontide heat in sheltered spots, while in winter they were not allowed to go out until the frost was off the ground. The flocks were often very numerous, containing sometimes 15,000 head, one shepherd (*opilio*) being allowed to every five or six score.

The breeds most prized by the early Romans were the Calabrian, the Apulian, which were short-woolled (*breves villo*), the Milesian, and, above all, the Tarentine; but in the time of Columella those of Cisalpine Gaul from the vicinity of Altinum (Mart. xiv. 153), and those from the Campi Macri round Parma and Mutina were especially esteemed. The system of crossing was by no means unknown; for M. Columella, the uncle of the author, produced an excellent variety by crossing the *tectae oves* of Cadiz with some wild rams from Africa, and again crossing their progeny with the Tarentines. In purchasing stock attention was always paid to the localities where they were to be maintained: thus sheep of large size (*procerae oves*) were naturally deemed best fitted for rich plains, stout compact animals (*quadratae*) for light hilly soils, and the smaller kinds (*exiguae*) for mountainous regions; just as in this country the Leicesters are kept with greatest advantage in the low-lying luxuriant pastures of Lincolnshire, Cheviots in the grass hills from which they derive their name, and the black-faced on the lofty mountains of Wales and Scotland. As to colour, pure white was most sought after; but certain natural tints, such as the dark grey (*pullus*), which distinguished the flocks of Pollentia in Liguria (*fuscique ferax Pollentia villi*, Silius, viii. 599), the yellowish brown (*fuscus*) in those of Corduba (so often celebrated by Martial, v. 37, viii. 2. 8, ix. 62, xiv. 188; comp. Juv. xii. 40), and the red brown (*ruber*) in some of the Asiatic varieties, were highly prized.

The points characteristic of a good animal and the warranty usually required of the seller will be found fully detailed in Varro (ii. 2) and Columella (vii. 2, 3).

Those which were smooth and bare under the belly (*ventre glabro*), anciently called *apicae*, were always rejected, and particular care was taken that the fleece of the ram should be perfectly pure, or at least uniform in colour, his tongue also being examined in order to ascertain that it was not black or spotted, since such defects would have been transmitted to his progeny. (Verg. *Georg.* iii. 387; Colum. vii. 3.)

Ewes were not considered fit for breeding until they were two years old, and they continued to produce until they had reached the age of seven; rams (*arietes*) were believed to be in vigour from three years old until eight. The most favourable period for impregnation in the case of ewes that had not previously brought forth was the latter end of April, about the Palilia (21st April); for others, from the setting of Arcturus (13th May) to the setting of the Eagle (23rd July); and, since the period of gestation was about 150 days, the earliest lambs (*agni, agnae*) would be yeaned in September, the latest about the middle of December, these being, as was remarked by Celsus, the only animals produced with advantage in midwinter. Ewes when about to lamb (*incientes*) were placed apart, constantly watched, and assisted in parturition. As soon as they had brought forth, the first milk, or *beestings*, which was of a thick consistence, and called *colostra*, was carefully withdrawn, being considered injurious in all animals, and productive of a disease named *colostratio*. The lambs were now tended with the greatest solicitude, were generally kept in the house near a fire for some days, were not allowed to go forth to pasture for a considerable time, but were partially reared by the hand on the most tender and nourishing food, being finally weaned at the age of four months. Those lambs which were carried in the womb longer than the regular time were termed *chordi*; those born late in the season, *serotini*; those which, in consequence of their mothers being unable to supply milk, were suckled by others, *subrumi*. Castration was not performed upon such as were intended for wethers (*verveces*) until five months old. The males set apart to supply the deficiencies in the breeding flock (*quos arietes submittere volunt*) were selected from the progeny of such ewes as usually gave birth to twins, those which were polled (*mutili*) being preferred on the whole to those with horns (*cornuti*).

The management of *oves pellitae* differed from that of the ordinary *greges villatici* merely in the

amount of care with which they were tended. They were furnished with an ample supply of the most nutritious food, each individual receiving daily in winter three sextarii (pints) of barley or of beans crushed in their pods (*fresae cum suis valvulis fabae*), in addition to hay, lucerne, dry or green cytisus, and other fodder. Their stalls were usually paved with stone, and kept scrupulously clean; they seldom left the house, and, when allowed to pasture, it was looked upon as essential that the ground should be free from bushes and briars of every description which might tear their fleece or its covering. The jackets were frequently taken off to cool the animals, the wool was combed out at least thrice a year, and well washed and anointed with oil and wine. The wethers were killed at two years old, their skin being then in perfection.

Sheep-shearing (*tonsura*) commenced in warm districts in April; but in cold situations was deferred until the solstice. A fine day was chosen, and the operation was performed before the sun had attained to its full power, in order that the sheep might not be hot and the wool not moist. The most careful placed a rug under the animal (*tegeticulis subjectis oves tondere solent*, Varr.) that no portion of the clip might be lost or damaged (*ne qui flocci intereant*). The wool, when fresh shorn, and still impregnated with the sweat of the animal, was called *lana sucida*; the fleeces when rolled up were termed *vellera*, or *velumina*. *Oves hirtae*, when shorn, were immediately smeared with wine and oil, to which white wax and hog's lard were occasionally added; while the jackets of the *oves pellitae* were anointed with the same mixture, and then replaced on the animals. Instead of this, some rubbed in a wash composed of equal parts of boiled lupine juice, lees of old wine, and amurca. Any wound inflicted during the process was dressed with tar (*pix liquida*). On the fourth day they were bathed, if possible, in the sea; if not, in rain-water mixed with salt. In Spain and some other places it was customary to shear the sheep twice a year, under the belief that the additional labour was more than compensated by the increased quantity of wool. The ancient practice of plucking the wool instead of shearing it still lingered in certain districts even when Pliny wrote. Varro derives the name *vellus* from this, but incorrectly. (Varr. ii. 1. § 5, 16. 20, ii. 2; Colum. i. Praef. § 26, vii. 2–4, xi. 2. § 14; Plin. *H. N.* viii. § 187 ff.; Pallad. ii. 16, v. 7, vi. 8, vii. 6, viii. 4, xii. 13.)

2. Goats (*pecus caprinum*) were divided into two classes, the *genus mutilum et raripilum*, the polled and thin-haired, and the *genus cornutum et setosum*, the horned and shaggy; but there does not appear to have been any difference in the mode of rearing them, nor indeed do they seem to have been kept distinct; but it was considered advisable that the old he-goat, the *dux gregis*, should be *mutilus*, because he was then less troublesome and pugnacious.

The points characteristic of a good animal will be found enumerated in Varro (ii. 3, § 2–5) and in Columella (vii. 6). The most high-bred had always two long flaps of skin (*verruculae, laciniae*) depending from the throat. One peculiarity connected with the sale of goats was that they were never warranted in good health, for they were believed to be always more or less labouring under fever.

The management of goats was in most respects the same as that of sheep, except that, although intolerant of frost and cold, they throve better in mountainous craggy ground or among copsewood, where they browsed with great eagerness on the young twigs, than in open grassy plains. Both from their wandering nature and their liability to contract disease when crowded in pens, not more than fifty were kept together in a flock under the charge of the same goatherd (*caprarius*), the proportion of one male (*caper, hircus*) to about fifteen females (*caprae, capellae*) being commonly observed.

When in stalls (*caprilia*), the sloping floor was usually formed out of the native rock or paved with smooth stones, for no litter was placed beneath their feet. The houses were swept out daily; and it was deemed essential to their health that no moisture or dirt of any kind should be allowed to accumulate. The she-goat was capable of breeding from one year old until eight; but the progeny of a mother under three years old were not worth keeping permanently, but sold off. The best time for impregnation was the end of autumn; for, the period of gestation being five months, the kids (*haedi*) were thus born in spring. If the dam was of a good stock, she generally produced two or even three at a birth, which were weaned at the end of three months, and then transferred at once to the flock (*submittuntur et in grege incipiunt esse*).

The hair (*pili*) of goats was shorn or plucked. (*capras vellere* is the technical phrase) out regularly, and used in the manufacture of coarse stuffs, Verg. *Georg.* iii. 313; Varro, ii. 11 (*usum in castrorum et miseris velamina nautis,—pilos ministrant ad usum nauticum et ad bellica tormenta*). The cloths woven from this material were termed *Cilicia*, because the goats in the southern and central provinces of Asia Minor, like the modern Angora species, were remarkable for the length of their hair. (*In Cilicia circaque Syrtes villo tonsili vestiuntur*, are the words of Pliny, who here alludes to the goats from the Cinyps in Libya, the "Cinyphii hirci" of Virgil, *l. c.*) (Colum. i. praef. § 26, vii. 6; Plin. *H. N.* viii. § 203; Pallad. xii. 13; Varr. ii. 3, ii. 1, §§ 5, 28.)

3. Swine (*pecus suillum*) were divided into two classes,—the *sues densae*, usually black in colour, thickly covered with bristles; and the *sues glabrae*, generally white, and comparatively smooth; but there seems to have been little difference in the management of the two breeds, except that the former was the more hardy.

The points characteristic of a good animal, and the warranty usually required by the purchaser, will be found in Varro (ii. 4), Columella (vii. 9), and Palladius (iii. 26).

During a great portion of the year, wherever it was practicable, they were driven out to feed early in the morning in woods where acorns, beech-mast, wild fruits, and berries abounded; and in the middle of the day they reposed, if possible, in swampy ground, where they had not only water but mud also wherein to wallow; in the cool of the evening they fed again, were taught to assemble when the swineherd (*subulcus*) sounded his horn, and were then driven home to the farm. In winter they were not

allowed to go forth when frost was hard upon the ground. When kept in the house their chief food was acorns, or, when the supply of these failed, beans, barley, and other kinds of grains and pulse. The number in each herd varied from 100 to 150, or even more, according to circumstances and the means of the proprietor, and the proportion of one boar to ten sows was usually observed.

The sows were not considered fit for breeding until upwards of a year old, and continued prolific to the age of seven; boars (*verres*) were in full vigour from one year old till four; the best time for impregnation was from the middle of February up to the vernal equinox, the period of gestation was four months, and, the pigs being weaned at the end of two, a double farrow might be procured in a year.

Each breeding sow (*scrofa*) brought up her pigs (*porcus, porca, porcellus*) in a separate stye (*hara*), constructed in such a manner that the superintendent (*custos, porculator*) might easily see into the interior and thus be prepared to relieve the progeny, which were in constant danger of being crushed by the weight of the mother, who was supposed to bring forth as many young as she had teats, and was capable of suckling eight at first; but when they increased in size, it was deemed advisable to withdraw one half of that number. Sucking pigs (*lactentes*) when ten days old were accounted pure for sacrifice, and hence were anciently termed *sacres*; after the suckling time (*nutricatus, porculatio*), which lasted two months, was over, they were denominated *delici*, and sometimes *nefrendes*, because not yet able to crunch hard food. The males not reserved for breeding were castrated when from six to twelve months old, and were then termed *majales*. (Varr. ii. 4; Colum. vii. 9, praef. i. § 26; Plin. *H. N.* viii. § 206 foll.; Pallad. iv. 26.)

II. Majores Pecudes.

1. Kine (*pecus bubulum, armentum bubulum*) were divided into classes, according as they were kept at home and employed in the labours of the farm (*boves domiti*), or pastured in large herds (*armenta*).

Boves domiti, wherever the nature of the soil and the mode of culture pursued permitted, were allowed to pasture; since growing grass (*viride pabulum*) was considered the most suitable of all food; when this could not be supplied, it became necessary to stall-feed them (*ulere ad praesepia*); but they were allowed to stand in the open air during the hot weather, while in winter they were kept in spacious byres (*stabula, consaepta*) built with a southerly aspect, so as to be sheltered from cold winds, the floors being hard and sloping to prevent moisture from being absorbed, and to allow it to run off freely, while, to promote the warmth and comfort of the animals, they were bedded with abundance of litter (*stramentum pecori et bubus diligenter substernatur*, Cat. 5), usually straw, or leaves, such as those of the ilex, which were supposed to yield little nourishment. Their staple food from the middle of April until the middle of June was vetches, lucerne, clover, and other fodder cut green; from the middle of June to the beginning of November the leaves of trees, those of the elm, the oak, and the poplar being regarded as the best; from the beginning of November until April meadow hay (*faenum pratense*), and, where hay could not be procured, chaff, grape husks, acorns, and dry leaves were substituted, mixed with barley, or with some of the leguminous seeds, such as beans, lupines, or chick-peas previously steeped in water (*maceratae*), or crushed (*fresae*). When an ox was fed upon hay, from 30 to 40 pounds weight (Roman pound = $11\frac{3}{4}$ oz. avoird.) was an ample allowance, except during the months of November and December, that is, during the ploughing and sowing season, when they received from the feeder (*pabulatorius*) as much food of the most nutritious kind as they could consume. Lumps of salt placed near the *consaepta* proved very attractive to the animals and conduced to their health.

Large herds were pastured chiefly in woods where there was abundance of grass, leaves, and tender twigs, shifting to the coast in winter and to the cool shady hills in summer, under the charge of herdsmen (*armentarii*), a class altogether distinct from the *bubulci*, or hinds, who worked and tended the *boves domestici*. The common number in a herd was from 100 to 120, the animals were carefully inspected every year, and the least promising (*rejiculae*) weeded out. The proportion of two bulls, a yearling and a two-year old, to 60 or 70 cows was usually observed, but Columella doubles the number of males. The Umbrian oxen, especially those on the Clitumnus, were the largest and finest in Italy; those of Etruria, Latium, and Gaul were smaller, but strongly made and well adapted for labour; those of Thrace were valued for sacrificial purposes in consequence of being for the most part pure white; but the cattle of Epirus, the most important pastoral district of the Roman world, were superior to all others.

The points characteristic of a good animal, and the warranty usually demanded by the buyer, will be found fully detailed in Varro (ii. 5), in Columella, who here copies the description of the Carthaginian Mago (vi. 1, 20, 21), and in Palladius (iv. 11, 12).

Cows (*vaccae*) were not fit for breeding until they were upwards of two years old, and they continued to produce until they had reached the age of ten. Considerable variation is to be found in the agricultural writers as to the age at which the bulls arrived at full vigour, Varro considering that they might be employed when a year old, Columella and Pliny recommending that they should be kept until four. The former, however, is the precept of the practical man, and is consonant with modern experience. The time of gestation being nearly ten (lunar) months, the most favourable period for impregnation was from the middle of June to the end of July, for thus the calves (*vituli*) would be born when spring was well advanced (*maturo vere*). When parturition was approaching, the pregnant cow (*horda vacca*) was carefully watched, fed richly, and protected from the assaults of the gad-fly and other tormenting insects; the calf for some time after its birth was allowed to suck freely, but as it increased in strength was tempted with green food, in order that it might in some degree relieve the mother, and after six months had elapsed, was fed regularly with wheat bran, barley-meal, or tender grass, and gradually weaned entirely.

Castration was performed at the age of two years. The vituli intended for labour were to be handled (*tractari*) from an early age to render them tame, but were not to be broken in to work (*domari*) before their third, nor later than their fifth year. The method of breaking (*domitura*) those taken wild from the herd is fully described by Columella (vi. 2), and Palladius fixes the end of March as the time most appropriate for commencing the operation. The members of a herd, according to age and sex, were termed, *Vitulus, Vitula; Juvencus, Juvenca; Bos novellus, Bucula; Bos vetulus, Taurus, Vacca;* a barren cow was named *Taura.* (Cat. 5, 30; Varr. ii. 1, 5; Colum. vi. 1–3, 20–24; Plin. *H. N.* viii. § 176 ff.; Pallad. iv. 11, 12, vi. 7, viii. 4.)

2. Horses (*pecus equinum* s. *equitium, armentum equinum*) are divided by Columella into *Generosi*, blood horses; *Mulares*, horses adapted for breeding mules; *Vulgares*, ordinary horses.

The points of a horse, the method of ascertaining his age up to seven years old, and the warranty usually given by the seller, are detailed in Varro (ii. 7, §§ 4–6), in Columella (vi. 29), and in Palladius (iv. 13).

Horses either pastured in grass fields or were fed in the stable upon dry hay (*in stabulis ac praesepibus*), to which barley was added when the animal was required to undergo an extraordinary fatigue. Brood mares were frequently kept in large troops which shifted, like sheep and oxen, from the mountains to the coast, according to the season; two mounted men being attached to each herd of fifty. The mare (*equa*) was considered fit for breeding at two years old, and continued prolific up to the age of ten; the stallion (*admissarius*) remained in vigour from three years old until twenty, but when young was limited to twelve or fifteen females. The period of gestation being twelve lunar months and ten days, the best time for impregnation was from the vernal equinox to the summer solstice, since parturition would then take place during the most favourable season. High-bred mares were not allowed to produce more than once in two years. Ten days after birth the foal (*pullus equinus, equuleus*) was permitted to accompany its dam to pasture; at the age of five months, it was customary to begin feeding them with barley-meal and bran, and when a year old, with plain unground barley: but the best colts were allowed to continue sucking until they had completed two years, and at three years they were broken in for the toil to which they were destined, whether for racing (*ad cursuram*), for draught (*ad redam*), for carrying burthens (*ad vecturam*), or for military service (*ad ephippium*), but they were not regularly worked until four off.

Race and war horses were not castrated; but the operation was frequently performed on those destined for the road, from the conviction that the gelding (*canterius*), while less bold and spirited, was more safe and tractable (*in viis habere malunt placidos*, Varr.).

It is to be observed that horses were, and indeed are, very little used for agricultural purposes in Italy and Southern Europe, the ordinary toils being carried on almost exclusively by oxen, and hence they never were by any means objects of such general interest to the farmer as among ourselves.

We may remark that Varro, Columella, and many other writers repeat the absurd story embellished by the poetry of Virgil, that mares in some districts of Spain became pregnant by the influence of a particular wind, adding that the colts conceived in this manner did not live beyond the age of three years. (Varr. i. praef. § 26, ii. 1. § 18, 7. § 7; Colum. vi. 27, 29; Plin. *H. N.* viii. § 166; Pallad. iv. 13.)

3. *Asses* (*asinus, asina*) were divided into two classes, the *Genus mansuetum*, or common domestic quadruped (*asinus, asellus*), and the *Genus ferum*, the wild ass (*onager, onagrus*), which was common in Phrygia and Lycaonia, was easily tamed and made an excellent cross.

The most celebrated breeds were those of Arcadia and of Reate. The latter was so highly esteemed in the time of Varro, that a single individual of this stock had been known to fetch sixty thousand sesterces (about 500*l.* sterling), and a team of four, as much as four hundred thousand (upwards of 3300*l.* sterling). Such animals were of course delicately nurtured, being fed chiefly upon *far* and barley bran (*furfures hordeacei*). The inferior description of asses (*minor asellus*) were valued by farmers because they were very hardy, not subject to disease, capable of enduring much toil, required little food, and that of the coarsest kind, such as the leaves and twigs of thorny shrubs, and might be made serviceable in various ways, as in carrying burdens (*aselli dossuarii*), turning corn mills, and even in ploughing where the soil was not stiff. The time of impregnation, the period of gestation, and the management of the foals (*pulli*), were the same as in horses. They were seldom kept in sufficient numbers to form a herd. (Varr. ii. 1, § 14, ii. 6; Colum. vii. 1; Plin. *H. N.* viii. § 167 ff.; Pallad. iv. 14.)

4. Mules. *Mulus* and *Mula* were the general terms for the hybrid between a horse and an ass, but in practice a distinction was drawn between *Muli* and *Hinni*. *Hinni* were the progeny of a stallion and a she-ass, *Muli* of a male ass and a mare. The latter were larger in proportion, and more esteemed than the former. A cross sometimes was formed between the mare and the onager as a matter of curiosity.

Uncommon care was taken by breeders of mules in the selection of parents. A strong large-boned mare, powerful rather than swift, was usually chosen. The male asses at their birth were removed from their mother, suckled by mares, reared upon the most nourishing food (hay and barley), and attained to full vigour when three years old. A good admissarius from Arcadia or Reate was worth from thirty to forty thousand sesterces (250*l.* to 330*l.* sterling). The period of gestation was observed to be a little longer than in the case of the pure horse or ass, extending to thirteen lunar months; in all other respects their management, habits, and mode of sale were the same.

The great use of mules was in drawing travelling carriages (*hisce enim binis conjunctis omnia vehicula in viis ducuntur*, Varr.); they were also employed, like asses, in carrying burdens upon pack saddles (*clitellae*), and in ploughing light land. The finer kinds, when kept in herds, were driven in summer from the rich plains of Rosea on the Velinus to the Montes Gurgures. (Varr.

ii. 1, § 16, ii. 8; Colum. vi. 36, 37; Plin. *H. N.* viii. § 171 ff.; Pallad. iv. 14.)

III.

1. Dogs (*canes*) were divided into three classes: *a. Canes Villatici*, watch-dogs, whose office was to guard farm-houses against the aggressions of thieves.

b. Canes Pastorales s. *Canes Pecuarii*, to protect the flocks and herds from robbers and wild beasts. Each opilio was generally attended by two of these, equipped with spiked collars (*mellum*), to serve as a defence in their encounters with wolves and other adversaries.

c. Canes Venatici. Sporting dogs.

Varro and Columella describe minutely the points of the first two classes, with which alone the former was concerned, and these seem to be identical with the animals employed for the same purpose at the present day in the Abruzzi. They were fed upon barley-meal and whey, or, in places where no cheese was made, on wheaten bread moistened with the warm liquor in which beans had been boiled. (Varr. ii. 9; Colum. vii. 12.)

2. Herdsmen (*pastores*).

The flocks and herds which fed in the immediate neighbourhood of the farms were usually tended by old men, boys, or even women; but those which were driven to distant and mountainous pastures were placed under the care of persons in the vigour of life, who always went well armed and were accompanied by beasts of burden (*jumenta dossuaria*), carrying all the apparatus and stores required during a protracted absence; the whole body of men and animals being under the command of an experienced and trustworthy individual, styled *Magister Pecoris*, who kept all the accounts and possessed a competent knowledge of the veterinary art.

We may conclude this part of the subject with a few words upon the management of dairy produce, which was treated as a distinct science (*τυροκομία*) by the Greeks, who wrote many treatises upon the topic.

Cheese-making commenced in May, and the method followed by the Romans was substantially the same as that now practised. The milk unskimmed was used as fresh as possible, was slightly warmed, the rennet (*coagulum*) was then added; as soon as the curd formed, it was transferred to baskets (*fiscellae, calathi*) or wooden chessets (*formae*) perforated with holes, in order that the whey (*serum*) might drain off quickly, and was pressed down by weights to hasten the process. The mass was then taken out of the frame, sprinkled with salt, and placed upon a wicker crate or wooden board in a cool dark place; when partially dried, it was again pressed more powerfully than before, again salted and again shelved,—operations which were repeated for several days until it had acquired a proper consistency. It might be flavoured with thyme, with pine cones, or any other ingredient, by mixing the condiments with the warm milk.

The rennet or coagulum was usually obtained from the stomach of the hare, kid, or lamb (*coagulum leporinum, haedinum, agninum*), the two former being preferred to the third, while some persons employed for the same purpose the milky juice expressed from a fig-tree branch, vinegar, and a variety of other substances.

The cheeses from cows' milk (*casei bubuli*) were believed to contain more nourishment, but to be more indigestible, than those from ewes' milk (*casei ovilli*); the least nourishing and most digestible were those from goats' milk (*casei caprini*), the new and moist cheeses in each case being more nourishing (*magis alibiles*) and less heavy (*in corpore non resides*) than those which were old and dry.

Butter (*butyrum*) is mentioned by Varro (ii. 2, § 16), but seems to have been scarcely used as an article of food (Varr. ii. 1, § 28, 11; Colum. vii. 8; Plin. *H. N.* xi. § 239, xxviii. § 133; Pallad. vi. 9).

β. VILLATICA PASTIO.

Villaticae Pastiones, from which many persons towards the close of the republic and under the empire derived large revenues, were separated into two departments, according to the names given to the buildings or enclosures adapted to the different animals:—

I. *Aviaria* s. *Ornithones.*
II. *Vivaria.*

I. *Aviaria* s. *Ornithones*, in the most extended acceptation of the term, signified receptacles for birds of every description, whether wild or tame, terrestrial or amphibious, but it is frequently and conveniently employed in a more limited sense to denote the structures formed for birds caught in their wild state by the fowler (*auceps*), from whom they were purchased, and then shut up and sold at a profit after they became fat.

In this way we may distinguish between, *a. Cohors in plano*, *b. Columbarium*, *c. Ornithon*, of which the first two only were known to the earlier Romans.

a. Cohors in plano was the poultry-yard, including the houses and courts destined for those domestic fowls which were bred and fed on the farm, and which were not able or not permitted to fly abroad. Of these the chief were, 1. Barn-door fowls or chickens (*gallinae*). 2. Guinea fowls (*gallinae Numidicae* s. *Africanae*). 3. Pheasants (*phasiani*). 4. Peacocks (*pavones*). 5. Geese (*anseres*). 6. Ducks (*anates*). 7. Teal (*querquedulae*).

b. Columbarium, the dove-cote.

c. The *Ornithon* proper, the inmates of which were chiefly: 1. Thrushes and blackbirds (*turdi, merulae*), especially the former. 2. Quails (*coturnices*). 3. Turtledoves (*turtures*). 4. Ortolans (*miliariae*), all of which are in Italy birds of passage arriving in great flocks at particular seasons.

II. In like manner the term *Vivaria*, which may be employed to denote all places contrived for the reception of animals used for food or which supplied articles of food and did not fall under the denomination of *pecudes* or *aves*, must be separated into those designed for the reception of land animals and those for fishes.

a. Leporaria, Apiaria, Cochlearia, Glirariae, and *β. Piscinae.*

a. Leporaria. The animals kept in leporaria were chiefly: 1. Hares and rabbits (*lepores*). 2. Various species of deer (*cervi, capreae, oryges*). 3. Wild boars (*apri*), and under the same cate-

gory rank: 4. Bees (*apes*). 5. Snails (*cocleae*). 6. Dormice (*glires*).

β. Piscinae or fish-ponds, divided into—

1. *Piscinae aquae dulcis*, fresh-water ponds; and

2. *Piscinae aquae salsae*, salt-water ponds.

We commence then with a description of the inhabitants of the *Cohors in plano* and their dwelling.

I. Aviaria.

a. Cohors in plano.

In the science of rearing poultry (*Ratio Cohortalis, ὀρνιθοτροφία*), three precepts were of general application. The birds were to be kept scrupulously clean, were to be abundantly supplied with fresh air and pure water, and were to be protected from the attacks of weasels, hawks, and other enemies. The two former objects were attained by the choice of a suitable situation, and by incessant attention upon the part of the superintendents (*curatores, custodes*); the latter was effected by overlaying the walls of the houses and courts, both inside and out, with coats of smooth hard plaster or stucco, and by covering over the open spaces with large nets.

Again, the attention of those who desired to rear poultry with profit was chiefly occupied by five considerations: 1. The choice of a good breeding stock (*de genere*). 2. The impregnation of the hens (*de fetura*). 3. The management of the eggs during incubation (*de ovis*). 4. The rearing of the pullets (*de pullis*). 5. Fattening them for the market (*de fartura*), this last process being, however, frequently conducted not by the farmer (*rusticus*), but by persons who made it their sole occupation (*fartores*).

1, 2. Chickens (*gallinae*). Of the different species of domestic fowls, the most important were *gallinae*, which were divided into three classes: *a. Gallinae Villaticae* s. *Cohortales*, the common chicken; *b. Gallinae Africanae* s. *Numidicae*, the same probably with the *μελεαγρίδες* of the Greeks, the distinctions pointed out by Columella scarcely amounting to a specific difference; and *c. Gallinae Rusticae*. The last were found in great abundance in the Insula Gallinaria, but it is so difficult to determine from the descriptions transmitted to us what they really were, that we know not whether we ought to regard them as pheasants, as red-legged partridges, as wood-grouse, or as some species of game different from any of these. The *Africanae*, always scarce and dear, were treated almost exactly in the same manner as peacocks, and never became of importance to the farmer; the *Rusticae* are little spoken of except as objects of curiosity, and Columella declares that they would not breed in confinement (*in servitute non fetant*). We therefore confine our observations to the *Villaticae*.

Among the breeds celebrated for fighting were the Tanagrian, the Rhodian, and the Chalcidian; but these were not the most profitable for the market. The points of a good barn-door fowl are minutely described by Varro, Columella, and Palladius, who all agree in recommending the breeder to reject such as were white, for they were more delicate and less prolific than those whose plumage was darker. Some were permitted to roam about (*vagae*) during the day, and pick up what they could, but the greater number were constantly shut up (*clausae*) in a poultry yard (*gallinarium, ὀρνιθοβοσκεῖον*), which was an enclosed court (*saeptum*) with a warm aspect, strewed with sand or ashes wherein they might wallow, and covered over with a net. It contained hen-houses (*caveae*) to which they retired at night and roosted upon poles stretched across (*perticae*) for their convenience, nests (*cubilia*) for the laying hens being constructed along the walls. The whole establishment was under the control of a poultry man (*aviarius custos* s. *curator gallinarius*), who occupied an adjoining hut, usually assisted by an old woman and a boy, for the flocks were often very large, containing upwards of two hundred. The proportion of one cock (*gallus*) to five hens was commonly observed, the males not required for breeding being killed young or made into capons (*capi*). Their food consisted of barley with the husk removed (*hordeum pinsitum*), millet, vetches, and lentils, when these articles could be procured cheap, but when too dear they were supplied with the refuse of wheat, bran with a little of the flour adhering, the seeds of cytisus, and the like.

The laying season began in January and continued until the autumnal equinox. From twenty-five to thirty eggs, the number being increased or diminished according as the weather was hot or cold, were placed beneath a clucking hen (*gallina glociens*) from one to two years old, who was kept constantly shut up except at feeding time, or even furnished with food while on the nest. The curator made his rounds regularly during the twenty days of incubation, turning the eggs, that they might all receive equal heat, and rejecting those which upon examination were found to contain no embryos. Such as were not required for hatching were preserved by rubbing them with strong brine, and then storing them up in chaff or bran. The chicks for fifteen days were fed by hand on polenta mixed with nasturtium (cress) seed.

Chickens, when fattened for sale, were shut up in dark narrow cribs, light and motion being unfavourable to the process; or each bird was swung separately in a basket, with a small hole at each end, one for the head, the other for the rump, and bedded upon the softest hay or chaff, but so cramped in space that he could not turn round. In this state they were crammed with wheat, linseed, barley-meal kneaded with water into small lumps (*turundae*), and other farinaceous food, the operation requiring from twenty to twenty-five days. (Varr. iii. 9; Colum. viii. 2, &c., 12; Plin. *H. N.* x. § 46 ff.; Pallad. i. 27, 29.)

3. Pheasants (*phasiani*) are not mentioned among domestic poultry by Varro or Columella, but find a place in the compilation of Palladius, who directs that young birds, that is, those of a year old, should be selected as breeders in the proportion of one cock to two hens, and that the eggs should be hatched by barn-door fowls. The chicks were to be fed for the first fortnight on cold boiled barley lightly sprinkled with wine, afterwards upon bruised wheat, locusts, and ants' eggs, and were to be prevented from having access to water. They became fat in thirty days if shut up and crammed with wheat flour made up into small lumps (*turundae*) with oil. (Pallad. i. 29.)

4. Peacocks (*pavones, pavi, pavae*) are said to have been first introduced as an article of food by Q. Hortensius at a banquet on his installation as an augur (*auguradi aditiali cena*). They speedily became so much in request that soon afterwards a single full-grown bird sold for fifty denarii (upwards of a guinea and a half), and a single egg for five (upwards of three shillings), while one breeder, M. Aufidius Lurco, derived an income of 60,000 sesterces (about £500 sterling) from this source alone. The most favourable situations for rearing peacocks were afforded by the small rocky but well-wooded islets off the Italian coast, where they roamed in freedom without fear of being lost or stolen, provided their own food, and brought up their young. Those persons who could not command such advantage kept them in small enclosures roofed over, or under porticoes, perches (*perticae*) being supplied for them to roost upon, with a large grassy court in front, surrounded by a high wall and shaded by trees. They were fed upon all kinds of grain, but chiefly barley; did not arrive at full maturity for breeding until three years old, when one cock was allowed to five hens, and care was taken to supply each bird with a separate nest (*discreta cubilia*). The hatching process was most profitably performed by common barn-door fowls, for in this way the pea-hen laid three times in a season, first five eggs (*ova pavonina*), then four, and lastly two or three, but if allowed to incubate herself could rear only one brood. In the time of Varro, three chicks (*pulli pavonini*) for each full-grown bird were considered a fair return. (Varr. iii. 6; Colum. viii. 11; Pallad. i. 28; Plin. *H. N.* x. § 43; comp. Juv. i. 143.)

5. Geese (*anseres*) were easily reared, but were not very profitable and somewhat troublesome, for a running stream or a pond with a good supply of herbage was essential, and they could not be turned out to graze in the vicinity of growing crops, which they tore up by the roots, being supposed at the same time, by a vulgar error, to injure vegetation by their dung. (Verg. *Georg.* i. 119; Pallad. i. 30.) Birds for breeding were always selected of a large size and pure white, the grey variety (*varii vel fusci*) being regarded as inferior on the supposition that they were more nearly allied to the wild species. Their food consisted of clover, fenugreek, lettuce, together with leguminous plants, all of which were sown for their use, and especially a herb called *σέρις* by the Greeks, which seems to have been a sort of endive. Impregnation took place about mid-winter, one gander being allowed to three females, who, when the laying season, which was early in spring, approached, were shut up in a structure (*χηνοβοσκεῖον*) consisting of a court (*cohors*), surrounded by a high wall with a portico inside containing receptacles (*harae, cellae, speluncae*), from two to three feet square, built of hewn stone or brick, well lined with chaff for the eggs. Incubation, according to the weather, lasted from twenty-five to thirty days, during which period the mothers were supplied by the custos with barley crushed in water. The goslings remained in the house for about ten days, and were fed upon polenta, poppy seed, and green cresses (*nasturtium*) chopped in water, after which they were taken out in fine weather to feed in marshy meadows and pools. It was found in practice most advantageous to employ barn-door hens to hatch the eggs, since they made more careful mothers; and in this case the goose would lay three times in a season, first five eggs, then four, and lastly three.

Goslings, when from four to six months old, were shut up to fatten in dark warm coops (*saginarium*), where they were fed with barley pottage and fine flour moistened with water, being allowed to eat and drink three times a day as much as they could swallow. In this way they became fit for the market in two months or less. A flock of geese furnished not only eggs but feathers also, for it was customary to pluck them twice a year, in spring and autumn, and the feathers were worth five denarii (about three shillings and fourpence) a pound. (Varro, iii. 10; Colum. viii. 13; Plin. *H. N.* x. § 51 ff.; Pallad. i. 30.)

6. Ducks (*anates*). The duck-house (*νησσοτροφεῖον*) was more costly than the chenoboscium, for within its limits were confined, not only ducks, but querquedulae, phalerides, boscades (whatever these may have been), and similar birds which seek their food in pools and swamps. A flat piece of ground, if possible marshy, was surrounded by a wall fifteen feet high, well stuccoed within and without, along the course of which upon an elevated ledge (*crepido*) a series of covered nests (*tecta cubilia*) were formed of hewn stone, the whole open space above being covered over with a net or trellis work (*clatris superpositis*). A shallow pond (*piscina*) was dug in the centre of the enclosure, the margin formed of *opus signinum*, and planted round with shrubs; through this flowed a small stream which traversed the court in a sort of a canal, into which was thrown food for the inmates, consisting of wheat, barley, millet, acorns, grape-skins, small crabs or cray-fish, and other water animals. The eggs were generally hatched by common hens, the precautions taken during incubation and the rearing of the ducklings being the same as in the case of pullets. (Varr. iii. 11; Colum. viii. 15.)

b. Columbarium.

Pigeons (*columbus, columba*). Varro distinguishes two species or varieties: the one, *Genus saxatile s. agreste*, probably the *Columba livia* of naturalists, which was shy and wild, living in lofty turrets (*sublimes turriculae*), flying abroad without restraint, and generally of a darkish colour, dappled, and without any admixture of white; the other kind more tame (*clementius*), feeding about the doors of the farm, and for the most part white. Between these a cross breed (*miscellum*) was usually reared for the market in a lofty edifice (*περιστεροτροφεῖον, περιστερεών*), constructed for the purpose. These buildings, placed under the charge of a *columbarius*, were frequently large enough to contain 5000, were vaulted or roofed in with tiles, and furnished with one small entrance, but well lighted by means of large barred or latticed windows (*fenestrae Punicanae, s. reticulatae*). The walls, carefully stuccoed, were lined from top to bottom with rows of round-shaped nests with a single small aperture (*columbaria*), often formed of earthenware (*fictilia*), one being assigned to every pair, while in front of each row a plank was placed upon which the birds alighted. A

copious supply of fresh water was introduced for drinking and washing; their food, consisting of the refuse of wheat (*excreta tritici*), millet, vetches, peas, kidney-beans, and other leguminous seeds, was placed in narrow troughs ranged round the walls, and filled by pipes from without. The pigeons kept in the country supported themselves for a great part of the year upon what they picked up in the fields, and were regularly fed (*acceptant conditiva cibaria*) for two or three months only; but those in or near a town were confined in a great measure to the περιστεροτροφεῖον, lest they should be snared or destroyed. They were very fruitful, since one pair would rear eight broods of two each in the course of a year, and the young birds (*pulli*) very speedily arrived at maturity, and began forthwith to lay in their turn. Those set aside for the market had their wing feathers plucked out and their legs broken, and were then fattened upon white bread previously chewed. Columella says that some preferred to tie their legs, thinking that the pain arising from breaking them could hinder this fattening; but he denies that this is the case.

A handsome pair of breeding pigeons of a good stock would fetch at Rome, towards the close of the republic, two hundred sesterces (upwards of a guinea and a half); if remarkably fine, as high as a thousand (nearly eight guineas); and as much as sixteen hundred (more than thirteen pounds) was a price sometimes asked, while Columella speaks of four thousand (upwards of thirty pounds) having been given in his time; and some persons were said to have a hundred thousand (nearly a thousand pounds sterling) invested in this kind of property. The instinct which teaches pigeons to return to the place where they have been fed was remarked by the ancients, who were wont, for the sake of amusement, to bring them to the theatres and there let them loose. (Varr. iii. 7; Colum. viii. 8; Plin. *H. N.* x. § 147; Pallad. i. 24.)

c. Ornithon, Aviarium (ὀρνιθοτροφεῖον).

Ornithones, in the restricted sense, were divided into two classes: 1. Those constructed for pleasure merely, being designed for the reception of nightingales and other singing birds. 2. Those for profit, in which thousands of wild birds were confined and fattened. Varro gives a very curious and minute description of an ornithon belonging to the first class, which he himself possessed, and Lucullus endeavoured to combine the enjoyment of both, for he had a triclinium constructed in his Tusculan villa inside of an ornithon, delighting to behold one set of birds placed upon the table ready for his repast, while others were fluttering at the windows by which the room was lighted. Ornithones of the second class, with which alone we are at present concerned, were kept by poulterers (*macellarii*), and others in the city, but the greater number were situated in Sabinum, because thrushes were most abundant in that region. These huge cages were formed by enclosing a space of ground with high walls and covering it in with an arched roof. Water was introduced by pipes, and conducted in numerous narrow channels; the windows were few and small, that light might be excluded as much as possible, and that the prisoners might not pine from looking out upon the open country, where their mates were enjoying freedom. Indeed, so sensitive were thrushes, and so apt to despond when first caught, that it was the practice to shut them for some time with other tame individuals of their own kind (*veterani*), who acted as decoys (*allectores*) in reconciling them to captivity. In the interior of this building numerous stakes (*pali*) were fixed upright, upon which the birds might alight; long poles also (*perticae*) were arranged in an inclined position resting against the walls with spars nailed in rows across, and lofts were constructed, all for the same purpose. Two smaller apartments were attached, one in which the superintendent (*curator*) deposited the birds which died a natural death, in order that he might be able to square accounts with his master; the other, called the *seclusorium*, communicating with the great hall by a door, into which those birds wanted for the market were driven from time to time, and killed out of sight, lest the others might droop on witnessing the fate of their companions.

Millet and wild berries were given freely, but their chief food consisted of dry figs carefully peeled (*diligenter pinsita*) and kneaded with far or pollen into small lumps, which were chewed by persons hired to perform this operation. The birds usually kept in an ornithon have been mentioned above, but of these by far the most important were thrushes, which made their appearance in vast flocks about the vernal equinox, and seem to have been in great request; for out of a single establishment in Sabinum, in the time of Varro, five thousand were sometimes sold in a single year at the rate of three denarii a head, thus yielding a sum of 60,000 sesterces, about £500 sterling.

The manure from ornithones containing thrushes and blackbirds was not only a powerful stimulant to the soil, but was given as food to oxen and pigs, who fattened on it rapidly.

Turtle-doves (*turtures*, dim. *turturillae*) belonged to the class which did not lay eggs in captivity (*nec parit nec excludit*), and consequently, as soon as caught, were put up to fatten (*volatura ita ut capitur farturae destinatur*, Col.). They were not however confined in an ordinary ornithon, but in a building similar to a dove-cote, with this difference, that the interior, instead of being fitted up with columbaria, contained rows of brackets (*mutulos*), or short stakes projecting horizontally from the wall and rising tier above tier. Over each row, the lowest of which was three feet from the ground, hempen mats (*tegeticulae cannabinae*) were stretched, on which the birds reposed day and night, while nets were drawn tight in front to prevent them from flying about, which would have rendered them lean. They fattened readily in harvest time, delighting most in dry wheat, of which one-half modius per day was sufficient for 120 turtles, or in millet moistened with sweet wine. (Varr. iii. 8; Colum. viii. 9; Plin. *H. N.* x. § 104 ff.; comp. Plaut. *Mostell.* i. 1, 44; Juv. vi. 36.)

II. Vivaria.

a. Leporaria.

Leporaria anciently were small walled paddocks, planted thickly with shrubs to give

shelter; and intended, as the name implies, for the reception of animals of the hare kind: viz. 1. The common grey hare (*Italicum hoc nostrum*, sc. *genus*). 2. The mountain or white hare from the Alps, seldom brought to Rome (*toti candidi sunt*). 3. Rabbits (*cuniculi*), believed to be natives of Spain. These, at least the first and third, bred rapidly, were caught occasionally, shut up in boxes, fattened and sold. In process of time, the name *leporarium* was changed for the more appropriate term θηριοτροφεῖον, since a variety of wild animals, such as boars (*apri*), stags (*cervi*), and roe deer (*capreae*), were procured from the hunter (*venator*), and shut up in these parks, which now embraced several acres even in Italy, while in the provinces, especially Transalpine Gaul, they frequently comprehended a circuit of many miles of hill and swamp, glade and forest. This space was, if possible, fenced by a wall of stone and lime, or of unburnt brick and clay, or, where the extent rendered even the latter too costly, by a strong paling (*vacerra*) formed of upright stakes (*stipites*) drilled with holes (*per latus efforantur*) through which poles (*amites*) were passed horizontally, the whole of oak or cork-tree timber, braced and, as it were, latticed by planks nailed diagonally (*seris transversis clatrare*), much in the fashion of wooden hurdles. Even in the largest enclosures it was necessary to support the animals in winter, and in those of moderate size they were frequently tamed to such an extent that they would assemble at the sound of a horn to receive their food. (Varr. iii. 12; Colum. ix. 1; Plin. *H. N.* viii. § 217 ff.)

Bees (*apes*). The delight experienced in the management of these creatures is sufficiently proved by the space and care devoted to the subject in Virgil, and by the singularly minute instructions contained in the agricultural writers, especially in Columella, who derived his materials from the still more elaborate compilations of Hyginus and Celsus, the former being the author of a regular bee calendar, in which the various precepts for the guidance of the bee fancier (*mellarius, apiarius*; μελιτουργὸς, *meliturgus*) were arranged in regular order according to the seasons and days of the year. The methods which the ancients describe differ little, even in trifling details, from those followed by ourselves, although in some respects our practice is inferior, since they never destroyed a hive for the sake of its contents, but abstracted a portion of the honey only, always leaving a sufficient supply for the support of the insects in winter; and the same swarm, occasionally reinforced by young recruits, might thus continue for ten years, which was regarded as the limit. Our superior knowledge of natural history has however enabled us to determine that the chief of the hive is always a female, not a male (*rex*), as was the general belief; to ascertain the respective duties performed by the queen, the working bees, and drones (*fuci* s. *fures*), which were unknown or confounded; and to reject the absurd fancy, to which however we are indebted for the most charming episode in the Georgics, which originated with the Greeks, and is repeated with unhesitating faith by almost every authority, that swarms might be produced by spontaneous generation from the putrescent carcase of an ox (*ex bubulo corpore putrefacto*; and hence they were commonly termed βοηγενέες by the poets, and by Archelaus βοὸς φθιμένης πεποτημένα τέκνα).

The early Romans placed the hives in niches hollowed out of the walls of the farm-house itself, under the shelter of the eaves (*subter subgrundas*), but in later times it became more common to form a regular apiary (*apiarium, alvearium, mellarium*; μελιττοτροφεῖον, μελιττών), sometimes so extensive as to yield 5000 pounds of honey in a season. This was a small enclosure in the immediate vicinity of the villa, in a warm and sheltered spot, as little subject as possible to great variations of temperature, or to disturbances of any description from the elements or from animals; and carefully removed from the influence of fetid exhalations, such as might proceed from baths, kitchens, stables, dunghills, or the like. A supply of pure water was provided, and plantations were formed of those plants and flowers to which they were the most attached, especially the cytisus and thyme, the former as being conducive to the health of bees, the latter as affording the greatest quantity of honey (*aptissimum ad mellificium*, Varr.). The yew was carefully avoided, not because in itself noxious to the swarm, but because the honey made from it was poisonous. (*Sic mea Cyrneas fugiant examina taxos*, Verg. *Ecl.* ix. 30.) The hives (*alvi, alvei, alvearia*, κυψέλαι), if stationary, were built of brick (*domicilia lateribus facta*) or baked dung (*ex fimo*); if moveable, and these were considered the most convenient, were hollowed out of a solid block, or formed of boards, or of wicker-work, or of bark, or of earthenware, the last being accounted the worst, because more easily affected by heat or cold, while those of cork were accounted best. They were perforated with two small holes for the insects to pass in and out, were covered with moveable tops to enable the mellarius to inspect the interior, which was done three times a month, in spring and summer, for the purpose of removing any filth which might have accumulated, or any worms that might have found entrance; and were arranged, but not in contact, in rows one above another, care being taken that there should not be more than three rows in all, and that the lowest row should rest upon a stone parapet, elevated three feet from the ground, and coated with smooth stucco to prevent lizards, snakes, or other noxious animals from climbing up.

When the season for swarming arrived, the movements which indicated the approaching departure of a colony (*examen*) were watched unremittingly; and when it was actually thrown off, they were deterred from a long flight by casting dust upon them, and by tinkling sounds, being at the same time tempted to alight upon some neighbouring branch by rubbing it with balm (*apiastrum*, μελισσόφυλλον, s. *μέλινον*, s. μελίφυλλον), or any sweet substance. When they had all collected, they were quietly transferred to a hive similarly prepared, and, if they showed any disinclination to enter, were urged on by surrounding them with a little smoke.

If quarrelsome, their pugnacity was repressed by sprinkling them with honey water (*mella*) or dust; if lazy, they were tempted out by placing the sweet-smelling plants they most loved, chiefly apiastrum or thyme, in the immediate vicinity of

the hive, recourse being had at the same time to a slight fumigation. If distracted by sedition in consequence of the presence of two pretenders to the throne, the rivals were caught, examined, and the least promising put to death. In bad weather, those stricken down and disabled by cold or sudden rain were tenderly collected, placed in a spot warmed by artificial heat, and as they revived laid down before their hives. When the weather for any length of time prevented them from going abroad, they were fed upon honey and water, or upon figs boiled in must and pounded into a paste.

The honey harvest (*mellatio*, *mellis vindemia*, *castratio alvorum*, *dies castrandi*, μελίτωσις), according to Varro, took place three times a year, but more usually twice only, in June and October; on the first visitation four-fifths, at the second two-thirds of the honey was abstracted; but these proportions varied much according to the season and the strength of the particular hive. The system pursued was very simple; the moveable top was taken off, or a door contrived in the side opened, the bees were driven away by a smoking apparatus, and the mellarius cut out with peculiarly formed knives as much of the contents as he thought fit.

The comb (*favus*, κηρίον), which was the product of their industry, was composed of wax (*cera*, κηρὸς), formed into hexagonal cells (*sex-angulis cella*), the geometrical advantages of which were soon discovered by mathematicians, containing for the most part honey (*mel*, μέλι), but also the more solid sweet substance commonly called bee-bread (*propolis*, πρόπολις), the classical name being derived, it is said, from the circumstance that it is found in greatest abundance near the entrance. The combs were cemented together, and the crevices in the hive daubed over with a glutinous gum, or bee-glue, the erithace (ἐριθάκη) of Varro and his Greek authorities, which seems to be the same with what is elsewhere termed *melligo* (μελίτωμα). But cf. Conington and Keightley on Verg. *Georg.* iv. 39.

Columella and Palladius describe ingenious plans for getting possession of wild swarms (*apes silvestres*, *ferae*, *rusticae*, as opposed to *urbanae*, *cicures*); and Pliny notices the humble-bees, which constructed their nests in the ground, but seems to suppose that they were peculiar to a district in Asia Minor. The marks which distinguish the varieties of the domestic species will be found detailed by the different authorities quoted below. (Aristot. *Hist. Anim.* ix. 40 ff.; Aelian. *de Anim.* i. 59, 60, v. 10, 11; Varr. ii. 5, iii. 3, 16; Verg. *Georg.* iv.; Colum. ix. 3, &c., xi. 2; Plin. *H. N.* xi. § 11 ff.; Pallad. i. 37–39, iv. 15, v. 8, vi. 10, vii. 7, ix. 7, xi. 13, xii. 8.)

Snails (*cocleae*). Certain species of snails were favourite articles of food among the Romans, and were used also medicinally in diseases of the lungs and intestines. The kinds most prized were those from Reate, which were small and white; those from Africa, of middling size, and very fruitful; those called *solitana*, also from Africa, larger than the former; and those from Illyria, which were largest of all. The place where they were preserved (*cochlearium*) was sheltered from the sun, kept moist, and not covered over nor walled in, but surrounded by water, which prevented the escape of the inmates, who were very prolific, and required nothing except a few bay leaves and a little bran. They were fattened by shutting them up in a jar smeared with boiled must and flour, and perforated with holes to admit air. It has been recorded that an individual named Fulvius Hirpinus constructed, near Tarquinii, the first coclearium ever formed in Italy, a short time before the civil war between Caesar and Pompey. (Varr. iii. 14; Plin. *H. N.* ix. § 173, xxx. § 44; comp. Sallust. *Jug.* 93.)

Dormice (*glires*) were regarded as articles of such luxury that their use as food was forbidden in the sumptuary laws of the more rigid censors; but, notwithstanding, a *glirarium* became a common appendage to a villa. It was a small space of ground surrounded with a smooth wall of polished or stuccoed stone, planted with acorn-bearing trees to yield food, and containing holes (*cavi*) for rearing the young. They were fattened up in earthen jars (*dolia*) of a peculiar construction, upon chestnuts, walnuts, and acorns. (Varr. iii. 15; Plin. *H. N.* viii. § 223 f.: cf. Martial, iii. 58, xiii. 59; Petron. 31; Amm. Marc. xxviii. 4.)

b. Piscinae.

Lastly, we may say a few words upon artificial fish-ponds, which were of two kinds—fresh-water ponds (*piscinae dulces*), and salt-water ponds (*piscinae salsae* s. *maritimae*).

The former, from an early period, had frequently been attached to ordinary farms, and proved a source of gain; the latter were unknown until the last half century of the republic, were mere objects of luxury, and were confined for the most part to the richest members of the community, to many of whom, such as Hirrius, Philippus, Lucullus, and Hortensius, who are sneeringly termed *piscinarii* by Cicero, they became objects of intense interest. These receptacles were constructed at a vast cost on the sea-coast, a succession being frequently formed for different kinds of fish, and the most ingenious and elaborate contrivances provided for the admission of the tide at particular periods, and for regulating the temperature of the water; large sums were paid for the stock with which they were filled, consisting chiefly of mullets and muraenae; and a heavy expense was incurred in maintaining them, for fishermen were regularly employed to catch small fry for their food, and when the weather did not permit such supplies to be procured, salt anchovies and the like were purchased in the market. For the most part they yielded no return whatever, during the lifetime at least of the proprietors, for the inmates were regarded as pets, and frequently became so tame as to answer to the voice and eat from the hand. When sales did take place, the prices were very high. Thus Hirrius, who on one occasion *lent* Caesar 6,000 muraenae, at a subsequent period obtained 4,000,000 sesterces (upwards of 30,000*l.*) for an ordinary villa, chiefly in consequence of the ponds and the quantity of fish they contained.

A certain Sergius Orata, a short time before the Marsic War, formed artificial oyster-beds (*vivaria ostrearum*) from which he obtained a large revenue. He first asserted and established the superiority of the shell-fish from the Lucrine Lake, which have always maintained their

celebrity, although under the empire less esteemed than those from Britain. (Varr. *R. R.* iii. 17; Colum. viii. 16, 17; Plin. *H. N.* ix. § 168; Cic. *ad Att.* i. 19.)

Of modern treatises connected with the subject of this article the most important is Dickson's *Husbandry of the Ancients*, 2 vols. 8vo. 1788, the work of a Scotch clergyman, who was well acquainted with the practical details of agriculture, and who had studied the Latin writers with great care, but whose scholarship was unfortunately so imperfect that he was in many instances unable to interpret correctly their expressions. Many useful and acute observations will be found in the *Économie Politique des Romains*, by Dureau de la Malle, 2 tomes, 8vo. Paris, 1840, but he also is far from being accurate, and he is embarrassed throughout by very erroneous views with regard to the rate of interest among the Romans, and by the singular misconception that from the expulsion of the kings until the end of the Second Punic War the law forbade any Roman citizen to possess more than 7 jugers of land (vol. ii. p. 2).* Those who desire to compare the agriculture of modern Italy with ancient usages will do well to consult Arthur Young's *Travels in Italy*, and the Appendix of Symonds; the *Agriculture Toscane* of J. C. L. Simonde de Sismondi, the historian, 8vo. Génève, 1801; and *Lettres écrites d'Italie à Charles Pictet par M. Lullin de Châteauvieux*, 8vo., Paris, 2nd ed. 1820. [W. R.] [A. S. W.]

AGRIMENSORES. The business or profession of a land-surveyor appears not to have had any special organization or state recognition, at any rate until late in the history of Rome. At first the augurs directed the laying out of a town or colony, but no doubt they had assistants for the mechanical duties. The older term specially for a surveyor was *finitor*, and is used by Plautus (*Poen.* 48), and Cicero (*Agr.* ii. 13, 34; ii. 20, 53). The latter also uses *decempedator* (*Phil.* xiii. 18, 37). The ordinary term in imperial times was *mensor* (Colum. v. 1, 33; Dig. 10, 1, 4; 11, 6; Non. p. 63). *Metator* appears to have been applied only to military surveyors (Cic. *Phil.* xi. 5, 12; xiv. 4; Front. *Strat.* ii. 7, § 12). Vegetius (*de Re Mil.* ii. 7) describes *metator* as one who selected the ground for the camp, *mensor* as one who measured out the ground. The real distinction meant was perhaps that between the skilled officer and the subordinate. But *mensor*, in general use, is certainly not confined to the lower ranks. Under the empire a body of official *mensores* existed to arrange quarters for the army on march. The Justinian Code has, in one place (Just. *Cod.* xii. 40, 5), *metator*, where the Theodosian has *mensor*. The professors of the art were also called *Gromatici* (Hygin. *Munit. Castr.* 11), and the teachers *geometrae* (cf. Colum. v. 1, § 4).

The state required surveyors chiefly for three purposes: laying out land for a colony, or other distributions of land among citizens or soldiers, measuring and registering the land for the census, and military operations, such as laying out a camp, or measuring the breadth of rivers and height of mountains. But their services were also required both by the state and by individuals to survey and mark the boundaries of estates, to re-discover lost boundaries, or give a decision or advice (*judicare aut advocationem praestare*, *Grom.* p. 35) in many questions of dispute. Soldiers were of course employed for camp purposes, and also frequently for other state-surveys (*Grom.* pp. 91 sq., 121, 244, 251). Rullus proposed to take with him for executing his agrarian law two hundred *finitores* from the equestrian order (Cic. *Agr.* ii. 13, 34).

Mensores, along with many other artificers and professional persons, were freed from the more burdensome civil duties (Dig. 50, 6, 7). And, as their work was regarded as of an honourable character, their payment was a *honorarium*, and the relation of hiring was not properly applicable to their services, so that the civil law gave no remedy for a false report, even though maliciously false, and the praetor had to give an action on the case (*in factum*). Neither want of skill nor negligence (unless gross negligence) was a ground of action (D. 11, 6, 1). Teachers of the art (*geometrae*) were freed by Constantius from civil duties generally (*Cod.* x. 66, 2), but not from acting as guardians, any more than were teachers of the civil law (*Vat Fr.* 150; Dig. 27, 1, 22; *Cod. Theod.* xiii. 4, 3). The position was evidently regarded as of a lower rank. Some Constitutions of Theodosius contained in the Gromatical collection, assigning the surveyors large fees, and, if students, the rank of *clarissimi*, if professors that of *spectabiles*, are regarded by Rudorff, Mommsen, and others as forgeries. The surveyors do however appear to have had the rank of *perfectissimi* (Rudorff, *Grom. Inst.* p. 322).

The services of the land-surveyors were resorted to in disputes (*jurgia* in older language, *controversiae* in the *Gromatici*) about land, when the question turned primarily or incidentally on the boundary between neighbours, or on the position or size of pieces of land, which had been marked out by bounds and were the subject of a claim or liable to tax or duties. They had nothing to do with any questions of law which might be involved, but solely with the ascertainment by their technical knowledge of the true boundary, and with the interpretation of the official or private charts or records, or of the inscriptions, or of the symbolical meaning of the stones, posts, or other marks of boundaries (*Grom.* p. 281). The disputes which arose touching land, so far as the land-surveyors were concerned, belonged to one of two classes—*de fine* or *de loco*, i.e. they related to the boundary of the land only, or to a piece of the land itself. Under the former head came disputes whether boundary stones had been removed (*de positione terminorum*), or where ran the straight line indicated by certain posts (*de rigore*), or what trustworthy indication of the true boundary were to be found. Under the latter head (*de loco*, cf. Dig. 50, 16, 60) came questions as to ownership or possession, or the correspondence in acreage of the land occupied by a person with that registered or assigned to him or his predecessor (*de modo*); or whether the land belonged wholly

* Useful remarks will also be found in the notes to the Eclogues and Georgics of Virgil by Keightley, a sound scholar, and familiar with modern Italian husbandry, and in Dr. Daubeny's *Lectures on Roman Husbandry* (Oxford, 1857).

to the public, or was subject to a public right of road, or was an oddment, or was abandoned and shut out from the assignment, or belonged to some religious body or purpose, or to a tomb, or was within the jurisdiction of the contiguous community, or that of a more distant colony. To the same head belong also questions of accretion by the action of water (*alluvio*), and of damage caused by a neighbour's action in increasing the flow of rain-water on to the adjoining land (pp. 9–24, 37–58, 123–134). The two classes had this distinction in law, that questions of a boundary (*de fine*), if within five feet, were according to the Twelve Tables to be decided by three experts as arbiters, and any claim of usucapion was to be disregarded. Questions of a piece of land (*de loco*) were settled by the ordinary tribunals, with or without the aid of experts, as particular circumstances might require. A *lex Mamilia*, perhaps passed in Cicero's time (Cic. *Leg.* i. 21, 55), substituted a single arbiter for the three. A Constitution of A.D. 385 removed the restriction of five feet, and committed all disputes of this class to the decision of an expert, provided they were capable of settlement by skilful ascertainment of the old boundary line (*Cod. Th.* ii. 26, 4). A later Constitution of A.D. 392 restored the old distinction (*ib.* s. 5). Justinian again removed the distinction, and allowed, in all such cases, a prescription of thirty years (*Cod. Just.* iii. 39, 5, 6). The collection of the *Gromatici* does not contain this change of Justinian's. Karlowa (*Beitr.* p. 141, § 1) takes a different view of these Constitutions from the above, which is the view generally taken.

The writings of the *Gromatici* which are extant contain short treatises of about the 2nd century after Christ, by Frontinus (embedded in a commentary of a later writer called Agennius Urbicus), by Siculus Flaccus, and by apparently two writers bearing the name of Hyginus; several short mathematical treatises of uncertain date by Balbus, Nipsus, a so-called Boethius, and others; extracts from official registers, probably of the 5th century, of the colonial and other surveys of lands, chiefly in Italy; lists and descriptions of different kinds of boundary stones; extracts from the Theodosian code, and one title (x. 1) of Justinian's *Digest*; an obscure and barbarous tract (*casae litterarum*) by one Innocentius, supposed to be school exercises in land-surveying, and some other short pieces. The origin and date of the collection is unknown. The principal treatises are in two Wolfenbüttel MSS., viz. *Codex Arcerianus* of the 6th or 7th century, which, however, does not contain Siculus Flaccus, and *Codex Gudianus* of the 9th or 10th century. Niebuhr awakened modern interest in these writers (see the Appendix to his *Rom. Hist.* vol. ii. Eng. Tr.), and in 1848 Lachmann's critical edition (based partly on Blume's researches published in the *Rhein. Mus.* vols. v. vii.) appeared and superseded all earlier editions. In 1852 a second volume was published, containing essays on the MSS. by Blume, on the text by Lachmann, and on the list of colonies by Mommsen, as well as a careful and learned, though somewhat fanciful, treatise on the whole subject by Rudorff, who had previously published an essay on the action for regulating boundaries in the *Zeits. Gesch. Rechtsw.* vol. x. [H. J. R.]

AGRIMETA'TIO. In the origin of a community land has been acquired either by occupying what is vacant, or by conquest from a previous occupier. The community from time to time regulates how it shall be held by its members, whether in common or by separate families or by individuals, and what transfers from one to another shall be allowed or protected or enforced (cf. Cic. *Off.* i. 7, 21). For such purposes land has to be defined, definition requires boundaries to be declared, and naturally brings with it measurement and land surveying in general.

1. The Roman land-surveyors (whose writings will be here referred to by the pages of Lachmann's edit.) make three great classes (*qualitates*) of land: one *divisus et adsignatus*, another *mensura per extremitatem comprehensus*, a third *arcifinius qui nulla mensura continetur* (p. 1), *i.e.* land divided and marked out, land surrounded by a measured boundary, and land not measured at all.

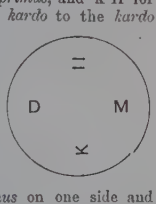
The word *arcifinius* was derived by Varro from *arcere*, and he has been followed by the Roman surveyors and by (apparently) all modern writers, Varro understanding *hostes*, others *vicinum*, others *fines* (pp. 6, 137, 284, 369; and Rudorff, *Grom. Inst.* p. 251). This derivation is certainly wrong, for it is not conformable to the laws of Latin composition, and another derivation is almost demonstrably right. Proper components of such a word are *arcus* and *finis*. A bow as seen in ancient figures was composed of two horns joined by a straight piece, each horn having a double curve, and the bow was thus a type of an irregularly curved or wavy line. Now see Balbus's words (98): *Extremitatium genera sunt duo, unum quod per rigorem observatur, alterum quod per flexus: rigor est quidquid inter duo signa veluti in modum lineae rectum perspicitur: per flexus, quidquid secundum locorum naturam curvatur, ut in agris arcifiniis solet . . . Quidquid in agro mensorii operis causa ad finem rectum fuerit, rigor appellatur . . . Flexuosa linea* (distinguished from straight and curved lines) *est multiformis, velut arcorum aut jugorum aut fluminum; in quorum similitudinem et arcifiniorum agrorum extremitas finitur.* See also pp. 12, 31, and the figure in 312 referring to p. 342. *Ager arcifinius* is therefore land "bow-bounded," *i.e.* bounded with a natural wavy line, as opposed to land bounded by the artificial straight lines of the surveyor.

2. If a conquered territory or part of it was to be assigned to Roman citizens, as, for instance, in founding a colony, the land was divided and marked off in plots according to a regular plan. The surveyor placed himself facing due west, and drew one line due east and west, and another crossing at right angles, *i.e.* due north and south. Along these lines were set out two wide balks (*limites*). The east and west balk was called *decumanus*; the north and south balk was called *kardo*. All balks parallel to the *decumanus* were *prorsi limites*, all parallel to the *kardo* were *transversi*, but were often all called *decumani* and *kardines* respectively, the two principals being distinguished as *decumanus maximus* and *kardo maximus*. The others were numbered from the centre crossing-point, all the north and south balks in front of the *kardo maximus* being *ultra kardinem max.*, all behind

it being *citra kardinem max.*; and all the east and west balks being *dextrā decumanum max.* if on the surveyor's right of the *decumanus maximus*, and those being *sinistrā decumanum max.* which were on the surveyor's left of the same. The combination of these terms gave a ready description of any balk or block of land. The half in front of the surveyor, *i.e.* the western, was called also *pars antica;* the half behind, *i.e.* the eastern, *pars postica* (pp. 27, 303). The halves are also spoken of as *ager dextratus, sinistratus, citratus, ultratus* (or *pars dextrata*, &c.), being respectively, according to the normal arrangement of the balks, the northern and southern, the eastern and western halves; and the quarters being denoted by a combination, *e.g. ager ultratus et dextratus* for the north-western quarter, &c. (pp. 247, 290 *sqq.*).

The measurement was by a ten-foot rod, *pertica decempeda*, either substantive (*pertica*) or adjective (*decempeda*) being often used alone to denote it (*e.g.* Prop. iv. 1, 130; Hor. *Od.* ii. 15, 14). Twelve rods or 120 feet was an *actus* (*i.e.* one ploughing length, Plin. *H. N.* xviii. § 9; Colum. ii. 2, 27). A square *actus* contained 14,400 square feet, and a *jugerum* was an oblong rectangle, composed of two square *actus*, containing 28,800 square feet, being 24 rods long by 12 rods broad. The amount originally assigned to each citizen was 2 *jugera* (about equal to 1¼ acres), together forming a square plot called *heredium* ("*quod heredem sequeretur;*" comp. "hereditament"). A hundred of these plots, forming a square of 20 *actus* or 240 rods each way, was a *centuria* (Varr. *R. R.* i. 10; *Grom.* pp. 95, 153). The century was the normal unit of division of the colony, as the *jugerum* was the normal unit of the *centuria*. Between the centuries ran the *limites*, these forming the principal divisions being broader than the others. The balk along the line of the meridian was called *kardo*, from being as it were the hinge or axis on which the heavens revolved; that crossing it was called *decumanus*, dividing the realm of light (south) from the realm of darkness (north). The word has been the subject of many bad etymologies (Rudorff, *Grom. Inst.* p. 343). But it is certainly the ordinary adjective, meaning the balk "of the tenth." Each side of the century contained 10 *heredia*, and the balk bounding the century was therefore a balk "of (*i.e.* adjoining) the tenth" *heredium*. When kardo was taken for the name of the north and south lines, *decumanus* was confined to the east and west balks, which would come at every tenth *heredium*, measuring along a *kardo* (Nissen, *Templum*, p. 12, gives a more artificial explanation). Every fifth balk, counting from but not inclusive of the *decumanus* or *kardo*, was called *limes quinturius:* the others were called in Italy *subruncivi* ("slightly cleared"), and were used as occupation roads for the farmers to carry off their produce. The principal balks were also called *actuarii*, "carriage roads" (Dig. 8, 3, 1), and were usually public roads of considerable breadth (*Grom.* pp. 120, 175: compare the metaphor in Verg. *Aen.* ix. 323). Thus in the colonies founded by the Gracchi, by Sulla and by Augustus, the *decumanus max.* was to be 40 feet broad, the *kardo max.* 20 feet, the other *actuarii* (*i.e.* the *quintarii*) to be 12 feet, whilst the *subruncivi* were to be 8 feet. This last breadth was that required by the XII. Tables for a private road (Fest. *s. v. viae:* cp. Bruns, p. 299; Dig. 8, 3, 18). What in Italy were called *subruncivi* were in some parts of the world mere lines of division, and hence called *linearii* (*Grom.* pp. 168, 169; cf. p. 212).

3. The centuries were marked by a stone at each corner. The law of the Augustan colonies, which seems to have been regarded as a kind of model for others, also prescribed that these corner stones should be of flint or millstone or the like, polished, round, a foot in diameter and four feet in length, of which 2½ feet should be sunk in the ground (p. 194). Hyginus recommends the following system of inscriptions. The stones on the chief decuman and *kardo* to be inscribed on the front; the rest on the sides. Beginning with these two principal balks, each stone along them was to be marked with the notes of the decuman and *kardo* adjacent. Thus, at the corner where the *decumanus maximus* was crossed by the second *kardo*, the stone would be marked on the top with D M or D I for *decumanus maximus*, otherwise called *primus*, and K II for *kardo secundus*, i.e. the next *kardo* to the *kardo maximus*. The inscriptions were generally so put as to occupy only three-quarters of the surface. The first four centuries to be marked were those immediately adjacent at each angle of the central crossing point. Each of these centuries would have the *decumanus maximus* on one side and the *kardo maximus* on an adjoining side, and three corners would thus be on these principal balks. The fourth corner was called the *angulus clusaris*, "closing corner;" it was diagonally opposite to the centre crossing; and on this was inscribed the full technical description of the century. Thus, the north-west corner of the north-west century was marked with a stone inscribed D D I V K I, i.e. *dextra decumanum primum, ultra kardinem primum*, being the century on the surveyor's right hand and in front. The south-west corner of the south-west century was marked S D I V K I, i.e. *sinistra dec.*, &c.; the south-east corner was marked S D I K K I, *i.e. sinistra dec. primum, kitra kardinem primum*, being the century behind the surveyor on his left. The north-east century was marked D D I K K I. The next century east, and on the right of the *decumanus maximus*, would be beyond the *kardo secundus;* and its name would be on the stone at the north-east corner, *i.e.* the corner furthest from the principal crossing. These names of the centuries were put not on the tops but on the sides of the stones, because they would often be of considerable length, *e.g.* D D L X X X V I I I V K L X X V. (p. 173), *i.e.* a remote century in the north-west region on the right of the 98th decuman and beyond the 75th *kardo*. The inscriptions had to be written on the stone downwards (p. 195; see however p. 111). This systematic marking of the centuries by the number of the adjacent decuman and *kardo*, the numbers all starting from the centre crossing, enabled a surveyor on examining a series of these stones to say in what region of the district he was, and by comparison with the heavens,



whether the *decumanus* and the *kardo* had their normal directions respectively of east and west and of north and south (p. 290). Sometimes stones were put only on the main balks and oaken posts on the minor ones (p. 112). Augustus directed all the century marks to be of stone, and the marks put to distinguish one man's allotment from another's to be oak (p. 172).

4. The earliest allotments were two *jugera* (Liv. iv. 47; *Grom.* p. 153); later we read of $2\frac{1}{2}$ *jugera* (Liv. vi. 161), $2\frac{3}{4}$ and 3 (*ib.* viii. 11); of $3\frac{7}{12}$ (*ib.* v. 24), of 5 (*ib.* xxxix. 55), of 6 (*ib.* 44), of 7 (*ib.* v. 30), which last was often regarded as a standard amount (Val. M. iv. 4, 11; Plin. *H. N.* xviii. § 18), though larger amounts are also mentioned, *e.g.* 8 and 10 (Liv. xxix. 55), even in one case of $51\frac{1}{2}$ *jugera* (*ib.* xli. 13); and Hyginus (p. 199) speaks of one-third of a century ($=66\frac{2}{3}$ *jugera*) as if it were not unusual. The quantity assigned as one lot was not necessarily continuous: *e.g.* of the $66\frac{2}{3}$ *jugera*, $6\frac{2}{3}$ might be in one century, 15 in another, and 45 in another (p. 204). The quantity depended primarily on the extent of the divisible land, and the number of the recipients; but the rule of equal distribution was not always followed. In the assignments to soldiers army rank was regarded, a common soldier receiving one lot, and higher ranks $1\frac{1}{2}$ or 2 lots, and even in republican times at Frentinum 20 *jugera* were given to each foot-soldier, 40 to each horse-soldier. In the Latin colony of Bononia the amounts were respectively 50 and 70 *jugera* (Liv. xxxv. 9; xxxvii. 57). At Aquileia the foot-soldiers had 50 *jugera*, the centurions 100, the cavalry 140 each (Liv. xl. 34). The quality of the land was also regarded, its goodness being sometimes compensated by a reduction of the quantity (pp. 156, 159; cf. Suet. *Aug.* 49).* In the Augustan rules (no doubt following older precedents) the measurement and assignment of the land was to be carried "where the bill-hook and plough had gone" (*qua falx et arator ierit*, pp. 112, 201), *i.e.* so far as it had been cleared and ploughed (see Cicero's remarks, *Rull.* ii. 25, § 67). Hyginus held that this did not necessarily confine it to land actually cultivated, but that some woodland or pasture might usefully form part though not the whole of an allotment (p. 203).

The straight lines of the Roman limitation were carried out regardless, so far as possible, of natural obstructions. Hence a century would often include part of a river, and thus water as well as land fall into an allotment. This was indeed necessary where the total territory was small, and convenience often compensated the person to whom it was assigned. But with large rivers like the Po, spreading from winter torrents far beyond their banks, it was found better to except from this distribution not only the bed of the river, but a considerable margin along it also (pp. 51, 120, 157). In the same way the balks were sometimes included in the centuries, *i.e.* half the balk in each adjacent century. Sometimes where the balks were broad, these (and often public highways also) were excepted from the distribution (pp. 120, 158). But, whether excepted or not, there was a right of road along them either for the public, or at least for the neighbours. In some cases, as the land distributed had been previously occupied by the conquered people, the rigorous line of the balks would pass through a farm-house (*villa*), and the owner then put gates and a porter to let the people through. But if he did not mind giving up more land, he might apparently deflect the public right of way, provided the circuitous road was not inconvenient (pp. 121, 158, 159).

Considerable respect in some ways was shown to the former proprietors and their arrangements. Any sacred places, groves, temples, tombs, public waterworks, public drains (*fossae*), or drains between neighbours, roads, &c., were allowed to remain subject to the same rights and use as before (pp. 120, 157). The existing proprietors sometimes, from their rank or influence or friendship (the case of Virgil is known), were allowed to retain their own lands, or else, if a man's lands were scattered, a larger continuous area was given him in one place to make up for the separated parts which were taken for distribution (pp. 155, 117, 130). A whole town indeed might be locally within the boundaries of the limitation, but be exempted and left in its former condition (p. 118; cf. Cic. *Fam.* xiii. 4). Barren parts, woods, &c., were often not assigned, but either reserved for subsequent disposal or granted (*concessa*) to the colony as a whole or to individuals, frequently to the neighbouring proprietors, to be held as common land for pasture (*ager compascuus*, pp. 196, 201). Such places would rarely or never coincide exactly with the area of a century, and the remainder of that century was an oddment (*subsecivum*). Other oddments were made at the extremity of the limitation, the ground not allowing of complete rectangular centuries (pp. 7, 155). In the colony of Emerita, in Lusitania, a very large district was surveyed and marked out, but not fully assigned. A number of veterans were settled at the extreme border, and others at the colony itself and near the river Anas. The intervening district received two additions of colonists subsequently, but there was land yet left, which was utilised apparently by such of the colonists as chose. This land also came under the class of *subseciva* (pp. 51, 201). But if land within the extreme bounds (*fines*) of the district was not wholly divided by *limites*—as, for instance, if it had not been cultivated and was therefore unfit for assignment—it was called abandoned and shut out (*relictus et extra clusus*, p. 55) from the regularly assigned district. In such a case Hyginus recommended that the bounds should be surveyed and fixed by a system of right angles, and boundary stones be erected. In certain places stone altars should bear on one side the name of the colony, on the other the name of the neighbours abutting (*adfines*); where the bounds made an angle, the altars should be triangular. If the boundary was rock, marks and (if possible) inscriptions should be put upon the rocks themselves in lieu of stones (p. 198).

5. As a general principle, land was divided by balks in order to be marked out to persons (*adsignatus*) as their property; but division

* A problem in modern books of land-surveying is to set out a quality line so as to give the right quantity in a field of variable value.

was one thing and assignment was another (p. 54). After the survey was completed, sometimes it was found that there was more land than was wanted for assignment, and that some of it, being barren, was not suitable for assignment. On the other hand, the land might prove not enough for all the intended assignees, and then occasionally other land described, but not divided by balks, was assigned to additional citizens outside of the regular limits (p. 160). And sometimes part of a century, or even two or more complete centuries (*lati fundi*), were restored to their old proprietors on their declaring the quantity of their former holdings (pp. 156, 160). Neither the land assigned nor the land restored was subject to a ground rent (*rectigal*). But such a rent was imposed on land which was not assigned in private ownership, and was evidence of its remaining public. Thus the oddments and the land, in excess of that required for the number of colonists, were (if not left to chance) subjected to a rent payable by the occupiers to the owner, *i.e.* either to the Roman State, or, if the oddments had been granted out to the colony (*concessa*), or restored to the borough, then to the colony or borough chest (p. 117). The lands of the Vestal Virgins or of priests were also subject to a ground-rent (p. 117). In other words, the lands not assigned were usually let for a year, or five years (*lustrum*), or a hundred years. The actual occupiers were often the adjoining landowners, but they did not always hold directly from the lord, but only as sub-lessees of a *manceps*, the state generally in this, as in other matters, availing itself of the agency of a large contractor (*manceps*), who would give proper security both in person and specified estates (*praedes ac praedia*) for the due payment of the ground-rent. When the lease was for 100 years, the words buy and sell (*emptio, venditio*) seem to have been thought by the surveyors more appropriate than take and let (*conductio, locatio*), though Gaius gives the other as the better legal view (iii. 145). See under AGRARIAE LEGES.

6. The colonies in the early days of Rome were Roman garrisons and outposts in a foreign, and, it might be, still hostile country (Cic. *Font.* 3, § 5; *Agr.* ii. 27, § 73), garrisons to watch the boroughs, outposts to repel the enemy on the border (*Grom.* p. 135). In the days of Augustus and his successors they were settlements of veterans in strangers' territories. Alike in both cases they were isolated intrusions, and while they had jurisdiction within their own bounds they had none outside of them. Nor was their jurisdiction co-extensive with their bounds. Only that which was given and marked out (*datum adsignatum*) was subject to their control. Such of the former owners as were allowed to retain their own lands within the bounds of the colony retained as a rule their allegiance to the neighbouring borough or other community to which they belonged before; and the same was sometimes the case with any oddments (*subseciva*) or vacant centuries (pp. 117, 163). Occasionally the former boroughs were deprived of all jurisdiction over land outside of the borough walls (p. 164). In the Augustan colonies some specially deserving veterans had their estates (*fundi*) exempted (*excepti*) from all duty to the colony, and deemed to be part of Roman soil. Other veterans had larger estates granted than the terms of the foundation allowed. These estates were therefore specially marked as *concessi* (p. 197).

The whole ground assigned to a colony was called a rod (*pertica*, p. 26), and was divided on one system and from one central crossing. If the land originally given up to the colony proved insufficient for the number of colonists, some adjoining territory was taken and surveyed, but on a separate plan, and with its own *decumanus maximus* and *kardo*. Such an adjunct to the colony was called a *praefectura*, probably as being under a praefect sent from the colony (p. 160). Sometimes the land of one borough was seen from the first not to be enough for the intended colonists, and the lands of several boroughs were taken and thrown together to form one *pertica* (p. 164). The case of Mantuan lands being taken to make up what was wanted for the veterans established at Cremona is well known from Virgil and his commentators (*ad Ecl.* ix. 27; *Georg.* ii. 198).

7. The distribution of the plots among the individuals was determined by lot. The individuals were grouped according to the number of allotments contained in a century. If 20 *jugera* were allotted to each veteran, groups of ten (*decuria*) were made; if the allotment (*sors* or *accepta*, i.e. *sors*: cf. Ov. *Am.* ii. 9, 19; Cic. *Fam.* xi. 20) was a third of a century, the groups would contain three (*conternationes*). Slips bearing the names of all the sharers were put into the urn, and the first ten (or three) that came out of the urn formed the first group, and that group took according as their respective names came out. Then lots, inscribed with the exact description of ten (or three) plots, were put into the urn, and the first that came out was for group 1, the next for group 2, and so on. The description was thus—"*Sors prima: D D I et secundum et III. et IV. citra kardinem illum*," *i.e.* "First lot: on the right of the 1st decuman and 2nd, and 3rd, &c., on the hither side of such and such a kardo." Sometimes the composition of a group was settled by private agreement, those in the same group having presumably neighbouring plots (pp. 113, 200).

8. A chart (*pertica, typus, forma, centuriatio*, &c., p. 154) was made of the whole *pertica*, showing its bounds and abuttals, all the balks, the position and limits of the oddments, common pastures and woods; plots assigned to individuals in fee (*data adsignata*); plots granted (*concessa*), e.g. as corporate property or under special circumstances; plots specially exempted from the colonial jurisdiction (*excepta*); plots given back to the ancient occupier (*reddita veteri possessori*), which sometimes were of large extent, and filled several centuries (hence specially registered *redditum suum lati fundi*, p. 157); plots given to an ancient occupier in exchange for his own (*reddita commutata pro suo*); the district assigned to a river, sometimes quaintly described as a veteran or ancient occupier (*datum adsignatum ut veterano*, or *redditum suum veteri possessori flumini Pisauro, tantum in quo alveus*, p. 157). Initials were often used to denote these frequently occurring categories: for instance, C V P for *concessa veteri possessori* (p. 203). When part of an allotment consisted of woodland adjoining, or mountain pasture at a

distance (*ultra quartum forte vicinum*, pp. 204, 226, 15), this was joined to it on the chart by a wavy line (*commalleolari* debet*, p. 204; and see figs. 196, 197). Besides the chart, there was a register of the allotments, grants, declarations (*professiones*) of the ancient owners, &c., setting forth the local description of each century, the names of the persons to whom it was assigned or restored, and the quantity of acres to be held by each. The precise appropriation of the century among those who drew it in common (*consortes*) was not entered in the register, but left to be commemorated by the sharers by erecting suitable boundary marks (pp. 211, 271, and cf. p. 162). The chart and register ought to be made on bronze and in duplicate, and one chart erected in the centre of the colony, the other kept in the imperial record office (*Caesaris tabularium*). These were the most authentic evidence in all disputes about the boundaries, the quantity and title of the lands of the colony or other assignment (pp. 154, 202). They were not always made with the same particularity. One surveyor (Balbus?), in forming the plan and register for assignments by Trajan in Pannonia, not only noted the quantity of each allotment, but drew a line round it, and inscribed the length and breadth, thus defining the extent and situation of the individual properties, and of the oddments; others contented themselves with stating the quantity assigned, only when the centuries were not full (p. 121). The chart and register contained, besides the original assignment, any subsequent assignments which might be made of the same measured district. Thus some of Julius Caesar's colonists returned to military service; and when they went back to their own lands, the plots of those who had died were assigned to others. Hence, the register often contained, under the same century, the names of the original holders, and of their successors, no note apparently being made of the cause (p. 162). Subsequent assignments of unallotted plots and grants of reserved oddments, &c., would appear in the register; but changes in their holdings, made by the settlers themselves, by purchase, or lease, or exchange, or occupation of vacant parts, were not entered. New acquisitions being often made according to mutual convenience, and without regard to the bounds set out in the survey, the register ceased to be decisive of disputes between them or their successors, and recourse had to be made to the private deeds (*cautiones*) which might describe the quantities and the marks (p. 131). In the case of a veteran dividing his allotment among his sons, there appears to have been a practice of erecting boundary stones in lines, having a common and definite relation to the boundary stone on the principal balk. Such stones were called *comportionales*.

9. The account given above relates to what was considered the normal survey and arrangements. The *decumanus maximus* running east and west; the *kardo maximus* running north and south; the surveyor facing to the west, so that the west was *ultra kardinem* and the north *dextra decumanum*; the centuries rectangular and equilateral, containing each 200 *jugera*, and each side being 20 *actus* long; the balks duly proportioned in width to their importance as the main, secondary or smaller patent lines of division, strictly parallel to the chief decuman or kardo, and marked by significant boundary posts of proper character, height, and thickness, and duly inscribed with their number and description—such was the standard of a Roman surveyor for the distribution of land among Roman colonists. But in almost all these points differences were found. Sometimes the decuman was drawn, not due east and west, but in accordance with the visible quarter of the rising of the sun on the foundation of the colony (p. 170); sometimes it was made to run along a great road, as the *Via Appia* (p. 179); or in the direction of the greatest length of the territory; or even, as in the neighbourhood of Capua, north and south, with the kardo east and west (pp. 29, 168). Where a colony was close to the sea, the balks were made parallel to the shore, and called *maritimi*, and the cross balks parallel to the mountains, and called *montani* (p. 168).

The most perfect arrangement was for the centre of the limitation to be at the centre of the town, and the decuman and kardo to pass out by gates at each end of the four sides; but often this was not possible or convenient, mountains or the municipium whose territory was now taken for distribution being in the close neighbourhood, and then the centre crossing was put in some suitable place outside (pp. 178 *sq.*, 194). A praefecture was usually divided on a system independent of that of the *pertica* to which it belonged (pp. 160, 171). The Nolan district was, from the first, surveyed with two different sets of balks, the one set adjoining the other, but meeting them somewhat obliquely. The two sets of decumans were distinguished as *dextra* and *dexterior*, *sinistra* and *sinisterior* (p. 162). If a second colony was established, with land adjoining a former one, it was (at least sometimes) so arranged as to have its balks placed (without regard to the points of the compass), not parallel, but at an angle to the old one (pp. 31, 170).

The century of 200 *jugera* was, at Beneventum, arranged so as to have 25 *actus* along the decumans, and 16 along the *kardines* (p. 59); in other parts the so-called century had only 50 *jugera*; at Cremona, 210 (p. 30); in other parts 240 *jugera*, viz. 24 *actus* by 20; at Emerita, 400 *jugera*, the decumans having 40 *actus* and the *kardines* 20; in a praefecture at Turgalium, the figures were just reversed (p. 171). The distances of the boundary stones or posts often varied in different parts of the same district. If land which had once been divided and assigned was a second time made the seat of a colony, or of a new distribution of land, the old set of balks would be cut across by the new set (p. 178), and the old boundary stones remaining were liable to be confounded by a careless observer with the new ones. Some of the distributions of the Gracchi and Sulla were thus superseded by later arrangements (p. 165).

10. Another mode of dividing and assigning colonial land is expressly contrasted with the above. *Ager divisus adsignatus coloniarum habet condiciones duas, unam qua plerumque limitibus continetur, alteram qua per proximos possessionum*

* Perhaps from *malleolus*, a hammer-shaped vine-cutting, in Colum. iii. 63. Rudorff quite mistakes the phrase.

rigores adsignatum est, sicut in Campania Sucssae Arruncae. If divided into plots of greater length than breadth, the division was *per strigas;* if of greater breadth than length, *per scamna:* length was reckoned in the direction of north and south, breadth in that of east and west. The terms are used also, in camp measurement, for oblong plots [see CASTRA]. The origin of the terms is obscure: *striga* is probably a strip (from *stringere*); *scamnum* was a farmer's word for unbroken ground (Col. ii. 2, § 25, iii. 13, § 2). *Ager strugatus* or *scamnatus* seems then to be land divided into oblong plots, the sides of which were not parallel to decumans and *kardines*, but to the boundaries of the neighbouring occupiers (Front. *l. c.* is strangely mistranslated by Rudorff, p. 290). According as the length of plot was north and south or east and west, it was called *strigatus* or *scamnatus*. (Nipsus describes land divided into centuries of 24 *actus* in length and 20 in breadth as *ager scamnatus*, p. 293, and possibly all the oblong centuries named above should be called *scamna* or *strigae*.) This method of division is expressly recommended by Hyginus (205 *sqq.*) for land in the provinces, subject to a tax, as distinguished from the tax-free land of a colony. A difference of legal condition of the land ought to be indicated by a difference of measurement; and the art of the land-surveyor is capable of dealing with the varieties of the several provinces. Hence he blames those who divided Pannonia *per centurias;* but, recognising the importance of an accurate survey with measured plots, referable to definite lines made visible by balks and marked by boundary stones, he recommends decumans and *kardines* of the usual width, but dividing the land into *strigae* and *scamna*, the *strigae* to be twice as long as broad, the *scamna* to be twice as broad as long (*dimidio longior sive latior*).

11. In an account of the different districts of Italy from a surveyor's point of view, which is found among the *Gromatici*, and was probably taken from official records (*libri coloniarum*), other modes of distribution of land are spoken of. Thus in the account of Atina: *Ager pro parte in laciniis et per strigas est adsignatus;* of Aricia, *Ager ejus in praecisuris est adsignatus* (230); of Spoletum, *Ager in jugeribus et limitibus intercisivis est adsignatus ubi cultura est: ceterum in soluto est relictum in montibus vel subsecivis, quae reipublicae alii cesserunt, nam et multa loca hereditaria accepit ejus populus* (225). *Laciniae* were probably irregular patches of land; *praecisurae* pieces bounded by straight lines but not rectangular, and cut larger or smaller according to the goodness of the land (cf. p. 211). The land of Spoletum had, in its cultivated parts, been regularly mapped out in centuries, but was allotted in portions of a certain number of acres divided from each other, not by the regular balks, but by cross or intersecting balks. The rest of the land had been left undivided (*in soluto* or *absoluto*). In some parts of Italy the land was registered as having been assigned *in nominibus*, or more fully *in nominibus villarum et possessorum* (so at Volturnum, pp. 238, 239), *i.e.* the register did not contain a list of centuries with a technical allotment of them to individuals, but a list of assigned estates described by their natural boundaries, or the names of their former possessors.

12. In this official account, the idea (though imperfectly carried out, at least in the documents extant) was to give the origin and plan of the first survey and subsequent changes, the persons to whom the assignments were made (e.g. *militibus, veteranis, familiae Augusteae, militi metyco*), the direction of the decumans and *kardines*, the character of the balks (*limitibus Graccanis*, or *triumviralibus*, or *Augusteis*, or *Gallicis*, or *montanis*, or *maritimis*, or *intercisivis*), the existence or not, and sometimes the width, of a public right of way (e.g. *iter populo debetur ped. x.* or *ped. cxx.*, or *iter populo non debetur*), the mode of marking the boundaries, whether by artificial stones or posts (*termini lapidei, silicei, molares, lignei, roborei, oleaginei;* or again, *Tiburtini*, of stone from Tibur, or *enchorii* from the spot, or *Graccani* (like those of Gracchus), *Augustei, Tiberiani, Neroniani*, &c.), erected at various intervals (*e.g.* 60 feet, 80, 100, 120, 150, 160, &c., 600, 720, 840, 1020, 1200, 1440, 1500—all divisible either by 20 or 50, *i.e.* 2 or 5 rods), or by natural or at least ruder marks.

13. This latter class of marks is found indeed in regularly divided and assigned land, especially in marking the boundaries of private properties, after sales and inheritances have disturbed the original allocation, and the technical limits have not been duly observed. But their principal use is (with or without artificial boundary stones) to distinguish the territory of one colony or borough from another, and the lands occupied by one man from those occupied by another in a district which has not been divided and assigned. Such lands were called *occupatorii* ("squatters' lands") as regards their legal character, but, not having official surveyors' straight boundaries (cf. Liv. v. 55 *fin.*), come under the general class of *ager arcifinius. Non mensuris actis quisque modum accepit, sed quod aut excoluit aut in spem colendi occupavit* (p. 138). These occupiers sometimes made plans of their holdings (*possessionum suarum formas*), but the plans were private, not public, documents, and consequently did not bind their neighbours or others. The bounds adopted by the occupiers, whether of their own motive or by agreement with their neighbours, were of very various kinds (pp. 138, 361), and different kinds were usual, some in one district, some in others. *Unaquaeque regio suam habet consuetudinem* is a common maxim of the surveyors (p. 349, cf. 139, 140, &c.).

The boundaries between the territories of adjoining colonies or towns were usually taken from the natural features of the country. The ridges of the mountains (*juga montium*), watersheds (*divergia aquarum*), and rivers (*flumina*) or streams (*rivi*) were the principal; but the line of division was often marked in their absence, or accentuated even when they were present, by boundary stones (*termini*). But trenches (*fossae*), springs (*fontes*), public roads (*viae*), chapels (*sacella*), and tombs (*sepulcra, monumenta*) were also not uncommonly made use of for this purpose (p. 114). All these were also found as boundaries between occupiers. Roads were not a sure indication of a boundary, for they often crossed an estate instead of bordering it; and this was so whether they were properly public highways made and kept up at the expense of the state, and under a special commissioner

(*curator*), or only country roads maintained by the neighbouring occupiers under the charge of the village wardens (*magistri pagorum*, p. 146). Chapels were often erected where three or more estates adjoined (*in trifinio*, *in quadrifinio*). They had an altar for each estate, and an entrance on the side facing it. The altars were at 15 feet from the temple (p. 303). The areas thus enclosed were the sacred precincts, and were surrendered by the adjoining occupiers, who, by this devotion of a definite area, were able to keep their crops from being trampled by the people on the days of celebration of the *compitalia* (p. 57).

Tombs, monuments, gravestones (*cippi*) were found in the interior of estates, especially where the land was not well adapted for cultivation (p. 140), but the boundary or a road was the usual place for burial (pp. 27, 140, 349).

14. But many other marks of boundaries were used between estates. Such are smaller heights than mountains or hills. These, if not more than 30 feet high, were called brows (*supercilia*), and with these it was the rule, in the absence of any special agreement, that the whole of the slope belonged to the occupier of the higher ground as a natural support to his land (pp. 42, 109, 128, 143). Or there might be for some considerable distance a continuous bank (*ripa decisa*, p. 361), which would then be a physical embodiment of the ideal straight boundary-line (pp. 108, 109, 151, 241), or a continuous hollow (*cava*, p. 281), or, by agreement, sometimes an unploughed edge of land (*solidus margo*, pp. 129, 152). Trenches were sometimes of a military character, and accompanied by mounds (*aggeres*, p. 370; Varr. *R. R.* i. 14). Such mounds were sometimes without trenches, and then in the Reatine district called *muri* (Varr. *l. c.*), or there might be walls (*macheriae*) of stone as near Tusculum, or of brick as in Gaul, or of unbaked bricks as in the Sabine district, or of earth and pebbles as near Tarentum and in Spain (Varr. *l. c.*); or merely pebbles thrown up into a ridge (*congeriae*, pp. 221, 150; *attinea*, p. 139), or a series of pebble heaps called scorpions (*scorpiones*, p. 142), or earth heaps (*grumi*, p. 241). Varro speaks of the bounds of estates being marked by wooden fences made of posts near each other, and either intertwined with branches, or pierced so as to admit of two or three horizontal poles, or by close-set trunks of trees; but these are not mentioned by the surveyors, though posts of holm-oak, or olive, or juniper, are mentioned as used for boundary stones (p. 138). Another class of boundary marks consisted of quickset thorns (*vepres*, p. 147: *viva saepes*, Varr. *l. c.*; Col. xi. 3, § 3), often with trees standing in them, like our own hedgerows. Trees are indeed one of the most frequently mentioned boundaries, and in this case, probably from their standing ranged at considerable intervals on the outskirts, like advanced guards or pickets, were called *arbores antemissae*. These were distinguished from other trees on the estate either by being left to grow untouched, or by being of a different kind, either planted for the purpose, or left when others were cut down (pp. 41, 143). Pines, cypresses, ashes, elms, poplars (cf. Hor. *Ep.* ii. 2, 173), elders, oleasters, quinces, almonds, figs, date-palms, are all mentioned (pp. 143, 354, &c.). Foreign trees were often chosen for this purpose. If trees were planted by common consent, they were clipped or felled by each neighbour in common or in turn. It was very usual, if they belonged to one neighbour only, to mark them by scoring the bark on the side looking to the non-owner. If they were within the five feet which was regarded according to law (i.e. *Lex Mamilia*) as common to both neighbours, they were marked on each side. A tree at a corner of the boundary was marked with a gamma, Γ, to point to the new line; if at the meeting of several estates, with a cross (*decus* or *decussis*, pp. 127, 140, 144). Sometimes the boundary could be sufficiently inferred from the rows of vines or olives (cf. Cic. *Caecin.* 8, § 22) of one neighbour meeting those of the others at an angle, or from some other plain difference in the mode of cultivation (pp. 129, 282).

Boundary stones of every kind were used, both by themselves and as assistants to other marks. They were sometimes of the live rock shaped or marked for the purpose (p. 302), sometimes of separate stones, sometimes of foreign material, triangular, square, rounded, bevelled, polished, notched, hollowed, numbered, worked in a variety of suggestive or symbolical patterns, and placed either along the boundary itself or in the neighbourhood, with indications where the boundary ran. Earthenware jars, wells, and other enclosures* are frequently mentioned; and the better to preserve proof that a stone was intended to mark a boundary, it was very usual to bury under the stone things which were different from the components of the soil at the place, and not easily perishable. Such were ashes, coal (cf. Aug. *Civ. D.* xxi. 4), potsherds, broken glass, chalk, gypsum, or coins (pp. 401 *sqq.*). Mounds of earth with such enclosures were called *botontini* (p. 308). The practice seems to have originated in the rites of consecration. The neighbours whose estates met at the place each put their stone on the ground, anointed it, and crowned it with fillets and garlands; then in the pit, dug to receive the foot of the stone, they made a sacrifice, and, having set fire to the victim, dropped the blood into the pit and threw in frankincense and corn (*fruges*), honeycombs and wine, and, having consumed them all, placed the stone on the glowing embers, and rammed it tight with fragments of rock (p. 140). Wooden posts so used were often from this called *pali sacrificales* (pp. 43, 208).

15. Both religion and law combined to give sanctity to boundary stones. The rites of the annual festival of Terminus on the 23rd of February, are described in Ov. *Fast.* ii. 639–684, and closely resemble those just described from Sicculus Flaccus. The sacrifice of an animal was not part of the rite according to Dionysius (ii. 74) and Plutarch (*Qu. Rom.* 15), so that the custom probably varied in different parts (cf. Hor. *Epod.* ii. 59; Juv. xvi. 39). The first institution of bounds is referred to Numa: the stones were to be sacred to Juppiter Terminalis

* In the enumeration of boundary marks there frequently occurs this, "*vel canabula et noverca*," often with the addition "*quod tegulis construitur*" (*sic*). What is meant is quite obscure. See pp. 227, 240, 349, 401, &c.

(Ζεὺς ὅριος), and any one destroying or moving them was to be held accursed, with full allowance before God and man to any one to slay them (Dion. Hal. *l. c.*). The Gromatic collection contains (p. 250) an old prophetic utterance evidently of some Etruscan priest. "Juppiter had claimed Etruria for himself, and bade them measure the plains and mark the fields (*signari agros*). Knowing man's avarice and land-hunger, he willed that all should be fixed by bounds. Now in that eighth, all but the last age" (the eighth age would begin after 761 years from the beginning of Etruria, Censorin. xvii. 6), "men would in guile violate the rules. Whosoever shall move a bound to the increase of his own and decrease of another's possession would be condemned by the gods. If a slave, he would suffer from his master. If his master was a party to the wickedness, his house would be rooted up, and his clan (*gens*) perish. They who moved the stones would get sickness, wounds, and weakness of limb. The land would be stirred with tempest, whirlwind, and earthquake (*labes*). The fruits would be hurt and dashed down with rain and hail, would perish from the dog-days, would be killed by blight. And many dissensions would arise among the people."

The earliest law which we know of in which penalties are directed in matters of this kind is the LEX MAMILIA (which see), the substance of which was passed by Julius Caesar before the year 703 U.C. It imposed the duty upon the occupier of restoring a boundary stone placed in any colony, borough, or other district, which had fallen; prohibited any one from building on or ploughing up the balks or decumans, or obstructing the trenches under a penalty of 4000 sesterces for each transgression (*in res singulas*), to be recovered by any of the colonists or burghers who prosecuted. Moving or removing boundary stones (*terminos*) maliciously was subjected to a penalty of 5000 sesterces for each stone, half to be given to the principal agent in procuring his conviction, and half to the public chest (p. 263; *Dig.* 47, 21, 3; cf. *Lex Urson.* 104 in Bruns, p. 121). Nerva directed any slave who moved a stone to be capitally punished, unless his master would pay the fine. And Hadrian (A.D. 119) directed persons moving boundary stones, with the object of taking others' land, if of a superior class (*splendidiores*), to be banished for a longer or shorter time, according as they were young or old; their agents to be chastised and put to public works for two or three years. Stealing such a stone ignorantly to be punished with flogging (Coll. xiv. 12; *Dig.* 47, 21). Paulus adds that the banishment was accompanied by a confiscation of one-third of the offender's property; and that slaves offending in this respect of their own will were condemned to the mines. Trees (*arbores terminales* or *finales*) were protected as well as the regular *termini* (Paul. *Sent.* v. 22, § 2). Stealing boundary stones and felling boundary trees were also subjects for condemnation in a suit *finium regundorum* (*Inst.* iv. 17, § 6).

16. It will be seen that a great deal of the matter with which the land-surveyors were concerned was conventional, and required only aptitude in devising and describing suitable modes of demarcation of land, and knowledge of what was in fact usually meant by certain marks. But scientific knowledge was also a part of the craft, and the writings of the *Gromatici* contain a variety of mathematical problems. Two instruments are mentioned as in use by them: the *gnomon* and the *groma*. The problems to be solved required two things: a determination of what we now call the points of the compass, and a method of setting out on land a right line and a right angle. The *gnomon* was employed for the first purpose, and was derived by the Greeks from the Babylonians, according to Herodotus (ii. 109), and something of the kind, *i.e.* some kind of sundial, was known to the Hebrews in the days of Isaiah (xxxviii. 8). The *groma* was employed for the second purpose, and was probably got by the Romans from the Etruscans along with the augurial discipline. Its precise shape is unknown: it was not so elaborate as the *dioptra*, nor identical probably with the *chorobates* of Vitruvius (viii. 5), else he would have used the name *groma* or said so, but consisted of a moveable instrument capable of standing steadily on the ground, and carrying either two straight bars crossing one another at right angles, or a plate, square or round, with marks in the periphery for the extremities of two straight lines crossing one another at right angles, and for their intersection. The verticality of the staff or stand was probably secured by a plumb-line corresponding to a groove in the staff or otherwise applicable to the stand. The horizontality of the cross-bars or plate was secured by observations of plumb-lines hanging from the extremities, and trying whether one covered the other in the line of sight (p. 32). The cross-bars or plate were fixed on a pivot, so that they could be moved round on the staff. The adjustment of the instrument was procured by shifting it about (*percutere gromam*, p. 285) until it was balanced (*perpensus*). The direction of the straight lines to be marked out on the land was given by bringing the end of one arm in a line with a distant object, and by erecting marks along the line so determined. This was *dictare rigorem*, "right line," or *metas*, "poles." A line at right angles was given by the direction of the arm which crossed the first arm. The point on the ground where the lines crossed was *interversura*. Sighting the marks was *comprehendere signa* or *metas*; verifying this by sighting in the opposite direction was *reprehendere metas*, &c. Two bars meeting or crossing one another at right angles, probably mounted on a pole, formed an instrument called *tetrans* (p. 186). Comp. Cantor, pp. 20–22, 72. The instrument above described (analogous to a modern surveyor's cross) is often in the *Gromatici* called *ferramentum* (*Grom.* pp. 32, 191, 285), possibly only in strictness applicable to the iron stand; by others *stella* (*στερίσκος*, Heron. ap. Cantor, not. 45; comp. Colum. iii. 13, § 13), which perhaps was strictly applicable only to the upper part. But the old name *groma* is found in the *Grom.* pp. 170, 180, and written *croma*, p. 284; and in Hygin. *de munit. Castr.* § 12; Paul. Fest. p. 96; Non. p. 63. (There seems to be no sufficient reasons for thinking that *groma* had, as is often stated, any etymological connexion with *γνώμων*.)

Where the ground sloped, the rod held horizontally, as tested by a plumb-line fastened to its end, served to give the measurement of the base level. To do this was *cultellare* (pp. 27, 33).

17. Two methods of finding the proper direction for the *decumanus maximus* and *kardo maximus* are given by Hyginus (pp. 188 foll.). The first is also given by Vitruvius (i. 6, § 6). A *gnomon* or *sciotherum*, probably an upright pole, was erected on a plain, and a circle was described from that as a centre, and with a radius not so great as the longest shadow thrown by the pole. As the sun rose, the shadow gradually shortened, and, when its extremity touched the circle, the place was marked. After noon the shadow lengthened and again touched the circle. This point being marked also, a straight line joining these points was in a due east and west direction, and was taken as the principal decuman. A straight line drawn from the centre of the circle to the middle of the first line was the *kardo maximus*, and at right angles to the decuman.

The other method proceeded by observing any three lengths of the shadow quickly following one another, and thus could be practised in the morning, without the necessity of waiting for the afternoon shadows. But it required more geometrical knowledge. Both methods, as they presume the use of the gnomon, are probably of Greek origin, though they are not to be found in any Greek writer now extant (Cantor, pp. 69–72). As the gnomon was not publicly set up at Rome till more than four centuries and a half after the foundation of the city (Plin. *H. N.* vii. § 212 *sq.*), it is probable that it was not known to the Romans long before. The augurs following the Etruscan discipline (*Grom.* pp. 27, 166) divided the heavens and earth by the indication given by the sunrise; and as they faced the west, so as to look as the sun seemed to them to be looking, the first shadow cast by their own body or rod would give the direction for the east and west line. By the aid of the groma, *posita auspicaliter*, they drew the decuman, and then the kardo, at right angles (p. 170). But sunrise varied at different times of the year and in different places; in Italy, indeed, within a range of 65° (Nissen, *Templum*, p. 164); and the proximity of mountains, concealing the real horizon, made a further difference; so that as the latitude of the place and the time of year, when the survey was inaugurated, varied, the balks set out in one place differed considerably in their direction from the balks in another—a fact which, whether theoretically defensible or not, was looked at with dissatisfaction by the later surveyors, armed with Greek astronomy and trigonometrical methods (pp. 31, 183).

18. The art of land-surveying, as we find it in the collection of gromatical tracts and fragments, comprised, amongst other things, the elements of geometry and practical instruction in the calculation of the contents of a variety of superficial figures, and in the use of the groma. Like their successors in modern times, they had to deal with such problems as how to set out a straight line across a deep valley or a high mountain, to calculate the breadth of a river which you could not readily cross, and to make complete and accurate surveys of plots of land, however irregular their boundaries (pp. 31–34; 192, 193; 285 *sqq.*; 354 *sqq.*). The methods appear to have been much the same as are now practised by surveyors with the cross; and the ten-link offset-staff is perhaps a fair representation of the ten-foot rod of the Romans.

According to Cantor (p. 85), who has set forth the result of his own and others' inquiries, there is no reason to doubt the truth of the assertions of Varro and Hyginus (*Grom.* pp. 27, 166), that the Romans owed their system of dividing and marking out land to the Etruscans. So long as the only process required was to set out balks at right angles to one another, no need was felt of trigonometrical science. But when the contents of areas of any given shape had to be calculated, and other like problems to be solved, the Roman or Etruscan discipline was insufficient. This knowledge, first developed in Egypt from the necessities induced by the Nile's annual overflow, is found in an early form in a papyrus as old as 1700 B.C. The Greek school at Alexandria developed it, and in the extant writings of Heron, who lived there about 100 B.C., we actually find most, though not quite all, of the methods for solving mathematical problems taught by the Roman Gromatici (Cantor, pp. 78, 86). The first Roman writer on geometry was Varro (cf. Ritschl, *Opusc.* iii. 359, 474), and it was in his lifetime that Julius Caesar is said to have directed a survey of the whole Roman empire, which was carried out by Augustus, who employed four Greeks and Balbus (cf. *Grom.* 239, 402) to superintend it. But the story is from a writer of the 5th or 6th century after Christ, and was unknown to the best ancient authorities, and Balbus lived in Trajan's time. That something of the kind was done or attempted is likely enough. Agrippa had a map of the empire engraved on marble and put up in his sister's house; some survey was needed for systematic revenue purposes; and it was Alexandria that furnished Julius Caesar with the astronomical science necessary for his reform of the calendar. About this time, and perhaps in this way, the methods of Alexandrian trigonometry were brought fully into the course of Roman gromatic (Cantor, pp. 83, 84; Ritschl, *Opusc.* iii. 743 ff.; Riese, *Geogr. Lat. Min.* pp. xi. xxiv.; Marquardt, *Staatsverf.* ii. p. 200 ff.). The history of land-surveying in the Middle Ages may be further followed in Cantor's work (*Die römischen Agrimensoren*, 1875). [H. J. R.]

AGRIONIA (ἀγριώνια), a festival which was celebrated chiefly at Orchomenus, in Boeotia, in honour of Dionysus, surnamed Ἀγριώνιος, *i.e.* the wild or boisterous. It appears from Plutarch (*Quaest. Rom.* 102), that this festival was solemnised during the night only by women and the priests of Dionysus. It consisted of a kind of game, in which the women for a long time acted as if seeking Dionysus, and at last called out to one another that he had escaped to the Muses, and had concealed himself with them. After this they prepared a repast; and having enjoyed it, amused themselves with proposing riddles to one another. This festival was remarkable for a feature which proves its great antiquity. Some virgins, who were descended from Minyas, and who probably used to

assemble around the temple on the occasion, fled and were followed by the priest armed with a sword, who was allowed to kill the one whom he first caught. The sacrifice of a human being, though originally it must have formed a regular part of the festival, seems to have been avoided in later times. One instance, however, occurred in the days of Plutarch (*Quaest. Graec.* 38). But as the priest, Zoilos, who had killed the woman was afterwards attacked by disease, and several extraordinary accidents occurred to the Minyans, the priest and his family were deprived of their official functions. The festival, as well as its name, is said to have been derived from the daughters of Minyas, who, after having for a long time resisted the Bacchanalian fury, were at length seized by an invincible desire of eating human flesh. They therefore cast lots on their own children; and as Hippasos, son of Leukippe, became the destined victim, they killed and ate him, whence the women belonging to that race were at the time of Plutarch still called the destroyers (ὀλείαι or αἰολαῖαι) and the men mourners (ψολοεῖς). Agrionia of a similar kind were celebrated also at Thebes and at Argos (Hesych. *s. v.* Ἀγριάνια, which seems to be only another form for Ἀγριώνια). At Thebes the festival was celebrated with games and contests, while at Argos it was a festival of the dead (νεκύσια). (Müller, *Die Minyer*, p. 166, &c.; K. F. Hermann, *Gottesd. Alterth.* § 63, n. 13; Schömann, *Griech. Myth.* vol. i. p. 429.) [L. S.]

AGRON'OMI (ἀγρονόμοι), magistrates (ἄρχοντες), described by Aristotle in two passages of the *Politics* (vi. 8, 6; vii. 12, 8) as identical with the ὕλωροι or foresters [HYLORI]. Aristotle does not tell us in what Greek states these officers existed; and to this question no certain answer can be given. It is commonly assumed, from the frequent mention of them by Plato in his *Laws*, that they belonged to Attica, and formed one of the police magistracies. (Böckh, *P. E.* p. 303; Schömann, *Antiq.*, p. 138, E. T.; Caillemer, *ap.* D. and S.) But the correspondence of Plato's ideal laws with actual Athenian legislation has been much exaggerated; and on several grounds it is unlikely that in the large and varied powers he assigns to his ἀγρονόμοι he is describing an Athenian institution. In one passage (vi. 760 B.) he assigns to them the defence of the frontiers, which we know to have been the duty of the Strategi; in another (viii. 844 B.) they have to provide for the control of unruly torrents and the escape of flood waters. They are not mentioned in a single passage of the orators or of the grammarians who are our chief sources for Attic law; yet the speech of Demosthenes against Callicles, in an action arising out of a water-course, is precisely a case where, if the office described by Plato had existed at Athens, we must have found it. Lastly, the scarcity of wood in Attica makes it improbable that any "foresters" or "verderers," whether under the name of ἀγρονόμοι or ὕλωροι, can have been required. [W. S.] [W. W.]

AGROTERAS THYSIA (ἀγροτέρας θυσία), a festival celebrated at Athens in honour of Artemis, surnamed Agrotera (from ἄγρα, chase), in consequence of a vow made before the battle of Marathon. It was solemnised, according to Plutarch (*De Malign. Herod.* 26), on the sixth of the month of Boedromion, and consisted in a sacrifice of 500 goats, which continued to be offered in the time of Xenophon. (Xenoph. *Anab.* iii. 2, § 12.) Aelian (*V. H.* ii. 25) places the festival on the sixth day of Thargelion, and says that 300 goats were sacrificed; but as the battle of Marathon, which gave rise to this solemn sacrifice, occurred on the sixth of Boedromion, Aelian's statement appears to be wrong. (Plut. *de Glor. Athen.* 7.)

This festival is said to have originated in the following manner:—When the Persians invaded Attica, Callimachus, the polemarch, or, according to others, Miltiades, made a vow to sacrifice to Artemis Agrotera as many goats as there should be enemies slain at Marathon. But when the number of enemies slain was so great that an equal number of goats could not be found at once, the Athenians decreed that 500 should be sacrificed every year. This is the statement made by Xenophon; but other ancient authors give different accounts. The Scholiast on Aristoph. (*Equit.* 666) relates that the Athenians, before the battle, promised to sacrifice to Artemis one ox for every enemy slain; but when the number of oxen could not be procured, they substituted an equal number of goats. It is not improbable that annual processions from Athens to the temple of Hecate at Agrae, in remembrance of the victory of Marathon, may have been connected with the sacrifice to Artemis Agrotera. (Plut. *de Malign. Herod.* 26.) [L. S.]

AGYRTAE (ἀγύρται), wandering beggars or collectors of alms (from ἀγείρειν), mostly but not always claiming a religious character. They were of various kinds. Some told fortunes by drawing lots, which might be either shaken out of an urn (Hor. *Sat.* i. 9, 30) or drawn out of it by a boy (Tibull. *Eleg.* i. 3, 11); the lots themselves being small plates of metal inscribed with ambiguous phrases to which any interpretation might be given (Orell. on Hor. *l.c.*). Others carried about wooden tablets called ἀγυρτικοὶ πίνακες (Plut. *Comp. Aristid. et Cat.* 3) or σανίδες, with verses inscribed upon them from which oracles could be derived. Others again, who may be called the mendicant friars of antiquity, carried, either on their shoulders or on beasts of burden, images of their respective deities, and collected alms in their name. They were connected with the worship of Isis (Suid. *s. v.* ἀγείρει), the Delian divinities, Opis and Arge (Herod. iv. 35), and especially Cybele, the great mother of the gods; whence they were called μητραγύρται (Aristot. *Rhet.* iii. 2, § 10, with Cope's notes; Clearchus, *ap.* Ath. xii. p. 541 e; Antiphanes, *fr.* 153, 154, 158, Meineke. The form μηναγύρτης is doubtful; in Antiph. 154 it may be a mistake for μητραγύρτης, and cf. Liddell and Scott, *s. v.*). They were, generally speaking, persons of the most abandoned character, γένος μαρώτατον (Antiph. 158). They undertook to inflict some grievous bodily injury on the enemy of any one who paid them for such services; and also promised, for a small sum of money, to obtain forgiveness from the gods whom they served for any sins either of the man himself or his fathers (Plat. *Rep.* ii. p. 364 b). For other references to Plato, see Ruhnken on Timaeus, *s. vv.* ἀγείρουσαν and ἐπαγωγαί: and for the passages from post-classical authors, K. F. Hermann, *Gottesd. Alterth* § 42, n. 13.

These mendicant priests came into Italy, but

at what time is uncertain, together with the worship of Isis, Cybele, and other strange deities. Their begging was under strict supervision, and limited to a few days (Cic. *de Leg.* ii. 16, 40); nor would any Roman have anything to do with them (Dionys. Halic. *Ant.* ii. 19). [W. S.] [W. W.]

AHE'NUM. [AENUM.]

AIANTEIA (*Αἰάντεια*), a festival celebrated in honour of Ajax at Salamis, where he was worshipped as the tutelary divinity, and where he had a temple containing his statue of ebony (Paus. i. 35, § 2; Hesych. *s. v.*). A festival of the same name appears to have been celebrated in the Locrian Opus (Schol. *ad* Pind. *Olymp.* ix. 166; Böckh, *C. I.* i. No. 1431). In Attica the festival was celebrated in commemoration of the victory at Salamis, by a boat-race of Athenian youths to Salamis and back, and sacrifices were offered to Ajax and Asclepios. (Comp Herod. viii. 64, 83; Plut. Themist. 15; and A. Mommsen, *Heortologie*, p. 411.) [L. S.]

AIKIAS DIKE (*αἰκίας δίκη*), a private action for assault, thus distinguished from the more serious *ὕβρεως γραφὴ* or public prosecution for the same class of offences. The Athenian law, in case of offences against the person, as in these against property [cf. KLOPES DIKE] gave the injured party alternative modes of obtaining redress by action for damages or by criminal information. If the plaintiff selected the former, the defendant would only be condemned to pay a fine, which the plaintiff received; but if he chose the latter, the accused might be punished even with death, and the pecuniary penalty, if any, went to the state.

In bringing this action it was necessary to prove two facts. First, that the defendant had struck the plaintiff, who must have been a free man, with the intention of insulting him (*ἐφ' ὕβρει*); but this intention was presumed, unless the defendant could prove that he only struck the plaintiff in jest. Thus Ariston, after proving that he had been struck by Conon and his sons, tells the dicasts that the defence will try to pass it off as mere practical joking and young men's horse-play (Dem. *c. Conon.* p. 1261, §§ 13, 14).

Secondly, it was necessary to prove that the defendant struck the plaintiff first, and did not merely return the blows which had been given by the plaintiff (*ἡ δὲ αἰκία τοῦτ' ἔστιν, ὃς ἂν ἄρξῃ χειρῶν ἀδίκων πρότερος*, Dem. *c. Everg.* p. 1151, § 40; sometimes *ἀδίκων ἄρχειν* only).

This action, it is stated, was brought before the Forty (*οἱ τετταράκοντα*, Dem. *adv. Pantaen.* p. 976, § 33). But the summary jurisdiction of the Forty we know to have been extremely limited; and when we read that they only decided money claims up to the amount of ten drachmas, it is evident that the assaults upon which they pronounced judgment could only have been of minor importance (so Schömann, *Antiq.* p. 473; cf. TETTARACONTA, HOI). They had, however, the *ἡγεμονία δικαστηρίου*, and could bring graver matters before a jury; and it is evident that the case of Conon, in which exemplary damages are demanded, was of this sort: we find the usual *ὦ ἄνδρες δικασταί* in the opening words.

The sum of money to be paid by the defendant as damages was not fixed by the law, but settled in court. It was thus an assessed action (*ἀγὼν τιμητὸς*), and resembled the procedure in public causes. The speech of Isocrates against Lochites, as well as that of Demosthenes against Conon, was spoken in an action of this kind; and we learn from it that for the further protection of the citizens against assaults, both private and public prosecutions for this class of offences were *ἄνευ παρακαταβολῆς*, or excused from the payment of *πρυτανεῖα* or caution-money (Isocr. *Or.* 20, § 3). It would seem however that the party who lost his suit, whether plaintiff or defendant, was liable to pay *πρυτανεῖα* in addition to damages and *ἐπωβελία* (Dem. *c. Every.* p. 1158, § 64). In the speech against Lochites, as in that against Conon, there is perhaps intentional confusion of *αἰκία* and *ὕβρις* (Jebb, *Att. Or.* ii. 214, n.). In the case of slaves there was no action for *αἰκία*, but the owner of an injured slave might proceed either by *ὕβρεως γραφὴ* or *βλαβῆς δίκη*. (Lysias, fr. 44; Photius, p. 614, 10; Harpocrat. *s. v. αἰκίας*: Suid. *s. v. ὕβρις*: Meier, *Att. Process*, pp. 81, 547 ff.; Böckh, *P. E.* pp. 364, 372, 374; Platner, *Process und Klagen*, ii. 193 ff.; Schömann, *Antiq.* 473.) [W. S.] [W. W.]

AITHOUSA (*αἴθουσα*), the open portico, or verandah, of the Homeric house, so called *ἀπὸ τοῦ ἠλίῳ αἴθεσθαι*, the bright sun-lit verandah being opposed to the semi-twilight of the interior. The Homeric house contained two such verandahs—one, the *αἴθουσα αὐλῆς*, on each side of the courtyard gate (cf. *Il.* ix. 472, *Od.* xxi. 389, 390); the other, which may be called the *αἴθουσα δώματος*, on the opposite side of the courtyard, stretching along the front of the house. The latter is often considered as forming part of the *πρόδομος*, *ὑπ' αἰθούσῃ* and *ἐν προδόμῳ* being used as identical expressions (cf. *Od.* iv. 279, 302; *Il.* xxiv. 644, 673). The *αἴθουσα αὐλῆς* seems to have served as a convenient place to put things in, to be out of the way; goats are tied up there before they are killed (*Od.* xx. 176, 189), and the corpses of the suitors are laid *ὑπ' αἰθούσῃ εὐέρκεος αὐλῆς* (*Od.* xxii. 449). The *αἴθουσα δώματος* was used especially as a sleeping room for strangers, sometimes too as a place of meeting, as in *Il.* xx. 10, where the gods gather in the palace of Zeus, and take their seats *ξεστῆς αἰθούσησιν*. (See DOMUS; A. Winckler, *Die Wohnhäuser der Hellenen*, Berlin, 1868; Schliemann's *Tiryns*, p. 208.) [J. H. O.]

AKOEN MARTYREIN (*ἀκοὴν μαρτυρεῖν*). The general rule of Athenian, as of English jurisprudence, was against the admission of hearsay evidence. The one exception was the attested declaration of a deceased person, which was carefully distinguished from the *ἐκμαρτυρία* or written deposition of an absent witness [EKMARTYRIA]. The law is expressed in Demosth. ii. *Steph.* p. 1130, § 8, *ἀκοὴν δ' οὐκ ἐῶσι ζῶντος μαρτυρεῖν, ἀλλὰ τεθνεῶτος, τῶν δὲ ἀδυνάτων καὶ ὑπερορίων, ἐκμαρτυρίαν γεγραμμένην ἐν γραμματείῳ.* As regards the living, *οὐδὲ μαρτυρεῖν ἀκοὴν ἐῶσιν οἱ νόμοι, οὐδ' ἐπὶ τοῖς πάνυ φαύλοις ἐγκλήμασιν, εἰκότως* (id. *c. Eubul.* p. 1300, §§ 6, 7, where the reasons for the prohibition are given at length; comp. *c. Leochar.* p. 1097, § 55). Will cases would naturally often turn on the evidence of the dead; hence the phrase *ἀκοὴν μαρτυρεῖν* is of frequent occurrence in the extant speeches of Isaeus (e.g. *Philoct.* § 64; *Ciron*, §§ 8, 18, 38). [W. W.]

ALA, part of a Roman house. [DOMUS.]

ALA, ALA'RES, ALA'RII. These military terms had different meanings at different periods.

1. In the original constitution of the Roman army, each legion of citizens was accompanied by a body of 300 *equites* (Polyb. i. 16, 2; ii. 24, 3; vi. 20, 9). These were drawn up on the flanks of the infantry, and hence were termed *alae* (cf. Cincius in Gell. xvi. 4, § 6, *alae dictae exercitus equitum ordines, quod circum legiones dextra sinistraque, tanquam alae in avium corporibus, locabantur*).

2. When, at a later date, the *socii* were required to contribute a contingent to the Roman army, the Roman legions were placed in the centre of the line of battle, and the allies formed the wings. Hence the allied troops, both cavalry and infantry, were sometimes termed *alae* or *alarii;* and we find mention, not only of *equites*, but also of *cohortes alares* or *alarii* (Liv. x. 40, 8; 41, 5; 43, 3). These were commonly grouped together as the *dextera ala* and the *sinistra ala* (id. xxxi. 21), although these terms did not always correspond to their position in the line of battle (id. xxvii. 2).

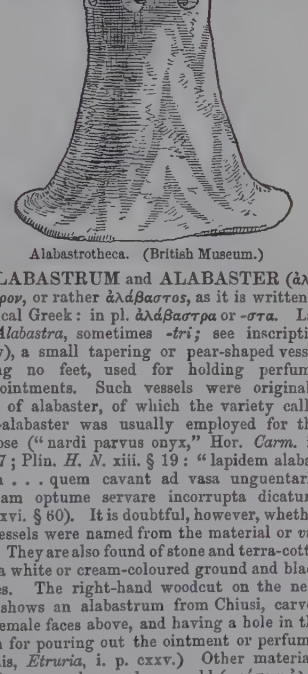
3. After the franchise had been extended to the whole of Italy, and thus all Italian troops were included in the legions, the term *alarii* was transferred to the foreign troops (*auxilia*) serving along with the Roman armies. Thus Caesar (*B. C.* i. 73) distinguishes the *cohortes alariae* from the *legionariae cohortes* (cf. *B. G.* i. 51).

4. Under the Empire, the word *ala* usually denotes "auxiliary cavalry," the term *cohortes* being used without any epithet to denote "auxiliary infantry," as contrasted with the *legiones*. Thus Tacitus (*Hist.* iv. 18) mentions the *ala Batavorum*, &c., and many others are known to us from inscriptions (cf. Henzen, *Index inscript.* c. viii. p. 131). Sometimes a body of horse was named from the officer who had first raised it, or who commanded it at the time: cf. *ala Liliana* (Tac. *Hist.* i. 75), *ala Auriana* (ib. iii. 5). The *ala* was originally divided into the *turmae*, each containing three *decuriae*. But at a later time the *ala* was either *miliaria* or *quingenaria:* in the former case there were 24 *turmae*, in the latter 16, besides various officers (Hygin. *Castrum*, 16, 23, 30; cf. Henzen, *Annal. dell' Inst.* 1860, p. 71). [A. S. W.]

ALABARCHES, a Roman official stationed at Alexandria under the Empire. Josephus applies the title (*Ant.* xviii. 6, 3; xix. 5, 1; xx. 5, 2) to Alexander Lysimachus, the brother of the famous Philo. It has been conjectured that he was a subordinate of the Jewish ethnarch (Franz, *Corp. Inscr. Gr.* iii. 2, 291 a); and others have suggested that he collected certain taxes, deriving the name from ἀλάβη, "ink," and translating it *scripturae magister*. This suggestion receives some support from the mention of *vectigal Alabarchiae per Aegyptum atque Augustaneam constitutum* in *Cod. Just.* iv. 61, 9; but the reading there is doubtful. An epigram of Palladas of Alexandria (*Anth. Pal.* ii. p. 430) commiserates an ass, because ἐξ ἀλαβαρχείης γραμματικοῦ γέγονεν—*i.e.* because he has come from a rich house into a poor one. Some scholars regard the word as a corruption of ARABARCHES, but this word denotes an entirely different office (cf. Marquardt, *Röm. Staatsverw.* i. 289, note 1). [ARABARCHES.] The title is also found in Lycia (*C. I. G.* 4867). [A. S. W.]

ALABASTRI'TES. [ALABASTRUM.]

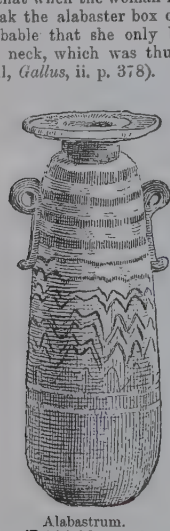
ALABASTROTHE'CA (ἀλαβαστροθήκη or ἀλαβαστοθήκη), according to some a casket for unguent-bottles [ALABASTRUM], according to others a holder into which they were put when not in actual use, since, being round at the bottom, they could not stand unsupported. A representation of an alabastrotheca found on an ancient vase is shown in the accompanying figure. (Aristoph. *Fragm.* 463; Demosth. *de F. L.* p. 415, § 237; Pollux, x. 121; Suid. *s. v.*) [J. H. O.]



Alabastrotheca. (British Museum.)

ALABASTRUM and **ALABASTER** (ἀλάβαστρον, or rather ἀλάβαστος, as it is written in classical Greek: in pl. ἀλάβαστρα or *-στα*. Lat. pl. *Alabastra*, sometimes *-tri;* see inscription below), a small tapering or pear-shaped vessel, having no feet, used for holding perfumes and ointments. Such vessels were originally made of alabaster, of which the variety called onyx-alabaster was usually employed for this purpose ("nardi parvus onyx," Hor. *Carm.* iv. 12, 17; Plin. *H. N.* xiii. § 19: "lapidem alabastriten . . . quem cavant ad vasa unguentaria, quoniam optume servare incorrupta dicatur," *ib.* xxxvi. § 60). It is doubtful, however, whether the vessels were named from the material or *vice versâ*. They are also found of stone and terra-cotta, with a white or cream-coloured ground and black figures. The right-hand woodcut on the next page shows an alabastrum from Chiusi, carved into female faces above, and having a hole in the crown for pouring out the ointment or perfume. (Dennis, *Etruria*, i. p. cxxv.) Other materials were in use, as glass, and even gold (χρύσεια ἀλάβαστρα, Theocr. xv. 114). The alabastra usually had no handles, though we sometimes find specimens with them. (See left-hand figure.) The Scholiast on Aristoph. *Acharn.* 1053 defines the ἀλάβαστος as λήκυθος ὦτα μὴ ἔχουσα; cf. Hesych. and Suidas *s. v.*; Pollux, x. 120, 121; and Pliny indicates the shape (*H. N.* ix. § 113): "elenchos appellant fastigata longitudine alabastrorum figura in pleniore orbe desinentes." In an inscription they are called "graciles alabastri" (Orelli,

4832). Such scent bottles are first mentioned by Herodotus (iii. 20, where see Stein), who speaks of a μύρου ἀλάβαστρον as one of the presents sent by Cambyses to the Ethiopian king; and after his time they occur both in Greek and Roman writers (Aristoph. *Acharn.* *l. c.*; Aelian, *V. H.* xii. 18; "alabaster plenus unguenti," Cic. *ap.* Non. xv. 17; "Cosmi redolent alabastra," Martial, xi. 8; Matt. xxvi. 7; Mark xiv. 3; Luke vii. 37). Some of these vessels had a long narrow neck, which was sealed; so that when the woman in the Gospels is said to break the alabaster box of ointment, it appears probable that she only broke the extremity of the neck, which was thus closed. (Cf. Becker-Göll, *Gallus*, ii. p. 378). [W. S.]



Alabastrum. (British Museum.)

Alabastrum. (Dennis, *Etruria*, i. p. cxxv.)

ALAEA. [Aleaea.]

ALA'RII. [Ala.]

ALAUDA, a Gaulish word, the prototype of the modern French *Alouette*, denoting a small crested bird of the lark kind, which the Latins in allusion to its tuft denominated *Galerita*. The name *alauda* was bestowed by Julius Caesar on a legion of picked men, which he raised at his own expense among the inhabitants of Transalpine Gaul, about the year B.C. 55, not, as erroneously asserted by Gibbon, during the civil war; which he equipped and disciplined after the Roman fashion; and on which, in a body, he at a subsequent period bestowed the freedom of the state. This seems to have been the first example of a regular Roman legion levied in a foreign country and composed of barbarians. The designation was, in all probability, applied from a plume upon the helmet resembling the "apex" of the bird in question, or from the general shape and appearance of the head-piece. Cicero in a letter to Atticus, written in B.C. 44, states that he had received intelligence that Antonius was marching upon the city "cum legione alaudarum" (*ad Att.* xvi. 8); and from the Philippics we learn that by the Lex Judiciaria of Antonius even the common soldiers of this corps (*Alaudae—manipulares ex legione Alaudarum*) were privileged to act as judices upon criminal trials, and enrolled along with the veterans in the third decuria of judices, avowedly, if we can trust the orator, that the framer of the law and his friends might have functionaries in the courts of justice upon whose support they could depend (*Phil.* i. 8, § 20).

That the legion Alauda was numbered V. is proved by several inscriptions, one of them belonging to the age of Domitian in honour of a certain Cn. Domitius, who among many other titles is styled TRIB. MIL. LEG. V. ALAUDAE. It had however disappeared from the army list in the time of Dio Cassius,—that is, in the early part of the third century; for the historian, when giving a catalogue of such of the twenty-three or twenty-five legions which formed the establishment of Augustus, as existed when he wrote, makes no mention of any fifth legion except the *Quinta Macedonica*. (Sueton. *Jul.* 24; Caesar, *B. C.* i. 39; Plin. *H. N.* xi. § 121; Cic. *Phil.* v. 5 § 12, xiii. 2 § 3, 18 § 37; Gruter, *Corp. Inscrip. Lat.* CCCCIII. 1, DXLIV. 2, DXLIX. 4, DLIX. 7; Orelli, *Inscr. Lat.* n. 773.) [W. R.]

ALBOGALE'RUS. [Apex.]

ALBUM, a notice board or tablet on which the annual edict of the praetor was inscribed. It contained the formulae and other legal remedies which the Praetor was prepared to grant [Edictum]. The album was put up in a public place in Rome, so that all persons might have notice of its contents. Its actual appearance is a subject of doubt. Some think that it was a piece of white painted wood, and that the letters on it were black, except the headings (*rubricae*), which were red. According to others, the letters were white, inscribed on a dark ground. Any one who took away, defaced, or destroyed the album was liable to an *actio albi corrupti* and to a heavy penalty (Paulus, 1, 13, 3; id. 7, 9; Dig. 2, tit. 1, s. 7, 9).

Probably the word album was used for any tablet containing a public announcement. Thus Cicero informs us that the *annales maximi* were written on the album by the *pontifex maximus* (*de Orat.* ii. 12, 52).

2. But, however this may be, it was in course of time used to signify a list of any public body; thus we find the expression *album senatorium* used by Tacitus (*Ann.* iv. 42) to express the list of senators, and corresponding to the word *leucoma*, used by Dio Cassius (lv. 3). The phrase *album decurionum* signifies the list of *decuriones* whose names were entered on the album of a *municipium*, in the order prescribed by the *lex municipalis* (Dig. 50, tit. 3). *Album judicum* is the list or panel of *judices* drawn up by the magistrates, from which he was bound to make his selection (Suet. *Claud.* 16). [Judex.] [G. L.] [E. A. W.]

ALCATHOEA (ἀλκαθοῖα), games celebrated at Megara, in commemoration of the Eleian hero Alcathoos, son of Pelops, who had killed a lion which had destroyed Euippus, son of king Megareus. (Pind. *Isthm.* viii. 148; Paus. i. 42, § 1.) [L. S.]

ALEA, gaming, or playing at a game of chance of any kind. [Tali, Tesserae, Par Impar.]

Gaming was looked down upon at Rome; and hence *aleator* was used as a term of reproach (Cic. *in Cat.* ii. 10, 23; *ad Att.* xiv. 5; "alea turpis," Juv. xi. 176; "damnosa alea," id. xiv. 4). It was also forbidden by special laws during the times of the republic and under the

emperors ("vetita legibus alea," Hor. *Carm.* iii. 24, 58; Cic. *Phil.* ii. 23, 56; Ov. *Trist.* ii. 470 ff.; Dig. 11, tit. 5.) Three such laws occur in the Digest (*l. c.*) — the Leges Titia, Publicia, and Cornelia—and likewise a *senatus consultum*, and the praetor's edict; the latter enacting severe penalties on persons compelling others to gamble, and disabling the keepers of gambling-houses from bringing any action for damage or loss against their customers (cf. Ulpian, fr. 1). At what time the two former laws were passed is quite uncertain; but the Lex Cornelia was probably one of the laws of the dictator Sulla, who, we know, made several enactments to check the extravagance and expense of private persons. [SUMPTUS.] It has been inferred from the *Miles Gloriosus* (ii. 2, 9) that gaming must have been forbidden by law in Plautus' time; but the *lex talaria* (*alearia*, Ritschl) in this passage seems rather to refer to the laws of the game than to any public enactment. Those who were convicted of gaming were condemned to pay four times the sum they had staked (Pseudo-Ascon. *in* Cic. *Div.* § 24, p. 110, ed. Orelli), and became *infames* in consequence. We know that *infamia* was frequently a consequence of a judicial decision [INFAMIA]; and we may infer that it was so in this case from the expression of Cicero. ("Hominem lege, quae est de alea, condemnatum, *in integrum restituit*," Cic. *Phil. l. c.*). Games of chance were, however, tolerated in the month of December at the Saturnalia, a period of general relaxation (Mart. iv. 14, v. 84; Gell. xviii. 13; Suet. *Aug.* 71); and public opinion allowed old men to amuse themselves in this manner (Plaut. *Curc.* ii. 3, 75; Cic. *de Sen.* 16, 58). Under the empire gambling was carried to a great height (cf. Juv. i. 88–90); and the laws were probably little more than nominal. Many of the early emperors—Augustus, Caligula, Claudius, Vitellius, and Domitian—were very fond of gaming, and set but an evil example to their subjects in this matter (Suet. *Aug.* 70, 71; Dio Cass. lix. 22; Suet. *Cal.* 41, *Claud.* 33; Dio Cass. lx. 2; Suet. *Dom.* 21). Professed gamesters made a regular study of their art, and there were treatises on the subject, among which was a book written by the Emperor Claudius (Ov. *Trist.* ii. 471; Suet. *Claud. l. c.*). All gaming was forbidden finally by Justinian (Cod. 3, tit. 43). (Walter, *Geschichte d. röm. Rechts*, § 763; Rein, *Criminalrecht der Römer*, p. 833.) [W. S.] [A. G.]

ALEAEA or **ALAEA** (Ἀλέαια), a festival celebrated to the honour of Athena Alea, near Tegea, with games and contests, of which we find mention in inscriptions. (Paus. viii. 47, § 3; Krause, *Die Gymnastik u. Agonistik d. Hellenen*, pp. 734–736; K. F. Hermann, *Lehrbuch d. gottesdienstlichen Alterthümer d. Griechen*, § 51, n. 11; comp. HALOTIA.) [L. S.]

ALICULA, a short cloak coming down to the elbows, mentioned by Ulpian (Dig. 34, 2, 23) as proper to boys, by Petronius (*Sat.* 40) as worn by a hunter, and by Martial (xii. 82) as an inexpensive present. It was so called, according to Velius Longus (Putsch, p. 2230), *quod alas nobis iniecta contineat;* according to Ferrarius, from its collar or cape. Rich, however, derives the name from its resemblance to wings when fastened by a brooch and floating behind the back. There seems to be no reason for connecting the word with the chlamys ἄλλης or ἄλαις. Saglio identifies the *alicula* with a garment worn by shepherds and countrymen in works of art, and by the Good Shepherd on sarcophagi and paintings in the catacombs, sometimes opening in front, and sometimes furnished with a small cape. [J. H. F.]

ALIMENTA'RII PUERI ET PUELLAE. In the Roman republic the poorer citizens were assisted by public distributions of corn, oil, and money, which were called *congiaria* [CONGIARIUM]. These distributions were not made at stated periods, nor to any but grown-up inhabitants of Rome. The Emperor Nero first conceived the notion of extending them, not only to other Italian towns, but also to children (Aurel. Vict. *Epit.* xii. 4); and Trajan appointed them to be made every month, both to orphans and to the children of poor parents. The children who received them were called *pueri et puellae alimentarii*, and also (from the emperor) *pueri puellaeque Ulpiani;* and the officers who administered the institution were called *quaestores pecuniae alimentariae, quaestores alimentorum, procuratores alimentorum*, or *praefecti alimentorum.*

The fragments of an interesting record of an institution of this kind by Trajan were found at Veleia, near Placentia, in 1747; and much light has been thrown upon their interpretation by the discovery of a similar table in 1832 at Campolattaro, near Beneventum (Mommsen, *Inscr. Lat. Regn. N.* 1354; Desjardins, *Disputatio hist. de tabulis alimentariis*, Paris, 1854). We learn thus the sums which were thus distributed, and the means by which the money was raised. The emperor lent considerable sums at low interest on the security of landed estates belonging to members of the municipality, and the interest was paid to the municipal chest for the support of orphans. The idea appears to have been borrowed from the institutions due to private benevolence, such as that founded by the younger Pliny at Comum (Plin. *Epist.* vii. 18, i. 8; and the inscription in *Annali dell' Inst. Arch.* 1854), and by Helvius Basila at Atina (Orelli, 4365, *C. I. L.*, vol. x. 5056). The records of similar foundations have been discovered at Tarracina, at Sicca, and at Hispalis (Wilmanns, 2846–8). Trajan's benevolent plans were carried on upon a larger scale by Hadrian and the Antonines, who established additional foundations in honour of the two Faustinas. Under Commodus and Pertinax the distribution ceased. In the reign of Alexander Severus we again meet with *alimentarii pueri et puellae*, who were called *Mammaeani*, in honour of the emperor's mother. We learn from a decree of Hadrian (Ulp. in Dig. 34, tit. 1, s. 14) that boys enjoyed the benefits of this institution up to their eighteenth, and girls up to their fourteenth year; and from an inscription (Fabretti, 235, 619), that a boy four years and seven months old had received nine times the ordinary monthly distribution of corn. At Sicca 300 boys, between three and fifteen, and 200 girls between three and thirteen, received the benefits of the foundation. (Capitolin. *Ant. Pi.* 8, *M. Aur.* 26, *Pert.* 9; Spart. *Hadr.* 7; Lamprid. *Sev. Alex.* 57; Orelli, *Inscr.* 3364, 3365; Rasche, *Lex. Univ. Rei Num.* s. v. *Tutela Italiae;* Eckhel, *Doctr. Num. Vet.* vol. vi., p.

408; F. A. Wolf, *Von einer mi'lden Stiftung Trajans;* Henzen, *Tabula alim. Baebiorum*, Romae, 1845; Desjardins, *op. cit.*) [P. S.] [A. S. W.]

ALI'PILUS, a slave who attended on bathers, to remove the superfluous hair from their bodies (Sen. *Ep.* 56, § 2; Pignorius, *de Serv.* 42; *C. I. L.* 4302; Juv. *Sat.* xi. 157, with Mayor's note). The practice extended to ladies, who had female slaves for the purpose, called *παραπλάτριαι* (Cratin. fr. 251, Meineke; cf. Ovid, *Ars Amat.* iii. 194). Tweezers were used (*volsellae*, Mart. ix. 28, 5) or depilatory ointment. [PSILOTHRUM.] [W. W.]

ALIPTAE (*ἀλείπται*), among the Greeks, were persons who anointed the bodies of the *athletae* before and after the exercises of the palaestra. The chief object of the preliminary anointing was to close the pores of the body, in order to prevent excessive perspiration and the weakness consequent thereon. To effect this object, the oil was not simply spread over the surface of the body, but also well rubbed into the skin (Lucian, *Anach.* 28; Plut. *de Tuend. San.* 15, p. 130 b). The oil was mixed with fine sand, of which various sorts are enumerated, but the African was the favourite. Several jars of this sand were found in the baths of Titus, and one of these is now in the British Museum. This preparatory anointing was called *ἡ παρασκευαστικὴ τρῖψις*. The athlete was again anointed after the contests, in order to restore the tone of the skin and muscles; this treatment was called *ἡ ἀποθεραπεία*. He then bathed, and had the dust, sweat, and oil scraped off his body by means of an instrument similar to the strigil of the Romans, and called *στλεγγὶς*, and afterwards *ξύστρα*. [BALNEAE.] The part of the palaestra in which the athletes were anointed was called *ἀλειπτήριον* (Alexis, fr. 99, Meineke; Schneider on Vitruv. v. 10, 5).

The function of the *ἀλείπτης* was thus a subordinate branch of that of the *παιδοτρίβης*, or gymnast; but the latter himself is sometimes called *ἀλείπτης*, as by Plutarch (*Dion.* 1: cf. Pind. *Olymp.* viii. 54–71, with Boeckh's note).

The relation of gymnastics to the medical art was early perceived, as by Iccus of Tarentum, and Herodicus, the physician of Selymbria, both in the fifth century B.C. (Plat. *Protag.* 316 D; *Rep.* iii. 406 A). The aliptae took advantage of the knowledge they necessarily acquired of the state of the muscles of the athletes, and their general strength or weakness of body, to advise them as to their exercises and mode of life. (Arist. *Eth. N.* ii. 6, 7; Plut. *de Adul. et Am.* 17, p. 59 f.) Hence the term *ἰατραλείπτης*, or medical trainer, which however does not occur before Roman times (Cels. i. 1; Plin. *H. N.* xxix. § 4; Plin. *Ep.* x. 4). The last passage throws some light on their social status; Pliny asks Trajan to grant the citizenship to his *iatraliptes*, a freedman. The aliptae of Cicero (*ad Fam.* i. 9, § 35), contrasted with *medici*, must have been of this class, not, as sometimes supposed, of a lower.

Among the Romans there were also slaves called aliptae who scrubbed and anointed their masters in the baths; these are to be carefully distinguished from the trainers in the gymnasium. (Compare the scene described in the beginning of Seneca's 56th Epistle, where however the word aliptes does not occur; and for the two kinds of aliptae, Juv. *Sat.* iii. 76, with *ib.* vi. 422; also Pignorius, *de Serv.* p. 81.) These slaves were also called *unctores* (Martial, iii. 32, 6), and the anointing-room *unctorium* or *unctuarium* (Plin. *Ep.* ii. 17). They used in their operations a kind of scraper called a strigil, towels (*intea*), a cruet of oil [GUTTUS], a bottle [AMPULLA], and a small vessel called *lenticula* [BALNEAE]. [P. S.] [W. W.]

ALLEX or ALLIX (*ἄλλιξ, ἄλληξ*), a Thessalian name for a garment corresponding apparently to the Greek *χλάμυς* (cf. Zonaras, Suidas, and *Etym. M.* s. v.). Hesychius too, *s. v. ἄλλικα*, gives this explanation, though, *s. v. ἄλλιξ*, he translates the word by *χιτὼν χειριδωτός*, i.e. a tunic with sleeves. The connexion of this word with ALICULA is doubtful. [J. H. O.]

ALLU'VIO is thus defined by Gaius (*Inst.* ii. 701): "Alluvium is an addition of soil to land by a river, so gradual that it is impossible to estimate how much is added in a short period, or, as it is commonly expressed, the charge is so gradual as to be imperceptible. But a piece of your land swept away by a river and carried down to mine continues your property." There is the same definition by Gaius in his *res cottidianae* (Dig. 41, 1, 7), with this addition: "If the piece of land thus suddenly swept away should adhere for a considerable time to my land, and the trees on it should fix their roots in my soil, it thereupon becomes my property." Alluvio was considered by the Roman jurists as a mode of acquiring property in a thing, which belongs to the *jus gentium* or *naturale;* it was a particular kind of title by *accessio*. A man might protect his land against loss from the action of a river by securing the banks of his land (Dig. 43, 15, *de ripa munienda*), provided he did not injure the navigation.

An island that was formed in the middle of a river was the common property of the owners on both banks of the river; if it was not in the middle of the stream, it belonged to the proprietors of the nearer bank (Gaius, ii. 72; Dig. 41, 1, 7). By a river is meant a public river (*flumen publicum*). According to a constitution of the Emperor Antoninus Pius, there was no *jus alluvionis* in the case of *agri limitati*, the reason being that a certain quantity (*certus cuique modus*) was assigned by the form of the *centuriae* (Dig. 41, 1, 16; comp. *Aggenus urbicus* in Frontin. *Comment. de Alluvione*, pars prior, ed. Goes; and *Ager*). Cicero (*de Orat.* i. 38) enumerates the *jura alluvionum* and *circumluvionum* as matters included under the head of *causae centumvirales* (Hermannseder, *die Alluvien*, München, 1856). [G. L.] [E. A. W.]

ALO'A or HALO'A (*Ἀλῶα, Ἁλῶα*), an Attic harvest festival, but celebrated principally at Eleusis and Athens, in honour of Demeter and Dionysus, the inventors of the plough and protectors of the fruits of the earth. It took place every year after the harvest was over, and only fruits were offered on this occasion, partly as a grateful acknowledgment for the benefits the husbandman had received, and partly that the next harvest might be plentiful. We learn from Demosthenes (*c. Neaer.* p. 1385, § 116), that it was unlawful to offer any bloody sacrifice on the day of this festival, and that the priestess alone had the privilege to offer the fruits. The festival

was also called θαλύσια (Hesych. *s. v.*), or συγκομιστήρια. The exact time of its celebration, as well as its duration, cannot be determined with certainty. (See A. Mommsen, *Heortologie*, p. 320 foll.) [L. S.]

ALOGʹIOU DIKEʹ (ἀλογίου δίκη), an action which might be brought before the *logistae* (λογισταί) at Athens, against all persons who neglected to pass their accounts when their term of office expired. The punishment was *atimia*. Though the action was a public one, the grammarians agree in calling it δίκη, not γραφή: and this is preferred by Westermann *ap.* Pauly, ed. 2. (Suidas; Hesych.; *Etym. M.* s. v.; Pollux, viii. 54; *Lex. Rhet.* p. 664, ed. Pors.) [W. S.] [W. W.]

AMANUENSIS, or A MANU SERVUS, a slave, or freedman, whose office it was to write letters and other things under his master's direction. The amanuensis must not be confounded with another sort of slaves, called *ad manum servi*, who were always kept ready to be employed in any business. (Suet. *Caes.* 74, *Aug.* 67, *Ner.* 44, *Tit.* 3, *Vesp.* 3; Cic. *de Orat.* iii. 60, 225; Pignor. *de Servis*, 109.) [P. S.]

AMARYʹNTHIA or AMARYʹSIA (Ἀμαρύνθια or Ἀμαρύσια), a festival of Artemis Amarynthia or Amarysia, celebrated, as it seems, originally at Amarynthus in Euboea, with extraordinary splendour; but it was also solemnised in several places in Attica, such as Athmone (Paus. i. 31, § 3); and the Athenians held a festival, as Pausanias says, in honour of the same goddess, in no way less brilliant than that in Euboea. (Hesych. *s. v.* Ἀμαρύσια; comp. Schol. *ad* Pind. *Olymp.* xiii. 159.) The festival in Euboea was distinguished for its splendid processions; and Strabo himself (x. p. 448) seems to have seen, in the temple of Artemis Amrynthia, a column on which was recorded the splendour with which the Eretrians at one time celebrated this festival. The inscription stated that the procession was formed of three thousand heavy-armed men, six hundred horsemen, and sixty chariots. [L. S.]

AMBACTI, according to Festus, *s. v.*, the name for slaves in the Gallic language. Caesar (*B. G.* vi. 15) mentions them along with the *clientes*. The most probable opinion is that they were of free origin, but had become practically the unfree retainers of their chief. (Mommsen, *Rom. Hist.* iv. pp. 223–4.) [A. S. W.]

AMBARVAʹLIA, a rural festival among the Romans for the purification (*lustratio*) of the country, and for invoking the blessing of Ceres upon the fruits of the earth. The name is explained by Servius (*ad* Verg. *Ecl.* iii. 77), *Dicitur autem hoc sacrificium Ambarvale, quod arva ambiat victima;* and by Macrobius (*Sat.* iii. 5, 7) after Festus: *Ambarvalis hostia est, ut ait Pompeius Festus, quae rei divinae causa circum arva ducitur ab his, qui pro frugibus faciunt.*

There were two kinds of Ambarvalia, private and public, though some writers, as Hunziker (*ap.* D. and S.) reckon only the former. The private Ambarvalia are those alluded to in Verg. *Ecl.* iii. 77, v. 75, and described more in detail, and with singular beauty, *Georg.* i. 338 ff.; Tibull. *Eleg.* ii. 1, *passim.* The victim (*Georg.* i. 345) or rather victims (Cato, *R. R.* 141, *Impera suovetaurilia circumagi* [SUOVETAURILIA]) were led three times round the cornfields, before the sickle was put in, accompanied by a crowd of merry-makers (*chorus et socii*, v. 346), the reapers and servants dancing and singing the praises of Ceres, while they offered her libations of milk, honey, and wine. The public Ambarvalia are certainly to be distinguished from the Amburbium [AMBURBIUM], but have been identified by several writers (Mommsen, Henzen, Jordan) with the sacrifice of the Fratres Arvales to Dea Dia. Marquardt, who on the whole decides (with Marini, Huschke, Preller, and De' Rossi) against the identity of the two festivals, observes that the correspondence of time and place is in favour of it, as well as the fact that the *suovetaurilia* were offered at both; but, as he also points out, there is no mention of the Fratres Arvales beating the bounds (*circumire* or *lustrare*). The time and place of the two solemnities do not, however, correspond with so much exactness as is here implied. For, first, the Ambarvalia at Rome were fixed for May 29; in other parts of Italy the day varied in different districts, but was an immovable feast (*feriae stativae*) in each district. The feast of Dea Dia, on the other hand, was proclaimed every year; and May 29 might, or might not, coincide with one of the days on which it was held [ARVALES]. Next, as regards the locality, the Roman Ambarvalia were performed, according to Strabo, at a spot called Festi, between five and six miles from the city on the way to Alba (Strab. v. p. 230): this spot is identified beyond doubt with the Fossa Cluilia of Livy (i. 23), Dionysius, and Plutarch; the Campus Sacer Horatiorum, where the legendary encounter took place; and the ruins now called Roma Vecchia, on the left-hand side of the Appian Way at the fifth milestone (Burn, *Rome and the Campagna*, p. 416). The Lucus Deae Diae was at about the same distance from Rome, but on a different road, the Via Portuensis, in a southerly not an easterly direction. Both were doubtless on the boundary of the ager Romanus, or original Roman territory; and in this last circumstance we may trace a connexion between the festival of the Arvales and the Ambarvalia without assuming that they were identical. What this connexion was may perhaps be inferred from the statement of Strabo, that the pontiffs, whom he calls ἱερομνήμονες, offered sacrifices at Festi and several other places regarded as frontiers (θυσίαν ἐπιτελοῦσιν ἐνταῦθά τε καὶ ἐν ἄλλοις τόποις ὡς ὁρίοις αὐθημερὸν, ἣν καλοῦσιν Ἀμβαρουΐαν). We may suppose that the Lucus Deae Diae was one of several ancient seats of the Ambarvalia, but that, in this particular instance, the greater solemnity of the Fratres Arvales, one of the most dignified priestly colleges, overshadowed the primitive simplicity of the rustic festival.

The Ambarvalia furnish one of several instances—the Saturnalia at Christmas being another—of heathen festivals taken up by the Church and adapted to Christian uses. There is a close resemblance to these rites in the ceremonies of the three Rogation Days which precede Ascension Day, occurring nearly at the same time of year. "They were anciently called 'Gang-days,' because processions went out on those days; hymns and canticles being sung, and prayers offered at various halting-spots or stations for a blessing on the fruits of the earth" (Lee, *Glossary*, s.v. Rogation Days). The English

custom, still observed in many places, of beating the parish bounds at Whitsuntide, is another survival from the rites we have been describing. (Marini, *Atti de' Fratelli Arvali*, p. 138; Henzen, *Acta Fr. Arv.* p. 46 ff.; Jordan, *Topogr.* i. 1, 289, ii. 236; Preller, *Röm. Myth.* p. 371 f.; Marquardt, vi. p. 194 ff.) [W. W.]

AMBILUSTRIUM. [LUSTRATIO.]

AMBITUS, which literally signifies "a going about," cannot be more nearly expressed than by our word "canvassing." After the *plebs* had formed a distinct estate at Rome, and when the whole body of citizens had been very greatly increased, we frequently read, in the Roman writers, of the great efforts which it was necessary for candidates to make in order to secure the votes of the citizens. At Rome, as in every community into which the element of popular election enters, solicitation of votes, and open or secret influence and bribery, were among the means by which a candidate secured his election to the offices of state. As the elections recurred annually, there was frequent opportunity for practising the various modes of corruption. The piece entitled "L. Ciceronis de Petitione Consulatus ad M. Tullium Fratrem," seems to present a pretty fair picture of those arts and means by which a candidate might lawfully endeavour to secure the votes of the electors, and also some intimation of those means which were not lawful, and which it was the object of various enactments to repress.

A candidate was called *petitor;* and his opponent, with reference to him, *competitor.* A candidate (*candidatus*) was so called from his appearing in public places, such as the Fora and Campus Martius, before his fellow-citizens in a whitened toga.

On such occasions the candidate was attended by his friends (*deductores*), or followed by the poorer citizens (*sectatores*), who could in no other manner show their good will or give their assistance. (Cic. *pro Mur.* c. 34.)

The word *assiduitas* expressed both the continual presence of the candidate at Rome and his continual solicitations. The candidate, in going his rounds or taking his walk, was accompanied by a *nomenclator*, who gave him the names of such persons as he might meet; the candidate was thus enabled to address them by their name, an indirect compliment to the electors. The candidate accompanied his address with a shake of the hand (*prensatio*). The term *benignitas* comprehended generally any kind of treating, as shows, feasts, &c. Candidates sometimes left Rome and visited the *coloniae* and *municipia*, in which the citizens had the suffrage; thus Cicero proposed to visit the Cisalpine towns, when he was a candidate for the consulship. (Cic. *ad Att.* i. 1.)

Ambitus as a criminal offence signifies interference with the free choice of electors to an office by means of corrupt practices. The word for ambitus in the Greek writers is δεκασμός. Money was paid for votes; and in order to insure secrecy and to secure the elector, persons called *interpretes* were employed to make the bargain, *sequestres* to hold the money till it was paid (Cic. *pro Cluent.* 26, 72), and *divisores* to distribute it (Cic. *ad Att.* i. 16). The offence of ambitus belonged to the *judicia publica*, and the enactments against it were numerous.

The earliest enactment that is mentioned is the Lex Pinaria tribunicia (B.C. 432; Livy, iv. 25), which prohibited candidates from "adding white to their dress." A white dress was a sign that a person was a candidate. Thus the object of the law was to put some restriction on canvassing, i.e. on ambitio or ambitus. Still the practice of using a white dress on occasion of canvassing was usual, and appears to have been the origin of the term *candidatus* being applied to a *petitor* ("cretata ambitio," Pers. *Sat.* v. 177; Polyb. x. 4). A Lex Poetelia (B.C. 358; Livy, vii. 15) forbad candidates canvassing on market days, and going about to the places in the country where people were collected. The law was specially directed against *novi homines*, of whom the *nobiles* were jealous.

By the Lex Cornelia Baebia (B.C. 181) those who were convicted of ambitus were incapacitated from being candidates for ten years (Liv. xl. 19; Schol. Bob. p. 361). The purport of the Cornelia Fulvia de ambitu is not known, but it apparently made no change in the penalties for the offence.

The Lex Calpurnia (B.C. 67) was intended to suppress treating of the electors and other like matters; the penalties were fine, exclusion from the senate, and perpetual incapacity to hold office (Dio Cass. xxxvi. 21). The Lex Tullia was passed in the consulship of Cicero (B.C. 63). It imposed a new punishment of ten years' exile, in addition to the penalties under the Lex Calpurnia (Dio Cass. xxxvii. 29; Cic. *pro Mur.* 2, 3; 3, 5; 23, 47; 32, 67; 41, 89).

This law forbad any person to exhibit public shows for two years before he was a candidate. It also forbad candidates hiring persons to attend them and be about their persons. In the second consulship of M. Licinius Crassus and Cn. Pompeius Magnus (B.C. 55) the Lex Licinia de sodaliciis was passed (Cic. *Planc.* 15, 36). It was specially directed against a particular kind of ambitus, which consisted in employing agents (*interpretes, divisores, sequestres*) to mark out the members of the several tribes into smaller portions, and by this division of labour to carry out a complete system of corruption. The distribution of the members of the tribes was called *decuriatio* (Cic. *Planc.* c. 18). This means of securing votes was employed by the clubs and collegia of the aristocracy (Cic. *ad Quint. Fratr.* ii. 3, 5). There were special provisions in the Lex Licinia for the purpose of securing a fair trial of offences under it. The *judices* were called *editicii*, because the accuser or prosecutor nominated four tribes; the accused was allowed to challenge one of the tribes so nominated. The *judices* were taken out of the other three tribes; but the mode in which they were taken is not quite clear. The penalty under the Lex Licinia was exile, as under the Lex Tullia. The Lex Pompeia (B.C. 52), passed when Pompeius was sole consul for part of that year, was brought about by the murder of Clodius. It was an attempt to put down the clubs by more stringent punishments and more rapid process. The law increased the penalties of the Lex Calpurnia and Tullia. It was made retrospective to the date of the first consulship of Pompeius (Appian, *B.C.* ii. 23, 24; Plut. *Cato Min.* 48; Ascon. *in Milon.*, p. 37, Orell.). When C. Julius Caesar obtained the supreme power in Rome, he used to recommend

some of the candidates to the people, who, of course, followed his recommendation. As to the consulship, he managed the appointments to that office just as he pleased (Suet. *Caes.* 41). The Lex Julia de ambitu was passed (B.C. 18) in the time of Augustus. It appears to have consolidated earlier laws on the subject, although with some modifications. The penalties under it were expulsion from the senate, incapacity for holding any public office during five years, and a fine of 100,000 sesterces, which candidates were required to deposit before canvassing. The penalties, therefore, were milder than they had been previously. The law only applied to offices for which a popular election was held. If a candidate resorted to any violence by exciting a tumult or otherwise, he was liable to be punished under the Lex Julia de vi by exile (*aquae et ignis interdictio*, subsequently *deportatio*).

The popular forms of election were observed during the time of Augustus. Under Tiberius they ceased. Tacitus (*Ann.* i. 15) observes: "The Comitia were transferred from the Campus to the Patres"—the Senate.

While the choice of candidates was thus partly in the hands of the senate, bribery and corruption still influenced the elections, though the name of ambitus was, strictly speaking, no longer applicable. But in a short time the appointment to public offices was entirely in the power of the emperors; and the magistrates of Rome, as well as the *populus*, were merely the shadow of that which had once been a substantial form. Modestinus, a Roman jurist, who wrote about the middle of the third century after Christ, thus comments on the Lex Julia de ambitu: "This law is now obsolete in the city, because the creation of magistrates is the business of the *princeps*, and does not depend on the pleasure of the *populus*; but if any one in a *municipium* should offend against this law in canvassing for a *sacerdotium* or *magistratus*, he is punished, according to a *senatus consultum*, with infamy, and subjected to a penalty of 100 aurei." (Dig. 48, tit. 14.)

The laws that have been enumerated are probably all that were enacted, at least all of which any notice has been preserved. Laws to repress bribery were made while the voting was open; and they continued to be made after the vote by ballot was introduced at the popular elections by the Lex Gabinia (B.C. 139). It is worth remark that there is no indication of any penalty being attached to the receiving of a bribe for a vote. The utmost that can be shown is that the *divisores*, or one of the class of persons who assisted in bribery, were punished (Cic. *pro Planc.* 23, § 55; *pro Muren.* 23, §§ 46, 47). Thus the penalties were inflicted on the briber and his agents, not on the bribed.

The proposed Lex Aufidia (Cic. *ad Att.* i. 16) declared that if a candidate promised money to a tribe and did not pay it, he should be unpunished; but if he actually paid the money, he should further pay to each tribe 3000 sesterces as long as he lived. This proposal was not carried; but it shows clearly enough that the principle was to punish the briber only. The trials for ambitus were numerous in the time of the republic. A list of them is given by Rein. The oration of Cicero in defence of L. Murena, who was charged with ambitus, and that in defence of Cn. Plancius, who was tried under the Lex Licinia, are both extant. (Rein, *Criminalrecht der Römer*; Rinkes, *Disp. de crim. amb. et de sod.*) [G. L.] [E. A. W.]

AMBLO'SEOS GRAPHE' (ἀμβλώσεως γραφή). [ABORTIO.]

AMBROSI'A (ἀμβρόσια), festivals observed in Greece, in honour of Dionysus, which seem to have derived their name from the luxuries of the table, or from the indulgence of drinking. According to Tzetzes on Hesiod (*Op. et D.* v. 504) these festivals were solemnised in the month of Lenaeon, during the vintage. (*Etym. M. s. v.* Ληναιών, p. 564. 7; G. E. W. Schneider, *Ueber das Attische Theaterwesen*, p. 43; K. F. Hermann, *Lehrb. d. gottesdienstl. Alterth. d. Griechen*, § 58, n. 7.) [L. S.]

AMBUBAIAE, female musicians from Syria, who gained their living by performing in public, at Rome, especially in the circus. Their name is derived from the Syrian word *abub* or *anbub*, a flute. Their moral condition was that which females of their class generally fall into. The bayadères of India will perhaps give the best idea of what they were. (Hor. *Sat.* i. 2. 1, with Heindorf's note; Mayor on *Juvenal*, iii. 62; Suet. *Ner.* 27; *Priapeia*, 26; Petron. lxxiv. 13.) [P. S.]

AMBU'RBIUM or AMBURBIA'LE, a sacrifice which was performed at Rome for the purification of the city, in the same manner as the ambarvalia was intended for the purification of the country. The victims were carried through the whole town, and the sacrifice was usually performed when any danger was apprehended in consequence of the appearance of prodigies, or other circumstances. (Obseq. *de Prodig.* c. 43; Apul. *Met.* iii. *ab init.*; Lucan. i. 592 *seq.*, where it is described). Scaliger supposed that the amburbium and ambarvalia were the same; but their difference is expressly asserted by Servius (*ad* Verg. *Ecl.* iii. 77) and Vopiscus (*amburbium celebratum, ambarvalia promissa, Aurel.* c. 20; cf. Preller, *Röm. Myth.* p. 372; Marquardt, vi. p. 195). [AMBARVALIA.] [W. S.]

AMENTUM. [HASTA.]

AMICTO'RIUM, a linen covering for the breasts of women, probably the same as the strophium. [STROPHIUM.] (Mart. xiv. 149.) In later times it seems to have been used in the same sense as Amictus. (Cod. Theod. 8, tit. 5, s. 48.) [AMICTUS.] [W. S.]

AMICTUS, AMICULUM. The Greek words corresponding to *amicire* and *amictus* are ἐπιβάλλεσθαι and ἐπίβλημα, to *induere* and *indutus* ἐνδύεσθαι and ἔνδυμα. So Pollux, vii. 50, speaks of the πέπλος as ἔσθημα διπλοῦν τὴν χρείαν, ὡς ἐνδῦναί τε καὶ ἐπιβαλέσθαι; meaning, that it was used sometimes as an inner garment or χιτών, sometimes as an outer garment or ἱμάτιον. [TUNICA; PALLIUM.] Hence the verbal nouns *amictus* and *indutus*, even without any further specification, denote respectively the outer and inner clothing. (See Verg. *Aen.* iii. 545, v. 521, with Conington's notes; Tibull. i. 8, 13; Corn. Nep. *Cim.* 4, *Dat.* 3, § 2; Tac. *Ann.* xvi. 4.) [J. H. O.]

AMMA (ἄμμα), a measure of length, equal to forty πήχεις (cubits) or sixty πόδες (feet). It was

used in measuring land. (Hero, *de Mensuris*; Hultsch, *Metrol.* p. 36.) [P. S.]

AMNE'STIA (ἀμνηστία) is a word used by the later Greek writers, and from them borrowed by the Romans, to describe the act or arrangement by which offences were *forgotten*, or regarded as if they had not been committed, so that the offender could not be called to account for them. The word is chiefly used with reference to the offences committed, or alleged to have been committed, against the laws, during those conflicts of opposing factions which so often occurred in the Greek republics, and in which the victorious party usually took a sanguinary vengeance upon its opponents. So rare indeed were the exceptions to this course of vengeance, that there is only one case of amnesty in Greek history which requires any particular notice. This was the amnesty which terminated the struggle between the democratical and oligarchical parties at Athens, and completed the revolution by which the power of the Thirty was overthrown, B.C. 403. It was arranged by the mediation of the Spartan king Pausanias, and extended to all the citizens who had committed illegal acts during the recent troubles, with the exception of the Thirty and the Eleven, and the Ten who had ruled in Peiraeus; and even they were only to be excepted in case of their refusal to give an account of their government. Their children were included in the amnesty, and were permitted to reside at Athens. An addition was made to the oath of the senators, binding them not to receive any *endeixis* or *apagoge* on account of anything done before the amnesty, the strict observance of which was also imposed by an oath upon the *dicastae*. (Xen. *Hellen.* ii. 4, §§ 38–43; Andoc. *de Myst.* § 90 ff.; Demosth. *Boeot. de Dot.* p. 1018, § 32; Nepos, *Thrasybul.* 3, who makes a confusion between the Ten Tyrants of Peiraeus and the Ten who succeeded the Thirty in the city; Wachsmuth, *Hellen. Alterth.* i. pp. 473, 646-7, new edit.; K. F. Hermann, *Staatsalterth.* §§ 71, 76, 168, 169; Grote, ch. lxvi. *init.*)

The form of the word is incorrectly given in some modern works as ἀμνηστεία. But even the genuine form only belongs to later Greek; being used only by Plutarch (*Cic.* 42, *Anton.* 14), Herodian (iii. 4, § 17; v. 4, § 18; viii. 12, § 6), and still later writers.

The better authors use only the phrase μὴ μνησικακεῖν (Xen. Andoc. *ll. cc.*): ἄδεια is sometimes said to be equivalent, but wrongly. [ADEIA.] Respecting the supposed allusion to the word in Cicero (*Phil.* i. 1), see Long's note: it is however at least as likely that he was thinking of μὴ μνησικακεῖν, as Westermann supposes (*ap.* Pauly, i.² 870). [P. S.] [W. W.]

AMORGINA (τὰ ἀμόργινα), fine muslin-like textures made of ἀμοργίς, a peculiar flax named from the island of Amorgos, but grown also elsewhere. They were finer than βύσσος and κάρπασος (Schol. Aristoph. *Lysistr.* 150), almost transparent (Aristoph. *l. c.* 48), and very costly (Pseudo-Plato, *Ep.* vii. 363 A). In the use of the adjective ἀμοργινὸς it is not always clear whether the island or the plant is intended. (Aristoph. *Lysistr.* 150, 736; Aeschin. *Timarch.* § 97; Antiphanes, fr. 152, Meineke; Clearchus, *ap.* Ath. vi. p. 255 e; Böckh, *Publ. Econ.* p. 104.) [W. W.]

AMPECH'ONE (ἀμπεχόνη, ἀμπέχονον, ἀμπεχόνιον), a shawl or scarf, worn by women over the χιτὼν or inner garment. [See TUNICA and PALLIUM.] [J. H. O.]

AMPHIARA'IA (ἀμφιαράϊα), games celebrated in honour of the ancient hero Amphiaraus, in the neighbourhood of Oropus, where he had a temple with a celebrated oracle (Schol. *ad* Pind. *Ol.* vii. 154); the rites observed in his temple are described by Pausanias (i. 34, § 3; K. F. Hermann, *Gottesd. Alterth.* § 63, n. 1). [L. S.]

AMPHIC'TYONES (Ἀμφικτύονες), members of an *Amphictyonia* (Ἀμφικτυονία or Ἀμφικτιονία). Institutions called Amphictyonic appear to have existed in Greece from time immemorial. Of their nature and object history gives us only a general idea; but we may safely believe them to have been associations of originally neighbouring tribes, formed for the regulation of mutual intercourse, and the protection of a common temple or sanctuary, at which the representatives of the different members met, to transact business and celebrate religious rites and games. This identity of religion, coupled with near neighbourhood, and that too in ages of remote antiquity, implies in all probability a certain degree of affinity, which might of itself produce unions and confederacies amongst tribes so situated, regarding each other as members of the same great family. They would thus preserve among themselves, and transmit to their children, a spirit of nationality and brotherhood; nor could any better means be devised than the bond of a common religious worship, to counteract the hostile interests which, sooner or later, spring up in all large societies. The true derivation of the word from κτίω, with the same meaning as περικτιόνες, is given by several ancient writers (Hesychius; Anaximenes *ap.* Harpocrat. *s. v.*; Androtion's Ἀτθίς, *ap.* Pausan. x. 8, § 1). The mythic founder Amphictyon, son or grandson of Deucalion, belongs to the same region of eponymous heroes as Hellen and his sons, and need not be seriously considered.

The causes and motives from which we might expect such institutions to arise existed in every neighbourhood; and accordingly we find many Amphictyoniae of various degrees of importance, though our information respecting them is very deficient. Thus we learn from Strabo, that there was one of some celebrity whose place of meeting was a sanctuary of Poseidon (Müller, *Dorians*, ii. 10, § 5; Strab. viii. 6, 14) at Calauria, an ancient settlement of the Ionians in the Saronic Gulf. The original members were Epidaurus, Hermione, Nauplia, Prasiae in Laconia, Aegina, Athens, and the Boeotian Orchomenus (Thirlwall, *Hist. of Greece*, vol. i. p. 375); whose remoteness from each other makes it difficult to conceive what could have been the motives for forming the confederation, more especially as religious causes seem precluded by the fact, that Troezen, though so near to Calauria, and though Poseidon was its tutelary god, was not a member. In after-times, Argos and Sparta took the place of Nauplia and Prasiae, and religious ceremonies were the sole object of the meetings of the association. The unnamed Amphictyony to which the Messenians were ready to refer their differences with the Spartans

(Paus. iv. 5, § 1) may have been that of Calauria: though the existence of another at Argos, including all the Peloponnesian Dorians, and having either the Argive Hera or the Pythian Apollo for its tutelary divinity, has been conjectured by some modern scholars (Schömann, *Antiq.* ii. 25; De Sainte-Croix, *Des Anciens Gouvernemens Fédératifs*, Paris, 1804, p. 129; K. O. Müller, *Dorians*, i. 154). Better attested is that of Onchestus in Boeotia, where the gathering was round a famous temple of Poseidon (Strab. ix. 2, 33; Pausan. ix. 26, § 3). Near Samicum in Elis was also a temple of Poseidon, the centre of worship to the six Triphylian cities; and this is sometimes described as an Amphictyony (Strab. viii. 3, 13); as is also the Euboean festival of the Amarynthia. [AMARYNTHIA.]

One of the most important was that of Delos, the religious metropolis or ἐστία νησων (Callim. *Hymn. in Del.* 325) of the neighbouring Cyclades, where musical and gymnastic contests were celebrated every fourth year (ἁ πεντετηρὶς) in honour of the Delian Apollo. Two titles, describing the purification of Delos by the Athenians in 426 B.C., attests the great antiquity of this festival, quoting two passages from the Homeric Hymn to Apollo (Thuc. iii. 104; Hom. *Hymn. in Apoll.* 146 ff. and 165 ff.). Plutarch (*Thes.* 21) ascribes the foundation of it to Theseus. The names of the states composing this Amphictyony are preserved in the inscription known as the *Marmor Sandvicense*, which contains the accounts of the four years 377–374 B.C., and is given by Böckh in *C. I. G.* i. 252 and in the appendix to his *Political Economy* (vol. ii., p. 78 ff.: 2nd Germ. edit.). They include the islands of Myconos, Syros, Tenos, Ceos, Siphnos, Seriphos, Ios, Paros, Icaria, Naxos, Amorgos, and the town of Carystus in Euboea. The θεωροὶ sent by the Athenians to Delos are well known [THEORI: DELIA]; they were also called Δηλιασταί. (Ath. vi. p. 234 e; Harpocrat., Hesych. *s. v.*)

The system indeed was by no means confined to the mother country; for the federal unions of the Dorians, Ionians, and Aeolians, living on the west coast of Asia Minor, seem to have been Amphictyonic in spirit, although modified by exigencies of situation. Their main essence consisted in keeping periodical festivals in honour of the acknowledged gods of their respective nations. Thus the Dorians held a federal festival, uniting with the worship of their national god Apollo that of the more ancient and Pelasgic Demeter. The Ionians met for similar purposes in honour of the Heliconian Poseidon* at Mycale, —their place of assembly being called the Panionium, and their festival Panionia. The twelve towns of the Aeolians assembled at Grynea, in honour of Apollo. (Herod. i. 144, 148, 149; Dionys. iv. 25.) That these confederacies were not merely for offensive and defensive purposes, may be inferred from their existence after the subjugation of these colonies by Croesus: and we know that Halicarnassus was excluded from the Dorian union, merely because one of its citizens had not made the usual offering to Apollo of the prize he had won in the Triopic contests. A confederation somewhat similar, but more political than religious, existed in Lycia (Strab. xiv. 3, 2): it was called the "Lycian system," and was composed of twenty-three cities.

But besides these and others, there was one Amphictyony of greater celebrity than the rest, and much more lasting in its duration. This was by way of eminence called the Amphictyonic league; and differed from the other associations in having two places of meeting, the sanctuaries of two divinities. These were the temple of Demeter, in the village of Anthela, near Thermopylae (Herod. vii. 200), where the deputies or representatives met in autumn; and that of Apollo at Delphi, where they assembled in spring. The connexion of this Amphictyony with the latter not only contributed to its dignity, but also to its permanence. With respect to its early history, Strabo (ix. 3, 7) says, that even in his days it was impossible to learn its origin. We know, however, that it was originally composed of twelve *tribes* (not cities or states, it must be observed), each of which tribes contained various independent cities or states. As to the names of the twelve tribes, however, our accounts are very various. The lists in Pausanias (x. 8, § 2) and Harpocration, *s. v.*, differ in some particulars from that of Aeschines (*F. L.* § 116). The latter, who may be taken as an authoritative witness for his own time, after mentioning that there were twelve ἔθνη in the league, gives only eleven names—the Thessalians, Boeotians (not Thebans only, he remarks), Dorians, Ionians, Perrhaebians, Magnetes, Locrians, Oetaeans, Phthiots or Achaeans of Phthia, Malians or Melians, and Phocians. Recent editors have supplied the Dolopians as the twelfth name, following a conjecture of Tittmann's in his work on the Amphictyonic League (p. 40); and the list, as thus completed, is adopted by Grote (vol. ii. p. 325). Others join the Dolopians with the Perrhaebians, and reckon as a separate tribe the Aenianes who, on Tittmann's view, are included among the Oetaeans (Foucart, *ap.* D. and S., *s. v.*). It must be admitted that it is impossible fully to harmonise the ancient authorities themselves: but the list may have varied at different times, and Pausanias, who gives only ten names (omitting the Boeotians and Perrhaebians) expressly refers the ten to the mythic Amphictyon. The preponderance of the Thessalian and northern nations of Greece proves the antiquity of the institution; and the fact of the Dorians standing on an equality with such tribes as the Malians, shows that it must have existed before the Dorian conquest of the Peloponnesus which originated several *states* more powerful, and therefore more likely to have sent their respective deputies than the tribes mentioned. That it existed moreover before the Ionian migration, has been inferred from the Ionians of Asia having a share in the vote, and from the statement of Tacitus (*Ann.* iv. 14): "Samii decreto Amphictyonum nitebantur, quis praecipuum fuit rerum omnium judicium, qua tempestate Graeci, conditis per Asiam urbibus, ora maris potiebantur." The passage in Tacitus is, however, with more probability referred to the Delian Amphictyony.

We learn from Aeschines (*l. c.*) that each of the twelve Amphictyonic tribes had two votes in congress, and that deputies from such towns as

* Poseidon was the god of the Ionians, as Apollo of the Dorians. (Müller, *Dor.* ii. 10, § 5.)

(Dorium and) * Cytinium had equal power with the Lacedaemonians, and that Eretria and Priene, Ionian colonies, were on a par with Athens (*ἰσόψηφοι τοῖς Ἀθηναίοις*). It seems therefore to follow, either that each Amphictyonic tribe had a cycle (Strab. ix. 3, 7; Pausan. x. 8, § 2), according to which its component states returned deputies, or that the vote of the tribe was determined by a majority of votes of the different states of that tribe. The latter supposition might explain the fact of there being a larger and smaller assembly —a *βουλή* and *ἐκκλησία*—at some of the congresses, and it is confirmed by the circumstance that there was an annual election of deputies at Athens, unless this city usurped functions not properly its own.

The council itself was called *Pylaea* (Πυλαία) from its meeting in the neighbourhood of Pylae (Thermopylae), but the same name was given to the session at Delphi as well as to that at Thermopylae. It was composed of two classes of representatives, one called *Pylagorae* (Πυλαγόραι), the other *Hieromnemones* (Ἱερομνήμονες). Of the former, three were annually elected at Athens to act with one Hieromnemon appointed by lot. (Aristoph. *Nubes*, v. 623.) That his office was highly honourable we may infer from the oath of the Heliasts (Dem. *c. Timocr.* p. 747, § 150), in which he is mentioned with the nine archons. On one occasion we find that the president of the council was a Hieromnemon, and that he was chosen general of the Amphictyonic forces, to act against the Amphissians. (Tittmann, p. 87.) Hence it has been conjectured that the Hieromnemones, also called *ἱερογραμματεῖς*, were superior in rank to the pylagorae. (Tittmann, pp. 84, 86.) Aeschines also contrasts the two in such a way as to warrant the inference that the former office was the more permanent of the two. Thus he says (*c. Ctes.* § 115), "When Diognetus was Hieromnemon, ye chose me and two others Pylagorae." He then contrasts "the Hieromnemon of the Athenians with the Pylagorae for the time being." There is even good reason for supposing that the Hieromnemon was elected for life (Clinton, *F. H.*, vol. iii. p. 621; Tittmann, *l. c.*), although some writers are of a different opinion (Schömann, *de Comit.* p. 283). Again, we find inscriptions (Böckh, *Inscr.* 1171), containing surveys by the Hieromnemones, as if they formed an executive; and that the council concluded their proceedings on one occasion (Aesch. *c. Ctes.* § 124), by resolving that there should be an extraordinary meeting previously to the next regular assembly, to which the Hieromnemones should come with a decree to suit the emergency just as if they had been a standing committee. Their name implies a more immediate connexion with the temple; but whether they voted or not upon matters in general is doubtful: from the two Amphictyonic decrees quoted below, we might infer that they did not, while the inscriptions (1688 and 1699), quoted by Schömann (p. 392), and the statement of Demosthenes (*pro Coron.* p. 277, § 149 f.), lead to a contrary conclusion. The narrative of Aeschines (*c. Ctes.* § 116) implies that they were more peculiarly the representatives of their constituent states. Probably the respective functions of the two classes of representatives were not strictly defined, and varied at different times, if indeed they are always correctly distinguished by the authors who allude to them. The *ἐκκλησία*, or general assembly, included not only the classes mentioned, but also those who had joined in the sacrifices and were consulting the god; and as there was a large multitude annually collected at the Amphictyonic session at Thermopylae, it was probably numerously attended. (Hesychius, *s. v.*; cf. Soph. *Trach.* 639.) It was convened on extraordinary occasions by the chairman of the council (Ὁ *τὰς γνώμας ἐπιψηφίζων*, Aesch. *l. c.* 124).

Of the duties of this latter body nothing will give us a clearer view than the oaths taken and the decrees made by it. The oath was as follows (Aesch. *de F. L.* § 115): "They would destroy no city of the Amphictyons, nor cut off their streams in war or peace; and if any should do so, they would march against him and destroy his cities; and should any pillage the property of the god, or be privy to or plan anything against what was in his temple at Delphi, they would take vengeance on him with hand and foot, and voice, and all their might." There are two decrees given by Demosthenes, both commencing thus (Dem. *de Cor.* p. 278, § 154): "When Cleinagoras was priest (*ἱερεύς*), at the spring meeting, it was resolved by the pylagorae and the assessors of the Amphictyons, and the general body of them," &c. The resolution in the second case was, that as the Amphissians continued to cultivate "*the sacred district*," Philip of Macedon should be requested to help Apollo and the Amphictyons, and that he was thereby constituted absolute general of the Amphictyons. He accepted the office, and soon reduced the offending city to subjection. From the oath and the decrees, we see that the main duty of the deputies was the preservation of the rights and dignity of the temple at Delphi. We know, too, that after it was burnt down (B.C. 548), they contracted with the Alcmaeonidae for the rebuilding (Herod. ii. 180, v. 62); and Athenaeus (A.D. 228) informs us (iv. p. 173 b) that in other matters connected with the worship of the Delphian god they condescended to the regulation of the minutest trifles. History, moreover, teaches that if the council produced any palpable effects, it was from their interest in Delphi; and though it kept up a standing record of what ought to have been the international law of Greece, it sometimes acquiesced in, and at other times was a party to, the most iniquitous and cruel acts. Of this the case of Crissa is an instance. This town lay on the Gulf of Corinth, near Delphi, and was much frequented by pilgrims from the West. The Crissaeans were charged by the Delphians with undue exactions from these strangers, and with other crimes. The council declared war against them, as guilty of a wrong against the god. The war lasted ten years, till, at the suggestion of Solon, the waters of the Pleistus were turned off, then poisoned, and turned again into the city. The besieged drank their fill, and Crissa was soon razed to the ground; and thus, if it were an Amphictyonic city, was a solemn oath doubly violated. Its territory—the rich Crissaean or

* There is a doubt about the reading. (See Thuc. iii. 95; Tittmann, p. 52.)

Cirrhaean plain—was consecrated to the god, and curses imprecated upon any one who should till or dwell in it. Thus ended the First Sacred War (B.C. 586), in which the Athenians and Amphictyons were the instruments of Delphian vengeance. (Paus. x. 37, § 4; Clinton, *F. H.*, vol. ii. p. 196; Aeschin. *c. Ctes.* § 107 ff.) The Second or Phocian War (B.C. 356) was the most important in which the Amphictyons were concerned (Thirlwall, *Hist. of Greece*, vol. v. pp. 263–372; Grote, ch. 87); and in this the Thebans availed themselves of the sanction of the council to take vengeance on their enemies, the Phocians. To do this, however, it was necessary to call in Philip of Macedon, who readily proclaimed himself the champion of Apollo, as it opened a pathway to his own ambition. The Phocians were subdued (B.C. 346), and the council decreed that all their cities, except Abae, should be razed, and the inhabitants dispersed in villages not containing more than fifty inhabitants. Their two votes were given to Philip, who thereby gained a pretext for interfering with the affairs of Greece; and also obtained the recognition of his subjects as Hellenes. To the causes of the Third Sacred War allusion has been made in the decrees quoted by Demosthenes. The Amphissians tilled the devoted Cirrhaean plain, and behaved, as Strabo (ix. 3, 4) says, worse than the Crissaeans of old (*χείρους ἦσαν περὶ τοὺς ξένους*). Their submission to Philip was immediately followed by the battle of Chaeroneia (B.C. 338), and the extinction of the independence of Greece. In the following year, a congress of the Amphictyonic states was held; in which war was declared as if by united Greece against Persia, and Philip elected commander-in-chief. On this occasion the Amphictyons assumed the character of national representatives as of old, when they set a price upon the head of Ephialtes, for his treason to Greece at Thermopylae, and erected monuments in honour of the Greeks who fell there. Herodotus indeed (vii. 214, 228), speaking of them in reference to Ephialtes, calls them *οἱ τῶν Ἑλλήνων Πυλαγόροι*.

We have sufficiently shown that the Amphictyons themselves did not observe the oaths they took; and that they did not much alleviate the horrors of war, or enforce what they had sworn to do, is proved by many instances. Thus, for instance, Mycenae was destroyed by Argos (B.C. 468), Thespiae and Plataeae by Thebes, and Thebes herself swept from the face of the earth by Alexander (*ἐκ μέσης τῆς Ἑλλάδος ἀνήρπασται*, Aeschin. *c. Ctes.* § 133). Indeed, we may infer from Thucydides (i. 112), that a few years before the Peloponnesian war the council was a passive spectator of what he calls *ὁ ἱερὸς πόλεμος*, when the Lacedaemonians made an expedition to Delphi, and put the temple into the hands of the Delphians; the Athenians, after their departure, restoring it to the Phocians: and yet the council is not mentioned as interfering. It will not be profitable to pursue its history further; it need only be remarked, that Augustus wished his new city, Nicopolis (B.C. 31), to be enrolled among its members; and that Pausanias, in the second century of our era, mentions it as still existing, but deprived of all power and influence. In fact, even Demosthenes (*de Pace*, extr.) spoke of it as the shadow at Delphi (*ἡ ἐν Δελφοῖς σκιά*). In the time of Pausanias, the number of Amphictyonic deputies was thirty.

A question of some interest arises with regard to the two places of meeting. Where did the association originate?—were its meetings first held at Delphi, or at Thermopylae? There seems a greater amount of evidence in favour of the latter. In proof of this may be alleged the number of Thessalian tribes from the neighbourhood of the Maliac bay, and the comparative insignificance of many of them; the assigned birthplace and residence of the mythic Amphictyon, the names Pylagorae and Pylaea. Besides, we know that Thessaly was the theatre and origin of many of the most important events of early Greek history; whereas, it was only in later times, and after the Dorian conquest of Peloponnesus, that Delphi became important enough for the meetings of such a body as the Amphictyonic; nor, if Delphi had been of old the only place of meeting, is it easy to account for what must have been a loss of its ancient dignity. But whatever was the cause, we have still the fact, that there were two places of congress; to account for which, it has been supposed that there were originally two confederations, afterwards united by the growing power of Delphi, as connected with the Dorians, but still retaining the old places of meeting. We must, however, admit that it is a matter of mere conjecture whether this were the case or not, there being strong reasons in support of the opinion that the Dorians, on migrating southwards, combined the worship of the Hellenic Apollo with that of the Pelasgian Demeter, as celebrated by the Amphictyons of Thessaly. (Thirlwall, *Hist. of Greece*, cc. x. xliii.; Grote, vol. ii. ch. 2; Heeren, *Ancient Greece*, c. 7; De Sainte-Croix, *Des Anciens Gouvernemens Fédératifs*; Tittmann, *Ueber den Bund der Amphictyonen*; Müller, *Dorians*, book ii. 3, § 5; Hermann, *Staatsalterth.* §§ 11–14; Freeman, *Hist. of Federal Government*, ch. iii.) [R. W.] [W. W.]

AMPHIDROMIA (*ἀμφιδρόμια*), a family festival of the Athenians at which the newly born child was introduced into the family, and received its name. No particular day was fixed for this solemnity; but it did not take place very soon after the birth of the child, for it was believed that most children died before the seventh day, and the solemnity was therefore generally deferred till after that period, that there might be at least some probability of the child remaining alive. According to Suidas, the festival was held on the fifth day, when the women who had lent their assistance at the birth washed their hands, but this purification preceded the real solemnity. The friends and relations of the parents were invited to the festival of the amphidromia, which was held in the evening, and they generally appeared with presents, among which are mentioned the cuttle-fish and the marine polyp. (Hesych. and Harpocr. *s. v.*) The house was decorated on the outside with olive branches when the child was a boy, or with garlands of wool when the child was a girl; and a repast was prepared, at which, if we may judge from a fragment of Ephippus in Athenaeus (ix. p. 370; comp. ii. p. 65), the guests must have been rather merry. The child was then carried round the fire by the

nurse, and thus, as it were, presented to the gods of the house and to the family, and at the same time received its name, to which the guests were witnesses. (Isaeus, *de Pyrrhi Hered.* § 30.) The carrying of the child round the hearth was the principal part of the solemnity, from which its name was derived. But the Scholiast on Aristophanes (*Lysistr.* 758) derives its name from the fact that the guests, whilst the name was given to the child, walked or danced around it. This festival is sometimes called from the day on which it took place: if on the seventh day, it is called *ἑβδόμαι* or *ἑβδομάς*; if on the tenth day, *δεκάτη*, &c. (Hesych.; Schol. Aristoph. *Av.* 923; K. F. Hermann, *Gottesd. Alterth.* § 48, n. 6.) [L. S.]

AMPHIMALLUM. [TAPES.]

AMPHIOR'KIA or AMPHOMOS'IA (*ἀμφιορκία* or *ἀμφωμοσία*), the oath which was taken, both by the plaintiff and defendant, before the trial of a cause in the Athenian courts, that they would speak the truth (Hesych., Suid.). In the *ἀνάκρισις* or preliminary investigation it was called *διωμοσία*. The notion of some grammarians (Pollux, viii. 122; Bekker, *Anecd.* pp. 184, 9; 311, 23), that it was also applied to the judges' oath is a mistake. [W. W.]

AMPHIPROSTYLOS. [TEMPLUM.]

AMPHISBETE'SIS (*ἀμφισβήτησις*), the act of claiming an inheritance (L. & S.) or, more properly, of disputing the title of the first claimant. None but direct heirs might enter and take possession of the estate immediately after the owner's death; more distant relatives, or claimants by adoption or devise (*κατὰ δόσιν*), were not at liberty to enter until the estate was formally adjudged to them. The proper course was to make application to the *archon eponymus*, who attended at his office for that purpose every month in the year except the last (Scirophorion). The party who applied was regarded as a suitor, and (on obtaining a hearing) was said *λαγχάνειν τοῦ κλήρου* (Isaeus, *Or.* 11 [*Hagn.*], §§ 15, 26-7; *Or.* 3 [*Pyrrh.*], § 60; *Or.* 9 [*Astyph.*], § 3; Demosth. *Steph.* ii. p. 1136, § 23). As the first regular assembly (*κυρία ἐκκλησία*) held after he had received notice, the archon caused proclamation to be made, that such a person had died without issue, and that such and such persons claimed to be his heirs. The herald then asked *εἴ τις ἀμφισβητεῖν ἢ παρακαταβάλλειν βούλεται τοῦ κλήρου*. There is no doubt about the meaning of *παρακαταβάλλειν*, "to make a deposit by way of security for costs;" the amount in this case being a tenth part of the value of the property in dispute, which was returned to the party if successful. (Pollux, viii. 32, 95; Bekk. *Anecd.* p. 197, 11; Isaeus, *Or.* 4 [*Nicostr.*], § 10; *Or.* 11 [*Hagn.*], § 13; Demosth. *c. Macart.* p. 1051, § 5; *c. Leoch.* p. 1090, § 34, &c.)

The general question of procedure in cases of disputed inheritance is treated under HEIRES, the only point now to be considered is whether *ἀμφισβήτησις* and *παρακαταβολή* were employed under different conditions or were alternatives open to all suitors in every case. It has been argued, indeed, as by Hefter and De Boor (quoted by Westermann *ap.* Pauly, and Caillemer *ap.* Daremberg and Saglio *s. v.*), that all who put in a claim were compelled to give security; but to this it seems sufficient to answer, that in that case the formula would have been *ἀμφισβητεῖν καὶ παρακαταβάλλειν*. It is clear, therefore, that two distinct processes are intended. There is little probability in the notion that the *παρακαταβολή* was required of those who claimed the whole inheritance, not of those who only claimed a part (C. R. Kennedy, in the former editions of this work); or that it was required only of those who sought to disturb possession already decreed (Bunsen, *de jure hered. Athen.* p. 92); or only of more distant relatives, claiming against nearer (Meier and Schömann, *Att. Process*, pp. 464, 618 f.). The best explanation is that the claimant in all cases had his choice of the two modes of procedure; but if he failed to back his claim with a substantial deposit, he would not be likely to obtain a favourable hearing. This is the view of Platner (*Process und Klagen*, ii. 310 ff.) and others, including Caillemer *ap.* D. and S. We may perhaps say that this variety of remedies ostensibly gratified the Athenian taste for cheap law, involving no risks for poor men, while it provided a real security against frivolous litigation. If the subsequent claimant or claimants elected to proceed by way of *παρακαταβολή*, the first suitor was practically, though perhaps not legally, compelled to do the same, on pain of having it thought that his own claim would not bear investigation. [W. W.]

AMPHITAPAE. [TAPES.]

AMPHITHAL'AMUS (*ἀμφιθάλαμος*), a room in the *gynaeconitis*, or women's quarters, in a Greek house, opposite the *θάλαμος*, from which it was separated by the *παστάς*. It served probably as a sleeping apartment for the grown-up daughters. (Vitruv. vi. 7, § 2.) [DOMUS.] [J. H. O.]

AMPHITHEA'TRUM (*ἀμφιθέατρον*) was a description of building arranged for the exhibition of combats of gladiators, and wild beasts, and ships, which constituted the *ludi amphitheatrales*. [GLADIATORES; VENATIO; NAUMACHIA.]

I. *Its History.*—Such exhibitions—which were peculiar to the Romans, and which were unknown to the Greeks till the Romans introduced them—originally took place in the FORUM and the CIRCUS, the shows of gladiators being given in the former, and those of wild beasts in the latter; indeed the amphitheatre itself is sometimes called *circus*. The shape of the circus, however, was much better fitted for the chariot races, for which it was at first designed, than for the gladiatorial combats, and the more wholesale slaughter of animals, which, in process of time, came to be the favourite amusements of the Romans. For these purposes, the circus was too long and too narrow, and the spina was a great impediment, so that a new form of building was required, which should accommodate a multitude of spectators in such a manner as that all might have a good view of the space occupied by the combatants, which space too required to be of quite a different shape from the circus, as the combatants were to be kept as much as possible in the same place. The idea of such a building was suggested, as the name seems to imply, by the already existing theatre: indeed, the first amphitheatre of which we have any account—that of C. Scri-

bonius Curio—was, literally, a *double theatre*,* being composed of two theatres, placed on pivots, so that they could be turned round, spectators and all, and placed either back to back, forming two separate theatres for dramatic exhibitions, or face to face, forming an amphitheatre, for the shows of gladiators and wild beasts. This edifice, which was erected by Curio, the celebrated partisan of Caesar, in B.C. 50, for the celebration of his father's funeral games, is described by Pliny (*H. N.* xxxvi. § 116 ff.). The next amphitheatre, and apparently the first to which the name was applied, was built by Julius Caesar himself, during his perpetual dictatorship, in B.C. 46 (Dio Cass. xliii. 22, who thus describes the building: Θέατρόν τι κυνηγετικὸν, ὃ καὶ ἀμφιθέατρον ἐκ τοῦ πέριξ πανταχόθεν ἕδρας ἄνευ σκηνῆς ἔχειν προσερρέθη). This, however, was still only of wood, —a material which was frequently used for theatres, and which was, therefore, naturally adopted for amphitheatres, but which sometimes proved inadequate to support the weight of the immense body of spectators, and thus occasioned serious accidents. For example, we are told that a wooden amphitheatre, which was built at Fidenae in the reign of Tiberius A.D. 27 by Atilius, a freedman, fell in, and buried either 20,000 or 50,000 spectators in its ruins. (Suet. *Tib.* 40; Tac. *Ann.* iv. 63.) Tacitus, who gives the higher and almost incredible number, expressly states that the loss of life was equal to that of a great war. These wooden buildings were, of course, also exposed to great danger from fire; thus a wooden amphitheatre at Placentia was burned in the civil war between Otho and Vitellius. (Tac. *Hist.* ii. 20.)

It was not, however, till the fourth consulship of Augustus, B.C. 30, that a more durable amphitheatre, of stone, was erected by Statilius Taurus, in the Campus Martius. (Dio Cass. li. 23; Suet. *Octav.* 29; Tac. *Ann.* iii. 72; Strab. vi. p. 236.) But, since this building was destroyed by fire, it must be supposed that only the shell was of stone, and the seats and staircases of wood. This edifice was the only one of the kind until the building of the Flavian amphitheatre. It did not satisfy Caligula, who commenced an amphitheatre near the Septa; but the work was not continued by Claudius. (Dio Cass. lix. 10; Suet. *Cal.* 18, 21.) Nero too, in his second consulship, A.D. 57, erected a vast amphitheatre of wood, but this was only a temporary building. (Suet. *Ner.* 12; Tac. *Ann.* xiii. 31.) The amphitheatre of Taurus was destroyed in the burning of Rome, A.D. 64 (Dio Cass. lxii. 18), and was probably never restored, as it is not again mentioned. It has been a question with the topographers whether any traces of it are now visible. (Becker, *Röm. Alterth.* i. pp. 642, 643; and Urlichs, *Beschreibung Roms*, pp. 53, 54.†) The slight elevation called *Monte Giordano* has been supposed, not improbably, to be caused by its ruins; the same has been said of the *Monte Citorio*, but it is known now that this is over the remains of the temple of M. Aurelius. (Middleton, p. 300.)

The erection of an amphitheatre in the midst of Rome, proportioned to the magnitude of the city, was among the designs of Augustus, who delighted in the spectacles of the *venatio*, and especially in the uncommon species and immense number of the animals exhibited in them; so that, as he himself informs us, in one of his *venationes* there were no less than 3500 animals slaughtered. (Suet. *Vesp.* 9; Aur. Vict. *Epit.* 1; *Monum. Ancyr.*) It was not, however, till the reigns of Vespasian and Titus that the design of Augustus was carried into effect by the erection of the *Amphitheatrum Flavium*, or, as it has been called since the time of Bede, the *Colosseum* or *Coliseum*, probably on account of its gigantic size. According to some, this name was derived from the colossal statue of Nero, which stood close by, but this is not probable, as the bronze Colossus had been overthrown and melted long before the name Colosseum had been applied to the Flavian amphitheatre (Middleton, p. 302).

This wonderful building, which for magnitude can only be compared to the pyramids of Egypt, and which is perhaps the most striking monument at once of the material greatness and the moral degradation of Rome under the empire, was commenced by Vespasian (Suet. *Vesp.* 9), probably at an early period of his reign; for the genuineness of the medal, which is quoted by Lipsius as placing its commencement in his eighth consulship, A.D. 77, is more than doubtful (Eckhel, *Doctr. Num. Vet.* vol. vi. p. 840), and the time too short. It was completed by Titus, who dedicated it in A.D. 80, when 5000 animals of different kinds were slaughtered. (Suet. *Tit.* 7; Dio Cass. lxvi. 25.) He seems, however, only to have completed the main framework of the building so far as was necessary to make it possible to hold games in it, and Domitian afterwards added the last story and the ornamental work (*usque ad clypea: Catal. Viennensis* ap. Roncalli, p. 243). As built by the Flavian emperors, the highest tiers of seats inside, and probably the fourth story as a whole, were of wood. An examination of the existing structure shows that it is of two distinct dates, with a considerable interval; and these portions of it are now proved to be not earlier than the time of Alexander Severus and Gordian III. The junction of the work of the two periods can be clearly seen in the interior. (Burn, p. 235; Parker, pt. vii. pp. 6, 25; Middleton, p. 303 f.)

There is an ecclesiastical tradition, but not entitled to much credit, that the architect of the *Coliseum* was a Christian, and afterwards a martyr, named Gaudentius, and that thousands of the captive Jews were employed in its erection. Venuti gives, as the authority for this statement, an inscription now in the church of *S. Martino* on the Esquiline. The inscription,

* Mr. Parker unsuccessfully attempts to prove that the name *theatrum* was applied to an amphitheatre like the Flavian. (*Archaeol. of Rome*, pt. vii. p. 9 f.)

† In the south-eastern angle of the walls of Aurelian, near the church of S. Croce, are the remains of an amphitheatre of brick, called *Amphitheatrum Castrense* in the *Notitia* of the fourth century A.D. Its date is not exactly determined, but it was probably coeval with the *Castra Praetoriana*, a work of the early emperors. The doubts of Becker (*Röm. Alterth.* i. 549 ff.) as to the identity of the existing structure with that described in the *Notitia*, are not supported by the judgment of more recent scholars; and the brick-work is now stated to be of the reign of Trajan or even earlier. (Middleton, p. 328.)

however, probably relates only to the martyrdom of Gaudentius in the amphitheatre, and does not even say that he was an architect. (Burn, *l. c.*; Middleton, *l. c.*)

The Flavian amphitheatre, from its enormous size, rendered the subsequent erection of any other such building in Rome perfectly unnecessary. It became the spot where prince and people met together to witness those sanguinary exhibitions, the degrading effects of which on the Roman character can hardly be over-estimated. It was partially repaired by Antoninus Pius (Capit. *Ant. Pi.* 8). In the reign of Macrinus, on the day of the Vulcanalia, it was struck by lightning, by which the upper rows of benches were consumed, and so much damage was done to other parts of the structure, that the games were for some years celebrated in the Stadium. (Dio Cass. lxxviii. 25.) Its restoration was commenced by Elagabalus and completed by Alexander Severus. (Lamprid. *Heliog.* 17; *Alex. Sev.* 24.) A medal of Gordian III. represents the Coliseum with the legend *munificentia Gordiani Aug.*, showing that fresh works were undertaken within a few years. It was again struck by lightning in the reign of Decius (Hieron. p. 475), but was soon restored, and the games continued to be celebrated in it down to the sixth century. It is usually stated that, in consequence of the self-devotion of Telemachus, an Asiatic monk, who rushed into the arena to separate the gladiators, and was overwhelmed under a shower of stones, Honorius abolished for ever the sacrifices of the gladiators (Theodoret. v. 26); but there is evidence that they were continued even at a later period. (Augustin. *Confess.* vi. 8; Salvian. *de Gubern. Dei*, vi. 2, written after 455; see Dr. Smith's Note to Gibbon, iv. p. 41.) In later times the amphitheatre has been used sometimes in war as a fortress, and in peace as a quarry; whole palaces, such as the Cancelleria and the Palazzo Farnese, having been built out of its spoils. At length the popes made efforts to preserve it: Sixtus V. attempted to use it as a woollen factory, and to convert the arcades into shops; Clement XI. enclosed the lower arcades, and in 1750 Benedict XIV. consecrated it to Christians who had been martyred in it. The best accounts of the building are contained in the following works: Lipsius, *de Amphitheatro*; Nibby, *dell' Anfiteatro Flavio*, a supplement to Nardini, vol. i. p. 233, in which we have the most complete historical account; Fea, *Notizie degli scavi nell' Anfiteatro Flavio*; Bunsen, *Beschreibung d. Stadt Rom*, vol. iii. p. 319, &c.; Cressy and Taylor, *The Architectural Antiquities of Rome*; Maffei, *Verona Illustrata*; Stieglitz, *Archäol. d. Baukunst*; Hirt, *Geschichte d. Baukunst bei den Alten*; Burn, *Rome and the Campagna*, p. 234 ff.; J. H. Parker, *Archæol. of Rome*, pt. vii.; J. H. Middleton, *Ancient Rome in* 1885, p. 300 foll.

II. *Description of the Flavian Amphitheatre.*—Notwithstanding the damages of time, war, and spoliation, the Flavian amphitheatre still remains complete enough to give us a fair idea, excepting in some minor details, of the structure and arrangements of this description of building. The notices of the ancient authors are extremely scanty; and Vitruvius of course fails us here altogether: indeed, this description of building was so completely new in his time, that only once does the bare word *amphitheatrum* occur in his book (i. 7). We derive important aid from the remains of amphitheatres in the provinces of the ancient Roman empire. We shall first describe the Coliseum, and then mention the chief points of difference between it and these other amphitheatres.

The very site of the Flavian amphitheatre, as of most others, furnishes an example of the prodigal contempt of labour and expense which the Roman emperors displayed in their great works of architecture. The Greeks, in choosing the sites of their theatres, almost always availed themselves of some natural hollow on the side of a hill; but the Roman amphitheatres, with few exceptions, stand upon a plain. The site of the Coliseum was in the middle of the city, in the valley between the Caelian, the Esquiline, and the Velia, on the marshy ground which was previously the lake of Nero's palace, *stagnum Neronis*.

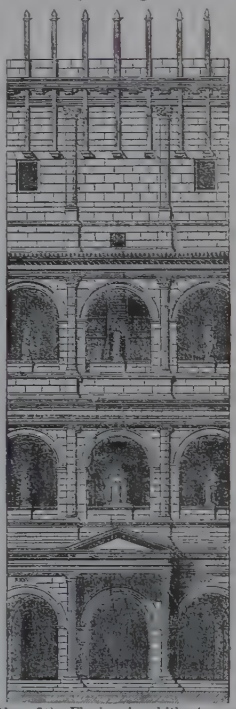
> "Hic ubi conspicui venerabilis amphitheatri
> Erigitur moles, stagna Neronis erant."
> (Mart. *de Spect.* ii. 5.)

No mere measures can give an adequate conception of this vast structure, the dimensions and arrangements of which were such as to furnish seats for 87,000 spectators, round an arena large enough to afford space for the combats of several hundred animals at once, for the evolutions of mimic sea-fights, and for the exhibition of artificial forests; with passages and staircases to give ingress and egress, without confusion, to the immense mass of spectators, and others for the attendants on the arena; dens for the thousands of victims devoted to destruction; channels for the rapid influx and outlet of water when the arena was used for a *naumachia*; and the means for the removal of the carcases, and the other abominations of the arena. Admirable pictures of the magnitude and magnificence of the amphitheatre and its spectacles are drawn in the *Essays* of Montaigne (iii. 6), and in the latter part of Gibbon's twelfth chapter. As a general description of the building, the following passage of Gibbon is perfect:—"It was a building of an elliptic figure, founded on fourscore arches, and rising, with four successive orders of architecture, to the height of 140 [157] feet. The outside of the edifice was incrusted with marble, and decorated with statues. The slopes of the vast concave which formed the inside were filled and surrounded with sixty or eighty rows of seats, of marble likewise, covered with cushions, and capable of receiving with ease about 80,000 spectators. Sixty-four *vomitories* (for by that name the doors were very aptly distinguished) poured forth the immense multitude; and the entrances, passages, and staircases were contrived with such exquisite skill, that each person, whether of the senatorial, the equestrian, or the plebeian order, arrived at his destined place without trouble or confusion. Nothing was omitted which, in any respect, could be subservient to the convenience and pleasure of the spectators. They were protected from the sun and rain by an ample canopy, occasionally drawn over their heads. The air was continually refreshed by the playing of fountains, and profusely impregnated by the grateful scent of aromatics. In the centre of

the edifice, the *arena*, or stage, was strewed with the finest sand, and successively assumed the most different forms. At one moment it seemed to rise out of the earth, like the garden of the Hesperides, and was afterwards broken into the rocks and caverns of Thrace. The subterraneous pipes conveyed an inexhaustible supply of water; and what had just before appeared a level plain might be suddenly converted into a wide lake, covered with armed vessels, and replenished with the monsters of the deep. In the decoration of these scenes, the Roman emperors displayed their wealth and liberality; and we read on various occasions that the whole furniture of the amphitheatre consisted either of silver, or of gold, or of amber. The poet who describes the games of Carinus,* in the character of a shepherd, attracted to the capital by the fame of their magnificence, affirms that the nets designed as a defence against the wild beasts were of gold wire; that the porticoes were gilded; and that the *belt* or circle which divided the several ranks of spectators from each other, was studded with a precious mosaic of beautiful stones" [really, of glass tesserae in imitation of jewels; cf. ABACULUS].

The ground-plan, external elevation, and section given on p. 111 are from Hirt, and contain of course some conjectural details. The ground-plan is so arranged as to exhibit in each of its quarters the plan of each of the stories: thus, the lower right-hand quarter shows the true *ground*-plan, or that of the lowest story; the next on the left shows a plan of the erections on the level of the second row of exterior columns, as well as the seats which sloped down from that level to the lower one; the next quarter shows a similar plan of the third order, and the upper right-hand quarter exhibits a view of the interior as it would appear to an eye looking vertically down upon it. The dotted lines on the arena are the radii, and their points of intersection the centres, of the several arcs which make up the ellipses.

This structure, like nearly all the other existing amphitheatres, is of an elliptical form. It covers nearly six acres of ground. The plan divides itself naturally into two concentric ellipses, of which the inner constituted the *arena* or space for the combats, while the ring between this and the outer circumference was occupied by the seats for the spectators. The lengths of the major and minor axes of these ellipses are, respectively, 287 feet by 180, and 620 feet by 513. The width of the space appropriated to spectators is, therefore, 166½ feet all round the building. The ratio of the diameters of the external ellipse is nearly that of 6 to 5, which becomes exactly the proportion, if we take in the substructions of the foundation. Of course, the ratio of the diameters of the arena is different, on account of the diminished size: it is, in fact, nearly as 8 to 5. The minor axis of the arena is here, and generally, about one-third of that of the outer ellipse. The material used was stone, in large blocks, fastened together, where necessary, by metal clamps. The exterior was faced with marble and adorned with statues. The external elevation requires little description. It is divided into four stories, corresponding to the tiers of corridors by which access was gained to the seats at different levels. These corridors are connected with the external air by eighty arched openings in each of the three lower stories. To the piers which divide these arches are attached columns which, in the first and second stories, stand out from the wall by nearly three-quarters of their circumference; in the third story, owing to the diminished



Elevation of the Flavian Amphitheatre restored. (Daremberg and Saglio.)

thickness of the walls, only by a half. Thus, each of the three lower stories presents a continuous façade of eighty columns backed by piers, with eighty open arches between them, and with an entablature continued unbroken round the whole building. The width of the arches is as nearly as possible the same throughout the building, namely, 14 feet 6 inches, except at the extremities of the diameters of the ellipse, where they are two feet wider. Each tier is of a different order of architecture, the lowest being a plain Roman Doric, the next Ionic, and the third Corinthian. The columns of the second and third stories are placed on pedestals; those of the lowest story are raised from the ground by a substructure of two steps.

* The seventh Eclogue of Calpurnius, here referred to by Gibbon, was written in the time of Nero, and is therefore older than the Coliseum; it is the wooden amphitheatre of Nero that is really d picted. The "gold wire" is expressly ascribed to Nero's amphitheatre by Pliny, *H. N.* xxxvii. § 45. In the last quarter of the third century such profusion would have been impossible.

The fourth story has no arches, but consists of a wall pierced with larger and smaller square windows, placed alternately, and is decorated with pilasters of the Composite order. Between each pair of pilasters three consoles or brackets project from the wall, and above these are small vertical shafts in the entablature. The masts, upon which the *velaria* or awnings were stretched, rested on these brackets and passed through the shafts in the manner represented in the above engraving. The total height of that part of the building which remains entire, namely, about three-eighths of the whole circumference, is 157 feet: the stories are respectively about 30, 38, 38, and 44 feet high. The massiveness of the crowning entablature, the height of the upper story, and the great surface of blank wall in its intercolumniations, combine to give the elevation a somewhat heavy appearance; while the projecting cornices of each story, intercepting the view from below, take off very much from the apparent height of the building. Indeed, it would be a waste of words to attempt to specify all the architectural defects of the composition.

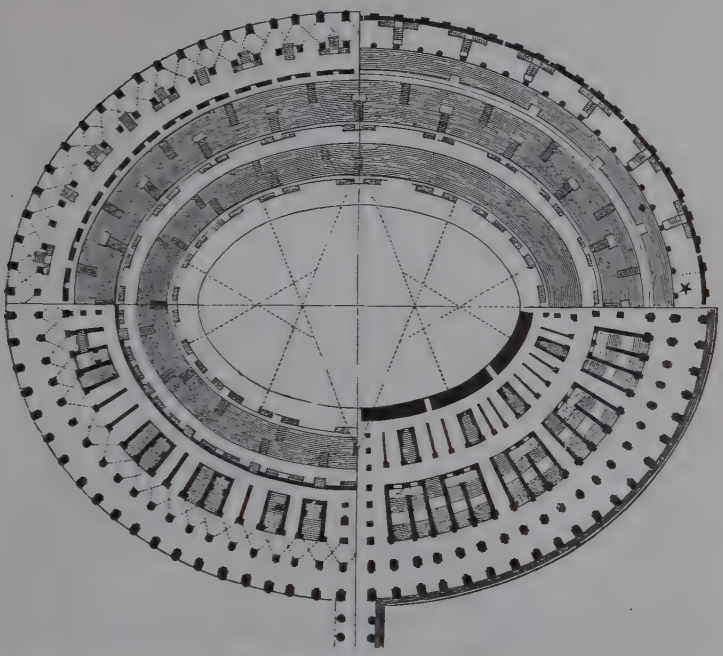
The stone used in the exterior is tufa and travertine, and very massive: some of the blocks are as much as five feet high, and eight or ten feet long: and it is remarkable that all these have inscribed upon them small numbers or signs, which evidently indicate the place of each in the building, and which prove how great was the care taken to adapt every single stone to the form of the whole edifice. In some parts of the interior large masses of concrete, brickwork, and tufa are seen; and in the upper part there are fragments of other buildings worked in; but this, no doubt, happened in some of the various repairs.

There are coins extant, bearing on the reverse a view of the amphitheatre, so arranged as to show not only the outside, but a portion of the interior also. It is from them that we learn the fact that the outer arches of the second and third stories were decorated with statues in their openings, unless, indeed, the figures shown in the arches are meant for rude representations of the people passing through the outer colonnade. These coins also show, on the highest story, in the alternate spaces between the pilasters, circles against the wall, corresponding to the windows in the other alternate spaces; they are, perhaps, the *clypea* mentioned by the old author cited above,—that is, ornamental metal shields, hung there to decorate the building. There are several coins of Titus and Domitian of this type (Eckhel, *Doctr. Num. Vet.* vol. vi. pp. 357–359, 375). There are similar coins of Gordian, which are, however, very inferior in execution to those of Titus and Domitian. (Eckhel, vol. vii. p. 271.) The coins of Titus and Domitian also show a range of three stories of columns by the side of the amphitheatre, which (though the matter is doubtful) is supposed to represent a colonnade which ran from the palace of Titus on the Esquiline to the amphitheatre, to which it gave access at the northern extremity of its minor axis, as shown on the plan. At the other extremity of this axis was the entrance from the Palatine.

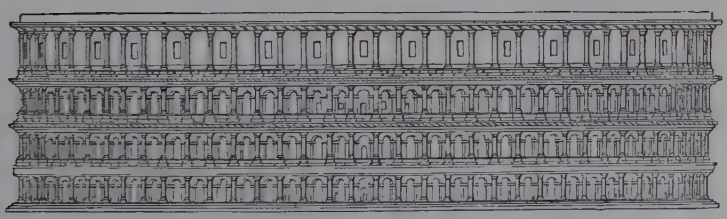
The seventy-six arches of the lower story (omitting the four at the extremities of the axes) formed the numbered entrances for the spectators, and gave admission to a corridor, running uninterruptedly round the building, behind which again is another precisely similar corridor. (See the plan and section.) The space behind the second corridor is divided by eighty walls, radiating inwards from the inner piers of the second corridor; which support the structure, and between which are partly staircases leading to the upper stories, and partly passages leading into a third corridor, which, like the first and second, runs round the whole building. Beyond this corridor the radiating walls are again continued, the spaces between them being occupied, as before, partly by staircases leading on the one side to the *podium*, and on the other to the lower range of seats (*maenianum*), and partly by passages leading to a fourth continuous corridor much lower and smaller than the others, which was divided from the *arena* by a massive wall (called *podium*), the top of which formed the place assigned to the spectators of the highest rank. From this fourth corridor there are several entrances to the *arena*; and it is most probable that the whole of the corridor was subservient to the arrangements of the *arena*. (See the lower right-hand quarter of the plan, and the section.) On the second story we have the two outer colonnades repeated, and the radiating walls of the first block are continued up through this story; and between them are staircases leading out on to the second range of seats, and passages leading into a small inner corridor, from which access is obtained to a sort of terrace (*praecinctio*) which runs round the building between the first and second ranges of seats, and increases the facilities for the spectators getting to their proper places. Sloping down from this *praecinctio* to the level of the top of the *podium*, and supported by the inner series of radiating walls, are the lower series of seats. On the third story (above the floor of which the details are almost entirely conjectural), we have again the double colonnade, the inner wall of which rises immediately behind the top of the second range of seats, with only the interval of a narrow *praecinctio*, to which access was given by numerous doors in the wall just mentioned, which was also pierced with windows. Above the outer corridor of this story is an entresol, or small middle story, in front of which and above the inner colonnade were a few tiers of wooden benches for the lowest class of spectators. Above this entresol was a gallery, which ran right round the building, and the front of which is supposed to have been formed by a range of columns. It seems that the terrace formed by the top of this gallery would be also available for spectators. And, lastly, the very summit of the wall was formed into a sort of terrace, which was, no doubt, occupied by the men who worked the ropes of the *velarium*. The doors which opened from the staircases and corridors on to the interior of the amphitheatre were designated by the very appropriate name of *vomitoria*. The whole of the interior was called *cavea*. The following section (from Hirt) exhibits these arrangements as clearly as they can be shown without the aid of perspective.

The arena was surrounded by a wall of sufficient height to guard the spectators against any danger from the wild beasts; namely, about fifteen feet. A further protection was afforded

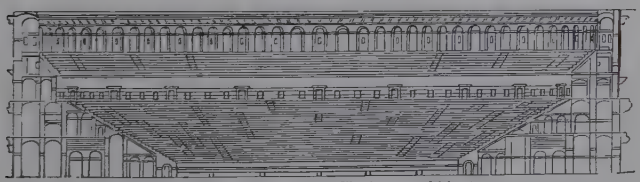
at least sometimes, by a network or trellis of metal; and it is mentioned, as an instance of the profuse ostentation which the emperors were so fond of displaying, that Nero, in his amphitheatre, had this trellis gilt, and its intersections ornamented with bosses of amber.



Ground-plan of the Flavian Amphitheatre.



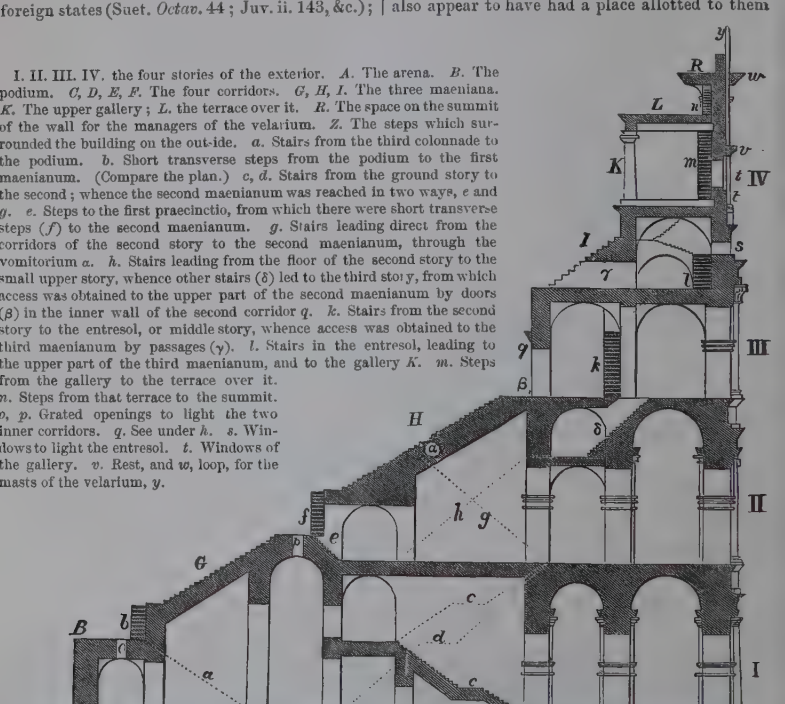
Longitudinal Elevation of the Flavian Amphitheatre.



Longitudinal Section of the Flavian Amphitheatre.

(Plin. *H. N.* xxxvii. § 45; Calpurn. *Ecl.* vii. 47.) The wall just mentioned appears to have been faced with marble, and to have had rollers suspended against it as an additional protection against the possibility of the wild beasts climbing it. (Lips. *de Amph.* 12.) The terrace on the top of this wall, which was called *podium* (a name sometimes also applied to the wall

itself), was about 12 feet high, and no wider than to be capable of containing two, or at the most three ranges of separate marble thrones. This, as being by far the best situation for distinctly viewing the sports in the arena, and also more commodiously accessible than the seats higher up, was the place set apart for senators and other persons of distinction, such as the ambassadors of foreign states (Suet. *Octav.* 44; Juv. iii. 143, &c.); the magistrates seem to have sat here in their curule chairs (Lipsius, *de Amph.* 11); and it was here, also, that the emperor himself used to sit, in an elevated place called *suggestus* (Suet. *Caes.* 76; Plin. *Paneg.* 51), or *cubiculum* (Suet. *Ner.* 12); and likewise the person who exhibited the games, on a place elevated like a pulpit or tribunal (*editoris tribunal*). The vestal virgins also appear to have had a place allotted to them


I. II. III. IV. the four stories of the exterior. A. The arena. B. The podium. C, D, E, F. The four corridors. G, H, I. The three maeniana. K. The upper gallery; L. the terrace over it. R. The space on the summit of the wall for the managers of the velarium. Z. The steps which surrounded the building on the out-side. a. Stairs from the third colonnade to the podium. b. Short transverse steps from the podium to the first maenianum. (Compare the plan.) c, d. Stairs from the ground story to the second; whence the second maenianum was reached in two ways, e and g. e. Steps to the first praecinctio, from which there were short transverse steps (f) to the second maenianum. g. Stairs leading direct from the corridors of the second story to the second maenianum, through the vomitorium a. h. Stairs leading from the floor of the second story to the small upper story, whence other stairs (δ) led to the third story, from which access was obtained to the upper part of the second maenianum by doors (β) in the inner wall of the second corridor q. k. Stairs from the second story to the entresol, or middle story, whence access was obtained to the third maenianum by passages (γ). l. Stairs in the entresol, leading to the upper part of the third maenianum, and to the gallery K. m. Steps from the gallery to the terrace over it. n. Steps from that terrace to the summit. o, p. Grated openings to light the two inner corridors. q. See under h. s. Windows to light the entresol. t. Windows of the gallery. v. Rest, and w, loop, for the masts of the velarium, y.
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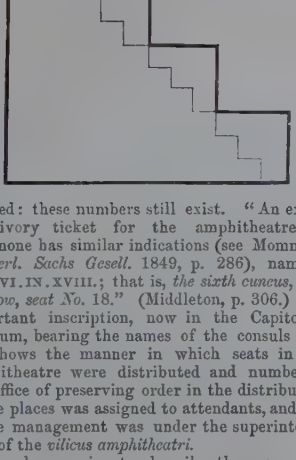
Section of the Corridors, Stairs, and Seats.

on the podium. (Suet. *Octav.* 44.) Some of these marble seats were taken in the Middle Ages, and used as episcopal thrones in the centre of church apses. (Middleton, p. 315.)

Above the podium were the *gradus*, or seats of the other spectators, which were divided into stories called *maeniana*. The whole number of seats is supposed to have been about eighty. The first *maenianum*, consisting of fourteen rows of stone or marble seats, was appropriated to the equestrian order. The seats appropriated to the senators and equites were covered with cushions (*pulvini*), which were first used in the time of Caligula. (Juv. iii. 154; Dio Cass. lix. 7.) Then, after a horizontal space, termed a *praecinctio*, and forming a continuous landing-place from the several staircases which opened on to it, succeeded the second *maenianum*, where were the seats called *popularia* (Suet. *Dom.* 4), for the third class of spectators, or the *populus*. Behind this was the second *praecinctio*, bounded by the high wall already mentioned; above which was the third *maenianum*, where there were only wooden benches for the *pullati*, or common people. (Suet. *Octav.* 44.) The open gallery at the top was the only part of the amphitheatre in which women were permitted to witness the games, except the vestal virgins, and perhaps a few ladies of distinction and influence who were suffered to share the space appropriated to the vestals (Suet. *Octav.* 44). The seats of the *maeniana* did not run in unbroken lines round the whole building, but were divided into portions called *cunei* (from their shape), by short flights of stairs which facilitated the access to the seats. (Suet. *Oct.* 44; Juv. *Sat.* vi. 61.) See the plan, and the annexed section of a small portion of the seats.

Not only were the different ranges of seats appropriated to different classes of spectators,

but the tickets of admission marked the exact seat the holder was to occupy, with the number of the *maenianum* and the *cuneus*, who was at once guided to his place by numbers placed over the external arches by which the building was



entered: these numbers still exist. "An existing ivory ticket for the amphitheatre of Frosinone has similar indications (see Mommsen in *Berl. Sachs Gesell.* 1849, p. 286), namely, CVN.VI.IN.XVIII.; that is, *the sixth cuneus, lowest row, seat No.* 18." (Middleton, p. 306.) An important inscription, now in the Capitoline Museum, bearing the names of the consuls A.D. 80, shows the manner in which seats in the amphitheatre were distributed and numbered. The office of preserving order in the distribution of the places was assigned to attendants, and the whole management was under the superintendence of the *vilicus amphitheatri*.

It only remains to describe the *arena*, or central open space for the combatants, which derived its name from the sand with which it was covered, chiefly for the purpose of absorbing the blood. Such emperors as Caligula, Nero, and Carinus, showed their prodigality by using cinnabar and borax instead of the common sand. It was bounded, as already stated, by the wall of the *podium*, but in the earlier amphitheatres, in which the *podium* was probably not so lofty, there were ditches (*euripi*) between it and the *arena*, which were chiefly meant as a defence against the elephants. The *euripi* were first made by Julius Caesar, and were dispensed with by Nero, in order to gain space for the spectators. (Suet. *Caes.* 39; Plin. *H. N.* viii. § 21; Lipsius, *de Amph.* 12.)

The space of the arena was entirely open. If, as Lipsius thinks (*de Amph.* 4), there was an altar on which sacrifices were offered at the opening of the games, it must have been a moveable one, as a permanent structure would have interfered with the exhibitions. There were four principal entrances to it, at the extremities of the axes of the ellipse, by passages which led directly from the four corresponding arches of the exterior; there were also minor entrances through the wall of the *podium*. This wall has now been removed, and the arena is consequently much larger than its original size, which was about 250 ft. by 150. In the year 1813, the arena was partially excavated, and extensive substructions were discovered, which were at once supposed to be the dens from which the animals were let loose upon the arena through trap-doors. The chief difficulty was to reconcile such an arrangement with the fact that the arena was frequently flooded and used for a naval combat, and that too in the intervals between the fights of wild beasts. (Calpurn. *Eclog.* vii. 64, 73: the whole poem is a very interesting description of the games of the amphitheatre.) [NAUMACHIA.] Further excavations in 1874–5 laid bare the whole substructure of the arena, and cleared up several points which were before uncertain, or only inferred from the well-preserved lower portions of the amphitheatre at Pozzuoli. The sockets were discovered in which the *pegmata* or lifts worked by which the cages were raised to the level of the arena. These are figured by Parker in plate xvi. of his work on the Coliseum, whence the illustration on the next page is partly derived. We must not suppose that the animals were kept for any length of time in the dens below the podium. Immense numbers of slaves were employed, and animals must have been brought up in moveable cages as they were wanted. When a *naumachia* took place *between* the *venationes*, we must assume that the animals intended for the second *venationes* were kept in the innermost colonnade, or in its immediate vicinity, during the *naumachia*, and afterwards transferred to the lifts, as the spaces under the seats seem to have been entirely devoted to the passage of the spectators, with only the exception of the innermost corridor. The vast brick walls which fill the entire space below the arena show that there could have been no great depth of water when it was let in for the *naumachia*. There are, however, canals along which the vessels may have moved, but could not manœuvre; the fighting of the crews, and not their evolutions, being the principal amusement. Over the shallower portions flat rafts (*rates*) may have moved more freely. The floor of the arena above these substructures was of boards covered with sand, and moveable; and it was probably not more than a few feet below the present surface of the ground. Had it been below the substructures, as some have thought (referring them to a later date), none but the foremost spectators could have seen anything. Inscriptions dug up at the time of the first excavations in 1813–14 show that the arena and podium were repaired by two prefects of the city, Lampadius and Basilius, in the years 445 and 508 respectively; the second time in consequence of damage by an earthquake; but much of the brick-work lately disclosed is coeval with the building itself, and confirms the conclusions of common sense as to the original level of the arena. Middleton describes (p. 326) the four long subterraneous passages, which led from the space under the *arena* in different directions. One led towards the baths of Titus on the Esquiline; a second to the palace of Commodus on the Caelian hill; a third branched from the second in a southward direction; a fourth towards the Lateran hill. The first three are not now accessible; and of the fourth about a hundred yards are now cleared out.*

It is unnecessary to attempt a detailed de-

* The reviser of this article has had the advantage of seeing the Coliseum both before and since the excavations of 1874–5. Mr. Middleton's work (1885) has supplied some further details.

scription of the statues and other ornaments with which the amphitheatre was adorned; but the *velarium*, or awning, by which the spectators were sheltered from the sun, requires some explanation, which will be found under VELUM. The space required for the working of the *velarium*, and the height necessary for keeping it from bending down by its own weight so low

Method of raising wild beasts in the Amphitheatre.

as to obstruct the view from the upper benches, are probably the reasons for the great disproportion between the height of the upper part of the amphitheatre, and the small number of spectators accommodated in that part.

The luxurious appliances of fountains of scented water to refresh the spectators, and so forth, are sufficiently described in the passage already quoted from Gibbon. (Comp. Lucan, ix. 808.)

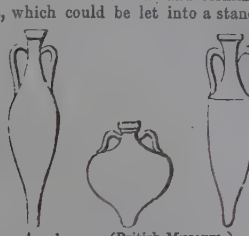
III. *Other Amphitheatres.*—The Flavian amphitheatre, as has been already stated, was, from the time of its erection, the only one in Rome; for the obvious reason that it was sufficient for the whole population. The little *Amphitheatrum Castrense* (see p. 107, note) was probably only intended for the soldiers of the guard, who amused themselves there with fights of gladiators. But in the provincial cities, and especially the colonies, there were many amphitheatres. Indeed, it is not a little interesting to observe the contrast between the national tastes of the Greeks and Romans, which is indicated by the remains of theatres in the colonies of the former, and of amphitheatres in those of the latter. The immense expense of their construction would, however, naturally prevent the erection of many such buildings as the Coliseum. (Cassiod. *Ep.* v. 42.) The provincial amphitheatres were, probably, like the earlier ones at Rome itself, generally built of wood, such as those at Placentia and Fidenae, already mentioned. Of these wooden amphitheatres there are of course no remains; but in several of the larger cities of the Roman empire there are important ruins of large amphitheatres of stone. The principal are those at Verona, Paestum, Pompeii, and Capua, in Italy; at Nîmes, Arles, and Fréjus, in France; at Pola, in Istria; at Syracuse, Catania, and some other cities in Sicily. They are all constructed on the same general principles as the Coliseum, from which, again, they all differ by the absence of the outermost corridor; and, consequently, their height could not have exceeded three stories; while some of them only had two. Of the Veronese amphitheatre, the outer wall and colonnade are entirely gone, excepting four arches; but the rest of the building is almost perfect. It was built of marble from some quarries in the neighbourhood. When complete, it had seventy-two arches in the outer circle, and, of course, the same number of radiating walls, with their passages and staircases. The lengths of the axes of the outer ellipse were 500 and 404 feet; those of the arena, 242 and 146. It was probably built under Domitian and Nerva. (Maffei, *Verona Illustrata.*) The next in importance is that at Nîmes, the outer diameter of which is 437 feet which includes the thickness of the walls. The exterior wall, which is nearly perfect, consists of a ground story and upper story, each pierced with sixty arches, and is surmounted by an attic. Its height, from the level of the ground, is above

70 English feet. The lower or ground story is adorned with pilasters, and the upper with Tuscan or Doric columns. The attic shows the holes destined to receive the posts on which was stretched the awning that covered the amphitheatre. The rows of seats are computed to have been originally 32 in number. There were four principal entrances. The amphitheatre has been computed to hold 17,000 persons. That at Arles was three stories high, and has the peculiarity of being built on uneven ground; so that the lowest story is, for the most part, below the level of the surface, and the principal entrances are on the second story. (For a detailed description, see Guis, *Description de l'Amphithéâtre d'Arles*, 1665.) Both these amphitheatres belong probably to the time of the Antonines. (Maffei, *de Amph. Gall.*) The amphitheatre at Pola stands on the side of a hill, and is higher on one side than on the other. There is little to remark respecting the other amphitheatres, except that a fragment of an inscription, found in that at Capua, informs us that it was built under Hadrian, at the cost of the inhabitants of the city, and was dedicated by Antoninus Pius; and, concerning that of Pompeii, that the earthquake which preceded the eruption by which the city was buried injured the amphitheatre so much, that antiquarians have been disappointed in looking for any new information from it. There are traces of amphitheatres of a ruder kind, chiefly of earth, in various parts of our own country, as at Dorchester, Silchester, Caerleon, and Redruth.

IV. *Uses of the Amphitheatre.*—This part of the subject is treated of under GLADIATORES, NAUMACHIA, and VENATIONES. This is not the place to discuss the influence of the spectacles of the amphitheatre on the character and destinies of the Roman people. [P. S.] [W. W.]

AMPHOMOSTA. [AMPHIORKIA.]

AM'PHORA (ἀμφορεύς, old form ἀμφιφορεύς, Hom. *Il.* xxiii. 107; *Od.* ii. 290, &c.; Schol. in Apoll. Rhod. iv. 1187; Simon. in *Anth. Pal.* xiii. 19). **1.** A large vessel, which derived its name from its being made with a handle on each side of the neck (from ἀμφί, *on both sides*, and φέρω, *to carry*), whence also it was called *diota*, that is, *a vessel with two ears* (δίωτος, δίωτος στάμνος or κάδισκος, Plat. *Hipp. Maj.* p. 288 D; Ath. xi. p. 473 c; Moeris, *s. v.* ἀμφορέα; Hor. *Carm.* i. 9, 8). The form and size varied, but it was generally made tall and narrow and terminating in a point, which could be let into a stand (ἐγγυθήκη, *incitega*) or into the ground, to keep the vessel upright; several amphorae have been found in this position in the cellars at Pompeii. The above cut represents amphorae in the British Museum.

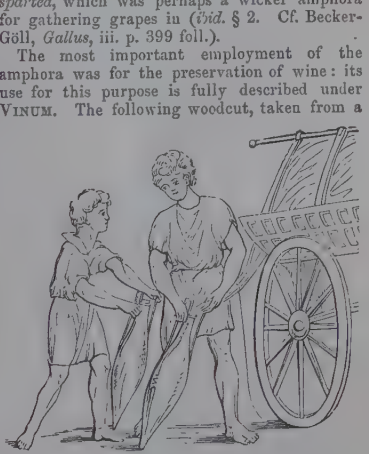


Amphorae. (British Museum.)

The usual material of the amphora was earthenware (Hor. *de Arte Poët.* 21), whence it was also called *testa* (*Carm.* i. 20, 2): but Homer mentions them of gold and of stone (*Il.* xxiii. 92; *Od.* xxiv. 74, xiii. 105); and in later times glass amphorae were not uncommon (Petron. 34); several have been found at Pompeii. Nepos mentions, as a great rarity, amphorae of onyx, as large as Chian *cadi* (*ap.* Plin. *H. N.* xxxvi. § 59). The name of the maker, or of the place of manufacture, was sometimes stamped upon them: this is the case with two in the Elgin collection. [FICTILE.]

Amphorae were used for the preservation of various things which required careful keeping, such as wine, oil, honey, grapes, olives, and other fruits (Hom. *Il.* xxiii. 170; Cato, *R. R.* x. 2; Colum. *R. R.* xii. 16, 47; Hor. *Epod.* ii. 15; Cic. *Verr.* iv. 74); for pickled meats (Xen. *Anab.* v. 4, § 28); and for molten gold and lead (Herod. iii. 96; Nepos, *Hann.* 9). There is in the British Museum a vessel resembling an amphora, which contains the fine African sand used by the athletae. It was found, with seventy others, in the baths of Titus, in 1772. Respecting the use of the amphora in the streets of Rome, see Petron. 70, 79; Propert. iv. 5, 73; Macrob. *Sat.* ii. 12; and the commentators on Lucretius, iv. 1023. Homer and Sophocles mention amphorae as used for cinerary urns (*Il.* xxiii. 91, 92; Soph. *Fr.* 303, Dind.); and a discovery was made at Salona, in 1825, which proves that they were used as coffins: the amphora was divided in half in the direction of its length to receive the corpse, and the two halves were put together again and buried in the earth: the skeletons were found still entire. (Steinbüchel, *Alterthüm.* p. 67.) Amphorae of particular kinds were used for various other purposes, such as the *amphora nasiterna* for irrigation (Cato, *R. R.* 11, § 3), and the *amphora spartea*, which was perhaps a wicker amphora for gathering grapes in (*Vid.* § 2. Cf. Becker-Göll, *Gallus*, iii. p. 399 foll.).

The most important employment of the amphora was for the preservation of wine: its use for this purpose is fully described under VINUM. The following woodcut, taken from a painting on the wall of a house at Pompeii, represents the mode of filling the amphora from a wine-cart.

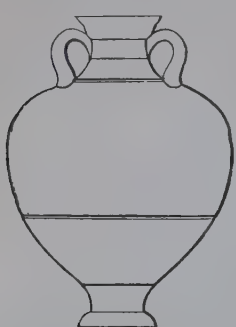


Amphorae and wine-cart.

There is an interesting account of the use of

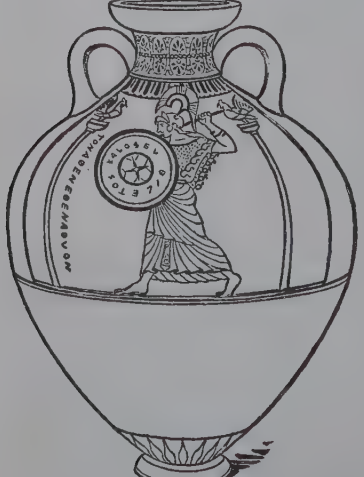
the amphora among the Egyptians, in Sir G. Wilkinson's *Ancient Egyptians*, vol. ii. pp. 157–160.

The amphorae intended for purposes of decoration were furnished with a base, and were generally adorned with figures representing some scene from mythology or from ordinary life. They differed chiefly in the shape of the body and in the form of the handles, which were sometimes plain, sometimes ridged or grooved. The most ancient form is styled "Egyptian;" it has plain handles, and the shoulders of the vase are rounded, so as to meet the neck at almost right angles. The second, or archaic Greek style, is called "Tyrrhene." It has a fuller body and a thicker neck, and the greatest diameter of the vase is about half its height.



Tyrrhene Amphora. (Dennis, *Etruria.*)

To the class of decorated amphorae belong the Panathenaic amphorae, or amphorae given as prizes in the games at the Panathenaic festival and containing the holy oil. These had on one side a figure of Athene Promachos, with helmet, shield and spear, in the attitude of attack, with the inscription *τῶν Ἀθήνηθεν ἄθλων εἰμί*; on the other, a representation of the contest in which the prize had been gained.



Panathenaic Amphora. (British Museum.)

The "Nolan" amphora excels in simplicity and purity of design, as well as beauty of execution. It has red figures, on the black ground of the vase. It is slighter and more elegant than the forms already described. It is found not only at Nola, but in Sicily and Etruria. (For details, see Dennis, *Etruria*, vol. i. p. cix.)

Nolan Amphora. (Dennis, *Etruria.*)

2. The name *amphora* was also applied both by the Greeks and the Romans to a definite measure of capacity, which, however, was different among the two peoples, the Roman amphora being only two-thirds of the Greek *ἀμφορεύς*. In both cases the word appears to be an abbreviation, the full phrase being in Greek *ἀμφορεὺς μετρητής* (*the standard amphora*), and in Latin *amphora quadrantal* (*the cubic amphora*). ("Quadrantal vocabant antiqui amphoram," *Fest.* p. 258.) Respecting the measures themselves, see METRETES, QUADRANTAL. At Rome a standard amphora, called *amphora Capitolina*, was kept in the temple of Jupiter on the Capitol (Rhemn. Fann. *de Pond.* 61; Capitol. *Maxim.* 4). The size of ships was estimated by amphorae (Cic. *Fam.* xii. 15; Liv. xxi. 63); and the produce of a vineyard was reckoned by the number of *amphorae*, or of *culei* (of twenty amphorae each), which it yielded. [P. S.] [W. S.]

AMPLIA'TIO. [JUDICIUM.]

AMPULLA (*λήκυθος*, *βομβύλιος*), a tall, slender, narrow-necked vessel, furnished with a handle. The narrow neck is described by Pliny (*Ep.* iv. 30, 6). It was used for holding perfumes and unguents, and was generally made of earthenware, sometimes however of leather, or of the precious metals (Ath. xiii. 584 f.; x. 451 d; Plut. *Sull.* 13; Mart. xiv. 110). The lekythos is found in large numbers in ancient tombs. [For details, see FUNUS.] Its usual form is represented in the annexed figure. Lekythoi were in constant use at the toilette of Greek ladies, as may be seen from their frequen

Lekythos. (British Museum.)

representation on Greek vases. The largest lekythos in the British Museum was found by Mr. Dennis in the necropolis of Gela, and is here figured. The lekythos of a later period had a broad base (Dennis, *Etruria*, vol. i. p. cxxiii.). The lekythos or ampulla was also used to hold the oil with which the body was anointed after bathing or athletic exercises. For this purpose they were regularly carried by a slave, together with the strigil, to the baths and gymnasia, and were often suspended by a strap from the wrist (Ath. x. 451 d; Poll. iii. 154, x. 62; "ampulla olearia, lenticulari forma, tereti ambitu, pressula rotunditate," Apul. *Flor.* i. 9). As such bottles frequently contained perfumed oils, we read of *ampullae cosmianae* (Mart. iii. 82, 26). Bottles of this kind are figured below (cf. Hermann, *Griech. Antiq.* iv.[3] p. 164). Such bottles were also used for holding vinegar (Plin. *H. N.* xx. § 152), and wine ("ampulla potoria," Mart. xiv. 110), especially on a journey, when the wine or water was drunk from the bottle (Mart. vi. 35; Plaut. *Merc.* v. 2, 86; Suet. *Dom.* 21).

Lekythos. (British Museum.)

Late Lekythos. (Dennis, *Etruria*.)

Lekythos. (From a relief at Athens.)

Lekythos. (From a tomb at Myra in Lycia.)

Another common use of the lekythos was to anoint the bodies of the dead. After the anointing had been performed, the vessels used were placed near the body during the laying out (*πρόθεσις*), and were then buried or burned with the corpse. Large numbers of lekythoi have been found in tombs or in a charred condition, in places where funeral-piles had been erected. (Aristoph. *Eccl.* 538, 996, 1032; Hermann, *Griech. Ant.* iv.[3] p. 364.)

The word *λήκυθος* was also used, like the Latin *ampulla*, as a synonym for exaggerated high-flown language, probably from the gurgling sound made by the oil as it issued from the flask (cf. Aristoph. *Ran.* 1200 ff.; Poll. iv. 114; Hor. *Ep.* i. 3, 14; *Ars Poët.* 97). The dealer in bottles was called *ampullarius*, and part of his business was to cover them with leather (*corium*). A bottle so covered was called *ampulla rubida*. (Plaut. *Rud.* iii. 4, 51, *Stich.* ii. 1, 77, compared with Festus, s. v. *Rubida*.) (See Becker-Göll, *Gallus*, ii. p. 377, iii. p. 149; Marquardt, *Röm. Alterth.* vii. p. 630.) On the use of the ampulla in the Christian church for containing the wine and water used at the altar, and also for holding consecrated oil or chrism, see *Dict. of Christian Antiq.*, s. v. [J. H. O.] [W. S.]

AMPYX (*ἄμπυξ*), a frontlet, or band, worn by Greek ladies to confine the hair, passing round the front of the head and fastening behind. It appears generally to have consisted of a plate of gold or silver, often richly worked and adorned with precious stones. Artemis (Eur. *Hec.* 465) wears a *χρυσέα ἄμπυξ*, and the epithet *χρυσάμπυκες* is applied by the poets to the Muses, Hours, and Fates, while the Scholiast (Eur. *l. c.*) explains it as *κόσμος τις χρυσῷ καὶ λίθοις πεποικιλμένος.* (*Il.* xxii. 468–470; Theocr. i. 33.) It appears in the festive scenes represented on Etruscan tombs as worn by females (Dennis, *Etruria*, i. pp. 307, 368, 371).

The word *ἄμπυξ* was also applied to the frontal of a horse's bridle, Lat. *frontale*, or more usually plur. *frontalia* (Plin. *H. N.* xxxvii. § 194; Liv. xxxvii. 40). In this sense the form *ἀμπυκτὴρ* also occurs (Aesch. *Theb.* 461). The *frontalia* might likewise be adorned with precious stones (Plin. *l. c.*), and were worn also by elephants (Liv. *l. c.*). In Aesch. *Suppl.* 431, there is a play on the two senses; a woman torn from sanctuary (*βρετέων*) is compared to a horse dragged by its bridle (*ἵππηδὸν ἀμπύκων*).

Hesychius (*s. v.* *Λυδίῳ νόμῳ*) supposes the men to have worn frontlets in Lydia; they were also worn by the Jews (Deut. vi. 8, xi. 18).

Ampyx or head-band.

The above woodcut exhibits the frontal on the head of Pegasus, taken from one of Sir William Hamilton's vases, in contrast with the corresponding ornament as shown on the heads of two females in the same collection. [J. Y.] [J. H. O.]

AMULE'TUM (*περίαπτον, περίαμμα, φυλακτήριον*), a charm attached to the body of a human being or animal to avert calamities or secure good fortune, from the Arabic *Hamâlet* ("that which is suspended"). Comp. for the derivation *περίαμμα, περίαπτον*, and the *ligatura* and *alligatura* of the Christian writers. Amulets are as old as Homer's *μῶλυ* (*Od.* x. 292), but the word first occurs in Pliny (*H. N.* xxix. § 66, xxx. § 168) and was probably introduced with the lore of the Magi under the early empire, which certainly developed the superstition very largely, as may be judged from the frequent use of Eastern symbols, and even inscriptions on amulets. Earlier we have only names of particular kinds of amulets, such as *praebia*, and no generic title. Of the use of amulets among the Egyptians, Jews, and other Oriental nations, see *Dict. of Bible*, s. v.

Large numbers of the more durable amulets are still in existence. The shapes of ancient jewellery and ornaments were in great measure decided by a belief in their magical efficacy, although the notion of the Magi, ridiculed by Pliny (*H. N.* xxxvii. § 124), that each stone had a sympathy for a special device, which, if engraved on it, drew forth its powers, was only expanded in the Middle Ages, and directions for the choice and application of amulets form no small part of many ancient treatises on medicine; indeed it is often difficult to draw the distinction (which did not exist in the minds of many ancient physicians) between a medicine and an amulet. Perhaps those remedies which are to be attached (*adalligare*) to the person may be regarded as amulets. The belief in the virtues of precious stones especially was widespread, even among the intelligent. Pliny, who himself ridicules the arts of the Magi, explains their influence by saying that *sola artium tres alias imperiosissimas humanae mentis complexa in unam se redegit*, — medicine, religion, and divination. The chief ancient authorities on the subject are Pliny's *Natural History*, and on the use of jewels the Pseudo-Orpheus *περὶ λίθων* (ascribed by Tyrwhitt to an Asiatic Greek of the 4th century A.D., by C. W. King to the author of the *Argonautica*); Plutarch (or Parthenius), *περὶ ποταμῶν*; Solinus, *de Rebus Mirabilibus*; Epiphanius of Constantia, *de xii. Gemmis*; and Isidore's *Origines*: and, among later writers, Psellus (a Byzantine of the 11th century) and Marbodus, Bishop of Rennes 1067–81, who usually borrows from Isidore and Orpheus.

In many cases the choice of these ornaments was determined by a desire to draw off the attention of the evil power by a congenial object. Sometimes, again, a fanciful connexion can be traced between the amulet and its object, as when the teeth of animals are used as a charm against dental diseases. But generally the selection seems so entirely arbitrary that, in the following list of the chief materials used as amulets and for other magical purposes, it has not been thought necessary to specify the objects sought by their use.

1. *Stones.*

Adamas (*ἀδάμας*), the diamond. Plin. xx. § 2; xxxvii. § 61. The *ἀδάμας* of Orph. 192 is not a diamond.

Aëtites, the eagle-stone. Plin. xxxvi. § 149.

Achates (*ἀχάτης*), the agate. Orph. 230, 604; Plin. xxxvii. § 139; Solin. v. p. 21; Isid. xvi. 11; Ctesias, fr. 92, Müller. The term is very comprehensive in Latin. These stones had gone out of fashion before Pliny's time for signets, but were still highly valued for their magical properties, which varied according to the markings.

Amethystus (*ἀμέθυστος, ἀμέθυσον*), the amethyst. *Anth. P.* ix. 748, 752. The name is perhaps of Eastern origin, in which case the belief that it counteracted the effects of wine would be due to a popular etymology. Often found with heads, &c., engraved on the centre. These gave it further virtues. Plin. xxxvii. § 124.

Batrachites. Plin. xxxvii. § 149; Isid. xvi. 4, 20. Identified by King with a green and yellow jasper, sometimes found cut into a toad-shaped amulet. Hence the mediaeval superstition of the jewel found in the toad's head.

Brontea, which entered into tortoises' heads during thunderstorms. Plin. xxxvii. § 150; Isid. xvi. 15, 24.

Carbunculus (*ἄνθραξ, λυχνίτης*), our ruby and garnet. Aelian, *H. A.* viii. 5. Philostr. *Vit. Apoll.* ii. 14; Psellus, *de Lapid.* xii.

Chelidonia. Plin. xxxvii. § 155; Isid. xvi. 9. 5.

Chelonia. Supposed to be the eye of the Indian tortoise. Plin. xxxvii. § 155.

Chelonitis. *Ibid.*

Chloritis, produced in the gizzard of the *motacilla* (water-wagtail). *Ibid.* § 156.

Corallium (*κουράλιον*). Orph. 570; Plin. xxx. § 22; Solin. 2, 41.

Crystallum (*κρύσταλλος*), rock crystal. Orph. 170; Spartianus, *Did. Jul.*

Draconitis or *dracontia*. Plin. xxxvii. § 158.

Eumitres, used in the worship of Belus. *Ibid.* § 160.

Gagates (*γαγάτης*), jet. Orph. 468; Plin. xxxvi. § 142.

Haematites (*αἱματίτης*). Orph. 658; Plin. xxxvii. § 169.

Heliotropium, bloodstone. Plin. xxxvii. § 165. Used with the plant of the same name. Isid. xvi. 7; Solin. 27.

Hyaenia, found in hyaena's eye. Plin. xxxvii. § 169.

Iaspis (*ἴασπις*), the chalcedony, a very common Eastern amulet. *Ibid.* § 115; Orph. 264.

Magnes (*μάγνης*), loadstone. Orph. 302.

Molochites (*μολοχάς*), green jasper. Plin. xxxvii. § 114.

Opsianum (*λίθος Ὀψιανός*), obsidian. Orph. 282.

Opalus (*ὀπάλλων*), opal. *Ibid.* 279. The belief that it was beneficial to the eyes probably arose from a fanciful derivation: hence Marbodus calls it *ophthalmius*.

Ovum anguinum (*σιδηρίτης* or *ὀφίτης*), serpentine marble. Supposed to be formed from serpents' froth.

Παντάρβης, ruby. *Anth. P.* ix. 490; Philostr. 3, 46; Heliod. viii. 11; Ctesias, p. 265.

Prasius (*πράσιος*), plasma. Orph. 749.

Sarda, sardius (*σάρδιος, σάρδιον*), the Oriental carnelian, which became the favourite stone for engraving. Epiphan. *de xii. gemmis*, 1.

Sucinum, amber. Plin. xxxvii. § 51.

Topazus (*τοπάζιος*). Orph. 277; Epiphan. 2.

2. *Metals.*

Copper. Plin. xxxiv. § 134.
Iron. *Ibid.* § 151.
Gold. *Ibid.* xxxiii. § 85.

3. *Plants.*

Laurus (δάφνη), the bay-tree, especially efficacious because sacred to Apollo. Used in lustrations: Eur. *Ion.* 80–121; Juv. ii. 158; Plin. xv. § 138. Chewed to give prophetic inspiration: Hes. *Theogon.* 30 schol.; Soph. *Fragm.* 777, Dind.; Boisson, *Anecd.* iii. 385; Lucian, *Bis. Acc.* 1; Tibull. ii. 5, 63; Juv. vii. 19. Used strictly as an amulet: Theophr. *Char.* xvi.; Plin. xv. §§ 133–7; *Geopon.* xi. 2. Hence the proverb δαφνίνην φορεῖ βακτηρίαν, of a man who has a charmed life: Zenob. iii. 12. Cp. Ov. *Fasti*, iii. 137; *Etym. M.*, s. v. ἀντήνους.

Cynocephalia or *osiritis.* Plin. xxx. § 18.

Elleborus, veratrum (ἑλλέβορος), a charm as well as a medicine. Plin. xxv. §§ 49, 50.

Ficus (συκῆ). *Geopon.* xi. 2; Plut. *Symp.* 4, 2.

Σκίλλα, the squill. Diphil. *Mart.* 3; Theophr. *Char.* xvi.; Diosc. ii. 202; Plin. xx. § 101. Mentioned in *Geopon.* xv. 1 with ἐβένος, ἀσπάλαθος, and the scented ἀναγαλλίς.

Spina alba, hawthorn. Ov. *Fast.* vi. 130; and the closely allied ῥαμνός, Diosc. i. 110.

4. *Animals.*

The *ant*, the *wasp*, the *caterpillar*, the *snail*, the *louse*, the *spider*, used as amulets against fevers and mental disorders. Plin. xxviii. c. 7; xxx. c. 10, 11.

The *ass's* testicles: Plin. xxviii. 261. The horned *wild ass*: Philostr. *Vit. Apoll.* iv. 2.

The *bat.* Plin. xxix. § 83.

The *chameleon's* tongue, paws, shoulders, and tail. *Ibid.* xxviii. §§ 112–18; Marc. Emp. viii.; Scrib. Larg. *Comp.* 38; Cael. Aurel. i. 6; Gell. x. 12.

The *dog's* gall. Plin. xxx. § 32.

The *fox's* tongue and genitals. Marc. Emp. viii. p. 66; Plin. xxviii. §§ 166, 172.

The *goat's* brain, milk, and excrement. Plin. xxviii. § 259; Sext. Plat. v. 2.

The *hen's* bones. Plin. xxx. § 26.

The *horse's* teeth. *Ibid.* xxviii. § 258.

The *hyaena's* teeth, eye, spinal marrow, excrements, &c. *Ibid.* §§ 92–106; Galen, *Ther.* ix. p. 942; Marc. Empir. viii. p. 57, xxxvi. p. 240; Ael. *H. A.* vi. 22; Plut. *Symp.* 4, 2.

The *mole's* teeth. Plin. xxx. §§ 19, 20.

The *owl's* gizzard. *Ibid.* xxix. § 81.

The *rat's* ears and liver. *Ibid.* xxix. § 60, xxx. § 93; Plin. Valer. iii. 6.

The *raven's* and the *sparrow's* excrements. Plin. xxx. § 26; Marc. Emp. xii. p. 85; Sext. Plat. ii. 6, 3.

The *serpent's* tooth and heart. Plin. xxx. §§ 22, 25.

The *wolf's* flesh, fat, and head, &c. *Ibid.* xxviii. §§ 157, 247, 257; Sext. Plat. *de lup.* viii. 1.

And many species of *fishes* and other *aquatic animals*, especially the *frog*, mentioned in Plin. xxxii. §§ 6–9, 74, 81–2, 113–16, 119, 139.

Certain parts and secretions of the *human body* were also used.

One class of amulets especially reminds us of mediaeval superstitions, perhaps not yet extinct. The *blood* of gladiators (Plin. xxviii. 4; Diosc. ii. 97; Cels. iii. 23; Tert. *Apol.* 9; Scrib. Larg. ii. 13, 17; Al. Trall. i. 15); the *hair* of a man who has been crucified (Plin. xxviii. § 41); the rope or a nail (*Ibid.* 46); the hand or eye-tooth from a corpse (*Ibid.* 45); the marrow from the legs and the brain of infants (*Ibid.* 4); the human teeth (*Ibid.* 41, 45); hair (*Ibid.* 41),—were also efficacious: and a calculus was an amulet for the *calculosus*, and in other cases (*Ibid.* 42).

Artificial shapes of amulets.

Besides assuming the various forms of personal ornaments with which we are familiar—of necklaces or pendants [CREPUNDIA; LUNULAE; PHALERAE], rings, bracelets, earrings, hairpins, &c.

Amulets. (Daremberg and Saglio.)

Amulet, suspended by chain. (*Bull'et. dell' Inst. Arch.*, Rome, 1836, p. 149.)

—amulets were attached to a sort of belt which was passed over one shoulder and under the

opposite arm, as in the first figure, or in the shape of thin plates (*bracteae*) were sewn on garments. If the amulet could not be easily introduced into an ornament, it was often enclosed in a bag or in a bulla of gold or leather. (See the figure above.) [BULLA.] The second cut represents an amulet with chain to be worn across the shoulder. It was found at Petillia in Southern Italy, and is a thin gold plate with a metrical inscription in Greek.

The formulas of incantations called *Ephesiae litterae* (*Ἐφέσια γράμματα*) belonged for the most part to the later empire, although one preserved in the Museum of Syracuse is attributed by M. Labatut to the 2nd cent. B.C. It is a plate of terra-cotta, covered with an inscription for the most part unintelligible. It was probably hung up in a house. (Athen. xii. p. 548 c; Phot. *Lex.* p. 40; Eustath. *ad Od.* xix. 247.)

To gain good fortune and protection, small images of the deities were carried, especially of the *averrunci*, and in later times still more commonly those of the deities whose worship was introduced from the East. Thus Sulla carried in his breast and worshipped an image of Apollo (Plut. *Sulla*, 29), and we find many figures of Diana of Ephesus, Mithras, Isis, Anubis, and especially Serapis and Harpocrates, who as god of silence restrained ill-omened utterances. We find in the museums figures, usually female, sometimes naked, sometimes clothed, which guard silence by having one hand applied to the lips, the other behind their back. In the instance figured here, the hook by which it was suspended is visible. Sometimes again a representation is made in a precious material of an animal, &c., which was regarded as an efficacious amulet; for instance, a hellebore flower in gold.

Amulet. (D. & S.)

Collection of Amulets. (D. & S.)

On the contrary, it was a very common practice to avert ill luck by wearing some ill-omened, grotesque, or obscene shape which might instantly catch the "evil eye" of the malign power and divert its malice. [FASCINUM.]

It was sought to increase the effect by combining several magical symbols in one amulet, or by grouping many together on the statue of a deity (*panthea signa*, Auson. *Epigr.* 30), or as in the last figure in the preceding column, which represents a terra-cotta plate; or a number of amulets were strung together in a necklace.

Closely connected with the subject are the statues of gods placed in front of houses and temples (*e.g.* the Athenian *Hermae*) and the magical symbols on lamps, furniture, and buildings.

Christian legislation and teaching had to carry on a perpetual warfare against the use of amulets and the abuses connected with them.

(The most available accounts of the subject are O. Jahn, *Ueber den bösen Blick* in *Berichte der sächsischen Gesellschaft*, 1855; C. W. King, *Precious Stones and Metals*, and *Gems and Decorative Stones*; Marquardt, *Röm. Alterth.* vi. p. 104 ff.; M. Labatut, in Daremberg and Saglio, *s. v.*, from which the latter part of the article is drawn; *Dict. of Christ. Antiq.*, s. v.) [J. H. F.]

AMUSSIS, a level used by masons to test the evenness of a surface (Varr. *ap. Non.* i. 28; Festus, *s. v.*). But Sisenna (*ap. Charis.* 2, p. 178, Putsch.) defines it as a raddled surface used to prove whether work was perpendicular—*tabula rubricata quae demittitur examinandi operis gratia, an rectum opus surgat.* And Auson. (*Idyll.* xvi. 10) appears to denote by *amussis* a sort of *norma*, testing whether an angle made by two surfaces was a right angle. It appears from Vitruvius (i. 6, § 6) that it was different from the *regula* (straight rule) and from the *libella* (plumb-line or square), and that it was used for obtaining a truer surface, whether horizontal or perpendicular, than those two instruments together would give. The amussis gives rise to the adverbs *amussim*, *adamussim*, *examussim*, also to *amussitatus*, in a metaphorical sense, meaning with perfect regularity and exactness (Varr. *R. R.* ii. 1, § 26; Gell. xx. 1, § 34; Plaut. *Amph.* ii. 2, 213, *Mil.* iii. 1, 38). [J. H. F.]

AMYSTIS (*ἀμυστὶ πίνειν*, *ἄμυστιν πίνειν*, *ἀμυστίζειν*), from *ἀ* and *μύω*, a draught taken without drawing breath (Athen. xi. 25, 783 d). It was a favourite amusement with the Greeks to try how much they could swallow in this way, and very large quantities are said to have been drunk. Plato (*Symp.* 214 A) represents Socrates and Alcibiades as draining off the contents of a wine-cooler holding eight *κοτύλαι*, or nearly two quarts, while Alexander the Great is said to have greatly exceeded this amount. Ephippus (*ap.* Athen. x. 434 a) relates that he succeeded in emptying a vessel containing two *χόες*, or more than two gallons and a half, and afterwards attempted to drink a second in the same way. This, however, affected him so much as to bring on the illness which resulted in his death. The name was also applied to a kind of vessel adopted for this kind of drinking. (Athen. x. 60, p. 442 f; 67, p. 447.) [J. H. O.]

ANABOLICAE SPECIES, ANABOLICARII. [NAVICULARII.]

ANADEMA. [MITRA.]

ANADESME (*ἀναδέσμη*), part of the headdress usually worn by Greek women (*Il.* xxii. 469; Eurip. *Med.* 978). It seems to have been a band of cloth used to fasten up the back hair, and is apparently to be identified with the *μίτρα*. [MITRA.] [J. H. O.]

ANADIK'IA. [APPELLATIO.]

ANAGLYPHA or **ANAGLYPTA** (*ἀνάγλυφα, ἀνάγλυπτα*), chased or embossed vessels made of bronze or of the precious metals, which derived their name from the work on them being in relief, and not engraved. (Plin. *H. N.* xxxiii. § 139; Verg. *Aen.* v. 267; Mart. iv. 39; cf. Strab. p. 806; CAELATURA; TOREUTICE.) The name was also applied to sculptured gems. [P. S.]

ANAGLYPTA. [ANAGLYPHA.]

ANAGNOSTAE, also called *Lectores*, were slaves, who were employed by the educated Romans in reading to them during meals, the bath, and at other times. (Cic. *Att.* i. 12, *Fam.* v. 9, 2; Nep. *Att.* 14; Suet. *Aug.* 78; Mart. iii. 50; Plin. *Ep.* i. 15, iii. 5, 14, ix. 36; Gell. iii. 19.) [W. S.]

ANAGO'GES DIKE' (*ἀναγωγῆς δίκη*). If an individual sold a slave who had some secret disease—such, for instance, as epilepsy—without informing the purchaser of the circumstance, it was in the power of the latter to bring an action against the vendor within a certain time, which was fixed by the laws. In order to do this, he had to report (*ἀνάγειν*) to the proper authorities the nature of the disease; whence the action was called *ἀναγωγῆς δίκη*. The details in Plato (*Leg.* xi. p. 916, A–C) appear to be partly taken from the Athenian Law, but with additional minute regulations of his own. The *ἀναγωγῆς δίκη* was probably confined to actions against the seller of a slave, though Meier thinks otherwise (*Att. Process*, p. 525); other cases were provided for by the *βλαβῆς δίκη*. (Hesych. *s. v. ἀναγωγή*; Suid. *s. v. ἐναγωγή, ἐνάγεσθαι.*) [W. S.] [W. W.]

ANAGO'GIA (*ἀναγώγια*), a festival celebrated at Eryx, in Sicily, in honour of Aphrodite. The inhabitants of the place believed that, at a certain period of the year, the goddess went over into Africa, and that all the pigeons of the town and its neighbourhood likewise departed to accompany her. (Aelian, *Hist. An.* iv. 2, *V. H.* i. 14; Athen. ix. p. 394.) Nine days afterwards, at the so-called *καταγώγια* (return), one pigeon having returned and entered the temple, the rest followed. This was the signal for general rejoicing and feasting. The whole district was said at this time to smell of butter, which the inhabitants believed to be a sign that Aphrodite had returned. (Athen. ix. p. 395; comp. K. F. Hermann, *Gottesd. Alterth.* § 68, n. 29.) [L. S.]

ANAKEIA (*ἀνάκεια*) or **ANAKEION** (*ἀνάκειον*), a festival of the Dioscuri, or *Ἄνακτες*, as they were called, at Athens. (Hesych. *s. v.*; Pollux, i. 37.) Athenaeus (vi. p. 235) mentions a temple of the Dioscuri called *Ἀνάκειον*, at Athens, on the northern slope of the Acropolis; he also informs us (iv. p. 137) that the Athenians, probably on the occasion of this festival, used to prepare for these heroes in the Prytaneium a meal consisting of cheese, a barley-cake, ripe figs, olives, and garlic, in remembrance of the ancient mode of living. These heroes, however, received the most distinguished honours in the Dorian and Achaean states, where it may be supposed that every town celebrated a festival in their honour, though it may not have been under the name of *ἀνάκεια*. Pausanias (x. 38, 3) mentions a festival held at Amphissa, called that of the *ἀνάκτων παίδων*: but adds that it was disputed whether they were the Dioscuri, the Curetes, or the Cabeiri. That the Dioscuri worshipped in the Doric and Achaean cities were not the same as the Athenian *ἄνακτες*, seems clear from Cicero, *de Nat. Deor.* iii. 21. (K. F. Hermann, *Gottesd. Alterth.* § 62, n. 27.) [L. S.]

ANAKLETE'RIA (*ἀνακλητήρια*), the name of a solemnity at which the minority of a young prince was declared at an end, and he assumed the reins of government. The name was chiefly applied to the coming of age of the Ptolemaic kings of Egypt. (Polyb. xviii. 38, xxviii. 10.) The prince went to Memphis, and was there adorned by the priests with the sacred diadem, and led into the temple of Phtha, where he vowed not to make any innovations either in the order of the year or of the festivals. He then carried to some distance the yoke of Apis, in order to be reminded of the sufferings of man. Rejoicings and sacrifices concluded the solemnity. (Diod. xxx. 16.) [L. S.]

ANAKLYPTE'RIA. [MATRIMONIUM.]

ANAK'RISIS (*ἀνάκρισις*), the preliminary investigation of a case by an archon or other magistrate before it was brought before the courts of justice at Athens. For the purpose of ascertaining whether the action would lie, both parties, the complainant and defendant, were summoned separately; and if either of them failed to appear without putting in a formal application for delay (*ὑπωμοσία*), judgment went against him by default (Demosth. *c. Theocrin.* p. 1324, § 8). The anakrisis began by both the plaintiff and defendant taking an oath, the former thereby attesting that he had brought the charge honestly and conscientiously; the latter, that to the best of his knowledge he was innocent. According to the grammarians, the oath of the former was called *προωμοσία*, that of the latter *ἀντωμοσία*, the two together *διωμοσία* or *ἀμφιορκία* [AMPHIORRIA]. (Pollux, viii. 55; Hesych. *s. v. ἀντωμοσία*; Timaeus, *s. v. ἀντωμοσία*, with Ruhnken's note.) But the word *προωμοσία* does not occur in the classical authors, and the other two are not used consistently. Thus we have *ἀντωμοσία* on the part of a plaintiff (Isae. *Dicaeog.* § 1), or of the affidavits of the different claimants to an inheritance (*ib.* § 16; *Astyph.* § 34; Demosth. *c. Macart.* p. 1051, § 3): the *διωμοσία* of a prosecutor in criminal cases (Antiphon. *de caed. Her.* § 11; *de Choreut.* §§ 49, 51), and that of the accused (Demosth. *c. Aristocr.* p. 643, § 69). It was further promised by both, that the subsequent prosecution and defence should be conducted with fairness and justice. (Harpocrat., Suid., Hesych. *s. v. ἀντωμοσία*: Pollux, viii. 122.) If the defendant did not bring forward any objection to the matter being brought before a court of justice, the proceeding was termed *εὐθυδικία*. (Demosth. *c. Phorm.* p. 908, § 4; *c. Steph.* i. p. 1103, § 6.) Such objections might be raised in regard to the competency of the court to which the matter was to be referred, or in regard to the form in which the accusation was brought forward, and the like (Lys. *c. Pancl.* § 5; Pollux, viii. 57);

they were always looked upon with suspicion (Demosth. *c. Leoch.* p. 1097, § 57 f; *c. Phorm.* p. 944, § 2); but, nevertheless, they were not unfrequently resorted to by defendants, either in the form of a διαμαρτυρία, or that of a παραγραφή. In the case of a διαμαρτυρία, the plaintiff had to bring forward witnesses to show that the objections raised by the defendant were unfounded; and if this could not be done, the defendant had a right to bring witnesses to show that his objections were founded on justice, and in accordance with the laws. But each of the litigant parties might denounce the witnesses of his opponent as false witnesses, and thus a secondary lawsuit might be interwoven with the principal one. If the διαμαρτυρία was resorted to in a civil case, the party who made use of it had to deposit a sum of money (παρακαταβολή); and when the plaintiff lost his suit, he had to pay to the defendant a fine for having raised an accusation without foundation. In lawsuits about the succession to the property of a person, the διαμαρτυρία was the only form in which objections could be raised. (Bekker, *Anecd.* p. 236.) The παραγραφὴ was a special plea in bar of a suit, which was made by the defendant and argued without calling any witnesses, and in this also the loser had to pay a fine to the opposite party (Pollux, viii. 58). See PARAGRAPHÉ; and for other forms of resistance at this stage, ANTIGRAPHÉ. When these had been set aside, the prosecution proceeded in regular course.

These are, in general, the proceedings in the ἀνάκρισις: and from what thus took place, it is clear that the main part of the evidence on both sides was brought out in the ἀνάκρισις, and at the regular trial in court the main object was to work upon the minds of the judges through the influence of the orators, with reference to the evidence brought out in the ἀνάκρισις. The latter, therefore, consisted of the simple evidence which required no oratorical discussion, and which was contained,—1, in laws; 2, in documents; 3, in the statement of free witnesses; 4, in the statement of slaves; and 5, in oaths. In all these kinds of evidence, one party might have recourse to the πρόκλησις,—that is, call upon the other party to bring forward such other evidence as was not already given. (Demosth. *c. Steph.* i. p. 1106; *c. Pantaen.* p. 978, §§ 40, 41.) There was, however, no strict obligation to comply with such a demand (Demosth. *c. Olymp.* p. 1181, § 50), and in certain cases the party called upon might, in accordance with established laws, refuse to comply with the demand: for instance, persons belonging to the same family could not be compelled to appear as witnesses against one another. (Demosth. *c. Timoth.* p. 1195, § 30.) But if the reading of a document, throwing light upon the point at issue, was refused, the other party might bring in a δίκη εἰς ἐμφανῶν κατάστασιν.

In regard to the laws which either party might adduce in its support, it must be observed, that copies of them had to be read in the anakrisis, since it would have been difficult for any magistrate or judge to fix, at once, upon the law or laws bearing upon the question at issue. In what manner the authorities were enabled to insure faithful and correct copies being taken of the laws, is not known; but it is highly probable that any one who took a copy in the archives had to get the signature of some public officer or scribe to attest the correctness of the copy.

Other legal documents, such as contracts (συνθῆκαι, συγγραφαί), wills, book of accounts, and other records (Demosth. *pro Phorm.* p. 950, § 18 ff.), not only required the signature and seal of the party concerned, but their authenticity had to be attested by witnesses (Demosth. *c. Onet.* p. 869, § 21).

Evidence (μαρτυρία) was given not only by free-born and grown-up citizens, but also by strangers or aliens; and even from absent persons evidence might be procured [ÉKMARTYRIA], or a statement of a deceased person might be referred to [AKOËN MARTYREIN]. If any one was called upon to bear witness (καλητεύειν), he could not refuse it; and if he refused, he might be compelled to pay a fine of 1000 drachmas (Demosth. *de Fals. Leg.* p. 396, § 176, p. 403, § 198; Aeschin. *c. Timarch.*, § 46), unless he could establish by an oath (ἐξωμοσία), that he was unable to give his evidence in the case. Any one who had promised to bear witness, and afterwards failed to do so, became liable to the action of δίκη λιποματυρίου or βλάβης. The evidence of an avowed friend or enemy of either party might be rejected (Aeschin. *c. Timarch.* § 47). All evidence was either taken down in writing as it was given by the witnesses, or, in case of its having been sent in previously in writing, it was read aloud to the witness for his recognition, and he had generally to confirm his statement by an oath. (Demosth. *c. Steph.* i. p. 1115, § 45, p. 1119, § 58, ii. p. 1130, § 5; *c. Con.* p. 1269, § 41; Aeschin. *de Fals. Leg.* § 126; Diog. Laert. iv. 7.) The testimony of slaves was valid only when extorted by instruments of torture, to which either one party might offer to expose a slave, or the other might demand the torture of a slave. (Demosth. *c. Nicostr.* p. 1253, § 22; *c. Aphob.* p. 855, § 38; *c. Onet.* p. 874, § 37; *c. Steph.* ii. p. 1135, § 21.)

A distinct oath was required in cases where there were no witnesses or documents, but it has been remarked above that oaths were also taken to confirm the authenticity of a document, or the truth of a statement of a witness. [JUSJURANDUM.]

If the evidence produced was so clear and satisfactory that there was no doubt as to who was right, the magistrate could decide the case at once, without sending it to be tried in a court. During the anakrisis as well as afterwards in the regular court, the litigant parties might settle their dispute by an amicable arrangement (Pollux, viii. 143). But if the plaintiff, in a public manner, dropped his accusation, he became liable to a fine of 1000 drachmas, and incurred partial atimia (Demosth. *c. Theocrin.* p. 1323, § 6); in later times, however, this punishment was not always inflicted, and in civil cases the plaintiff only lost the sum of money which he had deposited. When the parties did not come to an understanding during the anakrisis, all the various kinds of evidence brought forward were put into a vessel called ἐχῖνος, which was sealed and entrusted to some officer to be kept until it was wanted on the day of trial. (Demosth. *c. Conon.* p. 1265, § 27; Schol. *ad* Aristoph. *Vesp.* 1427.) The period

between the conclusion of the preliminary investigation and until the matter was brought before a court, was considered to belong to the anakrisis; and that period was differently fixed by law, according to the nature of the charge. In cases of murder, the period was never less than three months, and in others the trial in court commenced on the thirtieth day after the beginning of the anakrisis: as *e.g.* in the *δίκαι ἐμπορικαί, ἐμπορικαί, μεταλλικαί*, and *προικός* (Harpocrat. *s. v. ἔμμηνοι δίκαι*: Pollux, viii. 63, 101), and the day fixed for the trial was called *κυρία τοῦ νόμου* (Demosth. *c. Mid.* p. 541, § 84; p. 544, § 93). In other cases, the day was fixed by the magistrate who conducted the anakrisis. But either party might petition for a postponement of the trial, and the opposite party might oppose the petition by an oath that the ground on which the delay was sought for was not valid, or unsatisfactory. (Harpocrat. *s. v. ἀνθυπωμοσία*; Pollux, viii. 60.) Through such machinations, the decision of a case might be delayed to the detriment of justice; and the annals of the Athenian courts are not wanting in numerous instances in which the ends of justice were thwarted in this manner for a number of years. (Demosth. *c. Mid.* p. 541, § 82; comp. Meier and Schömann, *Att. Process*, p. 622; Platner, *Process u. Klagen*, i. p. 135 ff.; C. F. Hermann, *Staatsalterth.* § 141; Schömann, *Antiquit. Jur. publ. Graec.* p. 279; Wachsmuth, *Hellen. Alterthumskunde*, ii. p. 262, &c. 2nd edit.) The examination which an archon underwent before he entered on his office, was likewise called *ἀνάκρισις* (Demosth. *c. Eubul.* p. 1319, § 66; p. 1320, § 70). [L. S.] [W. W.]

ANALEMMA (*ἀνάλημμα*), in its original meaning, is any thing raised or supported; it is applied in the plural to walls built on strong foundations. (Hesych., Suid. *s. v.*) Vitruvius uses the word to describe an instrument which, by making the lengths of the shadows of a fixed gnomon, showed the different altitudes of the sun at the different periods of the year. (Vitruv. ix. 7, 8, s. 6, 7: Schneider.) It must not be confounded with the modern analemma, which is more complicated and precise than the instrument described by Vitruvius. [P. S.]

ANANCAEUM, a large drinking vessel (Plaut. *Rud.* ii. 3. 33), mentioned by Varro in a corrupt passage *ap. Non.* p. 547, among articles of *caelatura*. Its etymology (*ἀναγκαῖον*) has suggested that the drinker was compelled to empty it at a draught. [Amystis.] [J. H. F.]

ANAPIE'SMATA. [Theatrum.]

ANASKEUAZEIN (*ἀνασκευάζειν τὴν τράπεζαν*). [Argentarii (Greek).]

ANATHE'MATA (*ἀναθήματα*). [Donaria.]

ANATOKISMOS (*ἀνατοκισμός*), compound interest, and the correlative *εὐθυτοκία*, simple interest, do not occur in the classical authors, but are often found in inscriptions; the former as a Latin word in Cic. *Att.* v. 21, 11, "centesimae cum anatocismo anniversario." The equivalent phrase *τόκοι τόκων* occurs Aristoph. *Nub.* 1156. As to the Athenian law on this subject, the researches of Büchsenschütz (*Besitz und Erwerb*, p. 499) and Caillemer (*Étude* ix. p. 26, also in Daremberg and Saglio *s. v.*) cannot be said to lead to any definite conclusions. It appears probable that the utmost freedom of contract was allowed. For the Greek feeling against usurers, and the subject generally, see Fenus (Greek). [W. W.]

ANAUMACHIOU GRAPHE' (*ἀναυμαχίου γραφή*) was an impeachment of the trierarch who had kept aloof from action while the rest of the fleet was engaged. In a cause of this kind, as in the kindred actions *ἀστρατείας, δειλίας, λιποναυτίου, λιποταξίου*, the strategi were naturally the presiding judges. The penalty was atimia without confiscation of goods, if we may trust Andocides (*de Myst.* § 74); whereas on conviction *δειλίας* or *λιποταξίου*, the property of the offender was confiscated (Lys. *c. Alcib.* i. § 9). Caillemer (in Daremberg and Saglio *s. v.*) argues from analogy that the same punishment of the offender must have been the same in both cases. [W. W.]

ANAXAGOREIA (*ἀναξαγόρεια*), a day of recreation for the youths at Lampsacus, which took place once every year, in compliance with a wish expressed by Anaxagoras, who, after being expelled from Athens, spent the remainder of his life there. This continued to be observed even in the time of Diogenes Laërtius (*Anaxag.* c. 10). [L. S.]

ANAXYRIDES (*ἀναξύριδες*). [Braccae.]

ANCHISTEIA (*ἀγχιστεία*). [Heres.]

ANCI'LE. [Salii.]

ANCILLA. [Servus.]

AN'CORA. [Navis.]

ANDA'BATAE. [Gladiator.]

ANDRAPODISMOU GRAPHE' (*ἀνδραποδισμοῦ γραφή*), a public prosecution against two distinct offences. **1.** Kidnapping or enslaving a free person (for which also an *ἐλευθεροπρασίου δίκη* is mentioned by Pollux, but not elsewhere). **2.** Stealing slaves from their lawful owners. The crime of the *ἀνδραποδιστὴς* was capital both at Athens and in Greece generally (Xen. *Memor.* i. 2, § 62; *Apol. Socr.* § 25; Demosth. *Phil.* i. p. 53, § 47); and he might be summarily brought before the Eleven by *ἀπαγωγή* (Isocr. *Antid.* § 96; Meier, *Att. Process*, p. 229, note). For the feeling of the Greeks on this class of offences, compare Plato, *Leg.* ix. 869 A, xii. 955 A; Lys. *c. Theomn.* i. § 10. [W. W.]

ANDREIA (*ἀνδρεῖα*). [Syssitia.]

AN'DRIAS (*ἀνδρίας*). [Statuaria.]

ANDROGEO'NIA (*Ἀνδρογεώνια*), a festival with games, held every year in the Kerameicos at Athens, in honour of the hero Androgeos, son of Minos, who had overcome all his adversaries in the festive games of the Panathenaea, and was afterwards killed by his jealous rivals. (Paus. i. 27, § 9; Apollod. iii. 15, § 7; Hygin. *Fab.* 41; Diod. iv. 60, 61.) According to Hesychius, the hero also bore the name of Eurygyes (the possessor of extensive lands), and under this title games were celebrated in his honour, *ὁ ἐπ' Εὐρυγύῃ ἀγών*. (Hesych. vol. i. p. 1332; K. F. Hermann, *Gottesd. Alterth.* § 62, n. 22.) [L. S.]

ANDROLE'PSIA (*ἀνδρολῆψία* or *ἀνδρολήψιον*), a process of Greek international law which rested upon the ancient religious ideas of the duty of the "avenger of blood" in cases of homicide: for when the state or city in whose territory a murder had been committed refused to bring the murderer to trial, the law allowed the relatives of the deceased to arrest three citizens of the offending state and to hold them as hostages until satisfaction was given, or

the murderer delivered up; and the property found upon the persons thus seized was confiscated. It is not to be regarded as a peculiarly Athenian institution; we learn from Demosthenes (*de Cor. Trierarch.* p. 1232, § 13) that the piratical acts of Athenian commanders abroad brought down reprisals on the persons and property (*ἀνδροληψίας καὶ σύλας*) of peaceable Athenian merchants and travellers. It is clearly, therefore, a part of the public law of Greece; and Pollux is quite wrong in treating it as a form of prosecution (*εἶδος ἐγκλήματος*, viii. 50). The guilt of blood attached to the soil of the country where a murder had been committed, only so long as the murderer remained upon its territory unpunished: the curse (*ἀρά*) ceased when he either went into exile or was brought to justice. Hence *ἀνδροληψία* cannot have been employed, as Pollux thought (*l. c.*), to enforce the extradition of an escaped criminal: if a murder were committed on Attic soil, and the murderer escaped into Boeotia, all legal and ceremonial requirements were satisfied by his change of abode [EXSILIUM]; but if an Athenian were murdered in the territory of a Boeotian city, this right would prevent that city from harbouring the murderer.

The duty of relations in such cases was commensurate with the right of inheritance; and the latter was *ἐντὸς ἀνεψιότητος* (Demosth. *c. Macart.* p. 1068, § 57),—a phrase which is elsewhere more precisely defined as *μέχρι ἀνεψιαδῶν*, "as far as second cousins." [HERES.]

For the application of this principle to the local law of Athens, our chief authority is a passage of Demosthenes (*c. Aristocr.* p. 648, § 83: the so-called "law" of § 82 is obviously compiled from the orator's own words in the next section). It is there mentioned in the most general terms, with no limitations as to the states or persons to whom it applied. It is not likely, therefore, as Weber supposes in commenting on the passage, that the right rested on a special convention, like our modern "extradition treaties;" it is much more probable, as Meier argues in one of his later writings, that as a part of the ancient *jus gentium* it was antecedent to all such treaties and liable to be modified by them (Meier, *de Dem. Aristocr.* p. 8, also in his *Opusc. Acad.* ii. 189). In the absence of precise information we cannot positively say what was done to the hostages thus seized, or whether at Athens the right of seizing them extended to foreigners, whether *ἰσοτελεῖς*, *μέτοικοι*, or *ξένοι*. So far as the early religious views prevailed, the latter, we may be pretty sure, would be included; but it would be quite in keeping with the spirit of the later democracy to curtail those privileges if they proved inconvenient to the full citizens. In the case of slaves, the injury according to Athenian notions would be to their master, not themselves; and he would have his remedy in an action for damages.

The forms *ἀνδροληψία* and *ἀνδρολήψιον* are treated as equivalent in the lexicons, but are rightly distinguished by Weber (*ad* Demosth. *l. c.* § 82) on a comparison of the passages where they severally occur. The right of reprisals is *ἀνδρολήψιον* (*c. Aristocr.* p. 648, §§ 83, 84; p. 692, § 217); the act or process by which the right is enforced is *ἀνδροληψία*, usually in the plural (*l. c.* §§ 82, 83; *de Cor. Trierarch.* § 13).

(Pollux, viii. 41, 50; Harpocrat., Suid., and *Etym. M.* s. v.; Bekk. *Anecd.* p. 213, 30; *Att. Process*, pp. 278–281, with the corrections in Lipsius' new edition; D. and S. *s. v.*) [L. S.] [W. W.]

ANDRON (*ἀνδρών*), a word which may be applied to any room in the *ἀνδρωνῖτις*, or men's quarters, in the Greek house, but is often used specially to denote the dining-room, where the Symposia took place (Xen. *Symp.* i. 13; Suid. *s. v.*). [DOMUS (Greek).] [J. H. O.]

ANDRONITIS. [ANDRON.]

ANGARI'A (*ἀγγαρεία*, Hdt. *ἀγγαρήϊον*) is a word borrowed from the Persians, signifying a system of posting, which was used among that people, and which, according to Xenophon, was established by Cyrus. Horses were provided, at certain distances, along the principal roads of the empire; so that couriers (*ἄγγαροι*), who also of course relieved one another at certain distances, could proceed without interruption, both night and day, and in all weathers. (Herod. viii. 98, iii. 126; Xen. *Cyrop.* viii. 6, § 17; Suid. *s. v.*) It may easily be supposed that, if the government arrangements failed in any point, the service of providing horses was made compulsory on individuals; and hence the word came to mean compulsory service in forwarding royal messages: and in this sense it was adopted by the Romans under the Empire, and is frequently found in the Roman laws. The Roman *angaria*, also called *angariarum exhibitio* or *praestatio*, included the maintenance and supply, not only of horses, but of ships and messengers, in forwarding both letters and burdens; it is defined as a *personale munus;* and there was no ground of exemption from it allowed, except by the favour of the Emperor. (Dig. 50, tit. 4, s. 18, §§ 4, 29; tit. 5, s. 10, 11; 49, tit. 18, s. 4, § 1; Cod. Theod. 8, tit. 5; Cod. Justin. 12, tit. 51.) According to Suidas, the Persian word was originally applied to any bearers of burdens; and next, to compulsory service of any kind. [P. S.]

ANGIPORTUS, or **ANGIPORTUM**, a narrow lane between two rows of houses, sometimes ending in a *cul de sac* (*id quidem angiportum non est pervium*, Ter. *Ad.* iv. 2, 39), sometimes not (id. *Eun.* v. 2, 6, 7). Thus a MS. glossary quoted by Ellis on Catull. 58, 4, says: *Angiportus viae angustae inter minores vicos quae exitum ad muros aut nullum aut angustum habent.* The ancients derived the word *ab angendo et portu*, the original meaning of *portus* being no doubt "an entrance" of any sort (Varr. *L. L.* v. 145, cf. vi. 41; Fest. p. 17, ed. Müller; Ulpian, in Dig. 50, tit. 16, s. 59). The number of such places seems to have been considerable in ancient Rome: and they were apt to be disreputable (Catull. 58, 4; Hor. *Od.* i. 25, 10). The form *angiportum* is archaic (Ter. Catull. *ll. cc.*; Plaut. *Pseud.* iv. 2, 6, 15; iv. 7, 136; Auct. *ad Herenn.* iv. 51, § 64). [L. S.] [W. W.]

ANGUILLA. [FLAGRUM, FLAGELLUM.]

ANGUIS. [DRACO, GENIUS.]

ANGUSTUS CLAVUS. [CLAVUS.]

AN'KYLE (*ἀγκύλη*). [HASTA.]

ANNA'LES LEGES. [LEGES ANNALES.]

ANNA'LES MAXIMI. [PONTIFEX.]

ANNO'NA is used to signify, 1, the produce of the year in corn, fruit, wine, &c.: hence, 2,

provisions in general, especially the corn which, in the latter years of the republic, was collected in the storehouses of the state or in private granaries for the provisioning of Rome; 3, the price at which such corn was sold (*e.g.* Liv. ii. 34, iv. 12); 4, a tax in kind, usually one-tenth, levied in the provinces, even under the republic (Cic. *in Rull.* ii. 29; *Leg. Manil.* 6; *pro Flacco* 8; *in Verr.* iii. 6, 7), and under the empire applied for provisioning the army; 5, the corn so distributed among the soldiers. [CONGIARIUM; FRUMENTATIO; PRAEFECTUS ANNONAE.] [A. S. W.]

AN'NULUS. [ANULUS.]

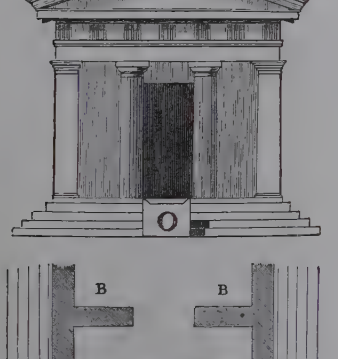
ANNUS. [CALENDARIUM.]

ANQUISI'TIO. [JUDEX.]

ANSA'TAE HASTAE. [HASTA.]

ANTAE (*παραστάδες*) were originally posts or pillars flanking a doorway. (Festus, *s. v. Antes.*) They were of a square form, and are, in fact, to be regarded rather as strengthened terminations of the walls than as pillars affixed to them. There is no clear case of the application of the word to detached square pillars, although Nonius explains it by *quadrae columnae* (1, § 124).

The chief use of *antae* was in that form of temple which was called, from them, *in antis* (*ναὸς ἐν παραστάσι*), which Vitruvius (iii. 1, s. 2, § 2, Schn.) describes as having, in front, antae attached to the walls which enclosed the cella; and in the middle, between the antae, two columns supporting the architrave. The ruins of temples, corresponding to the description of Vitruvius, are found in Greece and Asia Minor; and we here exhibit as a specimen a restoration of the front of the temple of Artemis



Antae, temple at Eleusis.
A, A, the antae; B, B, the cella, or *ναός*.

Propylaea, at Eleusis, together with a plan of the pronaos.

Vitruvius gives the following rules for a temple *in antis* of the Doric order:—The breadth should be half the length; five-eighths of the length should be occupied by the *cella*, including its front walls, the remaining three-eighths by the *pronaos* or portico; the *antae* should be of the same thickness as the columns; in the intercolumniations there should be a marble balustrade, or some other kind of railing, with gates to it; if the breadth of the portico exceeds forty feet, there should be another pair of columns behind those between the *antae*, and a little thinner than they; besides other and minor details. (Vitruv. iv. 4.)

In the pure Greek architecture, the *antae* have no other capitals than a succession of simple mouldings, sometimes ornamented with leaves and arabesques, and no bases, or very simple ones; it is only in the later (Roman) style, that they have capitals and bases resembling those of the columns between them. The antae were generally of the same thickness throughout; among the rare instances of their tapering are one of the temples of Paestum, that of Diana at Eleusis, and the choragic monument of Thrasyllus at Athens.

In a Greek private house the entrance was flanked by a pair of antae with no columns between them; and the space thus enclosed was itself called *παραστάς*. (Vitruv. vi. 10, s. 7, § 1, Schn.) So also Euripides uses the term to denote either the pronaos of a temple (*Iph. in Taur.* 1126), or the vestibule of a palace (*Phoen.* 415).

The following are the chief of the other passages in which *antae* or *παραστάδες* are mentioned:—Euripid. *Androm.* 1121, where *παραστάδος κρεμαστὰ* signifies the arms suspended from one of the *antae* of the temple; Cratin. fr. 45, Meineke; Xen. *Hier.* xi. 2; Hero, *Autom.* p. 269; *Inscript. ap.* Gruter, p. 207. See also Stieglitz, *Archäologie der Baukunst*, vol. i. pp. 236–242; Penrose, *Invest. of the Princ. of Ath. Archit.*; Stuart, *Antiq. of Athens.* [TEMPLUM.] [P. S.] [W. W.]

ANTEAMBULO'NES were slaves who were accustomed to go before their masters, in order to make way for them through the crowd. (Suet. *Vesp.* 2.) They usually called out *date locum domino meo;* and if this were not sufficient to clear the way, they used their hands and elbows for that purpose. Pliny tells an amusing story of a man who was roughly handled by a Roman knight, because his slave had presumed to touch the latter, in order to make way for his master. (*Ep.* iii. 14, 7.) The term *anteambulones* was also given to the clients, who were accustomed to walk before their patroni in white togas when the latter appeared in public. (Mart. ii. 18, iii. 7, x. 74; Juv. i. 96, viii. 49, x. 44.) [W. S.] [A. S. W.]

ANTECE'NA. [CENA.]

ANTECESSO'RES, called also **ANTECURSO'RES.** **1.** Horse-soldiers, who were accustomed to precede an army on the march, in order to choose a suitable place for the camp, and to make the necessary provisions for the army. They were not merely scouts, like the *speculatores.* (Hirt, *Bell. Afr.* 12, who speaks of *speculatores et antecessores equites;* Suet. *Vitell.* 17; Caes. *B. G.* v. 47.) **2.** Teachers of the Roman law. (Cod. 1, tit. 17, s. 2, §§ 9, 11.) [W. S.]

ANTEFIXA, terra-cottas, which exhibited various ornamental designs, and were used in

architecture to cover the frieze (*zophorus*) or the cornice of a roof. Their proper place was thus under the eaves (*sub stilicidio*, Fest. *s. v.*) and on the sheltered entablature; and there is no occasion for Müller's conjecture *super stilicidio*. But they must also have sometimes stood clear of the roof, as in the case mentioned by Livy (xxvi. 23, 4), when a statue of Victory, falling *de culmine*, i.e. apparently from the *acroteria*, was caught by other Victories which were *in antefixis*. [ACROTERIA.] Etymologically the name might have been applied to any ornaments attached to the fronts of buildings; but in practice it seems to have been limited to those of baked clay (*figulinum opus*, Fest.; *fictilia*, Liv. xxxiv. 4, 4). These terra-cottas do not appear to have been used among the Greeks, but were probably Etrurian in their origin, and were thence taken for the decoration of Roman buildings.

Of the great variety and exquisite beauty of the workmanship, the reader may best form an idea by inspecting the collection of them in the British Museum.

The two imperfect antefixæ, here represented, are among those found at Velletri, and described by Carloni. (*Roma*, 1785.)

Antefixæ.

The first of them must have formed part of the upper border of the frieze, or rather of the cornice. It contains a panther's head, designed to serve as a spout for the rain-water to pass through in descending from the roof. Similar antefixæ, but with comic masks instead of animals' heads, adorned the temple of Isis at Pompeii. For additional examples of ornamental water-spouts or gargoyles, see TEGULA. The second of the above specimens represents two men who have a dispute, and who come before the sceptre-bearing kings, or judges, to have their cause decided. The style of this bas-relief indicates its high antiquity, and, at the same time, proves that the Volsci had attained to considerable taste in their architecture. Their antefixæ are remarkable for being painted: the ground of that here represented is blue; the hair of the six men is black, or brown; their flesh red; their garments white, yellow, and red: the chairs are white. The two holes may be observed, by which this slab was fixed upon the building.

Cato the Censor complained that the Romans of his time began to despise ornaments of this description, and to prefer the marble friezes of Athens and Corinth. (Liv. xxxiv. 4.) The rising taste which Cato deplored may account for the superior beauty of the antefixæ preserved in the British Museum, which were discovered at Rome. A specimen of them is given in the third illustration. It represents Athena superintending the construction of the ship Argo. The man with the hammer and chisel is Argus, who built the vessel under her direction. The

Antefixa.

pilot Tiphys is assisted by her in attaching the sail to the yard. Another specimen of the antefixa is given under the article ANTYX. (Müller, *Etrusker*, ii. p. 247; *Archae l. der Kunst*, § 284.) [J. Y.] [W. W.]

ANTENNA. [NAVIS.]

ANTEPAGMENTA, the jambs of a door-case, often made with an ornamental moulding which projected before the upright pillar (*scapus cardinalis*) on which the door turned, so as to conceal it entirely from view on the outside. (Vitruv. iv. 6; Festus, *s. v.*; Cato, *R. R.* 14, § 4.) The *antepagmentum superius* of Vitruvius (*l. c.*) is a lintel of a door-case similarly made. A door fitted with such jambs and lintel (as many houses at Pompeii are) would be entirely inside its door-case, and could only open inwards; on the other hand, it would not admit draughts (Rich). Vitruvius also uses the word to denote other mouldings, *e.g.* of *mutuli* (iv. 7) or *stilicidia*, in this sense probably the same as *antefixa*. [ANTEFIXA.] [J. H. F.]

ANTEPILA'NI. [EXERCITUS.]

ANTESIGNA'NI. [EXERCITUS.]

ANTESTA'RI. [ACTIO.]

ANTHESPHORIA (ἀνθεσφόρια), a flower or spring festival, principally celebrated in Sicily in honour of Demeter and Persephone, in commemoration of the return of Persephone to her mother in the beginning of spring. It consisted in gathering flowers and twining garlands, because Persephone had been carried off by Pluto while engaged in this occupation. (Pollux, i. 37.) Strabo (vi. p. 256) relates that at Hipponium the women celebrated a similar festival in honour of Demeter, which was probably called anthesphoria, since it was derived from Sicily. The women themselves gathered the flowers for the garlands which they wore on the occasion, and it would have been a disgrace to buy the flowers for that purpose. Anthesphoria were also solemnized in honour of other deities, especially

in honour of Hera, surnamed Ἀνθεία, at Argos (Paus. ii. 22, § 1), where maidens, carrying baskets filled with flowers, went in procession, whilst a tune called ἱεράκιον was played on the flute. (Comp. *Etym. Gud.* p. 57.) Aphrodite, too, was worshipped at Cnossus, under the name Ἀνθεία (Hesych. *s. v.*), and has therefore been compared with Flora, the Roman deity, as the anthesphoria have been with the Roman festival of the *Florifertum* or *Floralia*. [DIONYSIA.] [L. S.]

ANTHESTE'RIA. [DIONYSIA.]

ANTHRACION (ἀνθράκιον, ἐσχάρα, ἐσχαρίς, ἐσχάριον), a small portable stove or brazier, filled with hot coals, and carried from room to room as required, as in Italy in the present day. (Cf. Poll. x. 100, 101.) [J. H. O.]

ANTID'OSIS (ἀντίδοσις), in its literal and general meaning, "an exchange," was, in the language of the Attic courts, peculiarly applied to proceedings under a law which is said to have originated with Solon (Dem. *c. Phaenipp.* init.). It is natural, however, to refer the law to more democratic times; and the orators were in the habit of ascribing to Solon all laws, especially those which they happened to be quoting in a favourable sense. By this law, a citizen nominated to perform a leiturgia, such as a trierarchy or choregia, or to rank among the property-tax payers in a class disproportioned to his means, was empowered to call upon any qualified person not so charged to take the office in his stead, or submit to a complete exchange of property—the charge in question, of course, attaching to the first party, if the exchange were finally effected. For these proceedings the courts were opened at a stated time every year by the magistrates that had official cognisance of the particular subject; such as the strategi in cases of trierarchy and rating to the property-taxes, and the archon in those of choregia. (Dem. *c. Phaenipp.* p. 1040; Meier, *Att. Process*, p. 471; προσκαλεῖσθαί τινα εἰς ἀντίδοσιν, Lysias, *Or.* 24, *pro Inval.* § 10.) If the person challenged could prove that he had already discharged the leiturgia, or was otherwise lawfully exempted, the magistrates might dismiss the case: otherwise the parties proceeded to a διαδικασία or legal award of their respective claims. Each litigant could now repair to the houses and lands of his antagonist, and secure himself, as all the claims and liabilities of the estate were to be transferred, from fraudulent encumbrances of the real property, by observing what mortgage placards (ὅροι), if any, were fixed upon it, and against clandestine removal of the other effects, by sealing up the chambers that contained them, and, if he pleased, by putting bailiffs in the house. (Dem. *c. Phaenipp.* pp. 1040, 1041.) An oath was taken by both parties that each would deliver to the other, within three days, a correct inventory (ἀπόφασις) of their respective properties (Dem. *c. Phaenipp.* p. 1042, § 11): but in practice the time might be extended by consent of the challenger. All immovable and movable property was transferred in the exchange, with the exception of mines, which were exempted from the extraordinary taxes and leiturgiae, as being already taxed: and all claims and obligations attached to it, and particularly all debts, were included in the transfer, as may be seen from the speech against Phaenippus. The notion of some of the older scholars, that actions not referring to property were also transferred from the one to the other, is justly pronounced by Böckh "too absurd to be imputed to the Athenian law" (*Publ. Econ.* p. 582, E. T.). The case of Demosthenes, who was challenged to an antidosis by Thrasylochus, in collusion with his guardians, at the moment when he was bringing his action against the latter to recover his property, and who performed the trierarchy rather than surrender his claims, is an instructive example of the operation of this law in real life. (Dem. *c. Aphob.* ii. pp. 840–1; *c. Meid.* pp. 539–40.) The speech of Isocrates on the Antidosis is a fiction based on a fact (Jebb, *Att. Or.* ii. 135).

Prof. Mahaffy's remarks on the absurdity of this law are by no means too strong: "It seems simply the legislation of the Athenian mob about property which they had never possessed, and did not understand; for the other alternative — that Athenian properties were small or of a simple nature, like our rentals of estates—is refuted by the many descriptions of property in the orators. It is in fact inexplicable that any intelligent people should have tolerated such a law, and it is conclusive against the business capacity of the men who tolerated it" (Mahaffy, *Social Life in Greece*, p. 409, ed. 3). [J. S. M.] [W. W.]

ANTIGONEIA (ἀντιγόνεια), sacrifices instituted by Aratus and celebrated at Sicyon with paeans, processions, and contests, in honour of Antigonus Doson, with whom Aratus formed an alliance for the purpose of thwarting the plans of Cleomenes. (Plut. *Cleom.* 16, *Arat.* 45; Polyb. xxviii. 16, xxx. 20.) [L. S.]

ANTIGRAPHE' (ἀντιγραφή) originally signified the writing put in by the defendant in all causes, whether public or private, in answer to the indictment or bill of the prosecutor. But we find the term employed not only for the answer of the defendant, but also for the statement of the plaint (Harpocrat. *s. v.* ἀντιγραφή: Plato, *Apol. Socr.* p. 27 C; Schömann, *Antiquities*, p. 484, E. T., in correction of his former views in *Att. Process*). Thus the word "plea," though by no means a coincident term, may be allowed to be a tolerably proximate rendering of antigraphé.

In Attic law, the defendant's answer might consist in a direct denial of the facts alleged, or a justification, leading to a trial on the merits of the case (εὐθυδικία). Thus, the ἀντιγραφὴ preserved or inserted in Dem. *in Steph.* i. p. 1115, is an instance of the simplest form of indictment and plea: "Apollodorus, the son of Pasion of Acharnae, against Stephanus, son of Menecles of Acharnae, for perjury. The penalty rated, a talent. Stephanus bore false witness against me, when he gave in evidence the matters written in the record. I Stephanus, son of Menecles of Acharnae, witnessed truly when I gave in evidence the matters written in the record." On this passage C. R. Kennedy notes: "The two pleadings together, the plaint on the left side, the plea on the right, form (as we should say) the issue on the record. The deposition complained of was annexed."

The defendant might also, by pleas asserting the incompetency of the court, the disability of the plaintiff, his own privilege, and the like, try to show that the cause in its present state could

not be brought into court (*μὴ εἰσαγώγιμον εἶναι τὴν δίκην*). This form of the *ἀντιγραφὴ* was called *παραγραφή*, dilatory plea or "demurrer," and is treated in a separate article [PARAGRAPHÉ].

A third case is that in which the defendant neither meets the allegations of the plaintiff with a direct negative, nor with a demurrer, but resorts to a "cross-action." This, according to Caillemer, is the most exact sense of *ἀντιγραφή*. The subject-matter of this cross-action might or might not be connected with that of the suit upon which it retaliated. For instance, the Demosthenic speech against Evergus and Mnesibulus is a cross-action for assault (*αἰκίας*) upon a primary action for the same: Boeotus meets the claim of his half-brother Mantitheus to a talent as his mother's dowry, with a counter-claim for the same sum (*τὴν ἴσην προῖκα*) as the dower of his own mother Plango, and the speech *περὶ προικὸς μητρῴας* is the reply of Mantitheus to this cross-action. As an example of the opposite sort, Aeschines, impeached by Timarchus for misconduct on an embassy (*παραπρεσβεία*), arraigns the life and morals of his accuser on a charge which, if proved, involved the penalty of *ἀτιμία*, and so disqualified Timarchus from appearing as a prosecutor in a court of law.

As a check upon vexatious defence as well as frivolous litigation, the loser in a paragraphé (and of course in a cross-action as well) was condemned to pay the *ἐπωβελία* or penalty attaching to plaintiffs who failed to obtain one-fifth of the votes. As regarded public causes, the statutable penalty of 1000 drachmas was doubtless enforced in cross as in primary actions. [EPOBELIA.]

There is yet another sense of the word *ἀντιγραφή*, in the case of persons who laid claim to an unassigned inheritance. Here, none of the claimants was, properly speaking, either plaintiff or defendant; that is, no *δίκη* or *ἔγκλημα* could be strictly said to be directed by one competitor against another, when all came forward voluntarily into court to defend their several titles. This circumstance has been suggested by Schömann as a reason why the documents of each claimant were denoted by the term *ἀντιγραφή* (*Att. Process*, p. 465). [J. S. M.] [W. W.]

ANTIGRAPHEÍS (*ἀντιγραφεῖς*), checking-clerks, *contrarotulatores*, *contrôleurs*. Efficient checks on the handling of public funds, whether municipal or national, were even more necessary among the Greeks than in modern civilised countries; and the Athenians, with their deep distrust of official honesty, sought refuge in multiplying such checks. Hence it was the rule in Athenian finance, that wherever there was a public officer entrusted with the payment of money, there was by his side an *ἀντιγραφεὺς* who watched over him and kept duplicate accounts. Thus it is proved by inscriptions that there was an *ἀντιγραφεὺς* to each deme (*C. I. G.* 100); and a general in the field disposed of his military chest subject to a like control. (Dem. *de Chers.* p. 101, § 47.) The administrators of sacred funds, such as the *ταμίαι τῆς θεοῦ* and the *ἑλληνοταμίαι* or treasurers of Delos, were similarly controlled (Inscr. 139, 141, 150, 158).

Two of these *ἀντιγραφεῖς* stand out from the rest as important public officers; the *ἀντιγραφεὺς τῆς διοικήσεως* and the *ἀντιγραφεὺς τῆς βουλῆς* (Harpocrat., Suid. *s. v.*). The office of the former was to control the expenditure of the public treasury (*διοίκησις*), and to lay the revenue accounts before the people in every prytany, so that he was a check upon the *ἀποδέκται* [APODECTAE]. This must be the officer described by Aeschines (*in Ctes.* § 25) as "formerly" elected by *χειροτονία*: his further statement, that at one time the Athenians had carried their confidence in Eubulus so far as to unite the offices of the *ἀντιγραφεῖς* and *ἀποδέκται* in the same persons, is either a rhetorical exaggeration, or, if true, an instance of their infatuation where the Theoric fund was concerned [THEORICA]. Androtion's auditing of his own accounts is represented by Demosthenes as an act of equal dishonesty and impudence.

The *ἀντιγραφεὺς τῆς βουλῆς* was originally elected by the people, but afterwards appointed by lot from the senate itself; always, it would seem, from the non-presiding tribes, the prytanes being excluded (*C. I. G.* 190). He was always present at the meeting of the senate, and checked the accounts of moneys paid into its keeping (Pollux, viii. 98); but he is to be distinguished from the *γραμματεὺς* who prefixed his name to its decrees. He controlled financial matters only, not business generally.

The account of the checking-clerks in Böckh (*P. E.* bk. ii. ch. 8) contains many inaccuracies in the first edition, from which the English translation most in use is taken; and these are not entirely corrected in the second edition. (Compare Schömann, *Assemblies*, pp. 287, 318–19; *Antiq.* p. 378; Hermann, *Staatsalterth.* § 127, n. 17 and 18; Wayte on Demosth. *Androt.* p. 605, § 38, p. 615, § 70.) [W. W.]

ANTINOEIA (*ἀντινόεια*), annual festivals and quinquennial games, which the Roman emperor Hadrian instituted in honour of his favourite, Antinous, after he was drowned in the Nile, or, according to others, had sacrificed himself for his sovereign, in a fit of religious fanaticism. The festivals were celebrated at Athens, Eleusis, in Bithynia, at Argos, and Mantineia, in which places he was worshipped as a god. Afterwards this festival appears to have been discontinued. (Spart. *Hadr.*, c. 14; Dio Cass. lxix. 10; Paus. viii. 9, § 4; Boeckh, *C. I. G.* 1124.) [L. S.]

ANTLIA (*ἀντλία*, *ἀντλίον*), any machine for raising water. [COCHLEA; GIRGILLUS; ROTA AQUARIA; SIPHO; TOLLENO; TYMPANUM.] The figure on the next column shows a machine which is still used in Tyrol and other Alpine countries. As the current puts the wheel in motion, the jars on its margin are successively immersed and filled with water. When they reach the top, the water is sent into a trough, from which it is conveyed to a distance, and chiefly used for irrigation. Lucretius (v. 516) mentions a machine constructed on this principle: "Ut fluvios versare rotas atque haustra videmus."

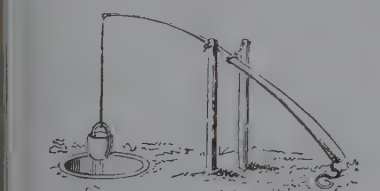
In situations where the water was at rest, as in a pond or a well, or where the current was too slow and feeble to put the machine in motion, it was constructed so as to be wrought by animal force, and slaves or criminals were commonly employed for the purpose (*in antliam con-*

demnare, Suet. *Tib.* 51). Five such machines are described by Vitruvius, in addition to that

Machine for raising water in Tyrol.

which has been already explained, and which, as he observes, was turned *sine operarum calcatura, ipsius fluminis impulsu*. These five (on which details will be found *sub vocc.*) were, 1, the tympanum,—a tread-wheel, wrought *hominibus calcantibus:* 2, a wheel (*rota*) resembling that in the preceding figure, but having, instead of pots, wooden boxes or buckets (*modioli quadrati*), so arranged as to form steps for those who trod the wheel: 3, the chain-pump (*tolleno*): 4, the *cochlea*, or Archimedes' screw: and 5, the *ctesibica machina*, or forcing-pump. (Vitruv. x. 4–7; Drieberg, *Pneum. Erfindungen der Griechen*, pp. 44–50.)

On the other hand, the antlia with which Martial (ix. 18, 4) watered his garden was probably the pole and bucket universally employed in Italy, Greece, and Egypt. The pole is curved, as shown in the annexed figure; because it is the

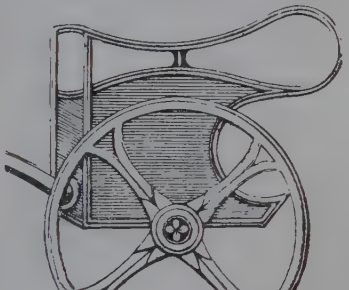


Bucket for raising water.

stem of a fir, or some other tapering tree. The bucket, being attached to the top of the tree, bends it by its weight; and the thickness of the other extremity serves as a counterpoise. The great antiquity of this method of raising water is proved by representations of it in Egyptian paintings. (Wilkinson, *Manners and Cust. of Anc. Egypt.* ii. 1–4; see also *Pitt. d'Ercolano*, vol. i. p. 257.) [J. Y.] [A. G.]

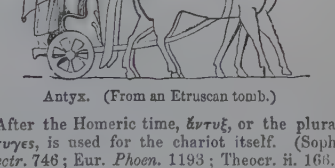
ANTOMOSIA (ἀντωμοσία). [ANAKRISIS; PARAGRAPHÉ.]

ANTYX (ἄντυξ), the edge or border of any circular object. **1.** The rim of the round shield (*Il.* vi. 118, xiv. 412, xviii. 479). See examples of the *antyx* of a shield in drawings to ANTEFIXA, ARMA, CLIPEUS. **2.** Specially the outside rim or rail, that formed the edge of the car in the Homeric chariot (*Etym. M.* and Zonar. *s. v.*). It seems to have been usually made of some kind of pliant wood, as for instance of the shoots of the wild fig (*Il.* xxi. 38), and was used to give stability to the car, which was often made of wicker-work. It rose to some height in front, so that the reins could be fastened to it when the driver left the chariot (*Il.* v. 262; cf. Eurip. *Hipp.* 1188), and projected on each side in a loop behind, to assist him in mounting. A second rail seems often to have been added, as for instance in the chariot of Hera, of which Homer says δοιαὶ δὲ περίδρομοι ἄντυγές εἰσιν (*Il.* v. 728). The accompanying engraving shows



Antyx. (Ginzrot, *Wagen und Fuhrwerke*, Pl. xxix. fig. 5.)

the ἄντυξ, and the Greek vases represent an enormous variety. A simple form of it is exhibited in the annexed woodcut, from an *antefixum*.



Antyx. (From an Etruscan tomb.)

After the Homeric time, ἄντυξ, or the plural ἄντυγες, is used for the chariot itself. (Soph. *Electr.* 746; Eur. *Phoen.* 1193; Theocr. ii. 166.) [CURRUS.] [J. Y.] [J. H. O.]

A'NULUS or ANN'ULUS (δακτύλιος), derived from the same root as ἀμφί, meaning something which goes round (cf. *annus;* Corssen, *Beitr.* p. 316), was used for a ring of

any kind, especially a finger-ring. This was originally called in Latin *ungulus* (Fest., p. 375; Plin. *H. N.* xxxiii. § 10).

In the earliest times the ring was used, not as an ornament, but as a seal (Macrob. *Sat.* vii. 13, § 12). How ancient the custom of wearing rings among the Greeks was, cannot be ascertained; though it is certain, as even Pliny (*H. N.* xxxiii. § 12) observes, that in the Homeric poems there are no traces of it. In works of fiction, however, and in those legends in which the customs of later ages are mixed up with those of the earliest times, we find the most ancient heroes described as wearing rings. (Paus. i. 17, § 3, x. 30, § 2; Eurip. *Iphig. Aul.* 154, *Hippol.* 862.) But it is highly probable that the custom of wearing rings was introduced into Greece from Asia, where it appears to have been almost universal. (Herod. i. 195; Plat. *Rep.* ii. 359 E.) From Asia Minor to Greece proper the transition of fashion was expeditious, and the signet, now for the first time worn mounted as a *finger-ring*, came into universal favour among all the Hellenic population. This was a new method for securing the engraved stone: for the original inventors of seal-engraving had worn and continued to wear down to the very close of their history (even to the date of the Arabian conquest), the cylinder or the conical seal as the ornament of the bracelet or the necklace, &c. That this invention (sc. the finger-ring) should be ascribed to Prometheus, a Grecian hero, and its designation δακτύλιος a word of native origin (unlike those of many other personal ornaments, evidently of a foreign root: μανιάκης ψέλλιον, for example), are considerations going far to prove that this latest and most permanent fashion was purely an innovation of the Greeks. Besides this, we have the express statement of Pliny (xxxiii. 4), that the use of the finger-ring was introduced amongst the Romans from Greece: "E Graecia fuit origo unde hic anulorum usus venit." (King, *Handbook of Engraved Gems*, 1885, pp. 12, 13.) In the time of Solon seal-rings (σφραγῖδες), as well as the practice of counterfeiting them, seem to have been rather common, for Diogenes Laërtius (i. 57) speaks of a law of Solon which forbade the artist to keep the form of a seal (σφραγίς) which he had sold. (Allusion to counterfeit seals in Aristoph. *Thesm.* 432; Thuc. i. 132.) Whether, however, it was customary as early as the time of Solon to wear rings with precious stones on which figures were engraved, may justly be doubted; and it is much more probable that at that time the figures were cut in the metal of the ring itself, a custom which was never abandoned altogether. King (*l. c.* p. 3) agrees with Lessing, that the signet-ring was not worn by the Greeks till about the beginning of the Peloponnesian War; otherwise Herodotus (*l. c.*) would have mentioned the Babylonians wearing the signet suspended from their *wrist* or *neck* as a striking peculiarity, which he does not. Rings without precious stones were called ἀπείρονες, ἄπειροι, ἄλιθοι, ἄψηφοι, the name of the gem being ψῆφος or σφραγίς, which was set in a bezel (σφενδόνη, πυελίς, μάνδρα, *funda*, *pala*). In later times rings were worn more as ornaments than as articles for use, and persons now were no longer satisfied with one, but wore two (Plat. *Hipp. Min.* p. 368 C), three, or even more rings (Dinarch. *in Demosth.* § 36; Diog. Laërt. v. 1); and Suidas says (*s. v.* σφραγίς) that some regularly loaded their hands with rings. Greek women likewise used to wear rings (Aristoph. *Thesm.* frag. 320, 12, Kock; Ter. *Heaut.* iv. 1, 37; *Hecyr.* iv. 1, 59; Poll. ii. 155), but not so frequently as men; the rings of women appear to have been less costly than those of men, for some are mentioned which were made of amber, ivory, &c. (Artemid. *Oneir.* ii. 5.) Rings were mostly worn on the left hand and third finger (παράμεσος, Plut. *Sympos. Frag.* iv. 8; Gell. x. 10), but also on the little finger (Lucian, *Dial. Mercr.* 9, 2). Indeed, Pliny says (*H. N.* xxxiii. § 24) that they were worn first on the third, then on the first, and finally on the little finger; and Macrobius (*Sat.* vii. 13, § 15), quoting Ateius Capito, says that originally they were worn on any finger of either hand. But they do not seem to have been ever worn on the second finger (*digitus infamis*). An Etruscan tomb exhibits rings on the upper joints of the fingers. (See cut on p. 132.)

The Lacedaemonians are said to have used iron rings at all times. (Plin. *H. N.* xxxiii. § 9.) With the exception perhaps of Sparta, the law does not appear to have ever attempted in any Greek state to counteract the great partiality for this luxury; and nowhere in Greece does the right of wearing a gold ring appear to have been confined to a particular order or class of citizens.

The custom of wearing rings was believed to have been introduced into Rome by the Sabines, who are described in the early legends as wearing gold rings with precious stones (*gemmati anuli*) of great beauty (Liv. i. 11; Dionys. ii. 38). Florus (i. 5) states that it was introduced from Etruria in the reign of Tarquinius Priscus, and Pliny (*l. c.*) derives it from Greece. The fact that among the statues of the Roman kings in the Capitol, two, Numa and Servius Tullius, were represented with rings, can scarcely be adduced as an argument for their early use, as later artists would naturally represent the kings with such insignia as characterised the highest magistrates in later times. But at whatever time rings may have become customary at Rome, thus much is certain, that at first they were generally of iron, but often of stone (King, *Antique Gems*, p. 176, ed. 1860), that they were destined for the same purpose as in Greece—namely, to be used as seals — and that every free Roman had a right to use such a ring. This iron ring was used down to the last period of the republic by such men as loved the simplicity of the good old times, and retained its place in the ceremony of betrothal. Marius wore an iron ring in his triumph over Jugurtha, and several noble families adhered to the ancient custom, and never wore gold ones. (Plin. *H. N.* xxxiii. §§ 12, 21.)

When senators in the early times of the republic were sent as ambassadors to a foreign state, they wore during the time of their mission, and on public occasions afterwards, perhaps, gold rings, which they received from the state; in private they wore their iron ones. (Plin. *H. N.* xxxiii. § 11; Isidor. *Orig.* xix. 32, 3.)

Rings with us are mainly associated with marriage, an association borrowed from the Romans. As already mentioned, the *anulus pronubus* was originally of iron, without a stone, and continued to be so even to a late period (Plin. *H. N.* xxxiii. § 12); though Tertullian (*Apol.* 6) says the

marriage ring was just the one gold ornament women wore in the good old times. Marriage rings with precious stones must also have been used, as such are found on ancient figures (Rossbach, *Hochzeitsdenkm.* p. 27). The ring was an earnest given by the bridegroom for the fulfilment of the contract of marriage (cf. *pignus*, Juv. vi. 27; Dig. 24, 1, 36, § 1), as we may see from the fact that in mere mercantile contracts a ring was often given as a pledge (Dig. 14. 3, 5, § 15; cf. Ter. *Eun.* iii. 4, 3).

The practical purposes for which rings, or rather the figures engraved upon them, were used by the Greeks and Romans, were the same as those for which we use our seals. Besides this, however, persons, when they left their houses, used to seal up such parts as contained stores or valuable things, in order to secure them from thieves or slaves (Arist. *Thesm.* 415 *sqq.*; Plat. *Legg.* 954; Athen. p. 34 a; Plaut. *Cas.* ii. 1, 1; Cic. *ad Fam.* xvi. 26, *de Orat.* ii. 61, 248; Martial, ix. 88; Mayor on Juv. xiv. 132). The housekeeper used to carry a seal for this purpose (Arist. *Eq.* 948; Plut. *Alex.* 9); and we have still remaining rings with a key attached. The ring of a Roman emperor was a kind of state-seal, and the emperor sometimes allowed the use of it to such persons as he wished to be regarded as his representatives (Dio Cass. lxvi. 2). The keeping of the imperial seal-ring was entrusted to an especial officer (*cura anuli*, Just. *Hist.* xliii. 5). The signs engraved upon rings were very various, as we may judge from the specimens still extant: they were portraits of ancestors, or friends, subjects connected with mythology or the worship of the gods; and in many cases a person had engraved upon his seal symbolical allusions to the real or mythical history of his family. (Cic. *in Catil.* iii. 5; *de Finib.* v. 1; Val. Max. iii. 5, 1; Suet. *Tib.* 58.) Like our crests, different families seem to have had distinct seals: *e.g.* the seal of Galba's family was a dog leaping from a ship's prow (Dio Cass. li. 3). Sulla thus wore a ring with a gem, on which Jugurtha was represented at the moment he was made prisoner (Plin. *H. N.* xxxvii. § 8; Plut. *Mar.* 14). Pompey used a ring on which three trophies were represented (Dio Cass. xliii. 18), and Augustus at first sealed with a sphinx, afterwards with a portrait of Alexander the Great, and at last with his own portrait, which was subsequently done by several emperors. (Plin. *H. N.* xxxvii. § 10; Suet. *Aug.* 50; Dio Cass. li. 3.) Hadrian's seal had his own image on it (Spart. *Hadr.* 26). The Empire is the grand era of portraits on gems. See the interesting discussion in King, *Handbook*, pp. 53 ff., who quotes Ovid, *Trist.* i. 7, 5, and many other instances.

Ring with Key attached. (British Museum.)

The principal value of a ring consisted in the gem framed in it, or rather in the workmanship of the engraver. The stone most frequently used was the onyx, on account of its various colours, of which the artists made the most skilful use. The elder Scipio was the first Roman who wore a ring with a sardonyx (Pliny, *H. N.* xxxvii. § 85). The Greek engravers of the best times had contented themselves with the sard, banded agate, and amethyst as the materials for their art. The Romans attacked the more precious stones in spite of their hardness—the ruby, the sapphire, and the amethyst (King, *l. c.* p. 40). Besides rings having a seal-stamp on them, we find camei also. (Senec. *Benef.* iii. 26; Plin. xxxvii. § 173.) We have many rings with inscriptions on them—χαρά, χαρὰ τῇ φορούσῃ, ἔτη χίλια ζήσῃς (Becker-Göll, iii. p. 280)—presents given to girls (Mart. viii. 5); and these "motto-camei" are very common from Diocletian's time (King, *Handbook*, p. 77). Indeed in the wearing of rings the Roman ladies do not seem to have been wanting (Tert. *Apol.* 6); and in one of the graves at Kertsch a woman was found with eight rings. We know that the ring followed the wearer in death (Propert. v. 7, 9). In the art of engraving figures upon gems, the ancients in point of beauty and execution far surpass everything in this department that modern times can boast of. The ring itself, in which the gem was set, was likewise in many cases of beautiful workmanship.

Reversible Ring. (D. and S.)

The stone and its setting sometimes revolved on an axis, having on one side a figure in relief, on the other an intaglio. Sometimes the rings were spirals, resembling serpents, like many of our bracelets; and we find rings of chased gold with each side ending in a serpent's head. Originally among the Romans men wore only one ring and women none, except the one which a bride received from the bridegroom (Isidor. *l. c.*); but with the increasing love of luxury and show the Romans covered their fingers with rings (Quintil. xi. 3, § 142; Petron. 32). Lucian (*Gall.* c. 12), ridiculing the rich, speaks of sixteen rings. Martial (xi. 59) tells of a man who wore six on every finger; and of another (xi. 37) who had a ring of such a monstrous size that he recommends him to wear it on his leg instead of his finger. Some even used different rings for summer and winter, those for the latter season being too heavy for hot weather. (Juv. i. 28, with Schol.; cf. Dennis, *Etruria*, i. p. 476.) Clement of Alexandria (*Paedagog.* iii. 11, pp. 288–9, ed. Potter) says men are not to wear the ring on the joint (ἐπ' ἄρθρῳ), for this is feminine, but to place it or the little finger at the root: for so the hand will be freest to work, and the signet will not easily fall off. And our seals (he goes on) should be a dove or a fish or a ship scudding before the wind, or a musical lyre which Polycrates used, or a ship's anchor. We are not to delineate the faces of idols; nor a sword, nor a bow, following as

Snake-ring. (British Museum.)

we do peace; nor drinking cups, being temperate. Many of the licentious (he tells us also) have their lovers or their mistresses engraved on their seals. Thus, contrary to our modern custom, rings appear to have been worn on the *joints* of the fingers; and if more than one was worn on one finger, the rings were placed on different joints, not worn together and touching each other, as with us. This is exemplified in the accompanying cut from an Etruscan tomb. The materials used for rings, as exemplified in European collections, were iron, bronze, gold, silver, lead, zinc, amber, and ivory. Rings, especially among the Greeks, were often regarded as talismans (Aristoph. *Plut.* 884). For famous rings with magic powers, compare that of Gyges (Plat. *Rep.* 359), Chariclea (Heliod. *Aeth.* iv. 8), Eucrates (Lucian, *Philopseud.* 17), and more in King, *Handbook*, p. 134 foll. Rings were kept in a box called *dactyliotheca*, a name also applied to a collection of rings. (Mart. xi. 59, xiv. 123; Plin. *H. N.* xxxvii. § 11.) On ear-rings, see INAURES.

Hand from an Etruscan tomb, wearing Rings.

JUS ANULI AUREI. The Roman gold ring appears to have been originally a military distinction given for success in dealing with the enemy. This may be seen from the formula for the most part preserved in Cicero, and which has been restored as follows (*Verr.* iii. 80, 187): "Quando tu quidem in praelio in bello iure militari nunquam mihi defuisti, omnibusque in iisdem periculis et in legatione et in praetura et hac in provincia versatus es; ob eas causas hoc anulo aureo te dono:"—and also from the fact that it was the praetor or provincial governor (Cic. *Verr. l. c.*) who bestowed it (cf. Acron on Hor. *Sat.* ii. 7, 53; Suet. *Jul.* 33, 39). As is natural with such distinctions in a militant state, it came to be bestowed on the chief civil magistrates, and we find it in rather early times belonging to the *nobiles*, and like many other distinctions transmissible to their descendants. (Liv. ix. 46, 12; Plin. *H. N.* xxxiii. § 18.) It did not belong to the senators as such (Plin. *H. N.* xxxiii. §§ 12 and 21); but, military distinction as it was originally, the most distinguished military class naturally obtained it, and thus we find that the flower of the knights, the *equites equo publico*—those whom Livy (xxiii. 12, 2) styles *eorum ipsorum primores*, and Pliny (*H. N.* xxxiii. § 36) *trossuli*—must have had this badge, else the story of the bushels of rings taken from the Romans who fell at Cannae, which Mago emptied in the senate at Carthage, would be extravagant exaggeration. The *tribuni militum* also wore gold rings, according to Appian (*Pun.* 104). Such a distinction showed that these knights were regarded as attached to the *nobiles*, and forming with them the aristocracy. The rest of the knights, those *equo privato*, at all events as early as B.C. 171, must be considered as not having this distinction, and being in class-antagonism to the rest of the knights; for these latter, the *primores civitatis*, when Claudius was condemned by eight centuries of knights out of twelve, in sign of supplication, as we are told (Liv. xliii. 16, 14), laid aside their rings. But history shows us that the lower classes encroach upon the class distinctions of the higher, and these latter do not resist when there is need to conciliate or to fear the former. So that we may admit that during the following century this encroachment was going on, and that *publicani* and their sons began to appropriate this distinction of the ring (Lange, *Röm. Alt.* ii. 163); and that by the time of Caius Gracchus the ring was virtually, though not formally, a class-distinction of the knights, though the senators also who were *nobiles*, or who had served as *legati*, had the privilege of wearing the *anulus aureus*. We say "virtually, not formally," because all the knights even did not wear it as late as 90 B.C. (Plin. *H. N.* xxxiii. § 21.) Etiquette no doubt did not prescribe it as necessary, and so there must have been many who objected to it as an exhibition of new-fangled ostentation. (Cf. Plin. *l. c.* about the Quintii.)

In the later times of the Republic, we hear of several instances of the *anulus aureus* being given by grant of the military commander or provincial governor. The grantee was always supposed to have the requisite census, or else it was given him by the grantor. (Cic. *Verr.* iii. 80, 187.) The gift of the ring was equivalent to elevation to knighthood, and brought with it all the privileges granted to the knights by the Aurelian and Roscian laws. Sulla gave it to the actor Roscius (Macrob. *Sat.* ii. 10); Balbus, the quaestor at Gades, to another actor, Herennius Gallus (Cic. *ad Fam.* x. 32, 2); Verres to his scribe, Maevius (Cic. *Verr.* iii. 80, 184). But, by the way Cicero speaks of this latter case, we cannot suppose that the bestowal of knighthood was very common or much abused under the Republic.

More extensive and worse-bestowed no doubt were the special grants during the Empire, when the emperor, as holding the imperium, had the right of bestowing the ring at will. Many who were unworthy, both by birth and character, obtained it—Icelus (Suet. *Galb.* 14), Asiaticus (Tac. *Hist.* ii. 57), Hormus (Tac. *Hist.* iv. 39), &c. But really it was by encroachment, only half-heartedly opposed, that the abuse spread. The equestrian census had been fixed at 400,000 sesterces, and this qualification was requisite for one to serve in any of the first three decuries of judges under Augustus. (See JUDEX, and Walter, *Gesch. des röm. Rechts*, § 353.) Free-birth was always presupposed, and the money was the requirement principally insisted upon. But the increasing influence and wealth of freedmen under the early empire enabled many of them to attain the dignity of the *anulus aureus*. Augustus had given it to Vinius Philopoemen, to Menas (Suet. *Aug.* 27, 74), to Antonius Musa, to Vedius Pollio (Dio Cass. liii. 30, liv. 23); but so many more had assumed it without warrant that a decree of the senate was passed in the reign of Tiberius (A.D. 23) enacting that no one who had not the qualifications of (1) the census, (2) birth of free father and grandfather, could be a knight or could wear the ring; and Pliny (*H. N.* xxxiii. § 32) justly regards this as the

final establishment of the equestrian order. The ring was lost by loss of the census (Mart. ii. 57) or by conviction for some crime (*e. g.* Arellius Fuscus for false accusation, Plin. *H. N.* xxxiii. § 151). Again the Lex Visellia (A.D. 24) punished those freedmen who usurped the privileges of *ingenuitas* (Cod. Just. 9, 21; 11, 31; 10, 32. 1). [On the question of the date of this law, see Walter, *l. c.*, note 25.] Yet none the less did the encroachments continue. Four hundred men who had usurped the ring and the privileges of knighthood were deprived of their goods by Claudius (Plin. *H. N.* xxxiii. § 8). Even those who had not the requisite census encroached; and this is the burden of complaint in the Flavian writers that not only any "son of a peak-snatcher," if he have the census (Juv. iii. 157 ff.), but even those who have not the census, assume the equestrian privilege of sitting in the first fourteen rows in the theatre; and hard and ineffectual work Leitus and Oceanus, the box-keepers, had in endeavouring to turn the intruders out (Mart. iii. 95, 10; v. 8, 12; 25, 1; 27, 4). So the ring practically ceased to be the symbol of either wealth or birth; and finally positive law, which follows in the wake of usage, under Hadrian enacted that the *ius anuli aurei* attested merely that the wearer was to be considered freeborn, and in the case of a freedman did not impair the rights of his patron. The patron had to give his consent to the freedman getting the *ius anuli*. Women too got the right (Dig. 40, 10, 6, 3, 4). The sole privilege the *ius anuli* now brought was that of obtaining office (Capit. *Macr.* 4). In fact, as the Vatican Fragment (226) says: "Jus anulorum ingenuitatis imaginem praestat salvo iure patroni patronique liberorum." And when this was established by law as all that the privilege of the ring really meant, the competition for it died out, and in Justinian's time all free men could legally wear the gold ring (Isid. *Orig.* xix. 32).

During the early empire it had been brought about that certain positions in the army should lead to the equestrian dignity, and enable the holder to proceed on the equestrian career, which might result in his obtaining one of the higher procuratorships. One of these was the *tribunatus legionis*. Thus Juvenal says (vii. 88) of Paris: "Semestri digitos vatum circumligat auro," which means "the ring (*i.e.* equestrian rank) won by six months' service." (See Mayor's note.) [Full details on this point will be found in the chapter of Hirschfeld's *Verwaltungsgeschichte*, entitled, "Die procuratorische Carrière."] But by Hadrian's time, as we saw, the gold ring did not carry with it equestrian dignity. It was only a sign of quasi-ingenuitas, and as such was given to all the soldiers by Septimius Severus, A.D. 197 (Herodian, iii. 8, 5). The soldiers at all times appear to have worn the iron ring (App. *Pun.* 104).

For innumerable examples of class-ornaments (such as swords, spurs, &c.) gradually coming to be used by all classes promiscuously, by encroachment, in spite of interdicts, see Herbert Spencer, *Ceremonial Institutions*, chapter ix., who alludes there to the *ius anuli aurei*. (Fortunius Licetus, *De Annulis Antiquis*, Utini, 1614, 1645; Kitsch, *De Annulorum origine*, Lips. 1614; Kirchmann, *De Annulis*, Slevici, 1657; Curtius, *De Annulis Syntagma*, Antverp. 1706; Hermann, *Griech. Antiqu.* iv.[3] p. 197; Böttiger, *Sabina*, ii. p. 157 *seq.*; Becker-Göll, *Charikles*, i. 306 ff.; *Gallus*, ii. 21, iii. 243 ff.; King, *Handbook of Engraved Gems*, 1885; Burmann, *De Jure Annulorum*, Traj. ad Rhen., 1734; Lange, *Röm. Alterth.* ii. 8, 163; Marquardt, *Privatleben*, 680 ff.; Daremberg and Saglio, *s. v.*) [L. C. P.]

APAG'ELI (*ἀπάγελοι*). [AGELA.]

APAGO'GE (*ἀπαγωγή*) was the act of arresting a person and carrying him off to prison. It was usually carried out by the magistrate or his officer, whether after *ἔνδειξις*, or the laying of a written information, or by *ἐφήγησις*, when the prosecutor applied first to the magistrate and conducted him to the spot where the capture was to be effected [ENDEIXIS]. As a law term, *ἀπαγωγὴ* had also a more technical meaning as distinguished from *ἔνδειξις* and *ἐφήγησις*. In certain specified cases the complainant was allowed to apprehend at his own risk a culprit caught *flagrante delicto* (*ἐπ' αὐτοφώρῳ*), and carry him off to prison or bring him before a magistrate, afterwards giving the particulars of the charge in writing. If the prosecutor failed to obtain a fifth of the votes on the trial which followed, he forfeited, as usual, 1000 drachmas; but in this instance he ran the further risk of resistance from a powerful criminal. Hence it was the remedy only of the strong and self-reliant. (Dem. *c. Androt.* p. 601, § 26: compare *c. Aristocr.* p. 647, § 80; *c. Timocr.* pp. 735–6, §§ 113, 114; *Boeot. de Nom.* p. 998, § 14.) To check the cruelties of private vengeance, no man might imprison another in his own house. (Dem. *c. Aristocr.* p. 630, § 32; p. 647, § 80.)

This summary *ἀπαγωγὴ* was allowed only in the case of the most atrocious and usually capital crimes: *κακοῦργοι, οἱ τὰ μέγιστα ἀδικοῦντες* are the phrases of the grammarians. Such were murder or attempted murder, man-stealing, house-breaking (*ἀνδροφόνοι, ἀνδραποδισταί, τοιχώρυχοι*), aggravated assault, such as that described in the *Conon* of Demosthenes (*αἰκία*), and robbery with violence or at night. Simple theft in the day-time was only liable to *ἀπαγωγὴ* when the value of the stolen goods exceeded 50 drachmas, except in cases where property in exposed situations was protected by special laws making 10 drachmas the limit; among these, stealing clothes or utensils from the public baths or gymnasia, and stores from the harbours, are specified. (Dem. *c. Timocr. l. c.*; *ἡ τῶν λωποδυτῶν ἀπαγωγή*, *c. Conon*, *init.*) To these may be added homicides returning from banishment without a legal pardon (Dem. *c. Aristocr.* p. 630, § 31), the grosser forms of impiety and sacrilege (*ἀσεβεῖς, ἱερόσυλοι*, id. *c. Androt.* p. 601, § 27), and *συκοφάνται* in certain cases (*τὸν συκοφαντοῦντα τοὺς ἐμπόρους*, id. *c. Theocrin.* p. 1324, § 10). Some other alleged instances rest upon doubtful or misinterpreted passages. Thus, it has been wrongly inferred from a so-called "law" (*ap.* Dem. *c. Timocr.* p. 733, § 105) that *ἀστράτεια* and *κάκωσις γονέων* came under this rule. We know from the text of Demosthenes (*l. c.* § 103) that the punishment for these offences was *ἀτιμία*, involving exclusion from the Ecclesia and from certain sacred rights; and it is the trespassing upon forbidden precincts, not the original offences, to which this penalty is assigned

by the orator. Aeschines mentions the ἀπαγωγὴ of the corruptors of youth (*c. Timarch.* § 43), and of adulterers (*ib.* § 91): the former of these is likely enough, but the injured husband, as is known, might carry his vengeance much beyond simple imprisonment [ADULTERIUM]. It is difficult to believe, on the strength of a passage of uncertain authorship, that a μέτοικος might be summarily arrested on the bare suspicion of not having paid his μετοίκιον: the act, if it really took place, seems to have been one of mere lawless violence ([Dem.] *c. Aristog.* i. p. 787, § 57). And when we read the half-playful remark, that Socrates in any other state of Greece would have been imprisoned as a magician (*τάχ' ἂν ὡς γόης ἀπαχθείης*, Plat. *Meno*, 80 B), we must not take this as a serious contribution to the Attic law of ἀπαγωγή.

The magistrates before whom such cases were brought were generally the Eleven (Lex *ap.* Dem. *c. Timocrat. l. c.*; Lys. *c. Agorat.* § 85 f), or the Thesmothetae (Dem. *c. Aristocr. l. c.*). Charges of ἀσέβεια, whether by ἀπαγωγὴ or otherwise, came regularly before the king-archon (Dem. *c. Androt. l. c.*). The complainant was said ἀπάγειν τὴν ἀπαγωγήν: the magistrates, when they allowed it, παραδέξασθαι (Lys. *l. c.*). The ἀπαγωγὴ before the Senate, mentioned by Andocides (*de Myst.* § 91), must be pronounced, with Westermann, not to be clearly explained. The punishment of κακοῦργοι was almost always death, but we sometimes find a minor penalty adjudged by τίμησις or assessment. (Dem. *c. Timocr.* p. 732, § 103; Antiph. *de caede Herod.* § 10.)

We are not required to assign this technical sense of ἀπαγωγὴ to every passage where the word ἀπάγειν occurs. Professor Jebb indeed appears to doubt the existence of the right of arrest without previous ἔνδειξις or written plaint. But the passage of the Androtionea seems explicit on this point; and we have, besides, the express testimony of the grammarians and the general consensus of modern scholars (Harpocrat., Hesych., Suid., Bekk. *Anecd.* i. 200, 414; Schömann, *Antiq.* i. 479; Westermann in Pauly, iii. 137; Caillemer in D. and S.; Jebb, *Att. Or.* i. 57, n.). The passage in Lysias (*c. Agorat. l. c.*) deals with a case in which ἀπαγωγὴ followed ἔνδειξις, but by no means proves that this was always the rule.* [W. W.]

APATESEOS TOU DEMOU GRAPHÊ (ἀπατήσεως τοῦ δήμου γραφή), a public prosecution at Athens against any one who had misled the people by false statements of fact, quoting imaginary laws, &c. The senate and the law-courts, as well as the sovereign Demos, were included in its operation (Dem. *c. Aristocr.* p. 653, § 97). It would seem that it might also be directed against generals who, like Miltiades at Paros, failed in an expedition which they had themselves suggested (*ἐάν τις τὸν δῆμον ὑποσχόμενος ἐξαπατήσῃ*, Dem. *c. Timoth.* p. 1204, § 67). With the usual elasticity of Athenian procedure, it might be made to include anything, from procuring a capital conviction, as of the six generals after Arginusae (Xen. *Hellen.* i. 7, § 35), to inserting a false name on the register (Dem. *c. Boeot. de Nom.* p. 998, § 12). It belonged to the jurisdiction of the Thesmothetae, and the penalty was death (Dem. *c. Lept.* p. 487, § 100; p. 498, § 135). The usual mode of proceeding was by Probolé (Xen. *l. c.*) or Eisangelia (Dem. *c. Timoth. l. c.*). [W. W.]

APATU'RIA (ἀπατούρια) was a political festival, which the Athenians had in common with all the Greeks of the Ionian name (Herod. i. 147), with the exception of those of Colophon and Ephesus. It was celebrated in the month of Pyanepsion, and lasted for three days. The origin of this festival is related in the following manner:—About the year 1100 B.C., the Athenians were carrying on a war against the Boeotians, concerning the district of Cilaenae, or, according to others, respecting the little town of Oenoe. The Boeotian Xanthios, or Xanthos, challenged Thymoetes, king of Attica, to single combat; and when he refused, Melanthos, a Messenian exile of the house of the Nelids, offered himself to fight for Thymoetes, on condition that, if victorious, he should be the successor to Thymoetes. The offer was accepted; and when Xanthios and Melanthos began the engagement, there appeared behind Xanthios a man in the τραγῆ, the skin of a black goat. Melanthos reminded his adversary that he was violating the laws of single combat by having a companion; and while Xanthios looked around, Melanthos slew the *deceived* Xanthios. From that time, the Athenians celebrated two festivals,—the Apaturia, and that of Dionysos Melanaegis, who was believed to have been the man who appeared behind Xanthios. This is the story related by the Scholiast on Aristophanes (*Acharn.* 146). This tradition has given rise to a false etymology of the name ἀπατούρια, which was formerly considered to be derived from ἀπατᾶν, to deceive. All modern critics, however (Müller, *Dorians*, i. 5, 4; Welcker, *Aeschyl. Tril.* p. 288), agree that the name is composed of α = ἅμα, and πατόρια, which is perfectly consistent with what Xenophon (*Hellen.* i. 7, § 8) says of the festival: *Ἐν οἷς (ἀπατουρίοις) οἵ τε πατέρες καὶ οἱ συγγενεῖς ξύνεισι σφίσιν αὐτοῖς.* According to this derivation, it is the festival at which the phratriae met, to discuss and settle their own affairs. But, as every citizen was a member of a phratria, the festival extended over the whole nation, who assembled *according to phratriae*. Welcker (*Anhang z. Trilog.* p. 200), on account of the prominent part which Dionysos takes in the legend respecting the origin of the Attic Apaturia, conceives that it arose from the circumstance that families belonging to the Dionysian tribe of the Aegicores had been registered among the citizens.

The first day of the festival, which probably fell on the eleventh of the month of Pyanepsion, was called δορπία or δόρπεια (Athen. iv. p. 171; Hesych. and Suid. *s. v.*); on which every citizen went in the evening to the phratrium, or to the house of some wealthy member of his own phratria, and there enjoyed the supper prepared for him. (Aristoph. *Acharn.* 146.) That the cup-bearers (οἰνόπται) were not idle on this occasion, may be seen from Photius (Lexic. *s. v.* Δορπία).

The second day was called ἀνάῤῥυσις (ἀναῤῥεῖν), from the sacrifice offered on this day to Zeus, surnamed Φράτριος, and to Athena, and

* Much of the above article has already appeared in the writer's notes to the *Androtion* and *Timocrates*.

sometimes to Dionysos Melanaegis. This was a state sacrifice, in which all citizens took part. The day was chiefly devoted to the gods, and to it must, perhaps, be confined what Harpocration (*s. v.* Λαμπάς) mentions, from the Atthis of Istrus, that the Athenians at the apaturia used to dress splendidly, kindle torches on the altar of Hephaestos, and sacrifice and sing in honour of him. Proclus on Plato (*Tim.* p. 21 B), in opposition to all other authorities, calls the first day of the Apaturia ἀνάῤῥυσις, and the second δορπία, which is, perhaps, nothing more than a slip of his pen.

On the third day, called κουρεῶτις (κοῦρος), children born in that year, in the families of the phratriae, or such as were not yet registered, were taken by their fathers, or in their absence by their representatives (κύριοι), before the assembled members of the phratria. For every child a sheep or goat was sacrificed. The victim was called μεῖον, and he who sacrificed it μειαγωγός (μειαγωγεῖν). It is said that the victim was not allowed to be below (Harpocrat., Suid., Phot. *s. v.* Μεῖον), or, according to Pollux (iii. 52), above, a certain weight. Whenever any one thought he had reason to oppose the reception of the child into the phratria, he stated the case, and, at the same time, led away the victim from the altar. (Dem. *c. Macart.* p. 1054, § 14.) If the members of the phratria found the objections to the reception of the child to be sufficient, the victim was removed; when no objections were raised, the father, or he who supplied his place, was obliged to establish by oath that the child was the offspring of free-born parents and citizens of Athens. (Isaeus, *De Haered. Ciron.* p. 100, § 19; Dem. *c. Eubul.* p. 1315, § 54.) After the victim was sacrificed, the phratores gave their votes, which they took from the altar of Jupiter Phratrios. When the majority voted against the reception, the cause might be tried before one of the courts of Athens; and if the claims of the child were found unobjectionable, its name, as well as that of the father, was entered in the register of the phratria, and those who had wished to effect the exclusion of the child were liable to be punished. (Dem. *c. Macart.* p. 1078, § 82.) Then followed the distribution of wine, and of the victim, of which every phrator received his share; and poems were recited by the elder boys, and a prize was given to him who acquitted himself the best on the occasion. (Plat. *Tim.* p. 21 B.) On this day, also, illegitimate children on whom the privileges of Athenian citizens were to be bestowed, as well as children adopted by citizens, and newly created citizens, were introduced; but the last, it appears, could only be received into a phratria when they had previously been adopted by a citizen; and their children, when born by a mother who was a citizen, had a legitimate claim to be inscribed in the phratria of their grandfather, on their mother's side. (Platner, *Beiträge*, p. 168.) In later times, however, the difficulties of being admitted into a phratria seem to have been greatly diminished.

Some writers have added a fourth day to this festival, under the name of ἔπιβδα (Hesych. *s. v.* Ἀπατούρια; and Simplicius on *Aristot. Phys.* iv. p. 167, *a*); but this is no particular day of the festival, for ἔπιβδα signifies nothing else but a day subsequent to any festival. (See Ruhnken, *Ad Tim. Lex. Plat.* p. 119: comp. Schömann, *Griech. Alt.* vol. ii. p. 485; A. Mommsen, *Heortologie*, p. 302 ff.) [L. S.]

APAU'LIA. [MATRIMONIUM.]

APELEUTHEROS (ἀπελεύθερος). [LIBERTUS.]

APE'NE (ἀπήνη), a carriage with four wheels (τετράκυκλος ἀπήνη, Hom. *Il.* xxiv. 324), generally drawn by mules (Hom. *Il. l. c.*; *Od.* vi. 72; Paus. v. 9, § 2; Schol. *ad* Pind. *Ol.* v. 6), though Sophocles (*O. T.* 802) speaks of an ἀπήνη πωλική. (Hermann, *Griech. Ant.* iv.[3] p. 483.) [CURRUS.] [J. H. O.]

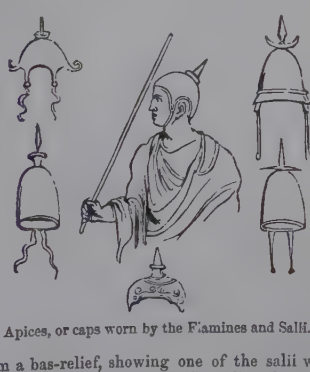
APENIAUTISMOS (ἀπενιαυτισμός). [PHONOU DIKÉ.]

APERTA NAVIS. [NAVIS.]

APEX. **1.** A cap worn by the flamines and salii at Rome. The essential part of the apex, to which alone the name properly belonged, was a pointed piece of olive-wood, the base of which was surrounded with a lock of wool. This was worn on the top of the head, and was held there either by fillets only, or, as was more commonly the case, by the aid of a cap which fitted the head, and was also fastened by means of two strings or bands, which were called *apicula* or *offendices* (Festus, *s. vv.*), though the latter word is also interpreted to mean a kind of button, by which the strings were fastened under the chin. (Comp. Serv. *ad Aen.* ii. 683; viii. 664; x. 270.)

The flamines were forbidden by law to go into public, or even into the open air, without the apex (Gell. x. 15), and hence we find the expression of *alicui apicem dialem imponere* used as equivalent to the appointment of a flamen dialis. (Liv. vi. 41.) Sulpicius was deprived of the priesthood, only because the apex fell from his head whilst he was sacrificing. (Val. Max. i. 1, § 4.)

Dionysius (ii. 70) describes the cap as being of a conical form. On ancient monuments we see it round as well as conical. From its various forms, as shown on bas-reliefs and on coins of the Roman emperors, who as priests were entitled to wear it, we have selected six for the annexed woodcut. The middle figure is



Apices, or caps worn by the Flamines and Salii.

from a bas-relief, showing one of the salii with a rod in his right hand. The Albogalerus, or albus galerus, was a white cap worn by the flamen dialis, made of the skin of a white

victim sacrificed to Jupiter, and had the apex fastened to it by means of a olive-twig. (Festus, s. v. *Albogalerus;* Gell. x. 15.)

2. Hence used in wider senses as (*a*) the ridge on the helmet to which the crest was attached (Verg. *Aen.* x. 270, xii. 492; Isidor. *Orig.* xviii. 14, 2). (*b*) The *τιάρα ὀρθή* of the Persian king (Hor. *Od.* i. 34, 14; iii. 21, 20). (*c*) A hat (Cic. *Leg.* i. 1).

Apex is derived from the old verb *apere*, "to join" (Serv. *ad Aen.* x. 270, and Festus), and from it was formed the epithet *apicatus*, applied to the flamen dialis by Ovid (*Fast.* iii. 197). [J. Y.] [J. H. F.]

APHAI'RESIS EIS ELEUTHERIAN (*ἀφαίρεσις εἰς ἐλευθερίαν*). [EXAIRESEOS DIKÉ.]

APHAMIO'TAE. [COSMI.]

APH'ANES OUSIA (*ἀφανὴς οὐσία*) and the correlative term *φανερὰ οὐσία* have been variously explained. First, that *ἀφανὴς οὐσία* answered to the Roman *res incorporales* or intangible property, *i.e.* rights. [DOMINIUM.] But this distinction did not exist in the older Roman law, and it is still less likely to have occurred to the simpler legal conceptions of the Greeks. Secondly, that *φανερὰ οὐσία* denoted immovable (in English law, real) property, *ἀφανὴς οὐσία* movable property or personalty. This is the opinion of Böckh, K. F. Hermann, and Schömann, founded on the express testimony of the grammarians (Harpocrat., Suid., Bekk. *Anecd.* i. 468); and it is by much the most probable. A third explanation, originating with M. de Koutorga (*Essai sur les trapézites ou banquiers d'Athènes*), is supported by Caillemer in Daremberg and Saglio: that *φανερὰ οὐσία* meant unconcealed property, *en évidence* before the tax-gatherer; *ἀφανὴς* of course the reverse. It would seem that this view rests upon a confusion between the technical legal phrase *φανερὰ οὐσία* and the ordinary expressions *φανερὸν ἀργύριον*, *φανερὰ χρήματα* for "ready money" or "balance at the banker's." The following passages, not cited by M. Caillemer, are, we think, decisive against his view, all referring to the conversion of real property into money:—Isaeus, *Philoctem.* § 38; Dem. *de Pace*, p. 59, § 8, and *c. Nausim.* p. 986, § 9. The words of Harpocration are worth quoting for their brevity and clearness: *Ἀφανὴς οὐσία καὶ φανερά· ἀφανὴς μὲν ἡ ἐν χρήμασι καὶ σώμασι καὶ σκεύεσι, φανερὰ δὲ ἡ ἔγγειος.* Schömann in his latest work (*Antiq.* i. 180 n., E. T.) remarks on *φανερὰ οὐσία* or immovable property: "This is at least the predominant signification of the expression, although it is sometimes used in a more general sense of all property of every kind which was not concealed." He refers, as does M. Caillemer, to Isocr. *Trapezit.* § 7, where however the expression is *τὰ φανερὰ τῶν χρημάτων.* [W. W.]

APH'ETAE. [HELOTES.]

APHLASTON (*ἄφλαστον*). [NAVIS.]

APHORMES DIKE' (*ἀφορμῆς δίκη*) was the action brought against a banker or moneylender (*τραπεζίτης*) to recover funds advanced for the purpose of being employed as banking capital. Though such moneys were also styled *παρακαταθῆκαι*, or deposits, to distinguish them from the private capital of the banker (*ἰδία ἀφορμή*), there is an essential difference between the actions *ἀφορμῆς* and *παρακαταθήκης*, as the latter implied that the defendant had refused to return a deposit entrusted to him, not upon the condition of his paying a stated interest for its use, as in the former case, but merely that it might be safe in his keeping till the affairs of the plaintiff should enable him to resume its possession in security. [PARAKATATHEKÉ.] The former action was of the class *πρός τινα*, and came under the jurisdiction of the Thesmothetae. The speech of Demosthenes in behalf of Phormio (*Or.* 36) was made in a *παραγραφὴ* against an action of this kind. See the Argument, and especially §§ 11, 12, 44. Caillemer would include under the name *ἀφορμὴ* money lent by sleeping partners (*en commandite*) to merchants as well as bankers (9me *Étude*, p. 29). [J. S. M.] [W. W.]

APHRACTUS. [NAVIS.]

APHRODISIA (*Ἀφροδίσια*), festivals celebrated in honour of Aphrodite, in a great number of towns in Greece, but particularly in the island of Cyprus. Her most ancient temple was at Paphos, which was built by Aërias or Cinyras, in whose family the priestly dignity was hereditary. (Tac. *Hist.* ii. 3, *Annal.* iii. 62; Maxim. Tyr. *Serm.* 83.) No bloody sacrifices were allowed to be offered to her, but only pure fire, flowers, and incense (Verg. *Aen.* i. 116); and therefore, when Tacitus (*Hist.* ii. 3) speaks of victims, we must either suppose, with Ernesti, that they were killed merely that the priest might inspect their intestines, or for the purpose of affording a feast to the persons present at the festival. At all events, however, the altar of the goddess was not allowed to be polluted with the blood of the victims, which were mostly he-goats. Mysteries also were celebrated at Paphos in honour of Aphrodite; and those who were initiated offered to the goddess a piece of money, and received in return a measure of salt and a phallus. In the mysteries themselves, they received instructions *ἐν τῇ τέχνῃ μοιχικῇ*. A second or new Paphos had been built, according to tradition, after the Trojan war, by the Arcadian Agapenor; and, according to Strabo (xiv. p. 683), men and women from other towns of the island assembled at New Paphos, and went in solemn procession to Old Paphos, a distance of sixty stadia; and the name of the priest of Aphrodite, *ἀγήτωρ* (Hesych. *s. v.*), seems to have originated in his heading this procession. Aphrodite was worshipped in most towns of Cyprus, and in other parts of Greece, such as Cythera, Sparta, Thebes, Elis, &c.; and though no Aphrodisia are mentioned in these places, we have no reason to doubt their existence: we find them expressly mentioned at Corinth and Athens, where they were chiefly celebrated by the numerous prostitutes. (Athen. xiii. pp. 574, 579; xiv. p. 659.) Another great festival of Aphrodite and Adonis in Sestus is mentioned by Musaeus (*Hero and Leand.* 42; comp. Hermann, *Gottesd. Alterth.* § 52, 24). [L. S.]

APLUSTRE. [NAVIS.]

APOB'ATES. [DESULTOR.]

APOCLE'TI (*ἀπόκλητοι*). [AETOLICUM FOEDUS, p. 42, a.]

APODECTAE (*ἀποδέκται*), the Receivers, were public officers at Athens, who were introduced by Cleisthenes in the place of the ancient Colacretae (*κωλακρέται*). They were ten in

number, one for each tribe, appointed by lot; and they exercised a general control over the other officers of the revenue. Their duty was to receive all the ordinary taxes and distribute them to the separate branches of the administration, which were entitled to them. They accordingly kept lists of persons indebted to the state, made entries of all moneys that were paid in, and erased in the register the items which had been paid. They had the power to decide causes connected with the subjects under their management; though, if the matters in dispute were of importance, they were obliged to bring them for decision into the ordinary courts. (Pollux, viii. 97; *Etym. M.*, Harpocrat., Suid., Hesych. *s. v.*; Demosth. *c. Timocr.* p. 750, § 162, p. 762, § 197; Aeschin. *c. Ctes.* § 25; Aristot. *Pol.* vi. 8, § 6; Böckh, *P. E.* p. 159; Schömann, *Antiq.* p. 417; Grote, ch. 31 (iii. p. 117).) [W. S.] [W. W.]

APODIDRASKINDA (ἀποδιδρασκίνδα), the game of hide and seek, played by the children in Greece, exactly as in our days. It is represented on a painting found at Herculaneum. (Pollux, ix. 17; cf. *φυγίνδα* or *φευγίνδα*, Theogn. in Bekk. *Anecd.* p. 1353; *Ant. d'Anvol.* i. tav. xxxiii.; Daremberg and Saglio, *s. v.*; Hermann, *Griech. Antiqu.* iv.[2] p. 298). [W. S.]

APODYTE'RIUM. [BALNEAE, p. 274.]

APOGRAPHE' (ἀπογραφή) is literally "a list, or register;" but in the language of the Attic courts, the terms ἀπογράφειν and ἀπογράφεσθαι had three separate applications:—1. Ἀπογραφή was used in reference to an accusation in public matters, more particularly when there were several defendants; the denunciation, the bill of indictment, and enumeration of the accused would in this case be termed *apographé*, and differ but little, if at all, from the ordinary *graphé*. (Andoc. *de Myst.* 13, 15, 17, &c.; Antiph. *de Chorent.* § 35 ff.; Hesych. *s. v.* ἀπογραφή.) 2. It implied the making of a solemn protest or assertion before a magistrate, to the intent that it might be preserved by him, till it was required to be given in evidence. (Isae. *Philoctem.* § 44; Dem. *c. Phaenipp.* pp. 1043, § 16, 1046, § 24, &c.; *c. Macart.* p. 1068, § 54.) 3. It was a specification of property, said to belong to the state, but actually in the possession of a private person; which specification was made with a view to the confiscation of such property to the state. (Lys. *pro Milite*; *de bonis Aristoph.*; *c. Philocr.*)

The last case only requires a more extended illustration. There would be two occasions upon which it would occur: first, when a person held public property without purchase, as an intruder; and secondly, when the substance of an individual was liable to confiscation in consequence of a judicial award, as in the case of a declared state debtor. If no opposition were offered, the *apographé* would attain its object, under the care of the magistrate to whose office it was brought; otherwise, a public action arose, which is also designated by the same title.

In a cause of the first kind, which is said in some cases to have also borne the name *πόθεν ἔχει τὰ χρήματα καὶ πόσα ταῦτα εἴη*, the claimant against the state had merely to prove his title to the property, as in the case *de bonis Aristophanis*; and with this we must class the case of a person who impugned the *apographé*, whereby the substance of another was, or was proposed to be, confiscated, on the ground that he had a loan by way of mortgage or other recognised security upon a portion of it; or that the part in question did not in any way belong to the state debtor, or person so mulcted. This kind of opposition to the *apographé* is illustrated in the speech of Demosthenes against Nicostratus, in which we learn that Apollodorus had instituted an *apographé* against Arethusius, for non-payment of a penalty incurred in a former action. Upon this, Nicostratus attacks the description of the property, and maintains that three slaves were wrongly set down in it as belonging to Arethusius, for they were in fact his own.

In the second case, the defence could of course only proceed upon the alleged illegality of the former penalty; and of this we have an instance in the speech of Lysias, for the soldier. There Polyaenus had been condemned by the generals to pay a fine for a breach of discipline; and, as he did not pay it within the appointed time, an *apographé* to the amount of the fine was directed against him, which he opposes, on the ground that the fine was illegal. The *apographé* might be instituted by an Athenian citizen; but if there were no private prosecutor, it became the duty of the demarchi to proceed with it officially. Sometimes, however, extraordinary commissioners, as the *συλλογεῖς* and *ζητηταί*, were appointed for the purpose. The suits instituted against the *apographé* belonged to the jurisdiction of the Eleven, and for a while, after the expulsion of the Thirty, to that of the Syndici. (*Πρὸς τοῖς συνδίκοις ἀπογραφὰς ἀπογράφων*, Lycurg. quoted by Harpocration.) The further conduct of these causes would, of course, in a great measure depend upon the claimant being, or not being, in possession of the proscribed property. In the first case the ἀπογράφων, in the second the claimant, would appear in the character of a plaintiff. In a case like that of Nicostratus above cited, the claimant would be obliged to deposit a certain sum, which he forfeited if he lost his cause (*παρακαταβολή*); in all, he would probably be obliged to pay the costs or court fees (*πρυτανεῖα*) upon the same contingency.

A private citizen, who prosecuted an individual by means of ἀπογραφή, forfeited a thousand drachmas, if he failed to obtain the votes of one-fifth of the dicasts, and reimbursed the defendant his prytaneia upon acquittal. In the former case, too, he would probably incur a modified atimia, *i.e.* a restriction from bringing such actions for the future. [J. S. M.] [W. W.]

APOI'KIA. [COLONIA.]

APOKERYXIS (ἀποκήρυξις) implies the method by which an Athenian father could dissolve the legal tie between himself and his son, and disown or disinherit him. It is little mentioned by the older writers; but the language of Demosthenes (*c. Boeot. de Nom.* p. 1006, § 39) is explicit as to the absolute power of the father over the status of the son, the Attic law in this respect resembling the Roman. Plato proposes to restrict the exercise of the right by requiring the previous vote of a family council (*Leg.* xi. 928 E, 929 C). According to the author of the declamation on the subject (Ἀποκηρυττόμενος), which has generally been attributed to Lucian,

substantial reasons were required to insure the ratification of such extraordinary severity. Those suggested in the treatise referred to are, deficiency in filial attention, riotous living, and profligacy generally. A subsequent act of pardon might annul this solemn rejection; but if it were not so avoided, the son was denied by his father while alive, and disinherited afterwards. It does not, however, appear that his privileges as to his tribe or the state underwent any alteration. The court of the archon must have been that in which causes of this kind were brought forward, and the rejection would be completed and declared by the voice of the herald (ἀποκηρῦξαι). It is probable that an adoptive father also might resort to this remedy against the ingratitude of a son. (Meier, *Att. Process*, p. 432, &c.) [J. S. M.] [W. W.]

APOLEIPSIS, APOLEIPSEOS DIKE (ἀπόλειψις, ἀπολείψεως δίκη). [DIVORTIUM (Greek).]

APOLLINA'RES LUDI. [LUDI.]

APOLLO'NIA (Ἀπολλώνια) is the name of a propitiatory festival solemnized at Sicyon, in honour of Apollo and Artemis, of which Pausanias (ii. 7, § 7) gives the following account:—Apollo and Artemis, after the destruction of the Python, had wished to be purified at Sicyon (*Aegialea*); but being driven away by a phantom (whence in after-times a certain spot in the town was called Φόβος), they proceeded to Carmanos in Crete. Upon this the inhabitants of Sicyon were attacked by a pestilence, and the seers ordered them to appease the deities. Seven boys and the same number of girls were ordered to go to the river Sythas, and bathe in its waters; then to carry the statues of the two deities into the temple of Peitho, and from thence back to that of Apollo. Similar rites, says Pausanias, still continue to be observed; for at the festival of Apollo the boys go to the river Sythas, and carry the two deities into the temple of Peitho, and thence back to that of Apollo.

Although festivals under the name of Apollonia, in honour of Apollo, are mentioned in no other place, still it is not improbable that they existed under the same name in other towns of Greece. [L. S.]

APOPEMPSIS (ἀπόπεμψις). [DIVORTIUM.]

APOPH'ASIS (ἀπόφασις, with the by-form ἀπόφανσις), a declaration, was—(1) The proclamation of the decision which the majority of the judges came to at the end of a trial, and was apparently made by a herald under the direction of the presiding magistrate (Lucian, *pro Imagin.* § 29). The decisions of arbitrators (διαιτηταί) were called by the same name (Dem. *c. Apatur.* p. 899, §§ 20, 21). (2) Such proclamations being generally made on court days, ἀπόφασις came to mean the day on which the trial took place. (Dem. *c. Everg.* p. 1153, § 45.) (3) The word was also employed to indicate the account of a person's property, which was obliged to be given when an *antidosis* was demanded. [ANTIDOSIS.] [W. W.]

APOPH'ORA (ἀποφορά), which properly means "produce or profit" of any kind, was used at Athens to signify the profit which accrued to masters from their slaves. It thus signified the sum which slaves paid to their masters when they laboured on their own account, and the sum which masters received when they let out their slaves on hire either for the mines or any other kind of labour, and also the money which was paid by the state for the use of the slaves who served in the fleet. (Andoc. *de Myst.* § 38; Aeschin. *c. Timarch.* § 97; Xen. *Rep. Ath.* i. 11.) Further details are given in Dem. *c. Aphob.* i. pp. 816–819; *c. Nicostr.* p. 1253; Xen. *de Vect.* iv. 14, in which passages, however, the name ἀποφορὰ does not occur. (Comp. Böckh, *P. E.* p. 72.) The term *apophora* was also applied to the money which was paid by the allied states to Sparta, for the purpose of carrying on the war against the Persians. When Athens acquired the supremacy, these moneys were called *φόροι*. (Böckh, *Ibid.* p. 396.) [W. S.] [W. W.]

APOPHORE'TA. 1. (ἀποφόρητα), presents which were given to friends at the end of an entertainment, to take home with them. (Petron. 56; Ambros. *Exhort. Virg.* 1.) Although the name is Greek, the custom is Roman, for Athenaeus expressly tells us that when Cleopatra presented to Antony and his staff the gold and silver dinner service which they had been using at a banquet in Cilicia, she was imitating a Roman usage (Athen. iv. p. 148 a; vi. p. 229 c); and the other instances on record of *apophoreta* belong to Roman society, and to the times of the Empire. The 14th Book of Martial consists of an introductory epigram and 222 distichs, each describing and designed to accompany one of these presents, which range from nuts to works of art and slaves. The first epigram speaks of the Saturnalia as the special time for their distribution. So Vespasian used to present them to men on the Saturnalia, to women on the Matronalia. (Suet. *Vesp.* 19; *Aug.* 75.) They were also given at weddings (Juv. vi. 203, Schol.). Caligula gave 2,000,000 sesterces to the circus charioteer Eutychus *in apophoretis* (Suet. *Calig.* 55). Symmachus (*Ep.* ii. 81, v. 56, ix. 119, Migne) uses *apophoreta* and *apophoreticum* for presents made on other occasions.

2. (ἀποφορήτη), mentioned by Isidore (*Orig.* xx. 4) as a kind of plate *a Graecis a ferendo poma vel aliquid nominata, est enim plana.* [J. H. F.]

APOPHRADES HEMERAI (ἀποφράδες ἡμέραι), unlucky or unfortunate days (*dies nefasti*), on which no public business, nor any important affairs of any kind, were transacted at Athens. Such were the last three days but one of every month, and the twenty-fifth day of the month Thargelion, on which the Plynteria were celebrated. (Lys. *Fr.* 31; Plat. *Leg.* vii. p. 800 D; Xen. *Hellen.* i. 4, § 12; *Etym. M.* p. 131, 13; Plut. *Alcib.* 34; Lucian, *Pseudolog.* 13; Schömann, *Assemblies*, p. 50.) [W. S.] [W. W.]

APORRHESEOS DIKE' (ἀπορρήσεως δίκη). The term ἀπόρρησις, "prohibition," has a technical meaning in Attic law in connexion with the sale of landed property. Public notice was required to be given of every such sale, for the protection of mortgagees and other creditors; and any one having a claim upon the estate might interdict the sale by an ἀπόρρησις. The vendor, on the other hand, had his remedy against fraudulent or malicious obstruction in an action for damages, called ἀπορρήσεως δίκη. (Pollux, viii. 59; Isae. *Or.* 2 (Menecl.), §§ 28, 29; Dem. *c. Nicostr.* p. 1249, § 10; Caillemer

in *Revue de Législation*, 1871, p. 657, and *ap.* D. and S.) [W. W.]

APORRHE'TA (*ἀπόρρητα*), literally "things forbidden," has two peculiar, but widely different, acceptations in the Attic dialect. In one of these it implies contraband goods, *i.e.* those of which the export (not the import) was prohibited. The chief of these were corn (of which there was a steady importation) and articles used in the building and equipment of the fleet. An enumeration of these at different periods of Athenian history is given by Böckh (*P. E.* pp. 53–4; compare Aristoph. *Eq.* 282, *Ran.* 362 ff.).

In the other sense, it denotes certain contumelious epithets, from the application of which both the living and the dead were protected by special laws (Meier, *Att. Process*, p. 482). Among these, *ἀνδροφόνος*, *πατραλοίας*, and *μητραλοίας* are certainly to be reckoned; and other words, as *βίψαστις*, *λωποδύτης*, and *ἀνδραποδιστὴς*, though not expressly named in the law, seem to have been equally actionable. (Lys. *c. Theomn.* i. §§ 1, 2, 6 ff.; ii. §§ 3 ff.) The penalty for using these words was a fine of 500 drachmas (Isocr. *in Lochit.* § 5; Lys. *c. Theomn.* 2, § 12), recoverable in an action for abusive language (*κακηγορίας*). It is surmised that this fine was incurred by Meidias in two actions on the occasion mentioned by Demosthenes (*in Mid.* p. 540, § 104, p. 543, § 114; see also Hudtwalcker, *De Diaetet.* p. 150). [J. S. M.] [W. W.]

APOSTA'SIOU DIKE' (*ἀποστασίου δίκη*). This is the only private suit which came, as far as we know, under the exclusive jurisdiction of the polemarch. (Aristot. *de Ath. Rep.* quoted by Harpocrat.) It could be brought against none but a freedman (*ἀπελεύθερος*), and the only prosecutor permitted to appear was the citizen to whom he had been indebted for his liberty, unless this privilege was transmitted to the sons of such former master. The tenor of the accusation was, that there had been a default in duty to the prosecutor; but what attentions might be claimed from the freedman, we are not informed. It is said, however, that the greatest delict of this kind was the selection of a patron (*προστάτης*) other than the former master. If convicted, the defendant was publicly sold (Dem. *c. Aristog.* i. p. 790, § 77); but if he was acquitted, the unprosperous connexion ceased for ever, and the freedman was entitled to the full privileges of a *μέτοικος*. The patron could also summarily punish the above-mentioned delinquencies of his freedman by private incarceration without any legal award (Pollux, viii. 35; Harpocrat., Suid. *s. v. ἀποστασίου*).

The *ἀποστασίου δίκη*, against an *ἀπελεύθερος*, should be carefully distinguished from the *γραφὴ ἀποστασίου*, a public action brought against a *μέτοικος*. Both are mentioned in Demosth. *c. Lacrit.* p. 940, § 48. [J. S. M.] [W. W.]

APOSTOLEIS (*ἀποστολεῖς*), ten commissioners, chosen out of the body of Athenian citizens without distinction of tribes, in order to secure the efficiency and promptitude of a naval expedition (*ἀπόστολος*) which had been voted. They were thus an extraordinary authority, appointed by decree of the people. (Böckh, *Urkunden über das Seewesen*, p. 466; Hudtwalcker, *de Diaetet.* p. 71; Meier and Schömann, *Att. Process*, p. 112, with Lipsius' note in the new ed.) They had the power, in certain cases, of imprisoning a trierarch who neglected to furnish his ship properly (Dem. *de Cor.* p. 262, § 107, with the scholia); they controlled the giving out of stores from the dockyards for this purpose, and, subject to an appeal to the senate, they decided any disputes which arose when a ship was handed on from one trierarch to another. In time of peace these duties were probably discharged by the *ἐπιμεληταὶ τῶν νεωρίων*, an inferior body chosen by lot. (Dem. *c. Everg. et Mnes.* pp. 1147, § 26, 1149, § 33, 1150, § 37; *de Cor. Trierarch.* p. 1229, § 4; Böckh, *P. E.* p. 543; Schömann, *Antiq.* i. 426, n.) [W. S.] [W. W.]

APOTHE'CA (*ἀποθήκη*), a storehouse or magazine (Thuc. vi. 97; Cic. *Phil.* ii. 27, *Vatin.* 5; Dig. 33, 7, 12; *Vulg. Par.* 1, 27, 28, &c.) for books (Luc. *Indoct.* 5); a burial-place (id. *Contempl.* 22); especially a place in the upper part of the house in which the Romans kept their wine in *amphorae*. It was usually above the *fumarium*, since it was thought that the passage of the smoke through the room tended greatly to increase the flavour of the wine. (Colum. i. 6, § 20; Hor. *Carm.* iii. 8, 11, *Sat.* ii. 5, 7). Hence Horace's expression (*Carm.* iii. 21, 7) *Descende, testa.* The *apotheca* was thus quite distinct from the *cella vinaria*, in which wine was kept in *dolia* and *cupae* until it was fit to be bottled (*diffundere*), as we should say, into the *amphorae*, or, if it was not considered good enough to mature (*actatem ferre*), was drunk straight from the larger vessels. (Becker-Göll, *Gallus*, iii. pp. 50, 427.) [W. S.] [J. H. F.]

APOTHEO'SIS (*ἀποθέωσις*, *consecratio*), the enrolment of a man amongst the gods.

While among the free Greeks and Romans all the dead were regarded as becoming in a sense gods (*χθόνιοι*, *dii manes*) and dwelling in a subterranean abode, and received duteous worship from the family at the family hearth, and in the case of the founders of cities and great benefactors of cities were honoured by the city with sacrifices and festivals (*e.g.* Brasidas at Amphipolis, Thuc. v. 11), the privilege of a celestial abode was regarded as belonging only to those who had performed great exploits in the service of humanity. This privilege attached to very few: Hercules is an example. But under despotisms, such as that of the East and Egypt, the case is different. For there the king, who was generally also priest, living in isolation, regarded with awe and terror, slave-master of his subjects, was naturally looked on as a being vastly if not radically different from the rest, and so was considered to become a god when dead. To the polytheistic ancients, who did not believe in any impassable gulf between divinity and humanity, this did not mean much more than that the great social distinctions in this life were kept up in the next. The kings even came to be regarded as gods while alive. Here then are the conditions under which deification prevails, viz. a people who are inclined to submission, and among whom accordingly great social distinctions arise.

So in historical times among the Greeks, who worshipped Adrasteia and were wise, deification was slow in appearing. Lysander is the first we hear of: he got divine honours from the people of Asia Minor (Plut. *Lys.* 18). A temple was raised to Philip of Macedon in the Altis at

Olympia (Paus. v. 20, § 5). Demetrius Poliorcetes was deified at Athens (see the hymn in Athen. p. 253 a; and Grote, xii. 205 *seq.*) and Sicyon (Diod. xx. 102). But it is among that portion of the Greek race which conquered and amalgamated with the Eastern peoples that we find deification quite common, a sign of the Greeks becoming Asianized. Alexander the Great required divine honours to be paid to him even while alive: witness the striking scene at Bactra and the noble Hellenic protest of Callisthenes (Arr. *Anab.* iv. 10, §§ 7–9; Grote, xii. 37): and the laconic decree of the Spartans—"Whereas Alexander desires to be a god, let him be a god" (Ael. *V. H.* ii. 19). His successors in various countries continued the practice. In Egypt the Ptolemies gradually assume the rank of divinities; they could not have done otherwise without incurring the contempt of their subjects, for deification was in accordance with the national ideas and practice of Egypt. Ptolemy I. (Soter) was deified after his death (Theocr. xvii. 16), and even styled *θεὸς* while alive (Eckhel, *D. N.* iv. 9). So too we find Philadelphus and Philometor styled gods (Eckhel, *l. c.* pp. 8, 16), also Euergetes II. and his wife (*C. I. G.* 2620); and the titles of the chief priest of Egypt, the *ἱερεὺς Ἀλεξάνδρου*, ran thus—*ἐφ' ἱερέως τοῦ ὄντος ἐν Ἀλεξανδρείᾳ Ἀλεξάνδρου καὶ θεῶν Σωτήρων καὶ θεῶν Ἀδελφῶν καὶ θεῶν Εὐεργετῶν καὶ θεῶν Φιλοπατόρων καὶ θεῶν Ἐπιφανῶν καὶ θεοῦ Φιλομήτορος καὶ θεοῦ Εὐπάτορος*, &c.; the plural forms signifying that the close relations of Soter, Philadelphus, &c., were also deified (Welcker, *Gr. Götterlehre*, iii. 309). Among the Syrians Antiochus I. is called a god; in the treaty between the Smyrnaeans and the Milesians Antiochus II. was surnamed *θεός*: Antiochus IV. has *θεὸς ἐμφανὴς* on his coins (Eckhel, *D. N.* vi. 270); Antiochus VI. was called Dionysus, &c. For all this see especially Eckhel, *D. N.* iii. 209 *seqq.*, and Welcker, *Gr. Götterl.* iii. 310 *seq.*, to which the reader is referred for similar examples from Pergamus and Pontus.

The rising ascendency of Rome could not fail to obtain its meed of deification from the Greeks. They bestowed divine honours on Flamininus, and associated him with Hercules and Apollo (Plut. *Flam.* 16). Smyrna raised altars to the goddess Roma, 195 B.C. (Tac. *Ann.* iv. 56); and Alabanda built a temple and instituted games in her honour (Liv. xliii. 6). It appears to have been quite usual for the provincials to worship and enrol among the gods the *virtues* of their governors (Cic. *Q. Fr.* i. 1, 10, 31). And indeed it became so common for the provincial governors to have temples raised to them and games celebrated in their honour (*e.g.* Marcellea and Verrea in Sicily; Mucia in Asia, Cic. *Verr.* ii. 21, 51), that the Roman law made a special provision on the subject; and while it forbade the governor to levy any extraordinary impost, made this special exception, "ut ad templum et monumentum capere liceret" (Cic. *Q. Fr.* i. 1, 9, 26), thus encouraging the practice of deification. Theophanes, the friend of Pompeius, was deified by the Mitylenaeans (Tac. *Ann.* vi. 18); and before this a boxer actually had been consecrated as a god while alive (Plin. *H. N.* vii. § 152).

But the Romans were on the whole slow to adopt this un-Roman custom. Since Romulus had disappeared from the earth and had become the god Quirinus (Liv. i. 16)—and this is probably a Greek fable (Mommsen, *R. H.* i. 174, 481)—no example of apotheosis is recorded till the latest period of the republic. The Romans had not been under a despotism and had had no really great men, and besides were inclined to worship abstractions rather than individuals. But in the later times of the republic, under the influence of Asianized Greek ideas, many even of the cultivated classes of Rome held that while the souls of all were immortal, those of the great and good were divine (Cic. *Legg.* ii. 11, 27), and that they ascended to the heavens and the stars (cf. Hor. *Od.* iii. 2, 21; Verg. *Aen.* ix. 641). Cicero, absurd as he declares the idea of a man becoming a god is (Cic. *N. D.* i. 15, 38; *Phil.* i. 6, 13), yet when he had lost Tullia longed to deify her (Cic. *Att.* xii. 36); it would not be contrary, he says, to the tenets of certain philosophers, alluding to the Stoics (cf. Zeller, *Phil. der Gr.* iii. 1, 294 *seq.*, ed. 1865). Roman theology about this time produced a book on the gods who had been men (Labeo, *de diis animalibus;* see Serv. *ad Aen.* iii. 168). If such opinions on the possibility of transition from humanity to divinity were maintained by the enlightened, they were held by the people too; —in the time of Sulla they had erected statues and made offerings to M. Marius Gratidianus: Senec. *de Ira*, iii. 18—a motley crowd, gathered from all nations, who had none of the solid Roman virtues and were engrained with cosmopolitan, *i.e.* Graeco-Asiatic ideas. The time was fully ripe for deification to be practised at Rome.

And the man came. Julius Caesar's brilliant military exploits abroad, and his overthrowing the tyrannical aristocracy at home, and thus becoming the saviour of society, made him the adored of the people. He knew it, and he meant to rule, and rule as the king-god (Mommsen, *Staatsr.* ii. 732). An image of him standing on the globe of the world was set up in the Capitol, with an inscription that he was a demi-god (Dio Cass. xliii. 14). His statue was placed in all the temples of Rome and of the empire (id. xliv. 4). It was enacted later that public prayers should be offered for him every year, that oath should be taken by his genius, that there should be a festival to him every four years as to a hero (*ἥρωι*), that *Luperci Julii* should be appointed and an additional day should be added to the circensian games in his honour; that his golden chair and jewelled crown should appear in the theatre like those of the gods, and his car be borne in processions; and finally they called him plainly *Jupiter Julius*, and enacted that an altar should be set up to his Clemency and Antonius should be appointed his priest, a sort of Dialis (Dio Cass. xliv. 6); in fact, as Suetonius (*Jul.* 76) says, "nullos non honores ad libidinem cepit." All this, chiming in with the enthusiasm and affection of the mass of the people, had the effect of strengthening the idea that he was superhuman. The wild fanaticism of the people, especially the foreigners, towards his remains when he was murdered, was apparent by their raising an altar and organizing a worship to him where he was burned (Suet. *Jul.* 85). The upper classes indeed wanted this ardour wholly; and Antonius (Val. Max. ix. 15, § 1) and later Dolabella put in summary stop to this worship at his altar (Cic. *Att.* xiv. 15).

But the ardour continued and was heightened a little later (Sept. 24 or 25) when Octavian celebrated the games of Victoria Caesaris (or of Venus genetrix or victrix—they are all the same—see Mommsen on *C. I. L.* i. p. 397) and the comet appeared (Dio Cass. xlv. 7), which seemed to confirm the opinion that Caesar had become a god. Next year (43 B.C.) Caesar was solemnly enrolled among the gods as Divus Julius (lege Rufrena, *C. I. L.* i. 626, and Mommsen *ad loc.*; also ix. 2628). He was deified, says Suetonius (*Jul.* 88), not merely with the lip-service of those who decreed it, but by the sincere belief of the people. This shows the different feelings of the upper and lower orders towards Julius. The enthusiasm of the people was mainly due to their regarding him as their saviour: indeed we find Caesar and Augustus very widely worshipped as "saviours" (Dio Cass. xliv. 4, § 5; *C. I. G.* 2368, 2957; Letronne, *Recueil*, i. 81; Eckhel, *D. N.* iv. 45, &c.). From the time of this deification of Caesar, *divus* acquired the specific meaning of a god who had been a man, while *deus* was a god from the beginning (Mommsen, *Staatsr.* ii. 733, note 2). It is maintained in the Christian Church, which applies the title *divus* to its saints; and deification among the ancients corresponds in many respects with Christian canonization (see Boissier, *La Religion Romaine*, i. 180).

Aspiring to divinity was in the fashion of the time. Sextus Pompeius declared himself son of Neptune (Plin. *H. N.* ix. § 55); and Antonius and Cleopatra were Bacchus and Aphrodite, or Osiris and Isis, according to the country they were in (Plut. *Ant.* 26 and 54; Dio Cass. l. 5). Octavian was more moderate. He would not allow himself to be worshipped except along with the goddess Roma. In 29 B.C. he allowed the Romans in Ephesus and Nicaea to erect a temple to Rome and Divus Julius, and the Greeks in Pergamum and Nicomedia to erect a temple to himself (Dio Cass. li. 20, an important passage). Temples were also erected to him in Nysa (*C. I. G.* 2943), Mylasa (*ib.* 2696), Cyzicus (Tac. *Ann.* iv. 36), Athens (*C. I. G.* 478). And not only in the East, but in the West—at Tarraco (Tac. *Ann.* i. 18: "templum ut in colonia Tarraconensi strueretur Augusto petentibus Hispanis permissum *datumque in omnes provincias exemplum*;" and more in Hübner's note, *C. I. L.* ii. p. 540), at Lugdunum in 12 B.C. (Suet. *Claud.* 2), at what was afterwards Cologne (Tac. *Ann.* i. 57), at Narbo Martius in 10 A.D. (Orelli, 2489; and cf. Desjardins, *Géographie de la Gaule romaine*, iii. 186 *seq.*, 224 *seq.*)—rose altars to Rome and Augustus. [For this provincial worship of Augustus, and the important council of the province that grew up around it, see AUGUSTALES and CONCILIUM.] The men of the world at Rome naturally despised all this. No one, says Maecenas contemptuously (Dio Cass. lii. 35), has ever become a god by a show of hands (*χειροτονητός*). No one of any repute whatsoever paid worship to him in Rome or Italy, says Dio Cassius (li. 20). Perhaps not officially, but spontaneously they did, by the infection of the general enthusiasm; for we find sacerdotes or flamines Augusti, while he was alive, in Pisa (Orelli, 643, last §), in Praeneste (id. 3874), in Pompeii (*C. I. L.* x. 837), in Beneventum a Caesareum to Augustus and the colony of Beneventum (*C. I. L.* ix. 1556), &c. Later the practice spread everywhere. The temples were called *Καισαρεῖα* or *Σεβαστεῖα* (*C. I. G.* 2126, 2839, &c.): the most celebrated of these are the one at Ancyra in Galatia, on the wall of which his exploits have been found engraven, and the one at Alexandria (Philo, *Leg. ad Caium*, p. 567). Probably during the lifetime of Augustus he was not publicly worshipped at Rome. Suetonius (*Aug.* 52) is very explicit: "in urbe quidem pertinacissime abstinuit hoc honore." But we cannot deny that the eagerness of the grateful people to give divine honours to the giver of the Pax Romana, and desire to flatter on the part of the upper classes, exhibited itself in worshipping him in private (Ov. *Pont.* iv. 9, 111; Hor. *Ep.* ii. 1, 15). Besides adopting the name AUGUSTUS, the emperor allowed the senate to worship his virtues (Boissier, *l. c.* p. 137); and to gratify the enthusiasm of the lower orders he allowed his Genius (*τύχη*) to be worshipped among the Lares (Hor. *Od.* iv. 5, 30), the guardians of the state (*praestites*, Ov. *Fast.* v. 129), and these Lares were henceforth called Lares Augusti (*C. I. L.* x. 1582). This worship was placed under the charge of the MAGISTRI VICORUM and their subordinate *ministri*, people in humble walks in life; and by thus enlisting the lower orders, who had no part in the state hitherto, in the service of the empire, Augustus established in them a strong conservative element for his constitution. [For an admirable account of the worship of the Lares and Augustus, see Desjardins, *Géographie de la Gaule romaine*, iii. 212 *seq.*, a valuable discussion.] Thus we see that Augustus was worshipped as a god in the provinces, but at Rome, during his lifetime, permitted only partial divine honours to be paid him—in this less bold than Julius—just as in the sphere of politics he would not be monarch but only princeps (Mommsen, *Staatsr.* ii. 734).

Augustus died in 14 A.D., and by solemn decree of the senate was made a god ("caelum decretum," Tac. *Ann.* i. 73). Other expressions for deification are *inter divos referre* (Suet. *Aug.* 97), *in numerum deorum referre* (Suet. *Claud.* 45), *caelestes honores decernere* (Tac. *Ann.* xii. 69; *ἀθανατίζειν*, Dio Cass. lix. 11). After this, to preserve the cult, a college of priests was appointed, the *sodales* AUGUSTALES; and besides these public ministers there sprung up a number of private associations for the worship of Augustus in Rome and throughout the empire, Livia setting the example by establishing between the Palatine and the Basilica Julia a domestic sanctuary to her deified husband, of which she was the priestess; and further, she celebrated games in his honour (Tac. *Ann.* i. 73). All this worship, public and private, was an expression of strong devotion and loyalty to the empire, and as such was encouraged by those in authority. Oath by the emperor's genius had already begun under Julius (Dio Cass. xliv. 6). Subsequently it was the practice in formal oaths to swear by Jupiter, the deified emperors, the genius of the reigning emperor, and the Penates (Lex Salpensa, c. 25; and Mommsen *ad loc.* p. 460). For more see JUSJURANDUM.

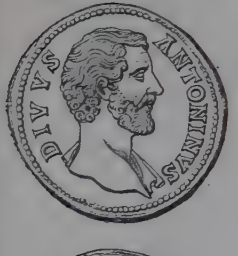
Tiberius, while rigorously enforcing the divinity of Augustus (Tac. *Ann.* i. 73, 74; ii. 50; iii. 66), rejected all divine honours for himself,

and would hardly allow them even in Asia (Tac. *Ann.* iv. 15). He was not made a god on his death. Not all emperors were deified, but only those whom for good or bad reasons (Plin. *Pan.* 11) the reigning emperor proposed to the senate; for it was the senate who formally decreed divine honours, "iudicavit de principibus," as Vopiscus (*Tac.* 4) says. And sometimes it was with great difficulty that deification of the preceding emperor was obtained from the senators. They refused it even under pressure from the soldiers to Domitian (Suet. *Dom.* 23), who had been styled "dominus deusque" during his lifetime (Mart. v. 8. 1, and *passim*). So Trajan was addressed by Pliny as *aeternitas vestra* (*Ep.* x. 87). It was from the earnestness with which Antoninus urged Hadrian's case that he got the title of Pius. Under pressure from Severus, who wished to make himself son of M. Aurelius and so brother of Commodus, divinity was decreed to the latter (Spart. *Sev.* 11); and the violence of the soldiers extorted it for Caracalla (Spart. *Carac.* 11). It had accordingly become a mockery. All the succeeding military emperors were deified, and the title (*divus*) continued to be given to deceased Christian emperors down at least as far as Valentinian (Eckhel, *D. N.* viii. 473), though we cannot suppose that "consecratio" (*vid. inf.*) was performed in their case.

But besides emperors many other members of the imperial family were deified, amongst whom we find many women. On their coins these often take the title of some goddess, *e.g.* Livia takes that of Herê, Julia that of Aphrodite (Eckhel, *D. N.* viii. 469). Women used to swear by the *divae*, just as men by the genius of the emperor (Dio Cass. lix. 11; lx. 5). And here it may be useful to give a list (taken from Marquardt, *Staatsverw.* iii. 446, with evidence added) of all members of the imperial family who received divine honours down to Alexander Severus:—1. Julius. 2. Augustus. 3. Livia (Suet. *Claud.* 11). 4. Drusilla, daughter of Germanicus (Dio Cass. lix. 11). 5. Claudius (Suet. *Claud.* 45). 6. Claudia Augusta, daughter of Nero and Poppaea (Tac. *An.* xv. 23). 7. Poppaea (*ib.* xvi. 21). 8. Vespasian (Plin. *Pan.* 11). 9. Titus (Henzen, 7421). 10. Domitilla, daughter of Vespasian (Orelli, 2231). 11. Julia Augusta, daughter of Titus (Eckhel, *D. N.* vi. 366). 12. Domitian's infant son (Eckhel, *D. N.* vi. 400). 13. Nerva (Orelli, 783). 14. Trajan's father (Orelli, 804). 15. Marciana, Trajan's sister (Orelli, 792). 16. Trajan (Spart. *Hadr.* 6). 17. Plotina, Trajan's wife (Orelli, 3744). 18. Hadrian (Spart. *Hadr.* 27). 19. Sabina, Hadrian's wife (Orelli, 836). 20. Matidia, Sabina's mother (*ib.* 2196). 21. Antoninus Pius (Capit. *Pius*, 13). 22. Faustina, his wife (*ib.* 6). 23. L. Verus (Capit. *M. Ant.* 15). 24. M. Aurelius (*ib.* 18). 25. Faustina, his wife (*ib.* 26). 26. Commodus (Spart. *Sev.* 11). 27. Pertinax (Capit. *Pert.* 15). 28. Sept. Severus (Herodian, iv. 2). 29. Caracalla (Spart. *Carac.* 11).

Sometimes consecration did not follow till after burial; *e.g.* Livia died in 29 A.D., but was not consecrated till 42: sometimes the two acts were simultaneous. But in any case consecration, after being decreed by the senate, involved a funeral ceremony. We have three detailed accounts of such consecration: (1) that of Augustus (Dio Cass. lvi. 34 and 42); (2) of Pertinax (id. lxxiv. 4 and 5); (3) of Severus (Herodian, iv. 2). The first differed from an ordinary Roman burial generally in its greater splendour, and specially in three waxen images taking the place of the corpse which had been previously buried (Xiphilin's supplement to Dio Cass. lvi. 34), and an eagle, the bird of Jupiter, being let loose from the pyre, which was regarded as carrying the soul of the dead man to the gods. Far more Oriental in its extravagance was the consecration of Pertinax, of which Dio Cassius was himself an eye-witness. In the Forum Romanum near the stone tribunal a wooden platform was erected, and on it an open pillared structure was raised, adorned with ivory and gold, and in it a bier was placed with heads of land and sea creatures carved thereon. The bier had coverlets of purple and gold, and on it was placed a waxen image of Pertinax, laid out in triumphal costume; and a fair youth brushed away the flies with a peacock's feather, for Pertinax, they feigned, was asleep. The emperor, the senators, and the senators' wives approached in mourning garments and sat down, the women in the porticoes, the men in the open. Then followed statues of all the illustrious Romans of old, choruses of men and boys chanting a hymn to the dead man, brazen images of all the subject nations in their national costume, representatives of the different guilds (*γένη*) in the city, the lictors, the scribes, the heralds, &c.; images of the great and illustrious in deed or discovery or walk in life; then the cavalry and infantry in full armour, the chief racehorses, the gifts for the pyre (mostly aromatics; see Henzen, *Arv.* 88) presented by the emperor or the senators or senators' wives or *equites illustres*, or by the divisions and collegia throughout the city. Thereafter followed a gilt altar, adorned with ivory and Indian jewels. When all these had passed, Severus mounted the Rostra and delivered the funeral oration. Tears and lamentations accompanied the speech, and burst forth louder when the speech was ended and the bier was moved. The chief priests and the magistrates, actual and designate, took it from the platform and gave it to some of the knights to bear. The procession marched before the bier, which was borne amidst droning flutes and beatings of the breast to the Campus Martius, the emperor following last. There the pyre was erected, a tower-like structure with three stories (four in Herodian's description, built like a lighthouse), adorned with gold and ivory and statues, and on the top of this was the gilded chariot which Pertinax used to drive. Into this pyre the bier was placed and the funeral offerings. Then, Severus and the relations of Pertinax having kissed the image, the emperor mounted a platform, and the senators from raised seats viewed what followed. When everything was prepared, the praefects and the knights, and the cavalry and infantry, went through their customary and their elaborate (*πολιτικὰς καὶ ποιητικὰς*) evolutions round the pyre (cf. Verg. *Aen.* xi. 188); the consuls applied the torch, and when the fire had caught an eagle soared up aloft. Herodian's account of the apotheosis of Severus is not materially different, except that for seven days previously the gradual death of Severus is acted, a waxen image taking the place of the emperor, physicians visiting it, and so forth. The orientalized

character of the whole proceeding is obvious: and for this Preller (*Röm. Myth.* p. 787) refers to the description of the pyre of the Assyrian Hercules in K. O. Müller, *Kleine Schriften*, ii. 102 *seq.*, to the obsequies of Hephaestion (Diod. xvii. 115), and the elder Dionysius (Athen. 206).



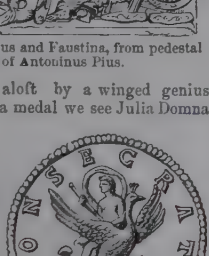
Medal of Antoninus Pius, representing the funeral pyre at his Consecratio. (Brit. Museum.)

The oldest custom carried the dead to heaven on an eagle (Artem. *Oneir.* ii. 20), and this is the most common figure on the representations of apotheoses. But we find Augustus represented on a Paris cameo as borne on a winged horse; and in the apotheosis of Antoninus and Faustina the winged genius of Eternity with two eagles carries them to the skies. On the triumphal arch of M. Aurelius the younger,

Consecratio of Antoninus and Faustina, from pedestal of Column of Antoninus Pius.

Faustina is borne aloft by a winged genius holding a torch. On a medal we see Julia Domna soaring up on the back of a peacock, Juno's bird.

The new god is represented with the *caput radiatum* (cf. Verg. *Aen.* xii. 162), first adopted by an emperor while alive by Nero (Eckhel, *D. N.* viii. 467);—the *nimbus* first on the coins of Antoninus Pius, regular after Constantine (Preller, p. 784):—the image of the deified emperor no more appears in the funerals of his family (Dio Cass. lvi. 46), but his statue appears among the statues of the gods at the games, on a tensa drawn by four elephants, symbols of eternity (Dio Cass. lxxiv. 4; Eckhel, vii. 144, 328). This is not exclusively confined to the gods, for in the 3rd century it was also used in the case of triumphs over the Parthians (Capit. *Gord.* 27). All these accompaniments of divinity appear on the coins representing consecration,—the *caput radiatum*, eagle, peacock, pyre, altar, tensa drawn by elephants: further, the star on the coins of Julius; the phœnix, another symbol of eternity, on Trajan's coins, &c. For a full account see Eckhel, *D. N.* viii. 456–473.



Medal of Julia Domna, on the back of a peacock. (Brit. Museum.)

Outside the imperial family we sometimes find examples of deification. Antinous, the favourite of Hadrian, is the best known example (Orig. *in Celsum*, iii. 36): it reminds us of Cicero and Tullia. Survivors are prone to imagine blessedness for the loved and lost: *e.g.* the Carpocratians, a Gnostic sect, built a temple to the son of their founder, who died young (Friedländer, iii. 456), and the same impulse may be seen in inscriptions (Orelli, 4647, 4530; Henzen, 7418). Men, too, paid worship to their human ideal: thus Plato, after his death, was regarded by some of his followers as son of Apollo (Zeller, ii. 1, 378, note 3, ed. 1875). Much of the sincere and lasting adoration paid to M. Aurelius (Capit. *M. Ant.* 18) was probably due to this impulse. Alexander Severus used to offer religious rites to many holy souls,—to Apollonius of Tyana, Christ, Abraham, Orpheus, "et huiuscemodi ceteros" (Lampr. *Alex.* 29).

(For apotheosis the chief works are F. G. Welcker, *Griechische Götterlehre*, ii. 294–316, 1863; L. Preller, *Römische Mythologie*, 770–796, 1858; Gaston Boissier, *La Religion Romaine*, i. 109–186, 1878; and Eckhel and the inscriptions *passim*. Besides this, additional information may be obtained in Mommsen-Marquardt, ii. 731–740, 783 *seq.*, 1078; vi. 89, 264–5, 443–455; Baumeister in his *Denkmäler*, pp. 109–111, and Mayor on Juv. iv. 71, and Index.) [L. C. P.]

APOTIME'MA. [Dos.]

APOTYMPANISMOS (*ἀποτυμπανισμὸς*), beating to death with sticks, cudgels, or clubs (*τὸ τυμπάνῳ ἀποκτεῖναι, ὅπερ ἐστὶ ξύλον ὥσπερ ῥόπαλον, Lex. Rhet.* p. 198), is mentioned as a mode of execution at Athens and elsewhere. It resembled, but was probably not identical with, the Roman *fustuarium*, an exclusively military punishment [Fustuarium].

It is a question of some importance, as bearing on the Greek and especially the Athenian character, whether this and other cruel punishments were confined to slaves and aliens, or inflicted also upon free citizens. By far the most probable opinion is, that they were absolutely prohibited by Attic law in the case of the fully enfranchised; but, as in other things, the practice in bad times may not have been quite on a level with the theory. One Menestratus, who had been an informer under the Thirty, and was apparently a citizen, suffered this punishment as a murderer (*ἀνδροφόνος*) under the restored democracy (Lys. *c. Agorat.* §§ 55, 56); but whether as an act of popular vengeance, or in consequence of a fresh crime, is not stated. In the same speech, two brothers of the defendant are said to have been thus put to death: one by Lamachus in the Sicilian expedition for sending

the enemy secret intelligence by fire-signals (this would have been under martial law); the other as a λιποδύτης: but we are expressly told that Agoratus was the son of a slave (Lys. *l. c.* §§ 67, 68). It is curious that Demosthenes in three passages somewhat brutally expresses a wish that this punishment had been inflicted on traitors, but nowhere mentions as a fact that it was so (*de Chers.* p. 104, § 61; *Phil.* iii. p. 126, § 61; *de Fals. Leg.* p. 388, § 137). The practice among barbarians or under tyrannies such as that of Aristion (or Athenion) is clearly irrelevant to this question (Athen. iv. 154 c, v. 214 d); and it would not be safe to infer from the one doubtful instance in Lysias, that Athenian citizens were liable to be thus punished. Perrot (*L'Éloquence politique à Athènes*, p. 130) holds that they were not; Caillemer the reverse (*ap.* D. and S.). The kindred question, whether torture to extract evidence was permissible in the case of citizens, is discussed under TORMENTUM. [W. W.]

APPARITO'RES, the general name for the free attendants of the magistrates at Rome, as distinguished from the *servi publici*. They received wages (*merces*) from the public treasury, and had places of their own in the theatre and circus (Tac. *Ann.* xvi. 12), doubtless near the magistrates on whom they waited. They were divided into five classes—the ACCENSI, LICTORES, VIATORES, SCRIBAE, and PRAECONES, treated in separate articles. Sometimes the term *apparitores* is used to exclude *scribae* and *lictores;* but this is less exact, for the last two classes also *apparebant magistratibus.* (Cf. Serv. on Verg. *Aen.* xii. 850; Cic. *Cluent.* 53, 147; Liv. i. 8.) Each class constituted a corporation (*corpus*), subdivided into *decuriae*, which had the right of holding property and slaves. The number of members of a *decuria* varied with the number of attendants to which each magistrate was entitled. The term *decuria* was afterwards applied, not merely to a subdivision of a corporation, but to the whole of one not so divided. The post of *apparitor*, though nominally conferred by the magistrates of each year, became practically a permanent one, and was even transferred by sale. (Cf. Mommsen, *Staatsr.* i. 259–272; Becker, *Röm. Alt.* ii. 2, 370–384.) [A. S. W.]

APPELLA'TIO. **1.** GREEK (ἔφεσις or ἀναδικία). Owing to the constitution of the Athenian tribunals, each of which was generally appropriated to its particular subjects of cognizance, and therefore could not be considered as homogeneous with or subordinate to any other, there was little opportunity for bringing appeals properly so called. It is to be observed also, that in general a cause was finally and irrevocably decided by the verdict of the dicasts (δίκη αὐτοτελής). There were, however, some exceptions, in which appeals and new trials might be resorted to.

A new trial to annul the previous award might be obtained, if the loser could prove that it was not owing to his negligence that judgment had gone by default, in which case he was said ἐρήμην ἀντιλαχεῖν (Dem. *c. Zenoth.* p. 889, § 27), or that the dicasts had been deceived by false witnesses (δίκη ψευδομαρτυριῶν). And upon the expulsion of the Thirty, a special law annulled all the judgments that had been given during the usurpation (Dem. *c. Timocr.* p. 718, § 56). To this class of causes we find the phrases δίκη ἀνάδικος, ἀναδικία, ἀναδικάζεσθαι, παλινδικία, παλινδικεῖν applied; and they may be compared, *mutatis mutandis*, with the "motions for a new trial" of the English law.

An appeal properly so called (ἔφεσις) was allowed only in the following cases:—1. From a decision of the public arbitrators (διαιτηταὶ κληρωτοί). 2. From a διαψήφισις or decision of a man's δημόται adverse to his rights of citizenship. 3. From an ἐπιβολὴ or fine summarily imposed by a magistrate, but not from the τίμημα or fine assessed by a jury. 4. In the δίκαι ἀπὸ συμβόλων, when one of the parties was a citizen of a foreign state, between which and Athens the agreement called σύμβολα existed. The technical words employed in this last case are ἐκκαλεῖν, ἐκκαλεῖσθαι, ἔκκλητος (δίκη or πόλις). See further details under the respective headings [DIAETETAE, DIAPSEPHISIS, EPIBOLE, SYMBOLON, DIKAI APO]. These and other obscurer cases of appeal are noticed by Pollux (viii. 62, 63) in the following words:—"Ἔφεσις is when one transfers a cause from the arbitrators (διαιτηταί), or archons, or men of the township (δημόται) to the dicasts, or from the senate to the assembly of the people, or from the assembly to a court (δικαστήριον), or from the dicasts to a foreign tribunal; and the cause was then termed ἐφέσιμος. Those suits were also called ἔκκλητοι δίκαι. The deposit staked in appeals, which we now call παραβόλιον, is by Aristotle styled παράβολον."

It is not easy to determine upon what occasions an appeal from the archons could be preferred; for after the time of Solon their power of deciding causes had degenerated into the mere presidency of a court (ἡγεμονία δικαστηρίου), and the conduct of the previous examination of causes (ἀνάκρισις). Upon the rejection of the plaintiff's suit in this previous examination as unfit to be brought before a court, he would most probably proceed against the archon in the assembly of the people for denial of justice, or would wait till the expiration of his year of office, and attack him when he came to render the account of his conduct in the magistracy (εὔθυναι). (Antiph. *de Choreut.* §§ 42, 43.) An appeal, however, from the archons, as well as from all other officers, was very possible when they imposed a fine of their own authority and without the sanction of a court; and it might also take place when the king archon had by his sole voice made an award of dues and privileges (γέρα) contested by two priesthoods or sacerdotal races. (*Lex. Rhetoricum*, p. 219, 19.) [J. S. M.] [W. W.]

2. ROMAN. Under the republican constitution the word *appellatio* and the corresponding verb *appellare* are used to express the application of an individual to a magistrate, and particularly to a tribune of the people, for their intercession in order to prevent a wrong being inflicted on the applicant by the order of some other magistrate. The magistrate or tribune to whom such application was made, had the power of nullifying the order of the magistrate appealed against. The application had to be made within a prescribed time. There are many instances recorded of criminal, civil, and

administrative decrees of magistrates being set aside on such applications.

Appellatio, in the above sense, is to be distinguished from *provocatio*.

Provocatio is the term used for the right of appeal, in criminal cases, from a magistrate to the populus. It would seem that the *provocatio* was an ancient right of Roman citizens. The surviving Horatius, who murdered his sister, appealed from the duumviri to the populus (Liv. i. 26). The *provocatio*, though it existed in the regal period, could not be brought against the king's decisions without his permission.

There was subsequently a right of appeal from the Consuls, subject to the same restriction, but by the Valerian law (B.C. 508) the Consuls were obliged to give leave to appeal where they had passed sentence inflicting capital or corporal punishment. By a subsequent law the same principle was applied to sentences under which heavy fines were imposed. The decemviri took away the *provocatio*, but it was restored by a *lex consularis de provocatione*, and it was at the same time enacted that in future no magistrate should be made without being subject to the right of appeal. On this Livy (iii. 55) remarks that the plebeians were now protected by the *provocatio* and the *tribunicium auxilium*: this latter term has reference to the *appellatio* properly so called (iii. 13, 56). Appius (Liv. iii. 56) applied (*appellavit*) to the tribunes; and when this produced no effect, and he was arrested by a viator, he appealed (*provocavit*). Cicero (*de Orat.* ii. 48) appears to allude to the re-establishment of the *provocatio* which is mentioned by Livy (iii. 55). The complete phrase to express the *provocatio* is *provocatio ad populum*: and the phrase which expresses the *appellatio* is *appellare*, and in the later writers *appellare ad*.

The *provocatio* was an appeal in the strict sense of the term, *i.e.* it consisted of a rehearing of a case previously tried, and a new judgment upon it. The *provocatio* was, however, limited to criminal matters. In civil suits there was not, and could not be, any appeal under the republic, for the purpose of revising and altering a decision, for each magistrate had power to decide finally within the limits of his jurisdiction: and, as a general rule, the sentence of a judex could not be reversed by the magistrate who appointed him, and was not even subject to *intercessio*; but in the provinces judices were subject to the control of the governor (Cic. *Verr.* ii. 13, 27). The *appellatio* was to some extent a remedy against an illegal decree, but it was not a rehearing and revision of the previous decision, and so not an appeal in the strict sense: it was rather in the nature of a stay of execution. Where, however, an official had delegated his jurisdiction to another, there was a regular appeal to the delegating authority. Also in exceptional circumstances, a magistrate who had appointed a judex might grant a new trial by means of his extraordinary equitable remedy, the *in integrum restitutio*, in case he were dissatisfied with the decision of the judex (Cic. *pro Flacco*, 21, 49; Val. Max. v. 4, 7; cf. Mommsen, *Staatsrecht*, i. 25, note 3). Appellate jurisdiction in civil causes can hardly be said to have existed under the republic, but it became an institution on the establishment of the empire. Mommsen has connected this judicial reform with the attempt of Julius Caesar to revive the regal authority (*Röm. Gesch.* iii. 475), but there is no proof of such appellate jurisdiction being exercised before the time of Augustus, when a regular gradation of appeals from inferior to superior jurisdictions was constituted, probably under the authority of the Lex Julia Judiciaria. The origin of the new institution is left in much uncertainty. The emperor centred in himself both the power of the populus and the veto of the tribunes; hence he could rescind the decrees of all magistrates, but these powers were not a sufficient foundation for the new appellate jurisdiction by which the civil decrees of magistrates were subject to a regular revision. The jurisdiction was not limited, as under the republican constitution, to appeals brought to a delegating magistrate against the decisions of his delegate.

Under the empire the terms *provocatio* and *appellatio* lost their original signification. Thus Gellius (iv. 14) has used *provocatio* for *appellatio*. In the Digest (49, tit. 1, de appellationibus) *provocatio* and *appellatio* are used indiscriminately for a civil appeal, which is to be explained by the fact that the idea of the civil appeal was partly taken from the *appellatio* in its earlier sense, and partly from the *provocatio*. *Provocatio* seems so far to have retained its original meaning as to be the only term used for an appeal in criminal matters.

Civil appeals came, in the last resort, either to the emperor or to the senate. This division of the supreme appellate jurisdiction between the emperor and the senate was in accordance with the dual system of government which Augustus contrived. Appeals from Rome, Italy, and the provinces under its government would have been confined to the senate, if the division had been strictly carried out, while appeals from imperial provinces would have come to the emperor; but while the emperors reserved to themselves the sole right of hearing appeals from their *legati*, they also took cognisance of all appeals from Rome, Italy, and the senatorial provinces, except during the short periods when the strict principle of division was adhered to (Suet. *Calig.* 16, *Ner.* 17; Tac. *Ann.* xiv. 28).

The senate sitting as a court of appeal was perhaps regarded as the consilium of the consuls. There was no appeal from the senate to the emperor (Dig. 49, 2. 1, § 2). In course of time the emperor exercised the appellate jurisdiction of the senate by virtue of the consular power which he assumed.

There was a right of appeal from the decrees of magistrates and from the decisions of all judges who had acted under an authority delegated to them by a magistrate; but it is a question whether there was any right of appeal from the judex proper, though the emperor exercised in exceptional cases the power of granting a new trial, as magistrates had previously done by means of the *in integrum restitutio* (Suet. *Dom.* 8).

The *datus judex* of the Corpus Juris is not the judex of the republican constitution, but a judge acting under a delegated power, from whose decision there would be an appeal as a matter of course (Mommsen, *Staatsrecht*, ii. 2, 940; cf. Hollweg, *Civil-Prozess*, ii. 46).

If the sentences of judices could not be ap-

pealed against, the extent of appellate jurisdiction must have increased, as the magistrate came to decide a greater number of cases himself without the help of a judex, since the decision of the magistrate would be subject to appeal. At length, when in the time of Diocletian all judicia became *extraordinaria*, the right of appeal was necessarily applicable to all judgments.

The emperor either heard civil appeals in person, or delegated the hearing of them to others. Augustus every year assigned civil appeals from the city to the Praetor urbanus; provincial appeals to consulares appointed for each province (Suet. *Aug.* 33). The senate likewise delegated civil appeals to the consuls, who frequently transmitted the hearing of them to special delegates. Appeals tried by delegates were generally subject to a further appeal to the delegating authority; but if a special delegate was appointed by the emperor, it was not uncommon to exclude any further appeal. In the 3rd century we find civil appeals from the provinces frequently entrusted to the Praefecti praetorio; those from the city came regularly before the Praefectus urbi. From these the only appeal was to the emperor himself, whose decision was in all cases final; but he had always the right of refusing to exercise his jurisdiction.

The process by which an appeal was brought in civil cases might be either oral or written. The written appeal or *libelli appellatorii* showed who were the appellant and defendant, and the nature of the judgment appealed from. The court below transferred the case to the superior court by *litterae dimissoriae* or *apostoli*. The time within which appeals could be brought was limited. If the appellant was unsuccessful in his appeal, he was subject to a pecuniary penalty.

From the time of Augustus, the populus did not exercise sovereign criminal jurisdiction. The emperor himself took cognisance of criminal cases as a court of first instance, having coordinate jurisdiction with the senate. The *quaestio* procedure continued to be the ordinary mode of trial [QUAESTIO]. Appellate criminal jurisdiction was confined within narrow limits. No appeal lay to the emperor from the decisions of judices or from the senate, although he might annul a decree of the latter body by *intercessio*. The emperor delegated criminal jurisdiction to governors of provinces in capital cases, to the Praefecti urbi, and to others: appeals might be heard by him against the decisions of his delegates. The extension of imperial delegation in criminal cases and the decline of republican institutions, especially the abolition in the 3rd century of the *quaestiones*, led to the emperor's complete supremacy over criminal courts, which he also acquired over civil.

The system of *appellationes* under the empire was not limited to matters of criminal and civil procedure. A person might appeal in matters that related to the fiscus, to civil offices and burdens, and other administrative subjects. (Paul. v. 32–37; Dig. 49, 1; Cod. Just. 7, 62; Puchta, §§ 180, 181; Mommsen, *Staatsrecht*, ii. 2, pp. 930–948; Bethmann-Hollweg, *Civil-Prozess*, i. 62, ii. 42, 49; Rudorff, *Rechtsq.* ii. § 85.) [G. L.] [E. A. W.]

APPLICATIO'NIS JUS. [EXSILIUM.]

APROSKLE'TOS DIKE' (*ἀπρόσκλητος δίκη*). If there were insufficient or fraudulent service of the summons (*πρόσκλησις*), the suit was called *ἀπρόσκλητος*, and dismissed by the magistrate (Dem. *c. Nicostr.* p. 1251, § 15). [DIKÉ, PROSKLESIS.] [W. W.]

APROSTASI'OU GRAPHE' (*ἀπροστασίου γραφή*), an action falling under the jurisdiction of the polemarch, which was brought against those metoeki, or resident aliens, who had neglected to provide themselves with a patron (*προστάτης*). This action is stated to have been also brought against those metoeki who exercised the rights of full citizens, or did not pay the *μετοίκιον*, a tax of twelve drachmas exacted from resident aliens; but Meier has remarked that this action was only applicable in such cases, provided that the metoeki had no patron. It is probable that the *μετοίκιον* was regularly paid through the *προστάτης*, and that he was responsible for it; and in that case the default of payment would of itself prove neglect to comply with the provisions of the law. (Harpocrat., Zonar., Suid. *s. v.*; Meier, *Att. Process*, p. 315; Perrot, *Essai*, p. 264.) [W. S.] [W. W.]

APSIS. [ABSIS.]

APSY'CHON DIKE' (*ἀψύχων δίκη*), an action against inanimate objects (*ἄψυχα*) which had caused the death of a human being. It thus somewhat resembled the English law of deodand, lately abolished. It was tried in the court of the Prytaneum, and, according to Schömann, partook more of the nature of a religious ceremony than a judicial proceeding. If the instruments with which a murder had been committed were captured, and not the murderer himself, these, after the Ephetae had pronounced their sentence, were conveyed out of the country by the Phylobasileis, or presidents of the four old-Ionic tribes. In the same way were treated such things as had accidentally caused the death of any one. Animals likewise, by which any one had been killed, were here condemned to death, and then conveyed out of the country. (Pollux, viii. 111, 120; Dem. *c. Aristocr.* p. 645, § 89; Schömann, *Antiq.* i. 470, E. T.; comp. Plat. *Leg.* ix. 873 E.) [W. W.]

AQUAEDUCTUS (*ὑδραγωγία, ὑπόνομος*)—literally, a water-conduit—would, of course, properly describe any channel for the passage of water; but the word is used especially for the magnificent structures by means of which Rome and other cities of the Roman empire were supplied with water, and which may be described in general terms as channels, constructed as nearly as possible with a regular declivity from the source whence the water was derived to the place where it was delivered, carried through hills by means of tunnels, and over valleys upon a substruction of solid masonry or arches.

1. GREEK.—Among the Greeks in many cases springs (*κρῆναι, κρουνοί*) were sufficiently abundant to supply a considerable part of the great cities with water; and great attention was paid to the preservation and adornment of them: they were converted into public fountains by the formation of a head for their waters, and the erection of an ornamental superstructure; and were dedicated to some god or hero. Pausanias (x. 4, § 1) considers no place to deserve the name of *city* which has not such a fountain. We are indebted to the same author and other Greek writers for accounts of some of the most celebrated fountains: such as that of Theagenes, at

Megara (Paus. i. 40, § 1); those of Peirene and Lerna at Corinth, where there were many other fountains, as well as a Roman aqueduct erected by Hadrian (ii. 3. §§ 2. 3. 5; 4. § 5); that in the grove of Aesculapius at Epidaurus (ii. 17, § 5); and several others (iv. 31. 32. 34; vii. 5. 21; viii. 10), of which we need only mention the Enneakrounos at Athens, which was constructed by Peisistratus and his sons, and of which Thucydides records the interesting fact, marking the transition from the natural springs to the artificial fountain, and showing the importance attached even to the former, that "it was called Callirhoë formerly, when the springs were outside" (*ὀυκερὰν τῶν πηγῶν οὐσῶν*, Thuc. ii. 15; Paus. i. 14. § 1); to this enumeration might be added the springs of salt water in certain temples; as in those of Erechtheus at Athens, and of Poseidon Hippius at Mantinela. (Paus. i. 26, § 5; viii. 10, § 4.)

In these cases we have no reason to suppose that there was anything more than a fountain over or close to the springs, forming a head for the water derived, either immediately, or by very short channels, from them. But we are not without examples of constructions more nearly approaching the Roman aqueducts in kind, though not in degree. That the Greeks, at a very early period, had some powers of hydraulic engineering, is shown by the drainage tunnels of the lake Copais, and the similar works of Phaeax at Agrigentum [EMISSARIUM]; and we have an instance of a channel for water being carried through a mountain, to supply the city of Samos. The height of the mountain was 150 orguiae (900 Greek feet); the length of the tunnel was 7 stadia (7–8ths of a Roman mile, or about 1420 yards); its section was a square of 8 Greek feet. The actual channel for the water was cut below this, and was, if the text is right, 30 Greek feet deep, and 3 wide; the water passed through pipes (*διὰ σωλήνων*) from a copious spring, and was thus brought to the city. (Herod. iii. 60.) There are still remains of this tunnel. Müller conjectures that the work was one of those executed by Polycrates (*Archäol. d. Kunst.* § 91). Indeed many of the Greek waterworks appear to date from the age of the Tyrants.

But from early times, the Greeks, where the needs of a city called for it, constructed underground conduits following the undulations of the surface or carried through the hills by tunnels, and closely resembling the earlier Oriental aqueducts, of which they were probably imitations. Thus the conduit which supplied the acropolis of Thebes was attributed to Cadmus (Dikaearch. p. 146, Fuhr), and the canalisation of the mountain torrents round Argos to Danaus (Strabo, viii. pp. 370, 388). The Greek aqueducts were usually rectangular channels cut in the rock or constructed of solid masonry, but in the Troad we have an instance of one composed of earthenware pipes (Hahn, *Ausgrab. auf der Hoehe v. Pergamos*).

At Athens the rocky part of the city was dependent on cisterns. Two conduits entered the city on the east from the upper course of the Ilissus, which lower down was canalised, and part of its water went to supplement the Enneakrounos, below which an underground conduit ran from the river, repeatedly crossing under its bed, and accessible to use by shafts, and finally carried to the Peiraeus. Below the *Enneakrounos* a stream from Hymettus was carried over the Ilissus into the city. Later, two large conduits were constructed from Lycabettus on the east and west of that mountain. A system of canals from the Cephissus served to irrigate the olive-woods. (E. Curtius, *VII. Karten von Attika.*) Finally, Hadrian, at the end of his reign, built an aqueduct of the Roman type, drawing its water from the Cephissus. Among the finest and best preserved of Greek aqueducts are those of Syracuse, which Thucydides (vi. 100) tells us were laid under ground to bring drinking-water into the city. They are still in use—one from the Anapus, on the north, twelve miles long, which finally crosses under the Small Harbour and feeds the fountain of Arethusa, and one from the springs of Mount Crimiti on the south. (Sohubring, *Philologus*, 1865, pp. 577–638.)

Solon, according to Plutarch (*Sol.* 23), ordained that water might be fetched from the public fountains or wells to a distance of four stadia; beyond this, persons must dig their own wells; but if any one dug to a depth of ten *orguiae* without finding water, he was permitted to take from his neighbour's well a pitcher of six *choës* twice a day. Plato (*Leg.* viii. p. 844, A, B) mentions this law, which obviously refers to country life, in vaguer terms, and also the conditions under which the waters of streams might be diverted for irrigation. The public conduits were superintended by *ἐπιστάται τῶν ὑδάτων*. Their office was apparently of some importance, as it was held by Themistocles, who inflicted fines on fraudulent consumers (Plut. *Themist.* 31). The *κρηνοφύλακες* and *κράναρχοι* were probably subordinate officers (Phot. and Hesych. *s. vv.*; Schömann, *Antiq.* i. p. 416, E. T.). On Greek aqueducts see E. Curtius, *Ueber städtische Wasserbauten der Hellenen*, in *Archäol. Zeitung*, 1847.

2. ROMAN.—The Romans were in a very different position, with respect to the supply of water, from most of the Greek cities. They at first had recourse to the Tiber and to wells sunk in the city; but the water obtained from those sources was very unwholesome, and must soon have proved insufficient. Consequently, to supply the demands of the public baths and the fullers, and later of the growing population, and later still of the *naumachiae*, they had recourse to public works in order to bring pure water from a considerable distance—from the hills, in fact, which surround the Campagna. The date of the first aqueduct is assigned by Frontinus to the year A.U.C. 441, or B.C. 312 (*de Aquaed. Urb. Rom.* 4); and the number of aqueducts was gradually increased, partly at the public expense and partly by the munificence of individuals, till, in the time of Procopius, they amounted to fourteen (see p. 151 a); and, even before they were all erected, they might well excite the admiration which Pliny expresses with respect to the Claudian aqueduct (*H. N.* xxxvi. § 123):—"But if any one will carefully calculate the quantity of the public supply of water, for baths, reservoirs, houses, trenches (*euripi*), gardens, and surburban villas, and, along the distance which it traverses, the arches built, the mountains perforated, the valleys levelled, he

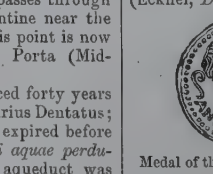
will confess that there never was anything more wonderful in the whole world."

The detailed description of the arrangements of the aqueduct will be better understood, after an enumeration of the principal aqueducts by which water was conveyed to Rome across the Campagna. Our knowledge of the subject is derived almost entirely from the treatise *De Aquaeductibus Urbis Romae*, by S. Julius Frontinus, who was *curator aquarum* (keeper of the aqueducts) under Nerva and Trajan. It should be observed that the *Aquaeductus* is often called simply *Aqua*. There were nine aqueducts in the time of Frontinus, of which four belong to the time of the republic, while five were built in the reigns of Augustus and Claudius.

1. The *Aqua Appia* was begun by the censor Appius Claudius Caecus (to whom also Rome was indebted for her first great road), in B.C. 312. Its sources are mentioned by Frontinus as near the *Via Praenestina*, between the seventh and eighth milestones. But this appears to be a mistake, as its real source has been discovered in the reservoirs formed in the ancient quarries, now called *latomie della Rustica*, about 50 feet below the level of the ground. Perhaps we ought to read *Via Collatina* instead of *Praenestina* (Middleton, *Ancient Rome*, p. 466). Its termination was at the *salinae*, by the *Porta Trigemina*. Its length was 11,190 *passus*, for 11,130 of which it was carried under the earth, generally at a considerable depth; and for the remaining 60 *passus*, within the city, from the *Porta Capena* to the *Porta Trigemina*, it was on arches. The distribution of its water began from the *Clivus Publicius*. (Frontin. 5; Liv. ix. 29; Diod. xx. 36; Aur. Vict. *Vir. Illust.* 34, who confounds it with the *Anio*.) Its subterranean *specus* has been discovered in several places in Rome, especially at one point where it passes through the old tufa quarries in the Aventine near the church of S. Saba; its line near this point is now traversed by the modern Via di Porta (Middleton, *l. c.*).

2. The *Anio Vetus* was commenced forty years later, B.C. 272, by the censor M'. Curius Dentatus; but as the time of the censorship expired before the work was completed, *duumviri aquae perducendae* were appointed, and the aqueduct was finished by M. Fulvius Flaccus, one of the duumvirs, the other having died shortly after his appointment. The expense was defrayed out of the spoils taken from Pyrrhus. The water was derived from the river Anio, above Tibur, at a distance of ten Roman miles from the city; but, on account of its windings, its actual length was forty-three miles (*ita exigente libramento*, Front.), of which length less than a quarter of a mile only (namely, 221 *passus*) was above the ground. There are considerable remains of this aqueduct below the Claudian aqueduct, near the *Porta Maggiore*, and other pieces of the specus and remains of large cisterns were discovered while laying out the new streets Principe Amadeo, Carlo Alberto, and Napoleone III. (Middleton, p. 467), and also in the neighbourhood of Tivoli, which was supplied with its water. It was built of blocks of peperino stone, and the water-course was lined with a thick coating of cement. (Front. 6; Aur. Vict. *Vir. Ill.* 43.)

3. The *Aqua Marcia*, one of the most important of the whole, was built by the praetor Q. Marcius Rex, by command of the senate, in B.C. 144. The want of a more plentiful supply of water had been long felt, especially as that furnished by the *Anio Vetus* was of such bad quality as to be almost unfit for drinking; and, in B.C. 179, the censors M. Aemilius Lepidus and M. Flaccus Nobilior had proposed the erection of a new aqueduct; but the scheme had been defeated, in consequence of Licinius Crassus refusing to let it be carried through his lands. (Liv. xl. 51, 7.) The two existing aqueducts had also fallen into decay by neglect, and had been much injured by private persons drawing off the water at different parts of their course. The senate therefore commissioned the praetor Marcius to repair the old aqueducts, and to build a third, which was named after him. According to Fenestella (*ap.* Front.), 180 million sesterces were voted for the purpose. Some writers have pretended that the original construction of this aqueduct is to be ascribed to Ancus Marcius, alleging a passage of Pliny (*H. N.* xxxi. §41), and a medal of the Marcian gens, family Philippus, which bears on the obverse a head with the legend ANCVS, and on the reverse a representation of an aqueduct, with the letters AQVAM (*Aqua Marcia*) between the arches, supporting an equestrian statue with the legend PHILLIPPVS: but those who know anything of the history of Roman family records will understand that this medal bears no evidence to the point in question, and is simply a perpetuation of two of the greatest distinctions of the *Marcia gens*, their alleged descent from Ancus, and the aqueduct which bore their name; and Pliny's opinion is simply one of his ludicrous blunders, arising probably from his confounding Marcius Rex with the king Ancus Marcius. (Eckhel, *Doctr. Num. Vet.* vol. v. p. 248.)



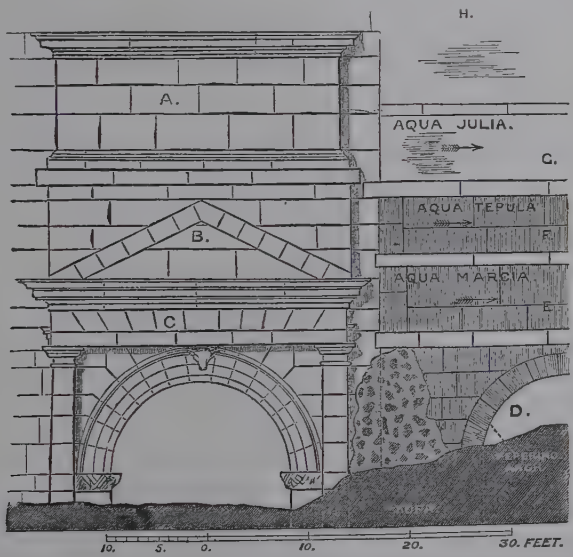
Medal of the Marcia gens, recording the Aqua Marcia.

This aqueduct commenced three miles south of the *Via Valeria*, thirty-six miles from Rome; its length was 61,710½ *passus*, of which only 7463 were above ground; namely, 528 on solid substructions and 6935 on arches. It was high enough to supply water to the summit of the Capitoline Mount. It was repaired by Agrippa in his aedileship, B.C. 33 (see below, No. 5), and the volume of its water was increased by Augustus, by means of the water of a spring 800 *passus* from it: the short aqueduct which conveyed this water was called the *Aqua Augusta*, but is never enumerated as a distinct aqueduct. Pliny states that the water of the *Aqua Marcia* was the coldest and most wholesome of all which was brought to Rome; and Vitruvius and other writers refer to the excellence of the water as being proverbial. Considerable remains of it are still standing both above and below Tivoli. (Frontin. 7, 12; Plin. *H. N.* xxxi. § 41, who differs from Frontinus in some of the details; Strab. v. p. 240; Vitruv. viii. 3, § 1; Dio Cass. xlix. 42; Plut. *Coriol.* 1; Prop. iii. 22, 24;

Mart. vi. 42, 18; Stat. *Silv.* i. 5, 25.) Its *specus* can be seen, where it passes over the arch built by Augustus below the *specus* of the *Aqua Julia* and *Tepula* (see No. 5).

4. The *Aqua Tepula*, which was built by the censors Cn. Servilius Caepio and L. Cassius Longinus in B.C. 127, began at a spot in the Lucullan or Tusculan land, two miles to the right of the tenth milestone on the *Via Latina*. Its water was slightly warm, whence its name, *tepula*, a form of *tepida*. It was afterwards connected with

5. The *Aqua Julia*. Among the splendid public works executed by Agrippa in his aedileship, B.C. 33, was the formation of a new aqueduct, and the restoration of all the old ones. From a source two miles to the right of the twelfth milestone of the *Via Latina*, he constructed his aqueduct (the *Aqua Julia*) first to the *Aqua Tepula*, in which it was merged as far as the reservoir (*piscina*) on the *Via Latina*, seven miles from Rome. From this reservoir the water was carried along two distinct channels, on the same substructions (which were probably the original substructions of the *Aqua Tepula*, newly restored), the lower channel being called the *Aqua Tepula*, and the upper the *Aqua Julia*; and this double aqueduct again was united with the *Aqua Marcia*, over the watercourse of which the other two were carried. The arch bearing the three aqueducts, where it entered the city, is now the *Porta S. Lorenzo*; and the rebuilding of this part of the aqueduct by Augustus in B.C. 5 is recorded by an inscription on the side of the *specus* of the *Aqua Julia* (A in cut). Other restorations were made by Titus in A.D. 79, recorded in an inscription on the frieze below (B in cut); by Severus in 196; and by Caracalla in 212. The restoration by Caracalla is recorded in an inscription, to make room for which the moulded pediment has been cut away (C in cut).



Arch built by Augustus where the three Aqueducts, *Julia*, *Tepula*, and *Marcia*, pass over a road, now the Porta S. Lorenzo. (From Middleton.)

A. Original inscription by Augustus.
B. Inscription recording restoration by Titus.
C. Inscription added by Caracalla.
D. Peperino arch of the Aqueduct.
E, F, G. *Specus* of the *Marcia*, *Tepula*, and *Julia*.
H. Part of one of the towers of Aurelian's Wall.

In Rome itself the three *specus* were separated and carried in different directions. A section of the three *specus* is given below (see p. 153). The whole course of the *Aqua Julia*, from its source, amounted to 15,426 *passus*, for 7000 of which its course was above ground, partly on massive substructions and partly on arches. (Frontin. 8, 9, 19.)

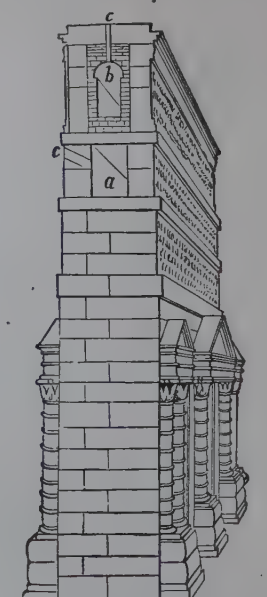
6. The *Aqua Virgo* was also built by Agrippa in his aedileship. In the same year, Agrippa, according to Pliny (*H. N.* xxxvi. § 121), erected for public use 700 basins or pools (*lacus*), 500 fountains (*salientes*), 130 *castella*, adorned with 300 statues and 400 marble columns. The main object of the *Aqua Virgo* was to supply the baths of Agrippa. From a source in a marshy spot by the eighth milestone on the *Via Collatina*, it was conducted by a very circuitous route, chiefly under the ground, to the *M. Pincius*, whence it was carried on arches to a spot opposite the east side of the Pantheon. Its length was 14,105 *passus*, of which 12,865 were underground; in its subterranean course it received the water of numerous springs; and its water was as highly esteemed for bathing as that of the *Aqua Marcia* was for drinking. It is one of the aqueducts on the left bank of the Tiber which are still in use, though on a

much diminished scale. (See p. 151, b.) The origin of its name is variously explained. (Frontin. 10; Dio Cass. liv. 11; Plin. *H. N.* xxxi. § 42; Cassiod. *Var.* vii. 6; Ov. *Trist.* iii. 12, 22; Mart. v. 20, 9, vi. 42, 18, xi. 47, 6.) "A well-preserved piece of the ancient *specus* can be seen below the level of the street, in the court of No. 12, Via del Nazzareno, behind the Trevi fountain. The arches themselves, which are of peperino, are buried, but the *specus* of massive travertine, decorated with an entablature, is visible, and is perfectly preserved. On both sides of the frieze is an inscription recording that this part was rebuilt by Claudius in A.D. 52." (Middleton, p. 471.)

7. The *Aqua Alsietina* (sometimes called also *Aqua Augusta*), on the other side of the Tiber, was constructed by Augustus from the *Lacus Alsietinus* (*Lago di Martignano*), which lay 6500 *passus* to the right of the fourteenth milestone on the *Via Claudia*, to the part of the *Regio Transtiberina* below the *Janiculus*. Its length was 22,172 *passus*, of which only 358 were on arches, its level being lower than that of any other aqueduct; and its water was so bad that it could only have been intended for the supply of Augustus's *Naumachia*, and for watering gardens. Its reservoir was 1800 feet long by 1200 wide. (Frontin. 11.)

8, 9. The two most magnificent aqueducts were the *Aqua Claudia* and the *Anio Novus* (or *Aqua Aniena Nova*), both commenced by Caligula in A.D. 38, and finished by Claudius in A.D. 52. The water of the *Aqua Claudia* was derived from two copious and excellent springs, called *Cuerulus* and *Curtius*, near the thirty-eighth milestone on the *Via Sublacensis*, and it was afterwards increased by a third spring, *Albudinus*, and by the waters of the *Augusta*. Its water was reckoned the best after the *Marcia*. (Frontin. 13, 14: cf. Suet. *Cal.* 21, *Claud.* 20; Lamprid. *Alex.* 30.) Its length was 46,406 *passus* (nearly 46½ miles), of which 9567 were on arches and 609 on substructions. Of a still greater length was the *Anio Novus*, which began at the forty-second milestone, on the *Via Sublacensis*, being taken from a dam constructed in the bed of the river, and which received in addition, at the thirty-eighth milestone, opposite the sources of the *Aqua Claudia*, a stream called the *Rivus Herculaneus*. It was the longest and the highest of all the aqueducts, its length being nearly 59 miles (58,700 *passus*, of which 9400 were above ground), and some of its arches 109 feet high (Frontin. 15). In the neighbourhood of the city these two aqueducts were united, forming two channels on the same arches, the *Claudia* below and the *Anio Novus* above. An interesting monument connected with these aqueducts is the gate now called *Porta Maggiore*, which was originally a magnificent double arch, by means of which the aqueduct was carried over the *Via Labicana* and the *Via Praenestina*. The *Porta Labicana* was blocked up by Honorius; but the arch has been lately cleared of his barbarous constructions. Over the double arch are three inscriptions, which record the names of Claudius as the builder, and of Vespasian and Titus as the restorers of the aqueduct. The annexed cut (after Hirt) represents a restored section. By the side of this arch the aqueduct passes

along the wall of Aurelian for some distance, and then it is continued upon the *Arcus Neroniani* or *Caelimontani*, which were added by Nero to the original structure, and which ter-



Section of the *Porta Maggiore* at Rome: *a.* the *Aqua Claudia*; *b.* the *Anio Novus*; *c.* openings to give vent to the air.

minated at the temple of Claudius, which was also built by Nero, on the *Caelius*, where the water was probably conveyed to a *castellum* already built for the *Aqua Julia*, and for a branch of the *Aqua Marcia*, which had been at some previous time continued to the *Caelius*. The Arch of Dolabella, erected B.C. 10, was used as a foundation for a large reservoir constructed at that point. The ruined arches of the Claudian aqueduct still extend for many miles across the Campagna.

These nine aqueducts were all that existed in the time of Frontinus, who thus speaks of them collectively, in terms which can hardly be thought exaggerated: "Tot aquarum tam multis necessariis molibus pyramidas videlicet otiosas compares, aut inertia sed fama celebrata opera Graecorum." It has been calculated that these nine aqueducts furnished Rome with a supply of water equal to that carried down by a river thirty feet broad by six deep, flowing at the rate of thirty inches a second. The total water supply of Rome has been estimated at 332,306,624 gallons a day, or, taking the population at a million, 332 gallons a head. 40 gallons a head is now considered sufficient. But the demands for public purposes and for irrigation were large. There was also another aqueduct, not reckoned with the nine, because its waters were no longer brought all the way to Rome. This was the *Aqua Crabra*, which had its

source near that of the *Julia*, and which was originally carried right through the Circus Maximus; but the water was so bad that Agrippa would not bring it into the *Julia*, but abandoned it to the people of the Tusculan land; hence it was called *Aqua Damnata*. Cicero had to pay to the city of Tusculum an acknowledgment for its use. At a later period, part of its water was brought into the *Aqua Julia*, but it was again cut off from the Julia by Frontinus, and restored to the people of Tusculum (Cic. *Agr.* iii. 2, 9; *Balb.* 20, 45; *Fam.* xvi. 18, 3; Frontin. 9). It is now made use of in its course through the Campagna for watering cattle and sheep (Burn, *Rome*, p. 359).

There are still two aqueducts of later construction to be added to the list.

10. The *Aqua Trajana* was brought by Trajan from the *Lacus Sabatinus* (now *Bracciano*), to supply the *Janiculus* and the *Regio Transtiberina*. Its construction is recorded on coins of gold, silver, and bronze, of the years 110 and 111 A.D. (Eckhel, *Doctr. Num. Vet.* vi. pp. 425, 428). Trajan also restored and improved the other aqueducts, especially the *Anio Novus* (Frontin. 92, 93). The castellum of this aqueduct on the Janiculan hill is shown on the coins of Trajan. The aqueduct was restored by Belisarius, after it had been injured by the Gothic king Vitiges in A.D. 537.

11. The *Aqua Alexandrina* was constructed by Alexander Severus, A.D. 226; its source was in the lands of Tusculum, about fourteen miles from Rome, between Gabii and the Lake Regillus. Its small height shows that it was intended for the baths of Severus, which were in one of the valleys of Rome. (Lamprid. *Alex. Sev.* 25; Fabretti, *Diss.* i. § 23.) Parker, from an inscription of Hadrian found on its collecting reservoir, attributes Fabretti's *Alexandrina* to Trajan or Hadrian, holding the real *Alexandrina* to have been a branch from the *Anio Novus*.

There may have been some other aqueducts constructed at a later time, since Procopius (*B. G.* i. 19) mentions fourteen as still preserved in Rome in his time; but there is difficulty in making up this number. He seems to have included as separate aqueducts some which were only branches of those already mentioned. Thus we read of the *Aqua Septimiana*, built by Septimius Severus, which was, perhaps, only a branch of the *Aqua Julia*, formed by the emperor to bring water to his baths (Fabretti, *Diss.* iii. § 285). The *Aqua Algentia* seems to have been a name invented from a corrupt reading of *Alsietina* (Middleton, p. 475). Other authorities give a still larger number of aqueducts. Thus the *Epilogus* to the *Notitia* mentions the *Ciminia*, the *Severiana*, and the *Antonia* (*Antoniniana*), and makes the whole number nineteen.

Great pains were taken by successive emperors to preserve and repair the aqueducts. From the Gothic wars downwards, they have for the most part shared the fate of the other great Roman works of architecture, their situation and purpose rendering them peculiarly exposed to injury in war; but still their remains form the most striking features of the Campagna, over which their lines of ruined arches, clothed with ivy and the wild fig-tree, radiate in various directions. Three of them still serve for their ancient use; and these three alone, according to Tournon, supply the modern city with a quantity of water much greater than that which is furnished to Paris by the Canal de l'Ourcq, for a population six times as large. They are: (1.) The *Aqua Vergine*, the ancient *Aqua Virgo*, which was restored by Pope Pius IV. and further embellished by Benedict XIV. and Clement XIII. The chief portion of its waters gush out through the beautiful *Fontana di Trevi*, but it also supplies the fountains in the Piazza di Spagna and the Piazza Navona, together with ten smaller ones, and the greater part of the lower city. (2.) The *Aqua Felice* (A.D. 1587), named after the conventual name of its restorer, Sixtus V. (Fra Felice), probably brings the waters from the spring of the *Alexandrina*, partly on the piers of the *Claudia*. It supplies twenty-seven public fountains, and the eastern part of the city. (3.) The *Acqua Paola*, the ancient *Trajana* and *Alsietina*, now united and restored by Paul V. (1611), supplies the *Trastevere* and the Vatican, and feeds, among others, the splendid fountains before St. Peter's. Besides these, the *Acqua Marcia-Pia* (1870) brings to Rome in pipes the old *Aqua Marcia*, which has now regained its ancient repute. Of the ruins of the other aqueducts the most extensive, within Rome, are those of the *Arcus Neroniani* and of the *Aqua Crabra*; the most interesting are the *Porta Maggiore*, with the two channels of the *Aqua Claudia* and *Anio Novus* (see p. 150), and the remains of the triple aqueduct of Agrippa, passing over a road, and resting upon an arch, now the *Porta S. Lorenzo*, already described (see p. 149).

The magnificence displayed by the Romans in their public works of this class was by no means confined to the capital; for aqueducts more or less stupendous were constructed by them in various and even very remote parts of the empire,—at Athens, Corinth, Catana, Salona, Nicomedia, Ephesus, Smyrna, Alexandria in the Troad, Syracuse, Metz, Clermont in Auvergne, Nîmes (the Pont du Gard; see below), Lyon, Evora, Merida, and Segovia. Those at Ephesus and Alexandria were built by Hadrian and Herodes Atticus, and that at Athens was commenced by Hadrian and finished by Antoninus Pius, who also built those at Corinth and Nicomedia. That at Evora, which was built by Quintus Sertorius, is still in good preservation; and at its termination in the city has a very elegant *castellum* in two storeys, the lower one of which has Ionic columns. Merida in Spain, the Augusta Emerita of the Romans, who established a colony there in the time of Augustus, has among its other antiquities the remains of two aqueducts, of one of which thirty-seven piers are standing, with three tiers of arches; while of the other there are only two which form part of the original constructions, the rest being modern. But that of Segovia, for which some Spanish writers have claimed an antiquity anterior to the sway of the Romans in Spain, is one of the most perfect and magnificent works of the kind anywhere remaining. It is entirely of stone, and of great solidity, the piers being eight feet wide and eleven in depth; and, where it traverses a part of the city, the height is upwards of a hundred feet, and it has two tiers of arches, the lowermost of which are exceedingly lofty. The *Pont du Gard*, carrying an aqueduct across the valley and

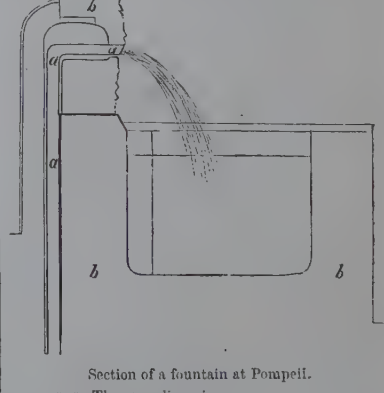
stream of the Gardon into Nemausus (Nîmes), consists of two tiers of noble arches, surmounted by a tier of small arches which bear the *specus*, the whole height of the three tiers being about 155 feet.

Aqueduct near Nemausus, now called the Pont du Gard.

we may divide the aqueducts described by Frontinus into those at a low level, intended to supply the low-lying districts and for the most part carried underground, and those at a high level, designed to reach the higher parts of the city; and in the latter alone were arcades and substructions largely employed. Frontinus (18) says that five reached the highest parts of the city, and he gives them in the following order: 1. *Anio Novus*, the highest of all. 2. *Claudia*. 3. *Julia*. 4. *Tepula*. 5. *Marcia*. Then follow the lower, constructed to a great extent underground. 6. *Anio Vetus*. 7. *Virgo*. 8. *Appia*. 9. *Alsietina*, the lowest of all, supplying the district beyond the Tiber and the lowest spots. The *aquae* from the upper waters of the Anio (*Anio Vetus, Marcia, Anio Novus, Claudia*) made a considerable détour southwards to follow the high ground by Pedum, Labicum, and Frascati, and then cross the Campagna more directly for Rome, following more or less closely the course of the *Via Latina*.

Why did the Romans waste so much labour and money on works the purpose of which might have been effected much more economically by the simple plan of laying pipes along the ground, with which they were certainly well acquainted? (Vitruv. viii. 7.) Aqueducts, it is true, are often constructed in modern times in a suitable country; as, for instance, the New River for the supply of London, and the aqueduct of the Croton River for New York: but surely a modern engineer, if asked to convey water from the upper course of the Anio across the low-lying parts of the Campagna to the tops of the Seven Hills, would, like the engineer of the new *Acqua Marcia-Pia*, propose to carry out the undertaking by laying down pipes. This question was formerly answered by saying that the Romans did not know that "water finds its own level." But this is contradicted by the express statement of Latin authors (Plin. *H. N.* xxxi. § 57, "subit altitudinem exortus sui;" Vitruv. viii. 6. § 5, and 7. § 6, where he describes the application of the principle to an aqueduct), by the whole arrangements for the distribution of the waters of the aqueducts to the upper rooms of their houses, and from the very existence of their numerous fountains. As a decisive ocular demonstration we give a section of one of the many fountains still existing at Pompeii. Possibly, however, they did not recognise that the law would hold over so extended an area. Frontinus at any rate, an excellent authority on Roman engineering, theoretical and practical, does not contemplate its applicability.

It will be observed that when the pacification of the Campagna permitted Rome to look afield for a supply of water, the first great work constructed was entirely underground, except for a short distance inside the walls. Moreover



Section of a fountain at Pompeii.

a, a. The ascending pipe.
b, b. The basin, made of blocks of travertine.

Indeed it is very doubtful whether Roman engineers would have been found equal to the task of conveying by an underground channel a large stream of water subject, like that from the upper Anio, to a high pressure. Their conduits were always pierced by shafts at intervals of one or two *actus*, designed to avoid the supposed danger of the walls being burst by the compressed air inside. Now these shafts, sunk in the low-lying parts of the Campagna, would of course make it impossible to force the water to the tops of the hills; they were confessedly designed to relieve the pressure: and engineers were probably led to use them, and thus explain their use by the bursting of unpierced conduits conveying water at high pressure. If they had recourse to pipes, the joints would present great difficulties, and probably for such large volumes of water iron pipes would alone be sufficiently strong, and the casting of pipes of such dimensions would have been beyond their power. Moreover, as Mr. Middleton observes (p. 453), "the calcareous deposit with which water from the neighbourhood of Rome so rapidly encrusts pipes and water-channels made it doubly con-

venient to employ channels which were always readily accessible, and could be cleared out without any difficulty."

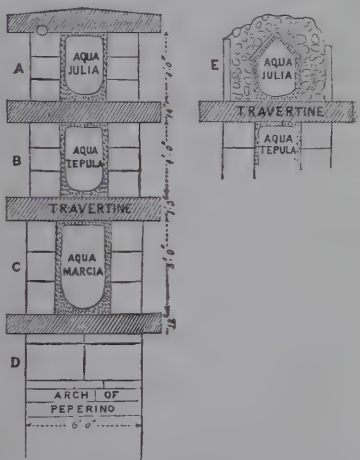
A strip of land 15 feet wide, marked at intervals by *cippi* or boundary-stones, was left on either side of the aqueduct, upon which no encroachments were allowed under penalty of a heavy fine. All trees were in particular forbidden to be planted, lest their roots should injure the substructions or arches of the aqueduct (Frontin. 127). The *cippi* or boundary-stones seem to have been first placed by Augustus, but were discontinued by the later emperors, since of the 31 *cippi* still extant, 22 bear the name of Augustus, three of Tiberius, two of Claudius, and the other five are restorations (Lanciani, *I Comentarii di Frontino*, p. 345).

We proceed to describe in detail the construction and arrangements of Roman aqueducts. There are three matters to be considered: the source from which the water was derived; the aqueduct itself, by which it was conveyed; and the reservoir in which it was received, and from which it was distributed for use.

(1.) *The Sources.*—It is unnecessary to follow Vitruvius into the minute rules which he lays down for the discovery of springs, where they were not naturally visible, and for testing the quality of the water: it is enough to refer to his statements as showing the importance attached to these points. (Vitruv. viii. 1.) It was also necessary that the springs should have such an elevation, as that, after allowing for the fall necessary to give the channel its proper inclination, the water should enter the final reservoir at a sufficient height to permit of its distribution for public and private use; for there were no engines used, as in modern waterworks, to raise the water to a higher elevation than that to which it rose of itself. When the source had been fixed upon, whether it was an open spring (*fons*), or one got at by sinking a well (*puteus*), a head was dug for the water, and enclosed with a wall; and, if necessary, the supply was increased by digging channels from neighbouring springs: the rules for these operations also are minutely laid down by Vitruvius (viii. 7, s. 6, §§ 12–15). Such a reservoir was called *piscina*, sometimes *piscina limaria* (Frontin. 15), in which the water might deposit any sediment it contained.

(2.) *The Channel* (*specus*, sometimes *canalis*), *or Aqueduct itself.**—In order to convey the water from its source to its destination, a channel was constructed, having a slight and, as nearly as possible, a uniform declivity. An elaborate description of the means adopted to secure this object is quite needless for readers of the present day, as they were almost precisely similar to those with which we are familiar in our railways: hills were pierced through by tunnels, and valleys crossed either by solid substructions or arches of masonry, according to the height required; and of these arches there were often two tiers, and sometimes even three. The material employed was generally stone (usually travertine or peperino), but sometimes rubble faced with brickwork (as in the *Arcus Neroniani*, the *Anio Novus*, the *Alexandrina*) or with *opus reticulatum* (as in the *Anio Novus*). The channel itself (*specus*, *canalis*) was a trough of brick or stone, lined with very hard cement (*opus signinum*), made of lime, pozzolana, and pounded pottery or brick, and covered with a coping, which was almost always arched, and the bottom of the channel was also curved. The water either ran directly through this trough, or it was carried through pipes laid along the trough. When the channel was carried beneath the surface, if the hill through which it passed was of rock, it was merely cut in the rock; but if of earth or sand, it was constructed of blocks of stone.

The construction of the *specus* will be seen from the annexed drawing, which represents a section of the triple aqueduct of Agrippa. (See above, p. 149.)



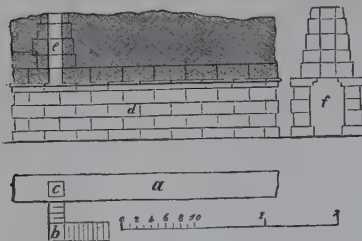
Section of the *specus* of the triple Aqueduct of Agrippa. (From Middleton.)

A, B, C. *Specus* of the *Aquae Julia*, *Tepula*, and *Marcia*. The top and bottom of each is of travertine, the sides of tufa or peperino: they are lined with *opus signatum*.
D. Peperino arch.
E. *Specus* of the *Aqua Julia* at another point, where it has been restored in concrete and brick.

The object of covering the *specus* was to exclude the sun and rain, and other obstructions; but it was necessary to provide a vent for the air, which otherwise, they thought, would have been compressed to such a degree as to burst the walls or roof of the *specus*. The vent-holes (*spiramina*) were made at regular intervals in the roof of the *specus*, or, when another channel passed over it, in the side. They are represented in the sections, given above, of the *Aqua Claudia* and *Anio Novus* (p. 150). To ventilate the subterranean channel of an aqueduct, a shaft (*puteus*) of masonry was carried to the surface of the ground at intervals of an *actus*, or 120 Roman feet (or two *actus*,

* Though the word *aquaeductus* is applied generally to the whole structure, yet in its special and proper meaning it seems only to have signified that part of the work in which the water-channel was carried over a valley, on arches or on solid substructions: a channel on the surface of the ground was properly called *rivus*; and one beneath the surface, *rivus subterraneus*, or *cuniculus*.

according to Pliny, who calls them *lumina*), as shown in the following woodcut (after Hirt),



Shaft for ventilation of an Aqueduct.

a, the water-course; *b*, steps giving access to it; *c*, the shaft; *d*, *e*, section of the *specus* and shaft; *f*, transverse section of them.

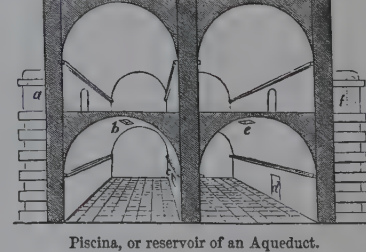
which represents the plan, longitudinal section, and transverse section of part of a *rivus subterraneus*, the ruins of which still exist at Palmyra.

The *rivus subterraneus* possessed the advantage over the *aquaeductus* of being less exposed to variations of temperature, and more secure from injury; on the other hand, it was of course more difficult to get at when it required repairs. A reference to the account of the Roman aqueducts given above will show how large a portion of them were subterranean.

Instead of, or within, the *specus*, pipes (*fistulae, tubuli*) were often used for the passage of the water. They were of lead, or terra-cotta (*fictiles*), and sometimes, for the sake of economy, of leather. The rules which Vitruvius lays down apply particularly to leaden pipes, although he gives the preference to the earthen ones, chiefly on the ground that the water which passed through them was more wholesome. The pipes were made in lengths of not less than ten feet, and of various widths, which were denominated in the manner explained under FISTULA. They were cemented together at the joints, which in earthen pipes were made to overlap; and when the water was first let in, ashes were mixed with it, in order that they might settle in the joints and stop them more completely. The use of pipes permitted variations to be made in the construction of the aqueduct: namely, the water could be carried round instead of through a hill, if the circuit was not too great; and in very wide valleys the costly structure of arches could be dispensed with. In this case, a low horizontal substruction was made across the bottom of the valley, and the pipe was brought down the one slope, along this substruction, and up the opposite slope, to a height of course somewhat less than that of the opposite side. The horizontal part of the pipe across the bottom of the valley (*venter*) had ventilating openings for the escape of the air. At the bendings, instead of the pipe, an elbow was bored in a solid piece of stone, into which the ends of the adjacent pieces of pipe were securely cemented. (For further details, see Vitruvius.) In those places where the pipes were laid on the surface, reservoirs were sometimes made, at intervals of 200 *actus* (24,000 feet), in order that, if a part of the pipe needed repair, the supply of water might not be entirely cut off. The advantage in the use of pipes, according to Vitruvius, was the facility of repairing them.

The slope (*fastigium*) on which the aqueduct was built, in order to give the water a proper fall (*libramentum*), ought not, says Vitruvius (viii. 6), to be less than half a foot in every 100 feet (1 in 200); but Pliny only allows a *sicilicus* (a quarter of an inch) in 100 feet. The great circuit which most of the aqueducts of Rome made, was taken chiefly (as is the case with the New River) to prevent the too rapid descent of the water. There is, however, a considerable variation in their declivities: for example, the *Aqua Marcia* and the *Aqua Claudia*, though of such different heights at Rome, have their sources at the same elevation.

Besides the reservoir or *piscina* at the source of the aqueduct, there were similar reservoirs at convenient points in its course, especially at the middle and end. The construction of these reservoirs will be understood from the following woodcut, which represents a restored section of one which still exists.



Piscina, or reservoir of an Aqueduct.

The water flowed from the aqueduct *a* into the first upper chamber, thence down and up again through the openings *b*, *c*, *e*, into the second upper chamber, out of which it passed into the continuation of the aqueduct *f*, having deposited its sediment in the two lower chambers, which could be cleaned out by the door *d*. The *piscina* was not always vaulted: Hirt, from whose work the above cut is taken, gives also an engraving of an open *piscina*. These reservoirs were not always used: for example, the *Aqua Virgo* and the *Alsietina* were without them. They were especially necessary when the water was conveyed through pipes. They were also used as reservoirs for the supply of the neighbouring country, chiefly for the purposes of irrigation.

The details which we have now been noticing are minutely described by Frontinus, and by Vitruvius (viii. 7, s. 6), and briefly by Pliny (*H. N.* xxxi. § 57).

(3.) *The Termination of the Aqueduct, and the Arrangements for the Distribution of its Water.*—The water, when it reached the walls of the city, was received in a vast reservoir called *castellum aquarum*, which formed the *head of water*. (Vitr. viii. 6; Plin. xxxvi. § 121; Frontin. 35; Dig. 43, tit. 20.) The more ancient name in use, when the aqueducts were first constructed, was *dividiculum*. (Festus, *s. v.*) From this principal *castellum* the water flowed into other *castella*, whence it was distributed for public and private use. The term *castellum*

is sometimes also applied to the intermediate reservoirs already mentioned.

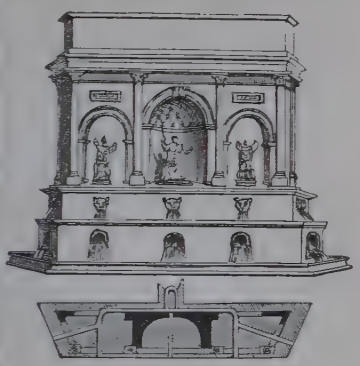
The chief *castellum* was, externally, a highly decorated building: for example, that of Hadrian, at Athens, was adorned with Ionic pillars, and that at Evora, in Portugal, had the form of a circular temple. Internally, there was generally one vast chamber, lined with hard cement (*opus signinum*), with a vaulted roof supported by massive pillars, into which the water flowed from the aqueduct, and from which it was conducted through pipes of fixed dimensions into three smaller reservoirs, which were, however, so arranged, that the middle one was only supplied from the overflow of the other two. Of these three reservoirs, the two outer supplied respectively the public baths and the private houses, and the middle one the public ponds and fountains (*lacus et salientes*); so that, in case of a deficient supply for useful purposes, none would be wasted on the fountains: the arrangement also enabled a proper account to be kept of the quantity supplied for private use, for the protection of the revenue derived from this source. (Vitruv. viii. 7, s. 6, §§ 1, 2.)

The minor *castella*, which received the water from this chief head, were distributed over the city, in such a manner that the *Aqua Appia* supplied seven *regiones* by means of twenty *castella*; the *Anio Vetus*, ten *regiones* through thirty-five *castella*; the *Marcia*, ten *regiones* through fifty-one *castella*; the *Tepula*, four *regiones* through fourteen *castella*; the *Julia*, seven *regiones* through seventeen *castella*; the *Virgo*, three *regiones* through eighteen *castella*; the *Claudia* and the *Anio Vetus*, ninety-two *castella*. (Frontin. 79–86.) For an account of the parts of the city supplied by the different aqueducts, see Becker, *Handb. d. Röm. Alterth.* vol. i. pp. 707, 708.

The ruins of the magnificent *castellum* of the *Aqua Julia*, built by Alexander Severus on the Esquiline, may be seen in the Piazza Vittorio Emmanuele. "It is shown with some minuteness on medallions of Alexander Severus. (See Froehner, *Med. Rom.* p. 169.) It was excavated, and careful drawings of it were made by some Prix de Rome students in 1822. It was again and more completely exposed in 1877, and no lead pipes were found leading from it, as would have been the case if it had been an ordinary castellum for the *erogatio*. The so-called *Trophies of Marius*, made in the reign of Domitian, were set on the exterior of this building, whence they were moved in the 16th century to the top of the Capitoline stairs." (Middleton, p. 458.) It is now much dilapidated, but was tolerably entire about the middle of the 16th century, as may be seen by the drawing published by Gamucci (*Antichità di Roma*, iii. p. 133) from which this restoration is made. The ground-plan explains part of the internal construction, and shows the arrangement adopted for disposing of the superfluous water of an aqueduct. The general stream of water is first divided by the round projecting buttress into two courses, which subdivide themselves into five minor streams, and finally fall into a reservoir.

The *castella* were divided into two classes, the *publica* and *privata*.

The *castella publica* were again subdivided into six classes, which furnished water for the following uses:—(1) The Praetorian camp (*castra*); (2) the ponds and fountains (*lacus et salientes*); (3) the circus, naumachiae, and amphitheatres (*munera*); (4) the baths, and the service of certain important handicrafts, such as the fullers, dyers, and tanners (*opera publica*); (5) irregular distributions made by the special order of the emperor (*nomine Caesaris*); (6) extraordinary grants to private individuals by the favour of the prince (*beneficia Caesaris*). The distribution under each of these heads is described by Frontinus, who enumerates the various laws relating to water supply, *Jus ducendae fuendaeque Aquae* (Frontin. 3, 78).



Castellum of an Aqueduct, called the "Trophies of Marius."

The *castella privata* were, as the name implies, for the supply of private houses. When a supply of water from the aqueducts was first granted for private uses, each person obtained his quantum by inserting a branch pipe, as we do, into the main; which was probably the custom in the age of Vitruvius, as he makes no mention of private reservoirs, for which at first there was no occasion, as there was a constant supply of water. Indeed, in early times, all the water brought to Rome by the aqueducts was applied to public purposes exclusively, it being forbidden to the citizens to divert any portion of it to their own use, except such as escaped by flaws in the ducts or pipes, which was termed *aqua caduca* (Frontin. 94). But as even this permission opened a door for great abuses from the fraudulent conduct of the *aquarii*, who damaged the ducts for the purpose of selling the *aqua caduca*; and as the subsequent method of supply required the main-pipe to be punctured in too many places (Frontin. 27), a remedy was sought by the institution of *castella privata*, and the public were thenceforward forbidden to collect the *aqua caduca*, unless permission was given by special favour (*beneficium*) of the emperor (Frontin. 111). The *castella privata* were built at the joint expense of the families supplied by them; but they were considered as public property, and were under the control of the *curatores aquarum* (Frontin. 106). The right of water (*jus aquae impetratae*) did not follow the heir or purchaser

of the property, but was renewed by grant upon every change in the possession (Frontin. 107).

The leaden cisterns, which each person had in his own house to receive the water laid on from the *castellum privatum*, were called *castella domestica*.

All the water which entered the *castellum* was measured, at its ingress and egress, by the size of the tube through which it passed. The former was called *modulus acceptorius*, the latter *erogatorius*. To distribute the water was termed *erogare;* the distribution, *erogatio;* the size of the tube, *fistularum* or *modulorum capacitas*, or *lumen*. The smaller pipes which led from the main to the houses of private persons, were called *punctae;* those inserted by fraud into the duct itself, or into the main after it had left the castellum, *fistulae illicitae*.

The *erogatio* was regulated by a tube called *calix*, of the diameter required (*lumen*), and not less than 12 *digiti* long (9 inches), attached to the extremity of each pipe, where it entered the castellum; it was probably of lead in the time of Vitruvius, such only being mentioned by him; but was made of bronze (*aeneus*) when Frontinus wrote, in order to check the roguery of the *aquarii*, who were able to increase or diminish the flow of water from the reservoir by compressing or extending the lead. As a further security, the *calix* was stamped with the owner's name as well as the capacity. There are two specimens of such *calices* in the Roman Museums; one in the Vatican, another in the Museo Kircheriano (Middleton, p. 455). Pipes which had no *calix* were termed *solutae*. Frontinus also observes that the velocity of the water passing through the *calix*, and consequently the quantity given out, could be varied according to the angle which the *calix* made with the side of the reservoir: its proper position was, of course, horizontal. (Frontin. 112, 113.)

It is evident how watchful an oversight must have been required to keep the aqueducts in repair, to regulate their use, and to prevent the fraudulent abstraction of their water. Under the republic, this office was discharged by the censors (Liv. xxxix. 44), and when there were no censors by the aediles (Cic. *Fam.* viii. 6); sometimes also by the quaestors (Frontin. 95, 96). Augustus first established the office of *curator* (or *praefectus*) *aquarum* (Suet. *Octav.* 37), to which he appointed M. Agrippa, who held the office till his death in B.C. 12. A list of the *curatores aquarum* from Agrippa to Frontinus is given by the latter. They were all of consular rank, and hence we find them called subsequently *consulares aquarum* in place of their ancient name. They were under the *Praefectus urbi*. The duties of the office are minutely described by Frontinus (99), who seems, while he held the office, to have performed it with the utmost zeal: among other cares, he had plans and models made of the whole course of all the aqueducts (17, 64). The *curatores aquarum* had under them a large number of officials. They were attended outside the city by two lictors, three public slaves, a secretary, and other attendants.

In the time of Nerva and Trajan, a body of four hundred and sixty slaves were constantly employed under the orders of the *curatores aquarum* in attending to the aqueducts. They were divided into two families—the *familia aquaria publica*, established by Agrippa, and the *familia aquaria Caesaris*, added by Claudius; and they were subdivided into the following classes:—1. The *vilici*, whose duty it was to attend to the pipes and *calices*. 2. The *castellarii*, who had the superintendence of all the *castella*, both within and without the city. 3. The *circuitores*, so called because they had to go from post to post, to examine into the state of the works, and also to keep watch over the labourers employed upon them. 4. The *silicarii*, or paviours, who had to remove and relay the pavement when the pipes beneath it required attention. 5. The *tectores*, who had charge of the masonry of the aqueducts. These and other workmen appear to have been included under the general term of AQUARII. (Cod. 11, tit. 42 or 43, s. 10; Frontin. 116, 117.)

The following are the most important works on the Roman aqueducts:—Frontinus, *de Aquaeductibus Urbis Romae*, with the notes and plates of Polenus, Patav. 1722; Fabretti, *de Aquis et Aquaeductibus Veteris Romae;* Stieglitz, *Archäologie der Baukunst;* Hirt, *Geschichte d. Baukunst;* Platner and Bunsen, *Beschreibung d. Stadt Rom;* Becker, *Handbuch d. Römischen Alterthümer*, vol. i.; Canina, *Storia dell' architettura Romana;* Jordan, *de urbium Romae et Const. aquaed.*, Bonn, 1844; Parker, *Archæology of Rome;* Burn, *Rome and the Campagna*. The most recent authorities are, Lanciani, *Topographia di Roma Antica, I Comentarii di Frontino*, Rome, 1880; Middleton, *Ancient Rome in 1885*, pp. 451–476. [J. H. F.] [W. S.]

AQUAE DUCTUS. [SERVITUTES.]

AQUAE ET IGNIS INTERDICTIO. [EXSILIUM.]

AQUAE HAUSTUS. [SERVITUTES.]

AQUAELICIUM (*aquilicium*), a sacrifice for rain (Paul. ex Festo, *s. v.* p. 2): "aquilicia Jovi immolatis, nudipedalia denuntiatis" (Tert. *Apol.* 40). In times of drought, the matrons clad in the stola, with bare feet and loosened hair (Petron. 44), and the magistrates without their purple robes and with reversed fasces (Tert. *de Jejunio*, 16), used to carry in procession a stone which lay outside the Porta Capena near the temple of Mars, through the city to the Capitol. The name of the stone was *lapis* or *petra manalis* (Paul. ex Fest. p. 128), *i.e.* the stone from which water flows: cf. AQUAEMANALIS, *Manalis Fons*. The technical term for moving the stone was *vertere* (Fulgentius, *de abstr. serm.* § 4, s. v. *manales lapides*), a word also used for turning up a vessel to empty it (Verg. *Aen.* ix. 165), so that possibly the *lapis manalis* symbolised the vessel of the rain-god. (Cf. Grimm, *Deutsche Myth.* p. 560; see generally Hartung, *Rel. der Römer*, ii. p. 11; Preller, *Röm. Myth.* pp. 173, 313; Marquardt, vi. p. 252.)

The practice of instituting ceremonies for rain is found in all ages. In 1240, at Liège, we read of a procession of the kind, three times round the town by the clergy and people with bare feet and in woollen garments (Grimm, *Deutsche Myth.* p. 159; cf. p. 562); and in our own day at Skopia, in Turkey, there is an altar which had in Roman times been erected to Jupiter, and in seasons of drought the corporation solemnly set it upright, and pour on it

libations of wine (A. J. Evans, at the Society of Antiquaries, March 20, 1884). [L. C. P.]

AQUAEMANA'LIS (*aquamanale, aquaminale, aquaminarium:* for difference of form, compare *escale* and *escarium*), a jug or ewer (Varro, *ap.* Non. 547), "that from which water flows;" cf. *lapis manalis*, the basin being called *pollubrum* or *pelvis*. It was used for washing the hands at meals. In the establishments of the rich, it was generally of silver, and considered part of the plate specially belonging to eating (*escarium argentum*): see Dig. 33, 10, 3, § 3; 34, 2, 19, § 2; 34, 2, 21, § 2. It appears to have been also called *gutturnium* (Paul. ex Festo, p. 98). In Low Latin, *aquamanale* is the basin. (See Lanfranc in Ducange, *s. v.*) [L. C. P.]

AQUAE PLUVIAE ARCENDAE ACTIO. An owner who altered the natural course of rain-water, and by so doing (*opere manu facto*) injured the land of an adjoining owner, was liable to the above action. Rain-water was still treated as rain-water, although it had become mixed with other water. It was necessary that the injury caused by the water should be of a positive kind; the action could not be maintained on account of an act which deprived a neighbour of some advantage from the rain-water. The action could only be brought on account of injury done to land (*ager*); injury to a town or building was not covered by it.

The action might be brought by the owner of the higher land against the owner of the lower, if the latter prevented the water from flowing naturally from the higher to the lower ground, or by the owner of the lower land against the owner of the higher, in case the latter caused the water to flow into the lower land otherwise than in its natural course. An owner was not liable to this action on account of any work necessary for agricultural purposes. The action might also be successfully defended on the following grounds:—1. That the act had been done with the permission of the adjoining owner, or of a public authority. 2. That the land of the adjoining owner was subject to a servitude, which allowed the act in question. 3. That the alteration had been made since time immemorial. (Dig. 39, tit. 3, de aqua et aquae pluviae arcendae; Cic. *Mur.* 10, *Topic.* 9; Boëthius, *Comment. in Cic. Top.* iv. 9; Windscheid, *Pandekten.* § 473.) [G. L.] [E. A. W.]

AQUA'RII were slaves who carried water for bathing, &c. into the female apartments: they were also called *aquarioli*, and were held in great contempt. (Juv. vi. 332; Paul. Diac. *s. v.* and Müller's Note; Hieron. *Ep.* 27; Jul. Paul. iii. 6, 58.) The name was also applied to slaves who had the care of the fountains and ponds in gardens. (Becker-Göll, *Gallus*, iii. p. 74; Marquardt, *Röm. Alterth.* vii. p. 139.) The aquarii were also public officers who attended to the aqueducts under the aediles, and afterwards under the *curatores aquarum*. (Cic. *ad Fam.* vii. 6; Cod. 11, tit. 42; AQUAEDUCTUS.) [P. S.] [W. S.]

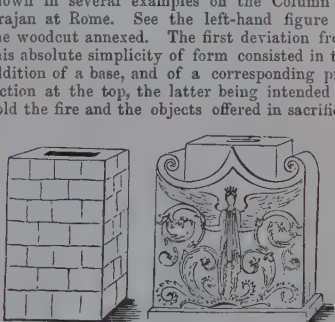
AQUI'LA. [SIGNA MILITARIA.]

ARA (*βωμός, ἐσχάρα, θυτήριον*), an altar. Altars were in antiquity so indispensable a part of the worship of the gods, that it seemed impossible to conceive of the worship of the gods without altars. Thus we have the amusing syllogism in Lucian, *εἰ γὰρ εἰσὶ βωμοί, εἰσὶ καὶ θεοί· ἀλλὰ μὴν εἰσὶ βωμοί, εἰσὶν ἄρα καὶ θεοί* (*Jupiter Trag.* c. 51). In reference to the terms, *βωμός* properly signifies any elevation, and hence we find in Homer *ἱερὸς βωμὸς*, but it afterwards came to be applied to an elevation used for the worship of the gods, and hence an altar. Ἐσχάρα, *focus*, were used in the limited sense of an altar for burnt-offerings. In Latin *ara* and *altare* are often used without any distinction, but properly *ara* was lower than *altare:* the latter was erected in honour of the superior gods, the former in honour of the inferior, heroes and demigods. Thus we read in Virgil (*Ecl.* v. 65):—

"En quattuor aras:
Ecce duas tibi, Daphni; duas altaria Phoebo."

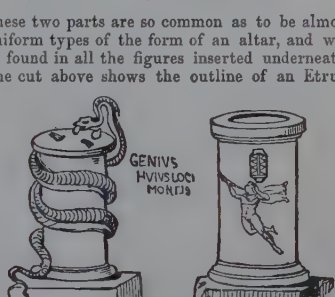
On the other hand, sacrifices were offered to the infernal gods, not upon altars, but in cavities (*scrobes, scrobiculi, βόθροι, λάκκοι*) dug in the ground. (Hom. *Od.* x. 25, 36; Festus, *s. v. Altaria.*)

As among the ancients almost every religious act was accompanied by sacrifice, it was often necessary to provide altars on the spur of the occasion, and they were then constructed of earth, turf, or stones, collected on the spot. (Verg. *Aen.* xii. 118; Hor. *Carm.* i. 19, 13, iii. 8, 4; Ov. *Met.* iv. 753.) When the occasion was not sudden, they were built with regular courses of masonry or brickwork, as is clearly shown in several examples on the Column of Trajan at Rome. See the left-hand figure in the woodcut annexed. The first deviation from this absolute simplicity of form consisted in the addition of a base, and of a corresponding projection at the top, the latter being intended to hold the fire and the objects offered in sacrifice.



Altar (Column of Trajan). Etruscan Altar.

These two parts are so common as to be almost uniform types of the form of an altar, and will be found in all the figures inserted underneath. The cut above shows the outline of an Etrus-



Altars.

can altar, of a more elaborate style, in contrast with the unadorned primitive altar.

Altars were either square or round. The latter form, which was the less common of the two, is exemplified in the above figures.

In later times altars were ornamented with festoons and garlands of flowers; and that represented in the next cut shows the manner in which these festoons were suspended. They

Bronze Altar. (British Museum.)

were also adorned with sculpture; and some were covered with the works of the most celebrated artists of antiquity. If an altar was erected before a statue of a god, it was always to be lower than the statue before which it was placed (Vitruv. iv. 9). Of this we have an example in a medallion on the Arch of Constantine at Rome, representing an altar erected before a statue of Apollo.

Altar, before a statue of Apollo. (Arch of Constantine.)

It was necessary that an altar should be built in the open air, in order that the steam of the sacrifice might be wafted up to heaven, and it might be built in any place, as on the side of a mountain, on the shore of the sea, or in a sacred grove. But as the worship of the gods was in later times chiefly connected with temples, altars became an indispensable part of the latter; and though there could be altars without temples, there could hardly be temples without altars. The altars of burnt-offerings, at which animal sacrifices were presented, were erected before the temples (*βωμοὶ πρόναοι*, Aesch. *Suppl.* 494), as shown in the woodcut in the article ANTAE; but there were also altars on which incense was burnt and bloodless sacrifices offered, within the temple, and principally before the statue of the divinity to whom they were dedicated. They were also erected against the walls of a house, as shown under AEDICULA; and within the house itself, for the purpose of family sacrifices to the Lares and Penates, in which case they were placed as near as possible to the impluvium.

All altars were places of refuge. The supplicants were considered as placing themselves under the protection of the deities to whom the altars were consecrated; and violence to the unfortunate, even to slaves and criminals, in such circumstances, was regarded as violence towards the deities themselves. It was also the practice among the Greeks to take solemn oaths at altars, either taking hold of the altar or of the statue of the god. Cicero (*pro Balb.* 5, § 12) expressly mentions this as a Greek practice. (Comp. K. F. Hermann, *Gottesdienst. Alterth.* § 17, and § 22, n. 9.) [J. Y.] [W. W.]

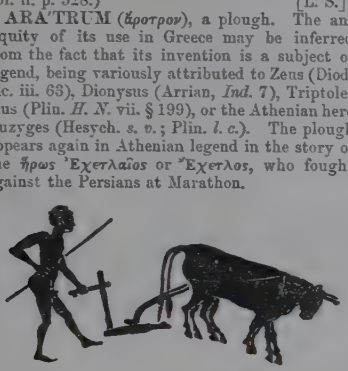
ARABARCHES. Under the Roman empire Egypt was divided into three governments (*ἐπιστρατηγίαι*), Upper, Middle, and Lower Egypt. The governor (*ἐπιστράτηγος*) of Upper Egypt, or the Thebais, was called also *ἀραβάρχης*, the district between the Nile and the Red Sea being known often as Arabia (*C. I. G.* 4751). An *ἐπιστράτηγος Θηβαΐδος* is mentioned first in the fourteenth year of the reign of Augustus, when the post was held by a certain *Πτολεμαῖος Ἡρακλείδου*, but after him the governors seem always to have been Romans. Cicero, however (*Att.* ii. 17, 3), uses the word as a nickname for Pompeius, as we might say "Nabob," or "Great Mogul." We cannot take it here in its later technical sense, and must therefore suppose that Cicero derived his use of the word from some application of it no longer known to us. Orelli reads Alabarches, but there is no MS. authority for this form (Tyrrell, *ad Cic. l. c.*). [ALABARCHES.] Juvenal (i. 130) also uses the word in a connexion which almost excludes the notion of referring it to an important Roman official (*inter quas ausus habere nescio quis titulos Aegyptius atque Arabarches*). [A. S. W.]

ARAEOSTYLOS. [TEMPLUM.]

ARATEIA (*ἀράτεια*), two sacrifices offered every year at Sicyon in honour of Aratus, the general of the Achaeans, who after his death was honoured by his countrymen as a hero, in consequence of the command of an oracle. (Paus. ii. 9, § 4.) The full account of the two festive days is preserved in Plutarch's Life of Aratus (c. 53). The Sicyonians, says he, offer to Aratus two sacrifices every year: the one on the day on which he delivered his native town from tyranny, which is the fifth of the month of Daisius, the same which the Athenians call Anthesterion; and this sacrifice they call *σωτήρια*. The other they celebrate in the month in which they believe that he was born. On the first, the priest of Zeus offered the sacrifices; on the second, the priest of Aratus, wearing a white ribbon with purple spots in the

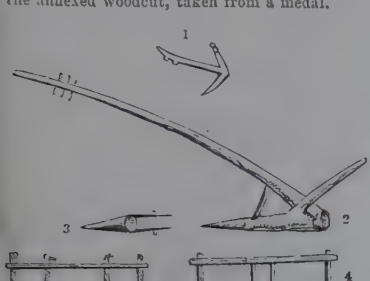
centre, songs being sung to the lyre by the actors of the stage. The public teacher (*γυμνασίαρχος*) led his boys and youths in procession, probably to the heroum of Aratus, followed by the senators adorned with garlands, after whom came those citizens who wished to join the procession. The Sicyonians still observe, he adds, some parts of the solemnity, but the principal honours have been abolished by time and other circumstances. (Wachsmuth, *Hellen. Alterth.* vol. ii. p. 528.) [L. S.]

ARA'TRUM (*ἄροτρον*), a plough. The antiquity of its use in Greece may be inferred from the fact that its invention is a subject of legend, being variously attributed to Zeus (Diod. Sic. iii. 63), Dionysus (Arrian, *Ind.* 7), Triptolemus (Plin. *H. N.* vii. § 199), or the Athenian hero Buzyges (Hesych. *s. v.*; Plin. *l. c.*). The plough appears again in Athenian legend in the story of the *ἥρως Ἐχετλαῖος* or *Ἔχετλος*, who fought against the Persians at Marathon.



Ancient Greek Plough.
(Gerhard, *Trinkschalen und Gefässe*, pl. 1.)

The simplest and earliest form of the plough was that called *αὐτόγυον*, so called because the *γύης* or plough-tail and the other parts were of one piece. It was made by taking a young tree with two branches proceeding from its trunk in opposite directions, so that, while the trunk served for the pole, one of the branches stood upwards and became the tail, and the other penetrated the ground, and, being covered sometimes with bronze or iron, fulfilled the purpose of a share. This form is exhibited in fig. 1 of the annexed woodcut, taken from a medal.

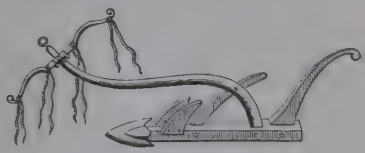


Primitive forms of the Plough and accompanying instruments.

But even in Homer (*Il.* x. 353) we hear of the *πηκτὸν ἄροτρον*, composed of separate pieces of wood; and Hesiod (*O. et D.* 427–36), who advises the farmer to have a plough of each sort, describes the *πηκτὸν ἄροτρον* as consisting of the *γύης* (*buris, bura*, plough-tail), to be made of a bent piece of ilex; the *ἔλυμα* (*denta'e*, share-beam), to be made of oak; and the *ἰστοβοεύς* (*temo*, pole), to be made of bay or elm, the parts being joined by nails. Fig. 2 of the above woodcut shows a plough which differs somewhat from Hesiod's in having no distinct *γύης*, but consisting of *ἰστοβοεύς*, *ἔλυμα* and *ἐχέτλη* (*stiva*, handle). It is the plough still used in Mysia, according to Sir C. Fellows, who observes (*Excurs. in Asia Minor*, 1838, p. 71) that each portion of this instrument is still called by its ancient Greek name, and adds that it seems suited only to the light soil where he observed it, that it is held by one hand only, that the form of the share (*ὄυνις*: see fig. 3) varies, and that the plough is frequently used without any share. "It is drawn by two oxen, yoked from the pole, and guided by a long reed or thin stick (*κάτρινος*), which has a spud or scraper at the end for cleaning the share." For the yoke see fig. 4; for the *κάτρινος*, fig. 5.

The plough was no doubt usually drawn by oxen, but mules were esteemed for this work (Hom. *Il.* x. 351; *Od.* viii. 124).

The later and more developed *πηκτὸν ἄροτρον* may be regarded as consisting of a share (*ὄυνις, ὖνις, ὄυνη, ὄυνης*) fitted into a share-beam (*ἔλυμα*), from which rose the handle (*ἐχέτλη*), and, curving in the opposite direction, the *ῥυμός*, the lower and curved part of which was the *γύης*, the upper the *ἰστοβοεύς* or pole, across which was fastened the *ζυγόν* or yoke. The accompanying woodcut, given by Ginzrot from a



Ancient Greek Plough. (Ginzrot, *Wagen und Fahrwerke*, p. 34.)

bas-relief on the base of a statue of Demeter in Magnesia, shows the *γύης* strengthened by a piece of wood rising from the *ἔλυμα*, and also two earth-boards (*πτερά, aures*) behind the share. The part of the handle which the ploughman grasped was called *χειρολαβής*; the part where the handle entered the *ἔλυμα*, *ἀλύη*; the tip of the share, *νύμφη*. (Apoll. Rhod. iii. 232, *Schol.*; *Etym. Mag.* p. 173; Pollux, i. 252; Hesych.) The arrangements of the yoke are treated of under JUGUM. In ancient works of art the parts of the plough are often represented as not nailed together, but lashed with thongs.

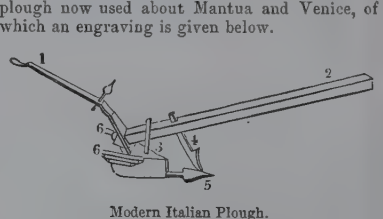
The Italian plough, the invention of which the Romans referred to Greek (Verg. *Georg.* i. 19) or even Egyptian (Tibull. i. 7, 29) legends, had the same simple origin as the Greek (as may be inferred from Etruscan art), and a similar development. Its share was originally of bronze (Macr. *Sat.* v. 19, 13). Virgil, in a passage (*Georg.* i. 169–75) probably suggested by Hesiod, recommends that the plough-tail (*buris, bura*) should be made of elm, bent to the proper shape while growing, the yoke and handle (*stiva*) of smoke-dried linden or beech. The pole (*temo*),

is to be eight feet long, and the plough is furnished with earth-boards or mould-boards (*aures*), rising on each side and bending outwardly in such a manner as to throw on either hand the soil which had been previously loosened and raised by the share, and adjusted to the share-beam, which was made double for the purpose of receiving them: "Binae aures, duplici aptantur *dentalia* dorso." Keightley, however, holds that this is merely a poetical use of the plural, and that the *dentale* was single. According to Palladius (i. 43), it was desirable to have ploughs both with earth-boards (*aurita*) and without them (*simplicia*). The handle (*stiva*), according to Virgil, is used to turn the plough at the end of the furrow: "Stivaque, quae currus a tergo torqueat imos." Servius, however, in his note on this line, explains *stiva* to mean "the handle by which the plough is directed." It is probable that, as the *dentalia*, —i.e. the two share-beams, which Virgil supposes were in the form of the Greek letter Δ, which he describes by *duplici dorso*,—the *buris* was fastened to the left share-beam, and the *stiva* to the right; so that, instead of the simple plough of the Greeks, that described by Virgil, and used no doubt in his country (see the following woodcut), was more like the modern Lancashire plough, which is commonly held behind with both hands. Sometimes, however, the *stiva* (ἐχέτλη, Hes. *Op. et Dies*, 467) was used alone and instead of the tail, as in the Mysian plough above represented. To a plough so constructed the language of Columella was especially applicable, "Arator stivae paene rectus innititur" (i. 9); and the expressions of Ovid, "Stivaeque innixus arator" (*Met.* viii. 218), and "Inde premens stivam designat moenia sulco" (*Fast.* iv. 825). In place of "stiva," Ovid also uses the less appropriate term "capulus" (*Ep. de Ponto*, i. 8, 61): "Ipse manu capulum prensi moderatus aratri." When the plough was held either by the *stiva* alone, or by the *buris* alone, a piece of wood (*manicula*) was fixed across the summit, and on this the labourer pressed with both hands. Besides guiding the plough in a straight line, his duty was to force the share to a sufficient depth into the soil. Virgil alludes to this in the phrase "Depresso aratro" (*Georg.* i. 45). The cross-bar, which is seen in Sir C. Fellows's drawing, and which passes from the pole to the share for the purpose of giving additional strength, was called σπάθη, in Latin *fulcrum*. The coulter (*culter*, Plin. *H. N.* xviii. § 171 ff.) was used by the Romans as it is with us. It was inserted into the pole so as to depend vertically before the share, cutting through the roots which came in its way, and thus preparing for the more complete loosening and overturning of the soil by the share. The share (*vomer*, *vomis*) was sometimes lashed under the *dentale*, sometimes imbedded in it (*indutilis*: Cato, *R. R.* 135, considers this arrangement preferable). Pliny (*l. c.*) describes the ordinary form of *vomer* as pointed like a crowbar; another, for use in light lands, did not extend over the whole of the *dentale*, but formed a slender point to its end; another shape, broader, sharper and sword-like, pierced the ground with its point, and with its edge did the work of a *culter*.

Pliny also describes (*l. c.*) a Rhaetian plough called *plaustraratrum* or *plaumoratum* (Sillig), furnished with two small wheels (*rotae*, *rotulae*), invented not long before his time; and Servius (*l. c.*) mentions the use of them in the country of Virgil. The annexed woodcut shows the

Ancient Roman Plough.

form of a wheel-plough, as represented on a piece of engraved jasper, of Roman workmanship. It also shows distinctly the *temo* or pole, the coulter or *culter*, the *dentale* or share-beam, the *buris* or plough-tail, and the handle or *stiva* (Caylus, *Rec. d'Ant.* v. pl. 83, No. 6). It corresponds, in all essential particulars, with the plough now used about Mantua and Venice, of which an engraving is given below.



Modern Italian Plough.

1. Buris.	4. Culter.
2. Temo.	5. Vomer.
3. Dentale.	6. Aures.

In Varro (*L. L.* v. 135) and Columella (*R. R.* ii. 4), the word *dens* includes *vomer* and the later *dentale*, which were originally not distinct parts of the plough. *Urvum* is used by Servius (*ad Verg. l. c.*) in the sense generally given to *buris*, which term he applies to the upper part of the pole, while Festus explains *urvum* as *forma similima uncini, curvatione buris et dentis, cui praefigitur vomer*.

The operations of ploughing are described under AGRICULTURA, p. 60, b. [J. Y.] [J. H. F.]

AR'BITER. [JUDEX.]

ARBITRA'RIA ACTIO. [ACTIO.]

ARBOR INFE'LIX. As applied to trees, *felix* and *infelix* imply "fruit-producing" or the reverse (Paul. ex Festo, p. 92; Verg. *Georg.* ii. 81; Plin. *H. N.* xxiv. § 68). "Infelices (sc. arbores) autem existimantur damnataeque religione quae neque seruntur unquam neque fructum ferunt" (Plin. *H. N.* xvi. § 108). Those trees also which bore black berries and black fruit, and were accordingly sacred to the gods of the lower world, were called *infelices* (Macrob. *Sat.* ii. 16, § 2). Such trees appear to have been used for the *patibulum* and *crux* (Cic. *Rab. Perd.* 4, 13; Liv. i. 26. See generally Rein in Pauly, *s. v.*). [L. C. P.]

ARBYLA (ἀρβύλη). [PERO.]

ARCA (λάρναξ, κιβωτός, κυψέλη, in Homer χηλός), a chest or coffer. I. GREEK.—In the

Homeric poems, and probably far on into historic times, the *armarium*, press or cupboard, was unknown to the Greeks; a box was the only depository for valuables. The λάρναξ of Homer was of no great size: the golden λάρναξ in which the ashes of Hector are laid after his funeral is evidently a quite small casket (*Il.* xxiv. 795); and Hephaestus keeps his blacksmith's tools in a silver one (*ib.* xviii. 413). But the Homeric word for the ordinary clothes-chest is χηλός: the outfit of Achilles is a χηλὸς filled by Thetis with costly tunics and rich carpets, and in it he keeps his most precious cup (*Il.* xvi. 221): the presents of Alcinous and his courtiers to Ulysses are similarly packed by Queen Arete and her handmaids, and likewise consist of raiment, gold and silver (*Od.* ix. 424, 438; xiii. 10, 68).

In the early historic period the chest (κυψέλη) from which Cypselus the tyrant of Corinth (cir. 660 B.C.) derived his name was of cedar inlaid with gold and ivory, and was shown at Olympia more than 800 years later. Pausanias, who describes it minutely (v. 17, § 5 ff.), tells us that it was covered not only with figures but with inscriptions, some written the ordinary way, others βουστροφηδόν, a term he explains. This would seem to show that the inscriptions were of different dates; Pausanias even hints (v. 19, § 10) that they may all have been later than the chest itself.

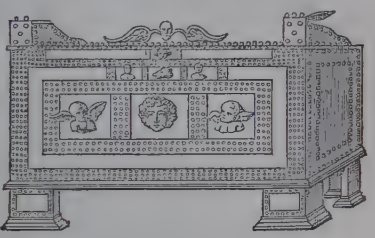
At Athens, in the time of the Thirty (B.C. 404), money and valuables are kept in a κιβωτὸς in an inner chamber (δωμάτιον, Lys. *c. Eratosth.* [Or. 12], § 10). Treasure-chests are λάρνακες in Herodotus (iii. 123).

On Greek vase paintings the λάρναξ or κιβωτὸς is frequently introduced in mythological subjects. In the illustration (from Overbeck, *Kunst-Mythologie*, Tafel vi. 3) a workman is seen in the act of shutting up Danae and the infant Perseus in the λάρναξ: Acrisius stands by. The epithet

Greek Chest. (Overbeck, *Kunst-Mythologie.*)

δαιδαλέα, in Simonides' famous poem (44, Bergk), is here sufficiently explained. [W. W.]

II. ROMAN.—**1.** The *arca* was a chest or coffer in which the Romans were accustomed to place valuables (*arca vestiaria*, Cato, *R. R.* 11, 3; cf. Suet. *Cal.* 59, *Tib.* 63), but was more particularly the chest in which money was kept. (Varr. *L. L.* v. § 182; Hor. *Sat.* i. 1, 67; Catull. xxiii. 1). It stood in the *atrium* of the house (Serv. *ad* Verg. *Aen.* i. 730, ix. 648), and was made either of iron (Appian, *B. C.* iv. 44), or of wood bound with iron or bronze (*ferrata*, Juv. xi. 26; *aerata*, id. xiv. 259). Its size may be inferred from the story of the proscript who remained concealed for several days in the iron *arca* of his *libertus* (Appian, *l. c.*; Dio Cass. xlvii. 7; Suet. *Oct.* 27). It is opposed to the smaller *loculi* (Juv. i. 89, 90) and *sacculus* of the poor (Juv. xi. 26). These *arcae* were so common that the word is used as equivalent to money (Cic. *Att.* i. 9; Plin. *Ep.* iii. 19. 8); and *ex arca sŏlvere* or *persolvere* means to pay in ready money (Donat. *ad* Ter. *And.* ii. 4, 13; *Phorm.* v. 8, 29). The *arca* was under the care of the porter (*atriensis*), and in great houses an *arcarius* had the charge of it, and made the disbursements (Dig. 40, tit. 5, s. 41, § 17). In inscriptions (Orelli, 2890) we find a *servus arcarius* in the imperial palace. Two *arcae* have been found in a house at Pompeii (one of which is figured below), backed into a



Roman Arca or Treasure-chest. (From Pompeii.)

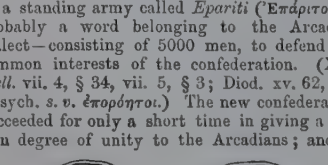
pillar of the *atrium*; they were slightly raised from the floor by a ledge of brickwork, but kept firm by a strong nail passing through the bottom of each into the floor. (Niccolini, *Case di Pomp.* pl. xxxiii. *apud* Daremberg and Saglio, *s. v.*) Bronze plates (*crustae*) belonging to an *arca* were also found in the quaestor's house in Pompeii (Becker-Göll, *Gallus*, ii. p. 360 *seq.*).

2. ARCA PUBLICA, or simply ARCA, was the treasury of the municipal towns, whether coloniae, municipia, or praefecturae: the name frequently occurs in inscriptions (Orelli, *Inscr.* 1760). The name was also applied to the treasury of a collegium, such as that of the Pontifices (Orelli, 2145, 4549), of the Vestals (1175), of the Seviri Augustales (2258), &c. In Rome, under the empire, the *arca publica* signified the city-funds, which were distinct from the *aerarium* and the *fiscus*, and the administration of which belonged to the Senate (Vopisc. *Aurel.* 20). Subsequently it formed a department of the *fiscus*, and was divided into several departments, whence we read of an *arca frumentaria, arca olearia, arca vinaria*, &c. (Symm. *Ep.* x. 33, 42; Cassiod. ii. 42; Dig. 50, tit. 4, s. 1). The *arcarius* was a financial officer in the municipal towns and the provinces, whose name constantly occurs in inscriptions. (See Index to Orelli, *Inscr.*) Thus we find mention of the *arca Galliarum*, the provincial chest. (Marquardt, *Röm. Staatsv.* i. pp. 119, 370.)

3. ARCA, the coffin, usually of stone, more commonly called *sarcophagus*, but sometimes of common material (*vili in arca*, Hor. *Sat.* i. 1, 9), in which the body was buried. (Liv. xl. 29, 3; Lucan. viii. 736; Plin. *H. N.* xiii. § 84; Val. Max. i. 1, n. 12; Aur. Vict. 42; Dig. 11, tit. 7, s. 7; Orelli, *Inscr.* 3560, 4396.)

4. ARCA, a strong cell, made of oak, in which criminals and slaves were confined (Cic. *Mil.* 22, 60; Fest. *s. v. Robum*). [W. S.]

ARCA'DICUM FOEDUS (*κοινόν, τὸ Ἀρκαδικὸν συνέδριον κοινὸν Ἀρκάδων ἁπάντων*), the Arcadian League, was established soon after the battle of Leuctra, in B.C. 371, when the victory of Epaminondas had destroyed the Spartan supremacy in the Peloponnesus, and restored the independence of the Arcadian towns. The person who took the most active part in forming this league was a native of Mantineia, named Lycomedes, and the project was supported by Epaminondas. A new city was founded, named Megalopolis or the Great City, which was the seat of the league, and of which Epaminondas was regarded as the *οἰκιστὴς* or founder (Paus. viii. 27, § 2). Its population was drawn from about forty petty Arcadian townships. Of the constitution of the new confederation we have very little information.* We only know that the great council of the nation, which used to meet at Megalopolis, was called *οἱ Μύριοι*, or the "Ten Thousand." As representative of all Arcadia, the Ten Thousand concluded war and peace, and tried all officers or other Arcadians brought before them on accusations of public misconduct. The Athenian orators Demosthenes and Aeschines pleaded before it on various occasions. (Xen. *Hell.* vi. 5, § 3 *seq.*, vii. 1, § 38; Diod. xv. 59, 72; Paus. viii. 27, § 1 *seq.*; Dem. *Fals. Leg.* p. 344, § 11; Aeschin. *Fals. Leg.* p. 257, § 79; Harpocr., Suid., Phot., *s. v.*) Whether this council represented the numbers, more or less exact, which might be brought together for the purpose of consultation, or whether the name was used in a vague sense for a great multitude, cannot be determined. Thirlwall points out that it is strange that there should be no mention of a select council, which, according to the uniform custom of the Greek states, should have prepared the business to be transacted by the assembly of the Ten Thousand; but he conjectures that the council-house, called Thersilium, which Pausanias (viii. 32, § 1) describes as the place of meeting of the Ten Thousand, may really have been the smaller council or senate of the larger assembly of the Ten Thousand. We read of a standing army called *Epariti* (Ἐπάριτοι)—probably a word belonging to the Arcadian dialect—consisting of 5000 men, to defend the common interests of the confederation. (Xen. *Hell.* vii. 4, § 34, vii. 5, § 3; Diod. xv. 62, 67; Hesych. *s. v. ἐπορόητοι.*) The new confederation succeeded for only a short time in giving a certain degree of unity to the Arcadians; and its



Coin of the Arcadian League. (Brit. Mu-eum.)

influence soon declined. For its subsequent history, see *Dict. of Gr. and Rom. Geogr.*, s. vv. *Arcadia* and *Megalopolis*. Coins were struck by the league. The one figured above represents the head of Zeus on the obverse, and Pan, the national god of the Arcadians, on the reverse. (Thirlwall, *Hist. of Greece*, v. p. 85 *seq.*; Grote, *Hist. of Greece*, x. pp. 306, 317 *seq.*; Wachsmuth, *Hell. Alterth.* i.² p. 282 *seq.*) [W. S.]

ARCA'RIUS. [ARCA.]

AR'CERA, a covered carriage or litter, spread with cloths, which was used in ancient times in Rome, to carry the aged and infirm. It is mentioned in the Twelve Tables [ACTIO, p. 14 a]. It is said to have obtained the name of *arcera* on account of its resemblance to an *arca*. (Varr.

Arcera. (Ginzrot, *Wagen*, Taf. 19, fig. 2.)

L. L. v. § 140; Nonius, p. 55; Gell. xx. 1, §§ 25, 29.) [W. S.]

ARCHEION (*ἀρχεῖον*) properly means any public place belonging to the magistrates, whether among barbarians (Herod. iv. 62) or Greeks (Xen. *Hellen.* v. 4, § 58; [Dem.] *in. Phil.* p. 145, § 53). At Athens the name was more particularly applied to the archive office, where the decrees of the people and other state documents were preserved. This office is sometimes called merely *τὸ δημόσιον* (Dem. *de Cor.* p. 275, § 142). The archives were kept in the temple of the mother of the gods (*μητρῷον*), and the charge of it was entrusted to the president (*ἐπιστάτης*) of the senate of the Five Hundred. (Dem. *de Fals. Leg.* p. 381, § 129; Lycurg. *c. Leocr.* § 66; Paus. i. 3, § 4; Athen. v. p. 214 e; Plut. *Vit. x. Oratt.* p. 842 e; Harpocrat., Phot., Suid. *s. v. μητρῷον*; Suid. *s. v. ἀρχεῖα.* For the building itself, C. Curtius, *Das Metroon in Athen*, 1868.) [W. S.] [W. W.]

ARCHIA'TER (*ἀρχίατρος*, compounded of *ἀρχὸς*, a chief, and *ἰατρός*, a physician), a medical title under the Roman emperors, the exact signification of which has been the subject of much discussion; for while some persons interpret it "the chief of the physicians" (*quasi ἀρχὸς τῶν ἰατρῶν*), others explain it to mean "the physician to the prince" (*quasi τοῦ ἀρχοῦ ἰατρός*). Upon the whole it seems tolerably certain that the former is the true meaning of the word, and for these reasons:—1. From its etymology it can hardly have any other sense, and of all the words similarly formed (*ἀρχιτέκτων, ἀρχιτρίκλινος, ἀρχιεπίσκοπος*, &c.) there is not one that has any reference to "*the prince*." 2. We find the title applied to physicians who lived at Edessa, Alexandria, &c., where no king was at that time reigning. 3. Galen (*de Ther. ad Pis.* c. 1, vol. xiv. p. 211, ed. Kühn) speaks of Andromachus being appointed "*ta rule over*" the physicians (*ἄρχειν*); *i.e.*, in fact, to be "archiater." 4. Augustine (*de Civit. Dei*, iii. 17) applies the word to Aesculapius, and St. Jerome to our Saviour (*xiii. Homil. in S. Luc.*), in both which cases it evidently means "the chief physician." 5. It is apparently synonymous with *protomedicus, supra medicos, dominus medicorum*, and *superpositus medicorum*, all which expressions occur

* Aristotle wrote a treatise entitled *ἡ κοινὴ Ἀρκάδων πολιτεία*, which is lost (Harpocr. *s. v.* Μύριοι; *Fragm. Hist. Graec.* ii. p. 134, ed. Müller).

in inscriptions, &c., and also with the title *Rais 'ala 'l-atebbá*, among the Arabians. 6. We find the names of several persons who were physicians to the emperor, mentioned without the addition of the title *archiater*. 7. The archiatri were divided into *Archiatri sancti palatii*, who attended on the emperor, and *Archiatri populares*, who attended on the people; so that it is certain that *all* those who bore this title were not "physicians to the *prince*." The chief argument in favour of the contrary opinion seems to arise from the fact, that of all those who are known to have held the office of *Archiatri* the greater part certainly were also physicians to the emperor; but this is only what might *à priori* be expected, viz. that those who had attained the highest rank in their profession would be chosen to attend upon the prince.*

The first person whom we find bearing this title is Andromachus, physician to Nero, and inventor of the Theriaca (Galen. *l. c.*; Erotian. *Lex. Voc. Hippocr.* Praef.): but it is not known whether he had at the same time any sort of authority over the rest of the profession. The name does not appear in Pliny's Natural History, though he quotes many distinguished physicians: nor does it seem to have been commonly used in Latin till the time of Constantine. From about that date the order appears to have been divided, and we find two distinct classes of *archiatri*, viz. those of the palace and those of the people. (Cod. Theodos. xiii. tit. 3; *De Medicis et Professoribus.*) The *Archiatri sancti palatii* were persons of high rank, who not only exercised their profession, but were judges on occasion of any disputes that might occur among the physicians of the place. They had certain privileges granted to them, *e.g.* they were exempted from all taxes, as were also their wives and children; they were not obliged to lodge soldiers or others in the provinces; they could not be put in prison, &c.: for though these privileges seem at first to have been common to all physicians (Cod. Just. x. tit. 52, s. 6: *Medicos et maxime Archiatros*), yet afterwards they were confined to the *archiatri* of the palace, and to those of Rome. When they obtained their dismissal from attendance on the emperor, either from old age or any other cause, they retained the title *ex-archiatri*, or *ex-archiatris*. (Cod. x. tit. 52, s. 6.) The *Archiatri populares* were established for the relief of the poor, and each city was to be provided with five, seven, or ten, according to its size. (Dig. 27, tit. 1, s. 6.) Rome had fourteen, besides one for the vestal virgins and one for the gymnasia. (Cod. Theodos. *l. c.*) They were paid by the government, and were therefore obliged to attend their poor patients gratis; but were allowed to receive fees from the rich. (Cod. Theodos. *l. c.*) The *Archiatri populares* were not appointed by the governors of the provinces, but were elected by the people themselves. (Dig. 50, tit. 9, s. 1.) The office appears to have been more lucrative than that of *Archiatri sancti palatii*, though less honourable. In later times, we find in Cassiodorus (see Meibom. *Comment. in Cass. Formul. Archiatr.* Helmst. 1668) the title *Comes archiatrorum*, "count of the archiatri," together with an account of his duties, by which it appears that he was the arbiter and judge of all disputes and difficulties, and ranked among the officers of the empire as a *vicarius* or *dux*. (See Le Clerc, and Sprengel, *Hist. de la Méd.* Further information on the subject may be found in several works referred to in the Oxford edition of Theophilus, *de Corp. Hum. Fabr.* p. 275; and in Goldhorn, *de Archiatris Romanis et eorum Origine usque ad finem imperii Romani Occidentalis*, Lips. 1841.) [W. A. G.]

* Just as in England the President of the College of Physicians is (or used to be) *ex-officio* physician to the sovereign.

ARCHIMI'MUS. [MIMUS.]

ARCHITECTU'RA (ἀρχιτεκτονία, ἀρχιτεκτονική), in its widest sense, signifies all that we understand by *architecture*, and by *civil* and *military engineering*: in its more restricted meaning, it is the science of building according to the laws of proportion and the principles of beauty. In the former sense, it has its foundation in *necessity*: in the latter, upon *art* taking occasion from necessity. The hut of a savage is not, properly speaking, a work of architecture; neither, on the other hand, is a building in which different and incongruous styles are exhibited side by side. An architectural construction, in the artistic sense, must possess not only *utility*, but *beauty*, and also *unity*: it must be suggestive of some *idea*, and referable to some *model*.

The architecture of every people is not only a most interesting branch of its antiquities, but also a most important feature in its history, as it forms one of the most durable and most intelligible evidences of advancement in civilization. If the Greek and Roman literature and history had been a blank, what ideas of their knowledge, and power, and social condition would their monuments have still suggested to us! What a store of such ideas is even now being developed from the monuments of Asia, Egypt, and America!

The object of the present article is to give a very compendious account of the history and principles of the art, as practised by the Greeks and Romans. The details of the subject will be, for the most part, referred to their separate and proper heads. The lives of the architects will be found in the *Dictionary of Greek and Roman Biography and Mythology*.

It is well observed by Stieglitz that architecture has its origin in nature and religion. The necessity for a habitation, and the attempt to adorn those habitations which were intended for the gods, are the two causes from which the art derives its existence. In early times we have no reason to suppose that much attention was paid to domestic architecture, but we have much evidence to the contrary. The resources of the art were lavished upon the temples of the gods; and hence the greater part of the history of Grecian architecture is inseparably connected with that of the temple, and has its proper place under TEMPLUM, and the subordinate headings, such as COLUMNA, under which heads also the different orders are described.

But, though the first rise of architecture, as a fine art, is connected with the temple, yet, viewed as the science of construction, it must have been employed, even earlier, for other purposes, such as the erection of fortifications, palaces, treasuries, and other works of utility. Accordingly, it is the general opinion of antiquaries, that the very earliest edifices, of which we have any remains, are the so-called Cyclopean works, in which we

see huge unsquared blocks of stone built together in the best way that their shapes would allow; although it can be proved, in some instances, that the rudeness of this sort of work is no sufficient proof of its very early date, for that it was adopted, not from want of skill, but on account of the object of the work and the nature of the materials employed. (Bunbury, *On Cyclopean Remains in Central Italy*, in the *Classical Museum*, vol. ii.) [MURUS.] The account of the early palaces cannot well be separated from that of domestic architecture in general, and is therefore given under DOMUS; that of erections intended, or supposed to be intended, for treasuries, will be found under THESAURUS.

In addition to these, however, there are other purposes for which architecture, still using the term in its lower sense, would be required in a very early stage of political society; such as the general arrangement of cities, the provision of a place for the transaction of public business, with the necessary edifices appertaining to it [AGORA, FORUM], and the whole class of works which we embrace under the head of civil engineering, such as those for drainage [CLOACA, EMISSARIUS], for communication [VIA, PONS], and for the supply of water [AQUAEDUCTUS]. The nature of these several works among the Greeks and Romans, and the periods of their development, are described under the several articles. Almost equally necessary are places devoted to public exercise, health, and amusement [GYMNASIUM, STADIUM, HIPPODROMUS, CIRCUS, BALNEUM, THEATRUM, AMPHITHEATRUM]. Lastly, the skill of the architect has been from the earliest times employed to preserve the memory of departed men and past events; and hence we have the various works of monumental and triumphal architecture, which are described under the heads FUNUS, ARCUS, COLUMNA.

The *materials* employed by the architect were marble or stone, wood, and various kinds of earth, possessing the property of being plastic while moist and hardening in drying, with cement and metal clamps for fastenings: the various metals were also extensively used in the way of ornament. The details of this branch of the subject are given in the descriptions of the several kinds of building.

The *principles* of architectural science are *utility*, *proportion*, and *the imitation of nature*. The first requisite is that every detail of a building should be subordinate to its general purpose. Next, the form of the whole and of its parts must be derived from simple geometrical figures; namely, the straight line, the plane surface, and regular or symmetrical rectilinear figures, as the equilateral or isosceles triangle, the square or rectangle, and the regular polygons; symmetrical curves, as the circle and ellipse; and the solids arising out of these various figures, such as the cube, the pyramid, the cylinder, the cone, the hemisphere, &c. Lastly, the ornaments, by which these forms are relieved and beautified, must all be founded either on geometrical forms or on the imitation of nature.

To this outline of the purposes and principles of the art, it only remains to subjoin a brief sketch of its history, which Hirt and Müller divide into five periods: the first, which is chiefly mythical, comes down to the time of Cypselus, Ol. 30, B.C. 660 (Müller brings this period down to the 50th Olympiad, B.C. 580): the second period comes down to the termination of the Persian war, Ol. 75. 2, B.C. 478 (Müller brings it down to Ol. 80, B.C. 460): the third is the brilliant period from the end of the Persian war to the death of Alexander the Great, Ol. 114, B.C. 323 (Müller closes this period with the death of Philip, Ol. 111, B.C. 336): the fourth period is brought down by Hirt to the battle of Actium, B.C. 31, but by Müller only to the Roman conquest of Greece, B.C. 146; the latter division has the convenience of marking the transition from Greek to Roman architecture: Hirt's fifth period is that of the Roman empire, down to the dedication of Constantinople, A.D. 330; while Müller's fifth period embraces the whole history of Roman architecture, from the time when it began to imitate the Greek, down to the Middle Ages, when it became mingled with the Gothic: Hirt's division requires us to draw a more definite line of demarcation than is possible, between the Roman and Byzantine styles, and also places that line too early.

The characteristics of these several periods are developed under the articles which describe the several classes of buildings: they are therefore noticed in this place with the utmost possible brevity. Our information respecting the first period is derived from the Homeric poems, the traditions preserved by other writers, and the most ancient monuments of Greece, Central Italy, and the coast of Asia Minor. Strongly fortified cities, palaces, and treasuries are the chief works of the earlier part of this period; and to it may be referred most of the so-called Cyclopean remains; while the era of the Dorian invasion marks, in all probability, the commencement of the Dorian style of temple architecture. The principal names of artists belonging to this period are Daedalus, Euryalus, Hyperbius, Docius, and some others. In the second period the art made rapid advances under the powerful patronage of the aristocracies in some cities, as at Sparta, and of the tyrants in others, as Cypselus at Corinth, Theagenes at Megara, Cleisthenes at Sicyon, the Peisistratids at Athens, and Polycrates at Samos. Architecture now assumed decidedly the character of a fine art, and became associated with the sister arts of sculpture and painting, which are essential to its development. The temples of particular deities were enriched and adorned by presents, such as those which Croesus sent to the Pythian Apollo. Magnificent temples sprung up in all the principal Greek cities; and while the Doric order was brought almost, if not quite, to perfection, in Greece Proper, in the Doric colonies of Asia Minor, and in Central Italy and Sicily, the Ionic order appeared, already perfect at its first invention, in the great temple of Artemis at Ephesus. The ruins still existing at Paestum, Syracuse, Agrigentum, Selinus, Aegina, and other places, are imperishable monuments of this period. Nor were works of utility neglected, as we see in the fountain of the Peisistratids at Athens, the aqueduct at Samos [AQUAEDUCTUS], the sewers (ὑπόνομοι) and baths (κολυμβήθρα) at Agrigentum. To this period also belong the great works of the Roman kings. The commencement of the third and most brilliant period of the art was signalized by the rebuilding of Athens, the establishment of regular principles

for the laying out of cities by Hippodamus of Miletus, and the great works of the age of Pericles, by the contemporaries of Pheidias, at Athens, Eleusis, and Olympia; during its course every city of Greece and her colonies was adorned with splendid edifices of every description; and its termination is marked by the magnificent works of Deinocrates and his contemporaries at Alexandria, Antioch, and other cities. The first part of the fourth period saw the extension of the Greek architecture over the countries conquered by Alexander, and, in the West, the commencement of the new style, which arose from the imitation, with some alterations, of the Greek forms by Roman architects, to which the conquest of Greece gave, of course, a new impulse. By the time of Augustus, Rome was adorned with every kind of public and private edifice, surrounded by villas, and furnished with roads and aqueducts; and these various erections were adorned by the forms of Grecian art; but already Vitruvius begins to complain that the purity of that art is corrupted by the intermixture of heterogeneous forms. This process of deterioration went on rapidly during the fifth period, though combined at first with increasing magnificence in the scale and number of the buildings erected. The early part of this period is made illustrious by the numerous works of Augustus, and his successors, especially the Flavii, Nerva, Trajan, Hadrian, and the Antonines, at Rome and in the provinces; but from the time of the Antonines the decline of the art was rapid and decided. In one department, a new impulse was given to architecture by the rise of Christian churches, which were generally built on the model of the Roman Basilica. One of the most splendid specimens of Christian architecture is the church of St. Sophia at Constantinople, built in the reign of Justinian, A.D. 537, and restored, after its partial destruction by an earthquake, in 554. But, long before this time, the Greco-Roman style had become thoroughly corrupted, and that new style, which is called the Byzantine, had arisen out of the mixture of Roman architecture with ideas derived from the Northern nations. It is beyond our limits to pursue the history of this and later styles of the art.

Of the ancient writers from whom our knowledge of the subject is derived, the most important is, of course, Vitruvius. The following are the principal modern works on the general subject: — Winckelmann, *Anmerkungen über die Baukunst der Alten*, 1762; Stieglitz, *Archäologie der Baukunst*, 1801, and *Geschichte der Baukunst*, 1827; Hirt, *Baukunst nach den Grundsätzen der Alten*, 1809, and *Geschichte der Baukunst bei den Alten*, 1821; Müller, *Handbuch der Archäologie der Kunst*, 1825; the various works of travels, topography, and antiquities, such as those of Stuart, Chandler, Clarke, Dodwell, &c., all the most important of which will be found cited by the authorities referred to; and, for Central Italy, Müller's *Etrusker*, and Abeken's *Mittelitalien vor der Römischen Herrschaft*. [P. S.]

ARCHITHEO'RUS. [Delia.]

ARCHON (ἄρχων) was the title of the chief magistrates in many Greek states. The wide diffusion of the name is attested by a multitude of inscriptions. We find it in Boeotia applied both to federal and city magistrates; at Delphi, where a long list of archons is preserved, and other towns of Phocis; towns in Thessaly, with three archons to each; in Locris, in many islands of the Aegaean, and in outlying cities like Cyzicus and Olbia. At Athens, according to tradition, royalty was abolished on the death of Codrus, B.C. 1068, and his son Medon became the first archon for life. The archonship remained hereditary in the line of Medon and twelve successors, and must have been a slightly modified royalty under another name; but there is no sufficient ground for the conjecture (presently to be noticed) that neither the name nor the attributes of royalty underwent any change at all. The next step, dated Ol. vii. 1, B.C. 752, was to limit the continuance of the office to ten years, still confining it to the Medontidae, or house of Codrus, in whose family it was hereditary. Seven decennial archons are reckoned,— Charops, Aesimides, Cleidicus, Hippomenes, Leocrates, Apsandrus, Eryxias; but only the four first of these were of the ancient royal race. In 713 a further revolution threw open the chief magistracy to all the Eupatridae (Heracl. Pont. fr. 1, 4, ed. Müller; Herm. *Staatsalterth.* § 103, 4; *Dict. Biogr.* s. v. *Hippomenes*). With Kreon, who succeeded Eryxias, the archonship was not only made annual, but put into commission and distributed among nine persons. It is from this date, B.C. 683, that trustworthy Athenian chronology begins; and these nine archons annually changed continue throughout the historical period, interrupted only by the few intervals of political disturbance and foreign domination (Grote, ch. x., *init.*).

The essentially legendary character of these accounts of early times would seem to render any criticism of their details, from the historical point of view, more or less unprofitable. The broad fact remains that at Athens, as elsewhere in Greece, hereditary monarchy passed into a commonwealth which at the dawn of authentic history was still in its oligarchic stage. But when we find, in works of high authority, attempts to reconstruct the Athenian constitution for the four centuries assumed between Codrus and the annual archons, some notice of them seems demanded. It has been maintained, as the result of a critical inquiry, that "the monarchy existed at Athens, without essential modifications, until B.C. 752; the hereditary successors of Codrus had therefore, during three centuries, the same powers as their illustrious ancestor" (Caillemer, *ap.* D. and S., following Lugebil, *Zur Geschichte der Staatsverfassung von Athen*, Leipzig, 1871). We must therefore briefly touch upon the questions how far (1) the powers and (2) the name of royalty were really affected by the change traditionally associated with the death of Codrus.

The received view is thus stated in an often-quoted passage of Pausanias (iv. 5, § 10): "The people first deprived the successors of Melanthus [the father of Codrus], who were called Medontidae, of the greater part of their authority, and changed the monarchy into a responsible government (ἀρχὴν ὑπεύθυνον); they afterwards further limited their government to ten years." On this M. Caillemer raises the objection, that we know of no political body to whom the archons can have been responsible. The answer

is obvious, to the general body of the Eupatridae, who were at this time and long afterwards the δῆμος at Athens, the only fully enfranchised citizens. Even in the Heroic age the royal power had its limits (ἐπὶ ῥητοῖς γέρασι, Thucyd. i. 13); and when the halo of divinity which attached to the name of βασιλεὺς had disappeared with the change of title, the controlling influence of the nobles was doubtless augmented. Probably, like the barons in feudal monarchies and the Venetian nobles under the early doges, they at least exercised the right of deposition. We can hardly, therefore, accept the assertion that "the powers of royalty were not limited;" the prestige of royalty had vanished, though Athens, like other ancient republics, granted a large amount of arbitrary authority, even in matters of life and death, to her chief magistrates. And as regards the mere name, too much has been made of Plato's essentially rhetorical and dramatic language (*Menex.* 238 D; *Sympos.* 208 D), and of the casual expressions of a writer so late as Pausanias, who couples the phrase τοὺς ἀπὸ Μελάνθου βασιλεύσαντας with the statement that Theseus introduced the democracy! (i. 3, § 3; cf. vii. 2, § 1;) or the still later and more uncritical Aelian (*V. H.* v. 13, viii. 10). It is enough to say with Westermann (*ap.* Pauly, *s. v.*) that the archons are sometimes called by the *Beiname*, familiar or nickname, of βασιλεύοντες. The single archon, whether perpetual or decennial, of course discharged those priestly duties of the old kings which were afterwards assigned to a subordinate member of the Nine, the second or king-archon; and this circumstance is quite sufficient to account for the occasional use of the name.

The nine annual archons during nearly the first century of their existence were still chosen from the Eupatridae exclusively, and by show of hands (ἀρχὴ αἱρετὴ or χειροτονητή). They still in reality stood at the head of the state as the supreme magistracy, combining the chief administrative and judicial functions. It is probable that a law of Draco (621) transferred the jurisdiction in cases of homicide from the archons and court of Areiopagus to the Ephetae; but, with this exception, the entire judicial system seems to have been in their hands. At the time of Cylon's revolt (about 612) they still managed the greater part of the public affairs (Thucyd. i. 126). This arrangement continued till the timocracy established by Solon, who made the qualification for office depend not on birth, but property, still retaining the election by suffrage. Two important changes remained to be made, before we arrive at the developed democracy as it stood from the age of Pericles to that of Demosthenes: the abolition of the property qualification, and the election by lot. The date and authorship of the former of these changes are matters of little doubt. Aristides, who had himself been archon in 489, the year after Marathon, under the old rule as a πεντακοσιομέδιμνος (Plut. *Arist.* 1), ten years later, when all classes of citizens had been drawn together in enthusiastic resistance to the Persian invader, proposed and carried a law that the archonship and other offices should be open to all Athenians without distinction (*ib.* 22). The effect of this change was less sweeping than at first sight appears. We must remember that the Solonian constitution had reckoned only income from land, not personal property, in classifying the citizens; and the actual effect of Aristides' law was solely to get rid of the monopoly of these offices by the larger landed proprietors, in favour of the trading classes and of capitalists in general. Besides, the devastation of Attica by the Persian invader had compelled many who had hitherto been rich to part with their lands, and had created a dangerous class of discontented Eupatrids who were not only impoverished but saw their political rights diminished, and were ready to conspire against the constitution (Plut. *Arist.* 13; Schömann, *Antiq.* p. 339, E. T.).

The question at what time the election by lot was introduced is both difficult and obscure, owing to the conflict of ancient authorities; and recent scholars have arrived at very different conclusions. The notion that this change was due to Solon may be at once dismissed; it rests only on the loose statements of orators, who flattered their hearers by ascribing all democratic legislation to the great lawgiver (Demosth. *c. Lept.* p. 484, § 90; *c. Androt.* p. 602, § 30; Grote, ch. xi., where examples are collected in an excellent note, ii. 324, ed. 1862; *Dict. Biogr.* s. v. *Solon*). And Aristotle expressly states that Solon made no change in the αἵρεσις or mode of election, but only in the qualification for office (*Pol.* ii. 12, § 3). The introduction of the lot is ascribed to Cleisthenes by Westermann, Curtius (i. 478, E. T.), H. Sauppe, and with special reference to the arguments of Grote by Schömann in his latest writings (*Const. Hist. of Athens*, p. 73, E. T.; *Antiq.* p. 337, E. T.). Among those who have upheld a later date are Niebuhr (*Lect. on Anc. Hist.* ii. 24, E. T.) and Grote (ch. xxxi. iii. 122, n.); some regarding it as anterior to the battle of Marathon, others as connected with Aristides' admission of all classes to the office, and therefore later than the battle of Plataea. In favour of the earlier date are the statements of Herodotus that Callimachus, the polemarch at Marathon, was ὁ τῷ κυάμῳ λαχών (vi. 109); and of Plutarch, who uses the same words of Aristides' archonship in 489 (Plut. *Arist.* 1). But the dates of political changes were, as has been seen, so speedily forgotten by the Athenians themselves that we cannot be surprised if Herodotus, a foreigner, made a mistake on this point though writing in the next generation; while Plutarch mentions that the historian Idomeneus (*circ.* 310–270) had stated that Aristides was elected by suffrage. We may grant to Schömann that "Plutarch had no doubt that the lot was the rule," and yet argue that Idomeneus may have preserved a genuine tradition which Plutarch, who records it, did not know how to explain. There is, we think, a strong case to be made out in favour of the view of Lugebil and Caillemer (*ubi supra*), that this was one of the reforms of Ephialtes, the friend of Pericles, about 461–458. We may be allowed to see, though Herodotus did not, the absurdity of supposing that Callimachus, as an archon appointed by lot, could have had equal authority with the ten generals; and the fact that, in the early part of the century, the ablest Athenian statesmen—Themistocles, Aristides, Xanthippus the father of Pericles—were all eponymous archons, while afterwards neither Pericles himself nor any Athenian known to history enjoyed that

honour, may fairly be balanced against the testimony of uncritical writers, however numerous. On the whole, this late date for the change may be accepted, not as certain, but as by far the most probable.

The frequent occurrence at Athens of boards of ten men, one from each tribe, and the tribal constitution of the senate of 500 and its prytanies, have led to the suggestion that the nine archons also belonged each to a different tribe. This conjecture of H. Sauppe's is approved by Schömann (*Antiq.* p. 410, E. T.). The tenth tribe may have been represented by the γραμματεὺς or secretary, as suggested by Télfy (*Corp. Juris Attici*, p. 471), rather than by the hieromnemon, as Sauppe thought. There is evidence that the γραμματεὺς was on some occasions associated with the archons as a tenth man, *e.g.* in drawing lots for the dicasts among the tribes (Schol. Aristoph. *Plut.* 277; *Vesp.* 772).

Still, after the removal of the old restrictions, some security was left to insure respectability; for, previously to an archon entering on office, he underwent a double dokimasia (not, like other magistrates, a single one [DOKIMASIA]) before the senate and before a dicastery. Pollux calls this inquiry ἀνάκρισις: but that word has another technical sense, and in the Orators we only find the verb ἀνακρίνειν (Dem. *c. Eubul.* p. 1319, § 66, p. 1320, § 70; Deinarch. *in Aristog.* § 17; Pollux, viii. 85). The archon was examined as to his being a legitimate and a good citizen, a good son, and his having served in the army, and, it is added, being qualified in point of property (εἰ τὸ τίμημά ἐστιν αὐτῷ, Poll.); but this latter condition, if it existed at all after the time of Aristides, soon became obsolete. We read in Lysias (Or. 24, *pro Inval.* § 13) that a needy old man, so poor as to receive a state allowance, was not disqualified from being archon by his indigence, but only by bodily infirmity; freedom from all such defects being required for the office, as it was in some respects of a sacred character. Yet, even after passing a satisfactory δοκιμασία, each of the archons, in common with other magistrates, was liable to be deposed, on complaint of misconduct made before the people, at the first regular assembly in each prytany. On such an occasion, the ἐπιχειροτονία, as it was called, took place; and we read (Dem. *c. Theocrin.* p. 1330, § 28; Pollux, viii. 95; Harpocrat. *s.v.* κυρία ἐκκλησία) that in one case the whole body of θεσμοθέται was deprived of office for the misbehaviour of one of their body: they were, however, reinstated, on promise of better conduct for the future.

We are enabled, by means of inscriptions, to trace the archonship through the greater part of the Roman period. Athens as a *libera civitas* (ἐλευθέρα καὶ αὐτόνομος) was freed from the duty of receiving a Roman garrison, and had the administration of justice (*jurisdictio*) according to its own laws. But, as with the consulate at Rome, the archonship now became merely honorary, and the dignity of ἐπώνυμος was given by way of compliment to distinguished foreigners, like king Rhoemetalkes of Thrace and the emperor Hadrian. In these instances, at least, it would seem that election by lot was no longer the rule.

With the growth of democracy, the archons gradually lost the great political power which they had possessed as late as the time of Solon, perhaps even of Cleisthenes. They became, in fact, not as of old, directors of the government, but merely municipal magistrates, exercising functions and bearing titles which we will proceed to describe.

It has been already stated that the duties of the single archon were shared by a college of nine. The first of president of this body was called ὁ ἄρχων, by way of pre-eminence; and in later times ἐπώνυμος, from the year being distinguished by and registered in his name. But this phrase, contrary to the general opinion, did not come into use until after the Roman conquest. The second was styled βασιλεύς, or the king-archon; the third, πολέμαρχος, or commander-in-chief; the remaining six, θεσμοθέται, or legislators. As regards the duties of the archons, it is sometimes difficult to distinguish what belonged to them individually and what collectively. It seems, however, that a considerable portion of the judicial functions of the ancient kings devolved upon the *Archon Eponymus*, who was also constituted a sort of state protector of those who were unable to defend themselves. (Lex ap. Dem. *c. Macart.* p. 1076, § 75; Pollux, viii. 89.) Thus he had to superintend orphans and their estates, heiresses, families losing their representatives (οἶκοι οἱ ἐξερημούμενοι), widows left pregnant, and to see that they were not wronged in any way. Should any one do so, he was empowered to inflict a fine of a certain amount, or to bring the parties to trial. Heiresses, indeed, seem to have been under his peculiar care; for we read (Lex *ibid.* p. 1069, § 54) that he could compel the next of kin either to marry a poor heiress himself, even though she were of a lower class, or to portion her in marriage to another. Again we find (Lex *ibid.* p. 1055, § 16; Pollux, viii. 62) that, when a person claimed an inheritance or heiress adjudged to others, he summoned the party in possession before the archon-eponymus (ἐπιδικασία: cf. HERES), who brought the case into court, and made arrangements for trying the suit. We must, however, bear in mind that this authority was only exercised in cases where the parties were citizens, the polemarch having corresponding duties when the heiress was an alien. It must also be understood that, except in very few cases, the archons did not decide themselves, but merely brought the causes into court, and cast lots for the dicasts who were to try the issue. (Dem. *c. Steph.* ii. p. 1136, §§ 22, 23.) Another duty of the archons was to receive informations against individuals who had wronged heiresses, children who had maltreated their parents, and guardians who had neglected or defrauded their wards. [KAKOSIS.] The various modes of prosecution, by ἀπαγωγή, ἐφήγησις, ἔνδειξις, εἰσαγγελία, or φάσις, came as a rule before all the archons indiscriminately; but we find the ἔνδειξις especially connected with the office of the thesmothetae (Dem. *c. Timocr.* p. 707, § 23). The last office of the archon which we shall mention was of a sacred character; we allude to his superintendence of the greater Dionysia and the Thargelia, the latter celebrated in honour of Apollo and Artemis. (Pollux, viii. 89; cf. Meier, *Att. Process*, p. 41 ff.; Hermann, *Staatsalterth.* § 138, 6.)

The functions of the *βασιλεύς*, or *King Archon*, were almost all connected with religion: his distinguishing title shows that he was considered a representative of the old kings in their capacity of high priest, as the Rex Sacrificulus was at Rome. Thus he presided at the Lenaean or older Dionysia; superintended the mysteries and the games called *λαμπαδηφορίαι*, and had to offer up sacrifices and prayers in the Eleusinium, both at Athens and Eleusis. Moreover, indictments for impiety, and controversies about the priesthood, were laid before him; and, in cases of murder, he brought the trial into the court of the Areiopagus, and voted with its members. His wife, also, who was called *βασίλισσα* or *βασίλινναι*, had to offer certain sacrifices, and therefore it was required that she should be a citizen of pure blood, and not previously married. His court was held in what was called *ἡ τοῦ βασιλέως στοά*. (Dem. *c. Neaer.* p. 1370, §§ 74, 75; *c. Androt.* p. 601, § 27: Lysias, *c. Andoc.* § 4, where the duties are enumerated; Elmsley, *Ad Aristoph. Acharn.* 1143, et Scholia; Harpocr. *s. v.* *Ἐπιμελητὴς τῶν μυστηρίων*: Plato, *Euthyphr.* ad init. et *Theaet.* ad fin.; Pollux, viii. 90.)

The *Polemarch* was originally, as his name denotes, the commander-in-chief (Herod. vi. 109, 111; Pollux, viii. 91); and we find him discharging military duties as late as the battle of Marathon, in conjunction with the ten *στρατηγοί*: he there took, like the kings of old, the command of the right wing of the army. This, however, seems to be the last occasion on record of this magistrate being invested with such important functions; and in after ages we find that his duties ceased to be military, having been in a great measure transferred to the protection and superintendence of the resident aliens, so that he resembled in many respects the praetor peregrinus at Rome. In fact, we learn from Aristotle, in his "Constitution of Athens," that the polemarch stood in the same relation to foreigners as the archon to citizens. (Arist. *ap.* Harpocr. *s. v.*; Pollux, viii. 91, 92.) Thus, all actions affecting aliens, the isoteles and proxeni, were brought before him previously to trial; as, for instance, the *δίκη ἀποστασίου* against a *μέτοικος*, for living in Athens without a patron; so was also the *δίκη ἀποστασίου* against a slave who failed in his duty to the master who had freed him. Moreover, it was the polemarch's duty to offer the yearly sacrifice to Artemis, in commemoration of the vow made by Callimachus at Marathon, and to arrange the funeral games in honour of those who fell in war. The functions of the three first archons are very clearly distinguished in a passage of Demosthenes, *c. Lacr.* p. 940, § 48. These three archons—the *ἐπώνυμος*, *βασιλεὺς*, and *πολέμαρχος*—were each allowed two assessors (*πάρεδροι*) to assist them in the discharge of their duties.

The Thesmothetae did not act singly, but formed a *collegium* (*συνέδριον*, Hyperid. *pro Eux.* col. 22). They appear to have been called "legislators" (Thirlwall, ii. 17), because in the absence of a written code they might be said to make laws (*θεσμοί*, an older word for *νόμοι*), though in reality they only declared and explained them. They were required to review, every year, the whole body of laws, that they might detect any inconsistencies or superfluities, and discover whether any laws which had been repealed were wrongly retained in the public records (Aeschin. *c. Ctes.* §§ 38, 39). Their report was submitted to the people, who referred the necessary alterations to a jury of sworn dicasts impanelled for the purpose, and called *νομοθέται*. [NOMOTHETAE.]

In the Athenian legal system the thesmothetae had a more extensive jurisdiction than the three archons who, in point of dignity, enjoyed precedence over them. It may be said, indeed, that all cases not specially reserved to other magistrates came naturally before them. Their duties included the receiving of informations, getting up cases as *juges d'instruction*, and presiding at the trial before a jury (*ἡγεμονία δικαστηρίου*). The following are instanced as being under their jurisdiction: *ἔνδειξις*, *εἰσάγγελία* other than *κακώσεως* (see above), *προβολαί*, the Dokimasia of magistrates generally and the Euthynae of the Strategi; among public causes, *γραφαὶ ἀγραφίου*, *ἀγράφου μετάλλου*, *ἀδικίου*, *ἀπατήσεως τοῦ δήμου*, *βουλεύσεως*, *δεκασμοῦ*, *δωροξενίας*, *δώρων*, *ἐξαγωγῆς*, *ἑταιρήσεως*, *καταλύσεως τοῦ δήμου*, *μοιχείας*, *νομίσματος διαφθορᾶς*, *ξενίας*, *προαγωγείας*, *προδοσίας*, *συκοφαντίας*, *τυραννίδος*, *ὕβρεως*, *ψευδεγγραφῆς*, *ψευδοκλητείας*: among private ones, *δίκαι ἀγεωργίου*, *ἀμελίου* (an obscure case hardly to be distinguished from *ἀγεωργίου*) *ἀναγωγῆς*, *ἀργυρίου*, *βεβαιώσεως*, *βλάβης*, *ἐγγύης*, *ἐνοικίου*, *ἐξούλης*, *κακηγορίας*, *κλοπῆς*, *παρακαταθήκης*, *συμβολαίων παραβάσεως*, *χρέους*: and finally, all *δίκαι ἐμπορικαί*, *μεταλλικαί*, *ἐρανικαί*, and *δίκαι ἀπὸ συμβόλων* (Westerm. *ap.* Pauly; Meier, *Att. Process*, p. 59 ff.; Pollux, viii. 88). We also find, in the Orators, informations laid before the thesmothetae in the following cases: —For breach of the law against cutting down olive-trees (Dem. *c. Macart.* p. 1075, § 71); conspiracy to defeat the ends of justice (Dem. *c. Steph.* ii. p. 1136, § 25 f.); if a foreigner married a citizen, or a man gave in marriage as his own daughter the child of another, or confined as an adulterer one who was not so (Dem. *c. Neaer.* p. 1350, § 17; p. 1362, § 52; p. 1367, § 66). If a man banished for homicide returned without a legal pardon, the thesmothetae might order him to summary execution (Dem. *c. Aristocr.* p. 630, § 31). The name thesmothetae is sometimes applied to all the nine, and not merely to the six minor archons: mostly, no doubt, in late inscriptions (*C. I. G.* 380) and grammarians (*Arg.* to Dem. *c. Androt.* p. 589, 1), but occasionally even in classical writers. For instance, in Dem. *c. Eubul.* p. 1319 § 66, the phrase *τοὺς θεσμοθέτας ἀνακρίνετε* must be equivalent to *τοὺς ἐννέα ἄρχοντας ἀνακρίνετε* in the concluding section of the speech. On the other hand, the words *ἀρχαὶ* and *ἄρχοντες* are used in reference to magistrates in general, not to the nine exclusively. Thus in Isaeus, *Or.* 1 (Cleonymus), § 14, certain *ἄρχοντες* are spoken of who in § 15 are shown to be the *ἀστυνόμοι*.

In their collective capacity the archons also superintended the *ἐπιχειροτονία* of the magistrates, held every prytany (*ἐπερωτῶσιν εἰ δοκεῖ καλῶς ἄρχειν*), and brought to trial those whom the people deposed, if an action or indictment were the consequence of it. Moreover, they attended jointly to the annual ballot for the

dicasts or jurymen, and presided in the assemblies for the election of strategi, taxiarchs, hipparchs, and phylarchs (Pollux, viii. 87, 88; Harpocrat. *s. v.* καταχειροτονία: Schömann, *Assemblies*, p. 231).

The places in which the archons exercised their judicial power were, with the exception of that assigned to the Polemarch, without doubt all situated in the market. That of the first archon was by the statues of the ten Eponymi; that of the archon Basileus beside the so-called Bucolium, a building not otherwise known, in the neighbourhood of the Prytaneum, or else in the so-called Hall of the King; that of the Thesmothetae in the building called after them Thesmothesium, in which they, and perhaps the whole nine, are said to have dined at the public expense. The Polemarch had his office outside the walls, but quite close to the city, adjoining the Lyceum (Schömann, *Antiq.* p. 411 f., E. T.). In their oath of office the archons promised faithfully to observe the laws and to be incorruptible, and in the case of transgression to consecrate at Delphi a golden statue of the same size as themselves (ἰσομέτρητον, Plat. *Phaedr.* 235 D). Suidas improves upon this, making them three statues instead of one, at Athens, Delphi, and Olympia (*s. v.* χρυσῆ εἰκών). The simplest explanation of this absurdity is Schömann's, that it is an ancient formula used to denote an impossible penalty, the non-payment of which of necessity entailed Atimia (*Antiq.* p. 414, E. T. For another explanation, see Bergk in *N. Rhein. Museum*, xiii. 447; or Dr. Thompson on Plato, *l. c.*).

A few words will suffice for the privileges and honours of the archons. The greatest of the former was the exemption from the trierarchies—a boon not allowed even to the successors of Harmodius and Aristogeiton. As a mark of their office, they wore a chaplet or crown of myrtle; and if any one struck or abused one of the thesmothetae or the archon, when wearing this badge of office, he became ἄτιμος, or infamous in the fullest extent, thereby losing his civic rights (Dem. *c. Lept.* p. 465, § 28, *c. Meid.* p. 524, § 33; Pollux, viii. 86). The archons, at the close of their year of service, when they had delivered their account and proved themselves free from blame, were admitted among the members of the Areiopagus. [AREIOPAGUS.]

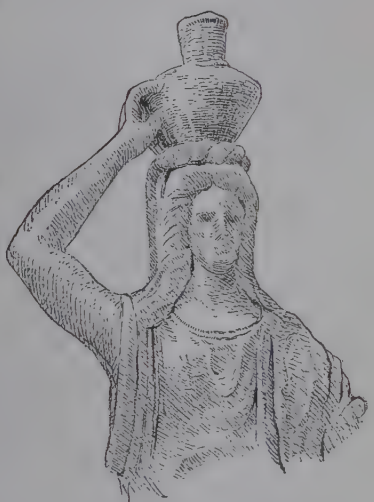
The Archon Eponymus being an annual magistrate at Athens, like the consul at Rome, it is manifest that a correct list of the archons is an important element in the determination of Athenian chronology. Now from *Creon* (B.C. 683), the first annual archon, to *Myrus* (B.C. 499), we have the names of about thirty-four. From B.C. 495 to 292, Diodorus and Dionysius of Halicarnassus furnish an almost unbroken succession for a period of nearly 200 years. After B.C. 292, about 166 names have been recovered, mostly from inscriptions, and many of them undated, down to the latest Roman period; the latest with a date being A.D. 485 (Meier, *Index Archontum eponymorum qui post Ol.* cxxi. 2 *eum magistratum obtinuerunt*; Marin. *Vit. Procl.* 36). [R. W.] [W. W.]

ARCHO'NES (ἀρχώνης). [TELONES.]

ARCIFI'NIUS AGER. [AGRIMETATIO.]

ARCUBALLISTA, a crossbow, occurs first in Vegetius (*de Re Mil.* ii. 15), but is probably identical with the *scorpiones minores* of Livy (xxvi. 47, 49), and the σκορπιδία of Polybius (viii. 7). The crossbowman is *arcuballistarius* (Veget. *op. cit.* iv. 21). The same writer speaks of a *manuballista* as nearly the same weapon (ii. 15), the Greek equivalent of which, χειροβαλλίστρα, is described by the elder Heron in the first of his existing fragments. Saglio, who gives two illustrations from sculpture in the museum at Le Puy, well remarks that the name and the thing have both come down substantially unaltered (Fr. *arbalète*) from ancient times to modern. [W. W.]

AR'CULUM, a kind of porter's knot or pad for carrying burdens, for which the usual Latin word is CESTICILLUS. The latter word seems to have been appropriated to secular, *arculum* to sacred uses (P. Diac. *s. vv.* pp. 14, 35, Müll.).



Arculum. (From Terra-cotta in the British Museum.)

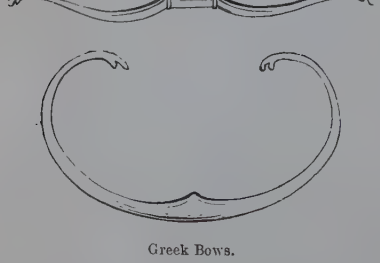
The illustration is from a terra-cotta figure discovered by Mr. Newton at Halicarnassus, and now in the British Museum. It represents a Canephoros carrying a sacred vessel on her head by the aid of a pad, which must have corresponded to the Roman arculum. [W. W.]

AR'CUMA or **ARCIR'MA**, the latter according to Müller the best-attested reading, a carriole or small carriage to hold one person only (P. Diac. p. 14). It has been attempted to identify it from sepulchral monuments (Rich *s. v.*); but in reality there is no evidence to warrant us in so doing. [W. W.]

ARCUS (βιός, τόξον), the bow used for shooting arrows, is one of the most ancient weapons, but its use in warfare was early abandoned by the Greeks in general, and it became a characteristic of Asia rather than of Europe. Thus, in the description given by Herodotus (vii. 61–80) of the various nations composing the army of Xerxes, we observe that nearly all the troops used the bow, and in Greek art also the bow generally serves to distinguish barbarian races, although of course it still was

retained as in ancient times in representations of certain deities, such as Apollo, Artemis, and Heracles. The Scythians and Parthians were the most celebrated archers in the East, and among the Greeks the Cretans, who frequently served as a separate corps in the Greek armies, and subsequently also among the auxiliary troops of the Romans. (Comp. Xen. *Anab.* i. 2, § 9; Liv. xlii. 35.) The use of the bow in the chase continued, nor was archery as an exercise abandoned (Plat. *Legg.* i. p. 625; vi. 794, 795; vii. 813, 814; viii. 384, 434), although it failed to gain the same encouragement in the games as other exercises testing the strength and skill of the upper part of the body, such as throwing the quoit and the spear. A contest of archers, however, is described in Hom. *Il.* xxiii. 850–84. In later times an *ἀγὼν τοξικός* was held at Ceos and at Sestos.

Pandarus' bow (Hom. *Il.* iv. 105–26) may be taken as an ordinary Greek bow of heroic proportions. It was composed of the horns of a wild goat, sixteen palms in length, joined by a straight stock (*πῆχυς*) in the centre, with a golden tip (*κορώνη*) at the end of one horn, on which, when the bow was strung, was fastened that end of the string (*νευρή, νεῦρα βόεια, Il.* iv. 122, *nervus*) which was not permanently attached. In order to make the bow more flexible, it was sometimes rubbed with oil before a fire (*Od.* xxi. 175–80). Such a bow is represented in the upper figure in the accompanying woodcut,



Greek Bows.

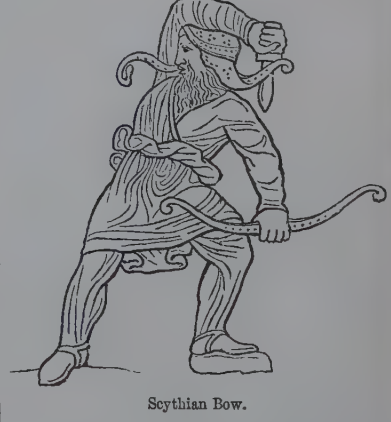
from a fictile vase. In Hom. *Il.* iv. 115–126, the action of shooting is described, and this account is illustrated by the following outline of

Figure in the Aeginetan Marbles, drawing the Bow.

a statue belonging to the group of the Aeginetan Marbles. The bow placed in the hands of this statue was probably of bronze, but it has been lost. In *Od.* xxi. 405–23 we have a similar description, but there Odysseus shoots sitting. In later times flexible wood was sometimes used in place of horn, and in that case the bow, when unbent, had a circular form, whence it is described with the epithets *sinuatus* (Ov. *Met.* viii. 381) and *sinuosus* (id. *Am.* i. 1, 23); it was sometimes straight with curved ends. For a string a strip of leather was sometimes used in place of the sinew of the ox, or even horsehair (Verg. *Aen.* x. 622; Ov. *ex Ponto*, i. 2, 21), which no doubt was braided, as in a representation figured in *Mon. ined. dell' Inst. Arch.* 1851, pl. xxviii.

The lower figure in the cut above, also from a fictile vase, is probably Homer's *τόξον παλίντονον* (*Il.* viii. 266, x. 459, xv. 433; *Od.* xxi. 11 and 59; Herod. vii. 69: the last passage shows that *παλίντονος* cannot be taken as a mere literary epithet, but describes a distinct variety of bow). When strung, it was bent backwards against the curve, which must have given it unusual force.

The Scythian bow was distinct from the ordinary Greek forms of the bow, and was curved into two unequal *sinus*. The accompanying cut is taken from a golden ornament on a sword sheath found in the Crimea, now in St. Petersburg (see Plate 5 in *Commission Archéologique pour l'année* 1865). Strabo (ii. 22)



Scythian Bow.

compares the outline of the Black Sea to a Scythian bow, the southern coast resembling the string, and the other coasts recalling the two curves of the bow, one of which projects further than the other. Again, the Scythian bow is compared to a serpent (Lycophr. 917), and to the letter Σ, which in many of its ancient forms consists of two unequal curves.

In the Roman army archers (*sagittarii*) do not appear to have been employed before the Punic Wars, and afterwards only as auxiliaries, being especially drawn from Crete and the Balearic Islands. [SAGITTA.] The Asiatic *cataphracti* [CATAPHRACTI] were often armed with the bow.

When not used, the bow was put into a case (*τοξοθήκη, γωρυτός, corytus*), which was made of leather, and sometimes ornamented (*φαεινός*, Hom. *Od.* xxi. 54). The bow-case is very con-

spicuous in the sculptured bas-reliefs of Persepolis. It frequently held the arrows as well as the bow, and on this account is often used by the Roman poets as equivalent to the *pharetra* or quiver. (Verg. *Aen.* x. 169; Ov. *Tr.* v. 7, 15; Sil. vii. 443.) Though its use was comparatively rare among the Greeks and Romans, we find it exhibited in a bas-relief in the Museo Pio-Clementino (vol. iv. tav. 43), which is copied in the annexed cut.

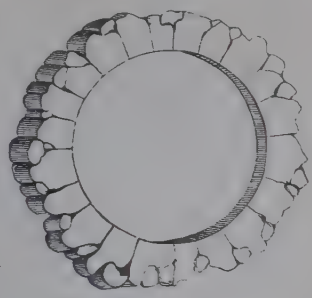
Corytus, Bow-case. (From a relief in the Vatican.)

[J. Y.] [J. H. F.]

ARCUS (also *fornix*, Verg. *Aen.* vi. 631; Cic. *Verr.* i. 7, 19, *et alibi*; καμάρα), an arch. It is possible to give an arched form to the covering of any opening by placing horizontal courses of stones projecting over one another, from both sides of the opening, till they meet at top, and then cutting the ends of the projecting stones to a regular curve, as shown below. This form is found in the most ancient architecture of nearly all nations, but it does not constitute a true arch. A true arch is formed of a series of wedge-like stones, or of bricks, supporting each other, and all bound firmly together by their mutual pressure.

It would seem that the arch, as thus defined, and as used by the Romans, was not known to the Greeks in the early periods of their history, otherwise a language so copious as theirs, and of such ready application, would not have wanted a name properly Greek by which to distinguish it. But the constructive principle by which an arch is made to hold together, and to afford a solid resistance against the pressure upon its circumference, was known to them even previously to the Trojan war, and its use is exemplified in two of the earliest buildings now remaining—the chamber built at Orchomenus, by Minyas, king of Boeotia, described by Pausanias (ix. 38), and the treasury of Atreus at Mycenae (Paus. ii. 16). Both these works are constructed under ground, and each of them consists of a circular chamber formed by regular courses of stones laid horizontally over each other, each course projecting towards the interior, and beyond the one below it, till they meet in an apex over the centre, which was capped by a large stone, and thus resembled the inside of a dome. Each of the horizontal courses of stones formed a perfect circle, or two semicircular arches joined together, as the subjoined plan of one of these courses will render evident.

It will be observed that the innermost end of each stone is bevelled off into the shape of a wedge, the apex of which, if continued, would meet in the centre of the circle, as is done in forming an arch; while the outer ends against the earth are left rough, and their interstices filled up with small irregular-shaped stones, the immense size of the principal stones rendering it unnecessary to continue the sectional cutting throughout their whole length. Schliemann points out that the stones, contrary to the general belief, are not immediately covered with earth, but with enormous masses of stone, which,



Circular masonry at Mycenae.

by their ponderous weight, keep all the stones of the circular layers of masonry in their position. Thus the principle of this construction is, as Colonel Leake justly remarks, that of an arch-shaped wall resisting a great superincumbent weight, and deriving its strength and coherence, from the weight itself (Schliemann, *Mycenae*, p. 43; Leake, *Morea*, ii. p. 377). Thus it seems that the Greeks did understand the constructive principle upon which arches are formed, even in the earliest times; although it did not occur to them to divide the circle by a diameter, and set the half of it upright to bear a superincumbent weight. But they made use of a contrivance, even before the Trojan war, by which they were enabled to gain all the advantages of our arch-way in making corridors, or hollow galleries, and which in appearance resembled the pointed arch, such as is now termed Gothic. This was effected by cutting away the superincumbent stones in the manner already described, at an angle of 45° with the horizon. The mode of construction and appearance of such arches are represented in

Pointed Arch in the walls of Tiryns.

the annexed drawing of the walls of Tiryns, copied from Sir William Gell's Argolis. The

gate of Signia (*Segni*) in Latium exhibits a similar example.

The principle of the true arch was known to the Egyptians, but it is remarkable that they did not make use of it in their most massive works (Wilkinson, ii. p. 299, ed. of 1878). The Assyrians also used it in subterranean buildings (Layard, *Nineveh*, i. p. 167; ii. p. 260). There are also a few specimens of the true arch in ancient Greece. At Oeniadae, in Acarnania, is a postern of a perfect arch in the polygonal walls of the city (Leake, *Northern Greece*, iii. p. 560 *seq.*); and at Xerokampo, in the neighbourhood of Sparta, is a bridge on the true arch-principle (Mure, *Tour in Greece*, ii. p. 248), though the latter, in the opinion of many archaeologists, is of Roman construction (Dennis, *Etruria*, ii. p. 250 *seq.*). But these are rare instances; and the Etruscans are the first people who used the true arch extensively. Two circumstances may have favoured this—the ease with which tufa is split into wedges, and the necessity of constructing extensive tunnels to drain the valleys of the Tiber and the Arno, and the marshes of the coast. Hence the use of the arch passed into the architecture of buildings. The Romans probably borrowed it from the Etruscans. Thus the *Cloaca Maxima*, long held to be the oldest instance of the arch at Rome, and attributed to the Tarquinii [CLOACA], closely resembles the canal of the Marta (Dennis, *Etruria*, i. p. 430 *seq.*). But whatever date be assigned to the *Cloaca Maxima* in its arched form, the general use of the arch even in subterranean buildings is far later. Thus the *specus* of the *Aqua Appia* (B.C. 313) is gabled, not arched (Burn, *Rome and the Campagna*, p. xxv.). The key-stone of the arch is mentioned by Seneca. ("Democritus invenisse dicitur fornicem, ut lapidum curvatura paulatim inclinatorum medio saxo alligaretur," *Ep.* 90, *med.*) The use of the arch constitutes one leading distinction between Greek and Roman architecture, for by its application the Romans were enabled to execute works of far bolder construction than those of the Greeks,—to erect aqueducts and permanent bridges, spanning broad and rapid rivers, and "to make a comparatively fragile material, such as brick, more extensively useful than the finest marbles in the hands of the Greeks."

But in many Roman edifices we find the use of "the arched form without the principle of the arch" (Middleton, *Ancient Rome in* 1885, p. 366), as the facing of brick or stone covers a concrete arch cast in one solid mass, and therefore without lateral thrust. [CAEMENTUM.] This is especially apparent in the thermae of Caracalla, and in the relieving arches in the walls of the Pantheon and other buildings, which are of no structural importance, but simply shallow indentations in a wall which was really one solid slab of concrete (Middleton, *ib.* p. 35). [A. R.] [J. H. F.] [W. S.]

ARCUS TRIUMPHA'LIS (a triumphal arch) was a structure peculiar to the Romans, among whom it seems to have taken its origin from the *Porta Triumphalis*, the gate by which a general celebrating a triumph led his army into the city, on which occasions the gate was adorned with trophies and other memorials of the particular victory celebrated. In process of time other arches were erected, both at Rome and in the provinces, to celebrate single victories, the memorials of which were carved upon them or fixed to them, and these remained as permanent monuments. They were even erected in memory of a victory for which there had been no triumph, as in the arch of L. Stertinius—the first recorded instance. And it is convenient to include under the same head many arches which were not monuments of victory, and yet from an architectural point of view cannot be distinguished from triumphal arches—arches commemorating a great imperial achievement, as that in honour of Augustus' completion of the *via Flaminia* at Rimini, that in honour of Trajan's improvement of the harbour at Ancona, that in honour of his restoration of the *via Appia* at Beneventum, that in honour of Hadrian's buildings at Athens; arches erected to an emperor with a less special motive, as that of Gallienus at Rome, or in honour of a family, as that of the Sergii at Pola. Moreover structures like the Porta S. Lorenzo (*Porta Tiburtina*) and Porta Maggiore (*Porta Praenestina*) [AQUAEDUCTUS], built to carry aqueducts over roads, and the *Janus Quadrifrons* in the *Forum Boarium*, resemble triumphal arches in their architectural treatment.

Triumphal arches were usually insulated structures built across the principal streets of the city, and, according to the space of their respective localities, consisted of either a single archway, or of a central one for carriages, with two smaller ones on each side for foot-passengers, which sometimes have side communications with the centre arch. Sometimes there were two arches of equal height, side by side. Each front was ornamented with trophies and bas-reliefs, which were also placed on the sides of the passages. Both façades had usually columns against the piers, supporting an entablature, surmounted by a lofty attica, on the front of which was the inscription, and on the top of it bronze chariots, war-horses, statues and trophies. The triumphal arch recalls its original, the city gate, in the concentration of ornament on the façades; while the sides, which in the city gate are buried in the wall, are comparatively plain.

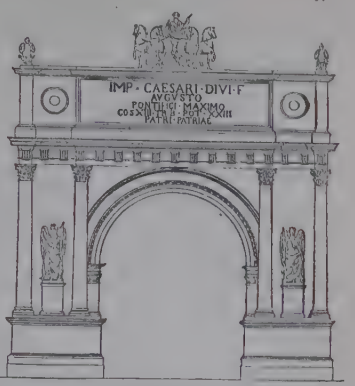
"Though these arches are upon the whole some of the most successful efforts of purely Roman architecture, because the real and solid constructive parts occupy the most prominent place, yet Greek decorations are dragged in even here. The Romans placed an unmeaning front of podestal, column and capital, with abacus, frieze, and entablature, upon the surface of their massive piers of masonry, 'thus tying, as the tyrant Mezentius did, the dead to the living.' The three great triumphal archways of Titus, Septimius Severus, and Constantine at Rome, and also the Arch of Drusus, are decorated with this foreign dress. In the Arch of Constantine alone, the columns which stand in front are in some measure justified by the statues they support. The Arch of Dolabella on the Caelian, which has a single line as cornice, and the Porta S. Lorenzo are examples of the impressive effect of a plain arch without Greek ornament." (Burn, *Rome and the Campagna*, p. xxxix.)

Stertinius is the first upon record who erected anything of the kind. He built, out of the spoils

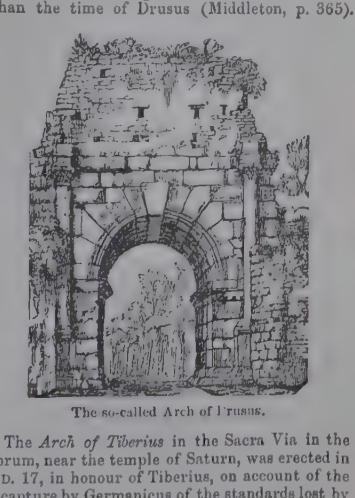
gained in Spain, an arch (*fornix*) in the Forum Boarium about B.C. 196, and another in the Circus Maximus, each of which was surmounted by gilt statues (Liv. xxxiii. 27). Six years afterwards, Scipio Africanus built another on the Clivus Capitolinus, on which he placed seven gilt statues and two figures of horses (Liv. xxxvii. 3); and in B.C. 121, Fabius Maximus built a fourth at the top of the Via Sacra, which is called by Cicero (*in Verr. Act.* i. 7, § 19; *Planc.* 7, § 17) the *Fornix Fabianus*. None of these remain, though ruins of the *Fornix Fabianus* were found in the sixteenth century, and again in 1882, near the temple of Faustina. That these erections were either temporary or very insignificant, may be inferred from the silence of Vitruvius, who says nothing of triumphal arches. We might be sure, from the nature of the case, that such structures would especially mark the period of the empire.

There are about thirty-eight triumphal arches recorded by different writers as having been erected in the city of Rome, five of which now remain: namely, the *Arches of Drusus*, of *Titus*, of *Septimius Severus*, of *Gallienus*, and of *Constantine*. A brief account of these, and of some of the most important Italian and provincial ones still in existence, follows. For restorations and descriptions of them, see Canina, *L'Architettura Romana*, vol. ii. p. 676, iii. p. 473, and volume of plates, from which this article is illustrated. The Arch of Augustus at *Rimini*, represented in the accompanying woodcut after Canina, is important on account of its early date, its fine style, and its peculiarity of not being an insulated structure, but merely an archway pierced in a wall, and decorated with unusual simplicity. Hence Hope (*Essays on Architecture*, i. p. 69) criticises its detail as jejune. The Arch of Augustus at *Susa*, though insulated, is still simple in its design, the entablature being supported by attached columns at the corners. The Arch of Augustus at *Aosta*, although its Doric entablature does not harmonise with its Corinthian columns, and although it has possibly suffered restoration, is here given as an instance of a single arch of noble span. Returning to Rome, we have first to remember the *Arch of Augustus* in the Forum, erected in honour of the battle of Actium, B.C. 30 (Dio Cass. li. 19), but its exact site is unknown. The *Arch of Drusus* on the Appian Way, erected in honour of Nero Claudius Drusus (Suet. *Claud.* 1), is identified with the existing arch, which pierces a wall, while its attica carries the aqueduct over the *via* to the *thermae* of Caracalla. But this is an error, as the existing arch is in all probability only one of the arches built by Caracalla to carry his aqueduct over the road, like the *Porta Maggiore* and *Porta San Lorenzo* [AQUAEDUCTUS, pp. 149, 150]. The details are much later than the time of Drusus (Middleton, p. 365).

Arch of Augustus at Rimini.



Arch of Augustus at Aosta.


The so-called Arch of Drusus.

The *Arch of Tiberius* in the Sacra Via in the Forum, near the temple of Saturn, was erected in A.D. 17, in honour of Tiberius, on account of the recapture by Germanicus of the standards lost by Varus in Germany (Tac. *Ann.* ii. 41). Some fragments of it have been found near its supposed site (Middleton, p. 169). The *Arch of Claudius*, erected in A.D. 43 to commemorate his supposed victories over the Britons, stood across the Via Lata, near the Palazzo Sciarra, where fragments belonging to this arch were found, with an inscription recording its erection by Claudius.

This arch is represented on coins of Claudius, with the legend DE BRITANNIS. It existed in an almost perfect state till the seventeenth century, when it was destroyed by Alexander VII. (Middleton, p. 442; Burn, p. 323). In the same locality stood the *Arch of M. Aurelius*, in the Via Flaminia, a continuation of the Via Lata. It was also destroyed in 1563, and six of its sculptured panels are now on the staircase of the Palazzo de' Conservatori. These reliefs are of great historical interest (Middleton, p. 443).

The *Arch of Titus*, of Pentelic marble, spanning the Sacra Via at the very summit of the Velian ridge, was erected to the honour of Titus, after his conquest of Judaea, but was not finished till after his death; since in the inscription upon it he is called *Divus*, and he is also represented as being carried up to heaven upon an eagle. The bas-reliefs of this arch represent the spoils from the Temple of Jerusalem carried in triumphal procession, and are among the best specimens of Roman sculpture. This arch has only a single opening, with two columns of the Roman or composite order on each side of it. This structure, which is here represented, is generally

Arch of Titus, restored.

regarded as the finest extant specimen of a triumphal arch. The *Arch of Trajan* was a magnificent structure leading to his Forum. It is represented on coins of Trajan, on the top of which stands a triumphal chariot of Trajan with six horses, and six generals. (Dio Cass. lxviii. 29; cf. Gell. xiii. 25.) From this arch some of the bas-reliefs now on the Arch of Constantine were taken, as is mentioned below. The Arch of Trajan at *Ancona*, attributed to Apollodorus of Damascus, is condemned by Hope (*l. c.*) on account of its disproportionate height and "confused reduplication of unmeaning mouldings;" that at *Beneventum* exhibits an increasing amount of sculpture.

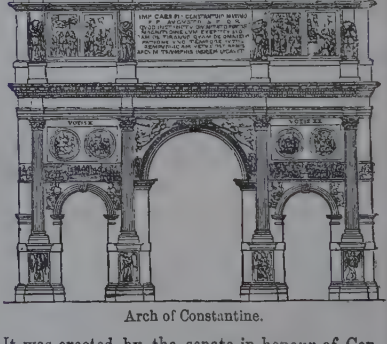
The *Arch of Septimius Severus* was erected by the senate (A.D. 204) at the end of the Via Sacra, in honour of that emperor and his two sons, Caracalla and Geta, on account of his victories over the Parthians and Arabians. This is the earliest extant specimen of an *arcus triumphalis*

Arch of Septimius Severus.

with three arches, the central one being higher than the lateral ones, which have side communications with it. Though its main proportions are fine, many of the details of its sculpture show degeneracy.

The arch erected in honour of *Gallienus* and *Salonina* at Rome by M. Aurelius Victor (prefect A.D. 262), close outside of the Porta Esquilina, in the Servian agger, is now a single arch with roughly executed Corinthian pilasters, two side arches and a pediment having been removed in the sixteenth century.

The *Arch of Constantine* is larger and more profusely ornamented than the Arch of Titus.



Arch of Constantine.

It was erected by the senate in honour of Constantine, after his victory over Maxentius, A.D. 312. It consists of three arches, with columns against each front, and statues on the entablatures over them, which, with the other sculptured ornaments, originally decorated the Arch of Trajan. It owes its fame to Trajan's sculptures and its fine state of preservation. (Bellori, *Veteres Arcus*, Rome, 1590; Fea, *Archi trionf.*, Rome, 1832; Burn, *Rome and the Campagna*; Middleton, *Ancient Rome in* 1885.) [J. H. F.] [W. S.]

ARDA'NION (ἀρδάνιον or ἀρδάλιον), a vessel full of water, which was placed at the door of a house in which a dead body was lying, in order that persons on leaving the house might purify themselves by sprinkling them-

selves with the water. Since the house in which the body lay was considered to be polluted, the water was fetched from some other house (Poll. viii. 66; Eur. *Alc.* 100; Aristoph. *Eccles.* 1033; Hesych., Suid., *s. v.*). [J. H. O.]

A'REA, any open space (*loca pura*, Varr. *L. L.* v. 38; *locus vacuus*, Paul. Diac. p. 11, Müll.; *locus sine aedificio in urbe area, rure autem ager appellatur*, Dig. 50, 16, 211). Many special usages of the word belong properly to the Latin dictionary. The following may here be noted:—(1) A site for building (Hor. *Ep.* i. 10, 13). (2) The site of a house pulled down in consequence of the owner's treason, and devoted to religious uses (*consecrata*): such were the houses of Sp. Cassius (*Ea est area ante Telluris aedem*, Liv. ii. 41) and Sp. Maelius, called afterwards Aequimaelium (id. iv. 16). Cicero's house, when pulled down by Clodius, became an area in both these senses (Cic. *ad Att.* iv. 1, 2; *ad Fam.* xiv. 2). (3) An open space in front of a temple, house, or public building, always clear of the edifice itself and abutting upon the street or upon other buildings, and thus to be distinguished from the *vestibulum*, which was between the projecting wings of the building itself [DOMUS]. The *areae* before cemeteries often contained the *ustrinum* or place where bodies were burnt (*area ante sepulcrum est maceria cincta*, Orelli-Henzen, *Inscr.* 4400); and Tertullian applies the word to the graveyards of the Christians, who did not burn their dead (*ad Scap.* 3; cf. *Dict. of Chr. Ant.* i. 252 a). Those in front of temples were often named after the god, and consecrated to prevent appropriation or encroachment: thus we have *area Pollucis, Saturni, Apollinis, Concordiae*, and *Vulcani*, called also *Vulcanal* or *-ale*. The *area Apollinis* adjoined the temple of the Palatine Apollo and the celebrated library; it may be traced on the marble plan of Rome, of the age of Severus, now known as the "Pianta Capitolina," where the letters REA APO may be read on one of the fragments, and an altar is seen, approached by a double flight of steps. The *Vulcanal* was originally a considerable space on the *clivus* or slope of the Capitol, but was gradually encroached upon by other structures, notably the Temple of Concord (Liv. ix. 46); so that we even find the phrase *area Vulcani et Concordiae* (id. xl. 16), as if the two *areae* had become indistinguishable. (Compare Burn, *Rome*, pp. 85, 175; Pauly, s. v. *Volcanale;* Marquardt, *Privatleben*, p. 220.) (4) *Areae* were sometimes used as market-places; there was an *area pannaria* and a *radicaria*. (5) A threshing-floor (ἄλως), described under AGRICULTURA. [W. W.]

AREIOPAGUS. The Areiopagus (Ἄρειος πάγος, in native authors and inscriptions always without the article), or hill of Ares, at Athens, was a rocky eminence, lying to the west of and not far from the Acropolis. To account for the name, various stories were told. Thus, some said that it was so called from the Amazons, the daughters of Ares, having encamped there when they attacked Athens; others again, as Aeschylus, from the sacrifices there offered by them to that god; while the more received opinion connected the name with the legend of Ares having been brought to trial there by Poseidon, for the murder of his son Halirrhothius. (Dem. *c. Aristocr.* p. 641, § 66; Aeschyl. *Eum.* 688.) To none, however, of these legends did the place owe its fame, but rather to the council (ἡ ἐν Ἀρείῳ πάγῳ βουλή) which held its sittings there, and was sometimes called ἡ ἄνω βουλή, to distinguish it from the Solonian senate of Four Hundred, or the later Cleisthenean senate of Five Hundred (Plut. *Sol.* 19). That it was a body of very remote antiquity, acting as a criminal tribunal, was evidently believed by the Athenians themselves. In proof of this, we may refer to the express assertions of the orators, and the legend of Orestes having been tried before the council for the murder of his mother—a trial which took place before Athena, and which Aeschylus represents as the origin of the court itself. Again, we find that even before the first Messenian war (B.C. 743) began, the Messenians offered to refer the points in dispute to the Argive Amphictyony, or the Athenian Areiopagus (Paus. iv. 5, § 1; Thirlwall, *H. G.*, i. 345), because this body was believed to have had jurisdiction in cases of manslaughter (δίκας φονικάς), "from of old."

There is sufficient proof, then, that the Areiopagus existed before the time of Solon; though Plutarch tells us that most of his authorities believed Solon to have been the founder, arguing from the silence of Draco, in whose laws the name Areiopagus did not occur. To this he replies that, in the ἄξονες on which the Solonian laws were recorded, the Areiopagus is expressly coupled with the phrase πρὶν ἢ Σόλωνα ἄρξαι (Plut. *Sol. l. c.*); and Grote further points out that as before Solon's time there was no other βουλή, Draco had no occasion to mention it. He concludes, therefore, "that the senate of Areiopagus is a primordial institution, of immemorial antiquity, though its constitution as well as its functions underwent many changes;" and for the earliest period accepts the suggestion, first thrown out by Meier and Schömann, that it seems to represent the Homeric council of old men (Grote, ch. x. ii. 281; *Att. Process*, Introd. p. 10). We hear of the Areiopagus chiefly as a judicial tribunal, because it acted in this character constantly throughout Athenian history, and it is in this capacity that the orators have most frequent occasion to allude to it. But in its original form it existed permanently as the highest deliberative authority, usually combined, in primitive institutions, with the functions of a supreme court of justice. Thus, to borrow an illustration from English history, a single *curia regis* was the germ from which the House of Lords, the Privy Council, and the High Courts of Justice were all developed. In pre-Solonian Athens, the functions of this ancient council had been so far specialised that it had become only a criminal court, trying cases "of wilful murder and wounding, of arson and poisoning" (Lex ap. Dem. *c. Aristocr.* p. 627, § 22; Pollux, viii. 117). These powers were abridged by Draco, who transferred to the Ephetae the cognisance of all cases of homicide. (The details of this change, and the question whether the name Ephetae existed before Draco, are discussed under EPHETAE.) This arrangement did not last long. The legislation of Solon restored to the Areiopagus all the more important powers connected with the δίκαι φονικαί, leaving to the Ephetae little more than a ceremonial purification of blood-guiltiness;

and, thus limited, the latter body soon withered and became a mere survival. The Areiopagus, on the contrary, acquired fresh powers in addition to those now restored, and entered upon its most brilliant period. It was invested by Solon with the general supervision of the state; in particular, it watched over the conduct of the magistrates in office; it controlled the proceedings of the popular assembly, with the right of stopping unconstitutional legislation; and it possessed a censorial power of maintaining public discipline, and of bringing private persons to account for their behaviour (Schömann, *Antiq.* pp. 326, 332, E. T.). Under his new scheme, the nine archons, if they had discharged their duties without blame, "went up" to the Areiopagus, and became members of it for life, unless expelled for misconduct (*Argum.* Dem. *c. Androt.* p. 589; Lex ap. Dem. *c. Timocr.* p. 707, § 22; Deinarch. *c. Demosth.* § 56; Plut. *Sol.* c. 18).

The council, then, after Solon's time, while it became timocratic in constitution, remained aristocratic in spirit. In fact, he is said to have formed the two councils, the senate and the Areiopagus, to be a check on the democracy; that, as he himself expressed it, "the state, riding upon them as anchors, might be less tossed by storms." Nay, even after the archons were no longer elected by suffrage but by lot, and the office was thrown open by Aristides to all the Athenian citizens, the "upper council" still retained its former tone of feeling.

Various details are given of the censorial and political powers entrusted by Solon to the body thus re-organised. Thus we learn that he made the council an "overseer of everything, and the guardian of the laws," empowering it to inquire how anyone got his living, and to punish the idle (Plut. *Sol.* c. 22; Isocr. *Areiop.* §§ 42, 43). We learn from other authorities that the Areiopagites were "superintendents of good order and decency,"—terms rather unlimited and undefined, as it is not improbable Solon wished to leave their authority. There are, however, recorded some particular instances of its exercise, even in the later days of Athenian history. Thus we find that they called persons to account for extravagant and dissolute living, and, on the other hand, occasionally rewarded remarkable cases of industry. In company with certain officers called γυναικονόμοι, they made domiciliary visits at private entertainments, to see that the number of guests was not too large, and for other purposes (Athen. iv. pp. 167 c—168 b, vi. p. 245 c; Pollux, viii. 112). It is stated on the authority of Aristotle (Plut. *Themist.* c. 10; cf. Boeckh, *P. E.* p. 154) that at the time of the advance of Xerxes on Athens, when there was no money in the public treasury, the Areiopagus succeeded in raising the sum of eight drachmas for every man on board the fleet. This does not prove that they had a treasury of their own, or any control of the public finances, as some have inferred; there is no evidence of either in ancient writers, and it is enough to suppose with Grote (iii. 455) that the council, then composed in large proportion of men from the wealthier classes, put forth all its public authority as well as its private contributions as an example to others. Again, we are told (Lycurg. *c. Leocr.* § 52), that at the time of the battle of Chaeroneia they seized and put to death those who deserted their country, and that they were thought by some to have been the chief preservers of the city.

It is probable that public opinion supported them in acts of this kind, without the aid of which they must have been powerless for any such objects. In connexion with this point, we may add that when heinous crimes had notoriously been committed, but the guilty parties were not known, or no accuser appeared, the Areiopagus inquired into the subject, and reported (ἀποφαίνειν) to the Demos. The report or information was called ἀπόφασις. This was a duty which they sometimes undertook on their own responsibility and in the exercise of an old-established right, and sometimes on the order of the Demos. (Deinarch. *c. Dem.* §§ 54–56; Schömann, *Assemblies*, p. 224.) Nay, to such an extent did they carry this power, that on one occasion they arrested a man (Antiphon) who had been acquitted by the general assembly, and again brought him to a trial, which ended in his condemnation and death. (Dem. *de Cor.* p. 271, § 133; Deinarch. *c. Dem.* § 63.) Again, we find them revoking an appointment of the people whereby Aeschines was made the advocate of Athens before the Amphictyonic council, and substituting Hyperides in his room. In these two cases also, they were most probably supported by public opinion, or by a strong party in the state. (Dem. *l. c.* § 134.)

They also had duties connected with religion, one of which was to superintend the sacred olives growing about Athens, and try those who were charged with destroying them. (Lysias, Περὶ τοῦ Σηκοῦ, § 22.) We read, too, that in the discharge of their duty as religious censors, they on one occasion examined whether the wife of the king archon was, as required by law, an Athenian; and, finding she was not, imposed a fine upon her husband. (Dem. *c. Neaer.* p. 1372, § 80 ff.) We learn from the same passage, that it was their office generally to punish the impious and irreligious. Again we are told, though rather in a rhetorical way, that they relieved the needy from the resources of the rich, controlled the studies and education of the young, and interfered with and punished public characters as such. (Isocr. *Areiop.* § 55.) In another passage (§ 38) Isocrates tells us that the worst men, on becoming Areiopagites, restrained their vicious propensities under the influence of the dignified and decorous atmosphere of the court. His pamphlet, written to urge the restoration of the censorial powers of the Areiopagus after they had long been lost (probably about B.C. 355–353), must of course be received with caution; but it is at least evidence that this tribunal, though shorn of its glories by the reforms of Ephialtes, had not forfeited the public respect.

Independently, then, of its jurisdiction as a criminal court in cases of wilful murder, which Solon continued to the Areiopagus, its influence must have been sufficiently great to have been a considerable obstacle to the aggrandisement of the democracy at the expense of the other parties in the state. In fact, Plutarch (*Solon*, c. 18) expressly states that Solon had this object in view in its reconstruction; and accordingly we find that Pericles, who never was an archon or

Areiopagite, and who was opposed to the aristocracy for many reasons, resolved to diminish its power and circumscribe its sphere of action. His coadjutor in this work was Ephialtes, a statesman of inflexible integrity, and also a military commander. (Plut. *Cim.* 10; *Pericl.* 7, 9.) They experienced much opposition in their attempts, not only in the assembly, but also on the stage, where Aeschylus produced his tragedy of the Eumenides, the object of which was to impress upon the Athenians the dignity, the sacredness, and constitutional worth of the institution which Pericles and Ephialtes wished to reform. He reminds the Athenians that it was a tribunal instituted by their patron goddess Athena, and puts into her mouth a popular harangue full of warnings against innovations, and admonishing them to leave the Areiopagus in possession of its old and well-grounded rights, that under its watchful guardianship they might sleep in security. (Müller, *Eum.* § 35.) Still the opposition failed: a decree was carried, about B.C. 458, by which, as Aristotle says, the Areiopagus was "mutilated," and many of its hereditary rights abolished. (Arist. *Pol.* ii. 12, § 4; Cic. *de Rep.* i. 27, § 43.) Plutarch (*Cimon*, 15) tells us that the people deprived the Areiopagus of nearly all its judicial authority (*τὰς κρίσεις πλὴν ὀλίγων ἁπάσας*), establishing an unmixed democracy, and making themselves supreme in the courts of justice, as if there had formerly been a superior tribunal. But we infer from another passage, that the council lost considerable authority in matters of state; for we learn that Athens then entered upon a career of conquest and aggrandisement to which she had previously been a stranger; that, "like a rampant horse, she would not obey the reins, but snapped at Euboea, and leaped upon the neighbouring islands." (Comicus, *ap.* Plut. *Cim.* 10.) These accounts in themselves, and as compared with others, are sufficiently vague and inconsistent to perplex and embarrass; accordingly, there has been much discussion as to the precise nature of the alterations which Pericles effected. In particular K. O. Müller (*Eum.* § 37) argued that he deprived the Areiopagus of their old jurisdiction in cases of wilful murder; and one of his chief arguments is that it was evidently the design of Aeschylus to support them in this prerogative, which therefore must have been assailed. This was also the view of Boeckh in a dissertation *de Areopago*, and of Meier and Schömann in *Att. Process.* But on the appearance of Forchhammer's *Disputatio de Areopago non privato per Ephialtem homicidii judiciis*, Kiel, 1828, Schömann at once modified his view and subsequently abandoned it altogether (*Att. Process*, p. 143, with Lipsius's notes in the new edition; *Antiq.* p. 342, E. T.); and since then it has been generally agreed by scholars and historians that the Areiopagus did not lose the *δίκαι φονικαί* (Godfrey Hermann, *Opusc.* iv. 299 ff.; K. F. Hermann, *Staatsalterth.* § 109, 6; Thirlwall, iii. 24; Grote, ch. xlvi., iv. 104–112; Curtius, ii. 382, E. T.; Westermann, in Pauly; Caillemer, in Daremberg and Saglio). The main argument on the other side rests on an expression of Lysias (*de Caede Eratosth.* § 30): *τῷ δικαστηρίῳ τῷ ἐξ Ἀρείου πάγου ᾧ καὶ πάτριόν ἐστι καὶ ἐφ' ἡμῶν ἀποδέδοται τοῦ φόνου τὰς δίκας δικάζειν.* This was held to mean that the *δίκαι φονικαί*, lost in the time of Ephialtes, were only restored in the archonship of Eucleides, B.C. 403. But the language of Demosthenes is equally explicit, that neither tyrant nor democracy had dared to take away this jurisdiction from the Areiopagus (*c. Aristocr.* p. 641, § 66). As G. Hermann pointed out (*Opusc. l. c.*), *ἀποδέδοται* in Lysias may easily mean *competit*, "is within its competence," not "has been restored:" and even if the latter sense be retained, it is enough to say that under the Thirty all laws had been trampled upon, and with the restoration of democracy things resumed their natural course (Grote, *l. c.* p. 112 n.). It may be further remarked that the consequences ascribed to the innovation do not indicate that the Areiopagus lost its authority as a criminal tribunal, but rather that it was shorn of its power as superintending the morals and conduct of the citizens, both in civil and religious matters, and as exercising some control over their decisions. This supervision had extended to the proceedings of the Ecclesia, taking care that the latter did not infringe the established laws or the existing balance of the constitution. These powers were vast and undefined, not derived from any formal grant of the people, but having their source in immemorial antiquity, and sustained by general awe and reverence. Such powers, as Grote remarks, were pretty certain to be abused; and if we grant that personal corruption was rare in an assembly spoken of with so much respect even by its political opponents, we must admit that such powers would be habitually exercised in a conservative sense, and one suitable only to a passive and stationary people. The expansion of Athens, during the twenty years which followed the battle of Plataea, would be cramped and hindered by them; and in this we must see (with Grote) the justification of the measures of Pericles and Ephialtes. The separation of judicial from executive functions was not, as Aristotle called it, a dissolution of all governmental authority (*ὥστε καταλύονται πᾶσαι αἱ ἀρχαί*, *Pol.* iv. 5, § 6), but conformable to the best modern notions; and Pericles cannot be censured for having effected this separation, whatever we may think of the dicasteries and the irresponsible assembly between whom the powers taken from the Areiopagus were now divided. It was at this time, probably, that the Areiopagus, like the Senate of Five Hundred, became accountable to the Demos, as, indeed, we know they afterwards were. (Aeschin. *c. Ctes.* § 20; Boeckh, *P. E.* p. 189.)

The general power of supervision, now taken from the Areiopagus, became vested in seven new magistrates called *νομοφύλακες* [NOMOPHYLAKES], who were in their turn abolished when, in the archonship of Eucleides, the Areiopagus received back a part of its former controlling authority. The decree of Tisamenus on this occasion is preserved by Andocides: the laws were first to be revised by special *νομοθέται*, called also *ἀναγραφεῖς*, and then the Areiopagus was to watch over their enforcement (*ἐπειδὰν δὲ τεθῶσιν οἱ νόμοι, ἐπιμελείσθω ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου τῶν νόμων, ὅπως ἂν αἱ ἀρχαὶ τοῖς κειμένοις νόμοις χρῶνται*, *ap.* Andoc. *de Myst.* § 84). It must be admitted, with Grote and Schömann, that neither the Nomophylakes, while they lasted, nor the Areiopagus in its renewed

vitality, were able to exercise any real check upon the irresponsible Demos. In the last century of Athenian liberty, the γραφὴ παρανόμων gradually superseded every other form of control over constitutional changes. (Grote, ch. xlvi., iv. 115; Schömann, *Antiq.* p. 346, E. T.)

But, though thus brought under the democratic rule of accountability in all the officers of the state, no subserviency in judicial matters is imputed to the Areiopagus. Their tribunal, on the contrary, is always spoken of as most just and holy; Demosthenes goes so far as to say that not even the condemned criminal or baffled prosecutor whispered an insinuation against the righteousness of their verdicts (*c. Aristocr.* p. 642, § 66 f.). Indeed, the proceedings before them in cases of murder were by their solemnity and fairness well calculated to insure just decisions. The process was as follows:—The king archon (Pollux, viii. 90) brought the case into court, and sat as one of the judges, who were assembled in the open air, probably to guard against any contamination from the criminal. (Antiphon, *de Caede Herod.* § 11; Pollux, viii. 33.) The accuser, who was said εἰς Ἄρειον πάγον ἐπισκήπτειν, first came forward to make a solemn oath (διωμοσία) that his accusation was true, standing over the slaughtered victims, and imprecating extirpation upon himself and his whole family, were it not so. The accused then denied the charge with the same solemnity and form of oath. Each party then stated his case with all possible plainness, keeping strictly to the subject, and not being allowed to appeal in any way to the feelings or passions of the judges (προοιμιάζεσθαι οὐκ ἐξῆν οὐδὲ οἰκτίζεσθαι, Aristot. *Rhet.* i. 1; Pollux, viii. 117). The speakers were mounted upon two unhewn stones (ἄργοὶ λίθοι), still visible on the spot; that of the accused was called λίθος ὕβρεως, that of the prosecutor λίθος ἀναιδείας (Pausan. i. 28, § 5). The latter is wrongly rendered *impudentiae* by Cicero (*de Leg.* ii. 11, § 28); it is really unforgivingness or implacability. After the first speech (μετὰ τὸν πρότερον λόγον), a criminal accused of murder might remove from Athens, and thus avoid the capital punishment fixed by Draco's θεσμοί, which on this point were still in force. Except in cases of parricide, neither the accuser nor the court had power to prevent this; but the party who thus evaded the extreme punishment was not allowed to return home (φεύγει ἀειφυγίαν); and when any decree was passed at Athens to legalise the return of exiles, an exception was always made against those who had thus left their country (οἱ ἐξ Ἀρείου πάγου φεύγοντες). See Plat. *Leges*, ix. 871 D.

The reputation of the Areiopagus as a criminal court was of long continuance, as we may learn from an anecdote of Aulus Gellius, who tells us (xii. 7) that C. Dolabella, proconsul of the Roman province of Asia, referred a case which perplexed himself and his council to the Areiopagus (*ut ad judices graviores exercitatioresque*); they ingeniously settled the matter by ordering the parties to appear that day 100 years (*centesimo anno adesse*). They existed in name, indeed, till a very late period. Thus we find Cicero mentions the council in his letters (*ad Fam.* xiii. 1; *ad Att.* i. 14, v. 11); and under the emperors Gratian and Theodosius (A.D. 380), Ῥούφιος Φῆστος is called proconsul of Greece, and an Areiopagite. (Meursius, *Areiop.*)

Of the respectability and moral worth of the council, and the respect that was paid to it, we have abundant proof in the writings of the Athenian orators, where, indeed, it would be difficult to find it mentioned except in terms of praise. Thus Lysias speaks of it as most righteous and venerable (*c. Andoc.* § 14); and so great was the respect paid to its members, that it was considered rude in the people laughing in their presence, while one of them was making an address to the assembly on a subject they had been deputed to investigate (Aeschin. *c. Timarch.* § 84). This respect might, of course, facilitate the resumption of some of their lost power, more especially as they were sometimes intrusted with inquiries on behalf of the state, as on the occasion to which we have just alluded, when they were made a sort of commissioners, to inquire into the state of the buildings about the Pnyx, and decide upon the adoption or rejection of some proposed alterations. Isocrates, indeed, even in his time, when the previous inquiry or δοκιμασία had fallen into disuse, speaks well of their moral influence; but shortly after the age of Demetrius Phalereus, a change had taken place; they had lost much of their respectability, and were but ill fitted to enforce a conduct in others which they did not observe themselves. (Athen. iv. 167, e, f.)

The case of St. Paul (Acts xvii. 22) is generally quoted as an instance of their authority in religious matters; but the words of the sacred historian do not necessarily imply that he was brought before the council. It may, however, be remarked, that they certainly took cognisance of the introduction of new and unauthorized forms of religious worship, called ἐπίθετα ἱερά, in contradistinction to the πάτρια or older rites of the state. (Harpocrat. *s. vv.* Ἐπίθετοι Ἑορταί; Schömann, *de Comitiis*, p. 286, transl.)

With respect to the number of the Areiopagus in its original form, a point of no great moment, we are altogether in the dark; but it is plain that there could have been no fixed number when the archons became members of this body at the expiration of their year of office. Lysias, indeed, speaks of them (Περὶ τοῦ Σηκοῦ, § 22; but see *Argum.* Dem. *c. Androt.* p. 589) as forming a part of the Areiopagus even during that time; a statement which can only be reconciled with the general opinion on the subject, by supposing that they formed a part of the council during their year of office, but were not permanent members till the end of that time, and after passing a satisfactory examination. [R. W.] [W. W.]

ARE'NA. 1. Sand. The composition of Roman mortar and cement is described under STRUCTURA: we here notice the different kinds of sand employed,—a subject to which Vitruvius has devoted a chapter (ii. 4). He reckons four kinds of pit sand (*fossilis*), besides sea and river sand; the black (*nigra*), the white (*cana*), the red (*rubra*), and the volcanic (*carbunculus*: cf. Varr. *L. L.* i. 9, 2). Pliny recognises only the distinctions of sea, river, and pit sand, not those of colours (*H. N.* xxxvi. §§ 54, 55). In another chapter (ii. 6) Vitruvius describes the *pulvis Puteolanus*, or volcanic sand of the

neighbourhood of Vesuvius, as a different material, unaware that it is substantially identical with that of the Roman Campagna. The modern name *pozzolana* is applied indifferently to both.

2. [AMPHITHEATRUM.] [W. W.]

ARENA'RII are mentioned in inscriptions as formed into *collegia* (Orelli-Henzen, Nos. 2773, 4063). The meaning of the name is variously explained as gladiators fighting in the *arena*, persons who swept it and looked after it (Orelli), or diggers in an *arenaria* or sand-pit (Muratori). The first of these three senses is the most probable; they are named in connexion with *lanistae*, *scenici*, *venatores*, &c., and Tertullian calls them *amentissimi* and *infames* (*de Spect.* 22, cf. Petron. *Sat.* 126; Capitol. *Aurel. Philosoph.*, c. 19; Rein, *ap.* Pauly, i.² *s. v.*). [W. W.]

ARETA'LOGI, a class of persons whose conversation formed one of the entertainments of the Roman dinner-tables (Suet. *Octav.* 74). The word literally signifies *persons who discourse about virtue;* and the class of persons intended seem to have been poor philosophers, chiefly of the Cynic and Stoic sects, who, unable to gain a living by their public lectures, obtained a maintenance at the tables of the rich by their philosophical conversation. Such a life would naturally degenerate into that of the parasite and buffoon; and accordingly we find these persons spoken of contemptuously by Juvenal, who uses the phrase *mendax aretalogus:* they became a sort of *scurrae*. (Juv. *Sat.* xv. 16; cf. Casaubon. *ad Suet. l. c.*; Mayor, *ad Juv. l. c.*) [P.S.] [A.S.W.]

ARGE'I. We learn from Livy (i. 21) that Numa consecrated places for the celebration of religious services which were called by the pontifices *Argei*. Varro calls them the chapels (*sacella*) of the Argei, and says they were twenty-seven in number, distributed in the different districts of the city (*L. L.* v. 45). The number 27 appears to be a copyist's mistake for 24, the number implied by Varro himself in another passage (vii. 44), *i.e.* six for each of the four ancient regions of Rome. They seem also to have been the depositories of topographical records. Thus we read in Varro,—*In sacreis Argeorum scriptum est sic: Oppius mons princeps*, &c., which is followed by a description of the neighbourhood. They were said to be named from the chieftains who came with Hercules, the Argive, to Rome, and occupied the Capitoline or, as it was anciently called, Saturnian hill. These Argives, according to the legend, either cast themselves, or directed that their dead bodies should be cast, into the Tiber, in the hope of being carried down to Argolis. In this latter part of the story we may probably recognise an attempt to explain the ceremony of the Ides (15th) of May, when certain osier figures of men called *argei* were thrown into the Tiber from the pons Sublicius by the Vestals, as a reminiscence (not, as is most likely the truth, of human sacrifices to indigenous ancient divinities, but) of that early connexion of the Greek Heracles with the fortunes of Rome which Roman writers so generally sought to establish. Dionysius of Halicarnassus seems to mix up both explanations in his statement that the custom, continuing to his times, was instituted by Hercules to satisfy the scruples of the natives when he abolished the human sacrifices formerly made to Saturn. He gives the number of images as 30: Varro speaks of 24, which, if we read xxiiii for xxvii, as suggested above, in v. 45, makes one victim for each of the Argei. Whether, finally, the name Argei originally belonged to deities themselves, and passed from them to their shrines and their victims, must remain undecided: that the cultus associated with the name was archaic, analogous to that of the Lares, and involving human sacrifices, seems clearly deducible from our documents. The subject has been specially treated by Liebrecht in *Philologus*, xxiii. pp. 679 ff., and Bouché-Leclercq, *Les Pontifes de l'ancienne Rome*, pp. 268 ff.: cf. Jordan, *Topogr. d. Stadt Rom*, ii. p. 236; Burn, *Rome*, p. 39; *Dict. of Gr. and Rom. Geogr.* ii. p. 733 foll. The chief classical sources are Varro, *L. L.* v. 45, vii. 44; Ov. *Fast.* v. 621 ff.; Gellius, x. 15; Dionys. Halic. i. 38; Macrob. i. 2, § 47. [R. W.] [W. W.]

ARGENTA'RII (τραπεζῖται), dealers in money, included money-changers, usurers or money-lenders, and bankers properly so called, or intermediaries between business men.

1. GREEK. The primitive "tables of the money changers," set up throughout Greece in the market-place and other public resorts (Plat. *Apol.* p. 17 C; *Hipp. Min.* p. 368 B), like the *mensa argentaria* of the Romans and the "bench" of the mediaeval Italians, acquired an enlarged meaning with the development of commerce; and the name τραπεζίτης was applied indifferently to men who carried on several distinct branches of business which might, or might not, be combined in the same hands. The κερματιστὴς (the noun is post-classical, but κερματίζω and κατακερματίζω are both found) gave small change for the larger coins, as obols for drachmas: the κολλυβιστὴς changed foreign money at an agio (καταλλαγὴ), or provided gold to be remitted abroad (Isocr. *Trapez.* § 40; Dem. *de Fals. Leg.* p. 376, § 114=124, with Shilleto's note; *c. Polycl.* p. 1216, § 30; Pollux, iii. 84, vii. 170). The δανεισταὶ advanced money at high interest to the necessitous, or lent it on the security of ships and their cargoes—a hazardous speculation when marine insurance was unknown; hence at Athens their headquarters were in the Peiraeus, and it was even said, doubtless with some exaggeration, that no ship could leave the port without this accommodation to traders (Dem. *c. Phorm.* p. 922, § 51). This class of business, and even the more legitimate banking, was mostly carried on by μέτοικοι or resident aliens and freedmen, who, like the Jews in the Middle Ages, bore themselves submissively towards the citizens, and had to console themselves with large profits for much social inferiority and disrepute and occasional ill-treatment. Thus Cephisiades, a man of this type, is called μέτοικος καὶ οὐδὲν δυνάμενος (Dem. *c. Callipp.* p. 1243, § 25). There were, however, bankers who enjoyed a wide connexion and had the management of large sums of money, and whose position as men of business had won them general confidence. The most conspicuous example of this class is the well-known Pasion, who, through his litigious son Apollodorus, occupies a large space in the Demosthenic orations. (For a sketch of his career, see Mahaffy, *Social Life in Greece*, ed. 3, pp. 414–418; Sandys, Introductions to Dem. *pro Phorm.* and *c. Steph.*) As in modern times, such bankers received money

on deposit at a low interest (or what passed for such) and lent it out at a higher. A banking account without interest, for the mere convenience of receiving dividends and paying cheques, was a conception as unknown to the Greeks as a joint stock or a State bank. The interest allowed to depositors may perhaps be inferred from a passage in Demosthenes: the father of the orator had, besides the capital invested in his two businesses as a cabinet-maker and sword-cutler, a talent out on loan, seemingly with the τραπεζῖται, at the rate of a drachma per mina per month, or 12 per cent. a year (ἐπὶ δραχμῇ δεδανεισμένον, *c. Aphob.* i. p. 816, § 9); he had also some money in Pasion's and two other banks (*ib.* § 11). Half as much again, or 18 per cent. (ἐπ' ἐννέα ὀβολοῖς), was a common rate of interest at Athens, as we see in the case of divorced couples: if the husband neglected or delayed to refund the dowry he had received with his wife, her guardians (κύριοι) could proceed against him for the principal and interest calculated at that rate. Sixteen per cent. (ἐπ' ὀκτὼ ὀβολοῖς) is mentioned as charged for a mortgage upon a house (Dem. *c. Nicostr.* p. 1250, § 13, with Sandys' note). But where the security was bad, the bankers clearly made much higher profits, and even the leading men among them were not ashamed to act the usurer's part, and to trade upon the necessities of the spendthrift and of men beginning business without capital. Thus in an important fragment of Lysias (i. ed. Teubner, B. ed. Oxon.), Aeschines, the disciple of Socrates, is described as, after having tried tavern-keeping and apparently failed in it, setting up a perfumery business with money borrowed at 36 per cent. In the case of bottomry loans or advances on ships' voyages, as the principal was lost if the ship foundered, 25 or 30 per cent. in proportion to the risks was regarded as legitimate business (Dem. *c. Lacr.* p. 926, § 10. This συγγραφὴ, as an "inserted document," is liable to some suspicion, but it is accepted not merely by Boeckh, *P. E.* p. 137, but by recent scholars, such as Büchsenschütz, *Besitz und Erwerb*, p. 498). For fuller details on the subject of the interest of money, see FENUS.

Among the securities on which money could be raised we find plate and valuables (Dem. *c. Nicostr.* p. 1249, § 9), land and houses (*c. Phorm.* p. 946, § 6). We have here, perhaps, the explanation of the fact that citizenship was somewhat freely conferred on leading bankers, even if, like Pasion and his manager and successor Phormio, they were of servile origin. The right of holding real property (ἔγγειος οὐσία) was confined to citizens, to the exclusion of ξένοι and μέτοικοι: and had all the lenders belonged to the latter class, no Athenian would have been able to take up money on mortgage, as no one would have lent if debarred from taking possession of the security in default of payment.

The notion of many Greeks (which a few years ago might have been pronounced exploded, but has lately been revived in unexpected quarters) that all taking of interest partook of the nature of usury, was shared even by Aristotle (εὐλογώτατα μισεῖται ἡ ὀβολοστατική, *Pol.* i. 10, 4). While not altogether escaping the reproach which attached to their calling as such, the higher class of bankers in many instances acquired much personal respect, and a high reputation for ability combined with honesty (Dem. *pro Phorm.* p. 957, § 44); their credit enabled them to raise money at a moment's notice in distant cities (id. *c. Polycl.* p. 1224, § 56). Such confidence was placed in them, that sometimes business was transacted with them without witnesses (Isocr. *Trapez.* §§ 2, 53); money and contracts of debt were deposited with them, and agreements were concluded or cancelled in their presence (Dem. *c. Callipp.* p. 1242, § 24; *c. Dionysod.* p. 1287, § 15). They had thus become, as Hermann remarks, a sort of unofficial notaries public. On the other hand, there are instances of bankers losing everything they possessed, and becoming utterly bankrupt (ἐκστῆναι τῶν ὄντων, Dem. *pro Phorm.* p. 959, § 50; *c. Steph.* i. p. 1120, § 64; ἀνασκευάζεσθαι, *c. Apatur.* p. 895, § 9; *c. Timoth.* p. 1204, § 68). The high rates of interest that ruled are of themselves enough to prove that the security was often bad; and there is other evidence of the unsatisfactory condition of banks and banking. The law of debt was severe, but badly administered; and in the ill-regulated and impulsive Athenian dicasteries, the fraudulent debtor had at his command every species of subterfuge and dishonest contrivance against the creditor. In the *Apaturius*, we see the shifts of borrowers to escape or transfer liability; in the *Trapeziticus*, no less a person than Pasion himself is openly accused of repudiation, backed by forgery (cf. Jebb, *Att. Or.* ii. 222–226). We have, it is true, only one side of each case, and are unable to judge of their merits; but the fact remains that such charges were made in open court, and fought out with a good deal of hard swearing. Prof. Mahaffy observes: "Perhaps the safest and clearest evidence as to their insecurity is the fact stated on the bankers' side, that when Pasion's son had his choice of a business worth 60 minae, or a bank worth 100, in respective yearly income, he justly, says the orator, preferred the ownership of the business establishment, on account of the insecurity of an income made from other people's money. This speaks volumes on the point, and is itself sufficient evidence of the bad condition of banking" (Mahaffy, p. 413; Dem. *pro Phorm.* p. 948, § 11).

Before the rise of this system, the place of banks was to some extent supplied by the temples, which played no unimportant part in early Greek commerce. They were used as safe places for the deposit of treasure; and having large funds of their own, derived from the rent of their estates and from votive offerings, they employed productively both these and the sums confided to their care. Thus Cleisthenes and the Alcmaeonidae borrowed from the Delphic sanctuary, with the consent of the Amphictyons, the funds with which the Pisistratids were overthrown (Isocr. *Antid.* § 232; Dem. *c. Mid.* p. 561, § 144): and at the outbreak of the Peloponnesian war the Corinthians proposed to equip a fleet with loans effected at Delphi and Olympia (Thucyd. i. 121). It has been thought that the temples confined themselves to State loans, and did not lend money to individuals: Büchsenschütz, however, has shown from the Delian *Marmor Sandvicense* (cf. AMPHICTYONS) and other inscriptions, that private persons enjoyed

this accommodation. To the undoubted general rule, that no banks were either worked or guaranteed by the State, an exception was imagined to exist at Byzantium on the strength of a passage in Aristotle (*Oecon.* ii. 4, § 4): all that is really stated is that an impoverished government, among other expedients, sold a monopoly of money-changing to a particular bank. (Boeckh, *P. E.* bk. i., ch. xxii.; K. F. Hermann, *Privataltert.* § 48; Büchsenschütz, *Besitz und Erwerb*, pp. 500–510; Becker-Göll, *Charikles*, sc. iv.; Mahaffy, *Social Life in Greece*, ed. 3, ch. xiii.) [W. W.]

2. ROMAN. The existence of bankers (*argentarii*) at Rome can be proved as early as 309 B.C. (See Liv. ix. 40, 16.) There does not seem any sufficient evidence to show that these were silversmiths; and it would be contrary to the simplicity of the times that the establishments of the silversmiths should have been so numerous as to form a prominent feature in the town. Silver was not coined at Rome till 268 B.C.; but the term *argentarii* can be very well explained if we regard them as the exchangers of foreign, especially South Italian and Etruscan, silver coin into Roman bronze currency. (See Weissenborn on Livy, *l. c.*) Of course, in imperial times, *argentarius* meant a silversmith. (Lamprid. *Alex. Sev.* 24; Cod. Theod. xii. 1, 37; xiii. 4, 2: cf. Marquardt, *Privatl.* 675, note 10; Wilmann's Index, 645.)

As a distinct class the bankers were called *argenteae mensae exercitores* (Dig. 2. 13, 4, pr.), *negotiatores stipis argentariae* (Orelli, 4060); and, indeed, *negotiatores* simply was the title of the dealers in money as they appear in the Roman provinces (Marquardt, *Staatsverw.* i.² 539 *sq.*). But we find allusion often made to NVMMVLARII and MENSARII or MENSVLARII, terms which seem synonymous; for Festus explains *mensarius* by *nummularius* (cf. Suet. *Auj.* 4). That these are in some respects different from, though as regards pure banking business very similar to, the *argentarii*, is certain from Dig. 2. 13, 9, 2: "Nummularios quoque non esse iniquum cogi rationes edere Pomponius scribit; quia et hi nummularii sicut argentarii rationes conficiunt, quia et accipiunt pecuniam et erogant per partes quarum probatio scriptura codicibusque eorum maxime continetur; et frequentissime ad fidem eorum decurritur." How did they differ?

Some writers say the *argentarii* were private bankers, the *mensarii* and *nummularii* public. Heimbach (*Die Lehre von dem Creditum*, p. 619) holds just the reverse view. The *argentarii* were public state-licensed bankers, the *nummularii* an inferior sort of money-changers, says Heumann (*Handlexikon zu den Quellen des röm. Rechts*, 1884, *s. vv.*). All these authors, when fully understood, state what seems to be the true view, which appears to be as follows:— The *argentarii*, we saw above, were money-changers (though later their functions in this department passed to the *nummularii*), and as such had necessarily always considerable sums of ready money on hand. Now such holders and dealers in money are the natural bankers. But they were private individuals. Whenever in early times we hear of public or state bankers, they are appointed for a special emergency (*quinqueviri* or *tresviri mensarii*, Liv. vii. 21, 5; xxiii. 21, 6), chiefly to lend money to private individuals during a financial crisis (Liv. xxii. 60, 4; xxiii. 21, 6: cf. Lange, *Röm. Alt.* ii. 173), though when appointed they fulfilled other state-banking business (Liv. xxiv. 18, 12; xxvi. 36, 8). Appointments of this kind occur twice during the Republic, in 351 B.C. and 216 B.C. When the Aerarium lent aid in a similar crisis in 33 A.D., Tiberius seems to have done it through the ordinary bankers (Tac. *Ann.* vi. 17), though Mommsen (*Staatsrecht*, ii.² 692) thinks that here too a special commission was appointed.

Somewhat different are the *nummularii*. At the outset this title appears to have been confined to state-officers, but officers of the mint and not bankers. It was they who assayed the coins (Dig. 46. 3, 39; cf. Otto Hirschfeld, *Verwaltungsgeschichte*, i. 95, note 5, and *C. I. L.* vi. 298), and who distributed the newly-coined money among the people. These latter were also called *collectarii* (Symmachus, *Epist.* v. 49, who applies both terms to them), and in Greek ἀργυραμοιβοί (Procop. *Anecd.* 25). But here again is a class who deals in and possesses considerable quantities of ready money, and so are natural bankers; and, as time went on, they came to be allowed to transact, besides their official functions, pure banking business, *i.e.* receiving deposits, opening current accounts, making loans, &c. (Dig. 16. 3, 7, 2, *nummularii*; 42. 5, 24, 2, *mensularii*): and thus, in point of law, so far as banking was concerned, were assimilated to the *argentarii* (Dig. 2. 13, 9, 2, quoted above). So all three terms came to be used indiscriminately for bankers; and a good example is the fact that all three are applied to the grandfather of Augustus. (Suet. *Aug.* 2 and 4.)

But though the bankers were private business men, they were regarded as exercising a public function. (Dig. 2. 13, 10, 1, "quia officium eorum atque ministerium publicam habet causam et haec principalis eorum opera est ut actus sui rationes diligenter conficiant;" 42. 5, 24, 2, "fidem publicam secuti"); and this is further shown by the special provisions the law made as regards *argentarii* in reference to COMPENSATIO (Gaius, iv. 66, 68; and Poste *ad loc.*), and the Actio RECEPTITIA (Sandars on Just. *Inst.* iv. 6. 8, 9; Salkowski, § 128). Just as stockbrokers in London are licensed by the Lord Mayor, and in Dublin by the Lord Lieutenant, so in imperial times at Rome the bankers were under the supervision of the *praefectus urbi* (Dig. 1. 12, 1, 9), and in the provinces under that of the governor (Suet. *Galb.* 9); and Pagenstecher (*De litterarum obligatione*, &c., p. 28) has supposed that they were licensed by the state. We can thus see how and in what sense the opinion has arisen that one or other class were public bankers. Both, as far as they were bankers, were just as much private and just as much public as (say) our stockbrokers.

The *argentarii* then were strictly bankers; and their various functions may be classified as follows: — 1. *Permutatio*, or the exchange of foreign coin for Roman coin, in which case a small agio (collybus) was paid to them. (Cic. *in Verr.* iii. 78, 180.) In later times, when the Romans became acquainted with the Greek custom of using bills of exchange, the Roman

argentarii, e.g., received sums of money which had to be paid at Athens, and then drew a bill payable at Athens by some banker in that city (*permutare Athenas*, Cic. *ad Att.* xv. 15, 4). This mode of transacting business is likewise called *permutatio* (Cic. *ad Att.* xii. 24, 1, 27, 2, xv. 15, 4; comp. v. 15, 2, xi. 1, 2, 24, 3; *ad Fam.* ii. 17, 7, iii. 5, 4; *ad Quint. Frat.* i. 3, 7; *pro Rabir. Post.* 14, 40), and rendered it necessary for the *argentarii* to be acquainted with the current value of the same coin in different places and at different times. (See the comment. on Cic. *pro Quinct.* 4, 17.) 2. The keeping of sums of money for other persons. Such money might be deposited by the owner merely to save himself the trouble of keeping it and making payments, and in this case it was called *depositum*; the *argentarius* then paid no interest, and the money was called *nuda pecunia*. When a payment was to be made, the owner drew a cheque. (Plaut. *Curcul.* ii. 3, 66, &c.; iii. 66, &c.) Or the money was deposited on condition of the *argentarius* paying interest: in this case the money was called *creditum*, and the *argentarius* might of course employ the money himself in any lucrative manner (Suet. *Auj.* 39). In case of failure the law enacted that the claims of *depositarii* should be satisfied before those of creditors who had money at interest in the bank (Dig. 16. 3, 7, 2). The *argentarius* thus did almost the same sort of business as a modern banker. Many persons entrusted all their capital to them (Cic. *pro Caec.* 6, 16); and instances in which the *argentarii* made payments in the name of those whose money they had in hand, are mentioned very frequently. A payment made through a banker was called *per mensam*, *de mensa*, or *per mensae scripturam*, while a payment made by the debtor in person was a payment *ex arca* or *de domo*. (Plaut. *Curcul.* v. 3, 7, &c., *Capt.* ii. 3, 89; Cic. *ad Att.* i. 9, *Top.* 3; Schol. *ad* Hor. *Sat.* ii. 3, 69; Senec. *Epist.* 26, 8; Gaius, iii. 131; Donat. *ad* Ter. *Phorm.* ii. 413.) An *argentarius* never paid away any person's money without receiving a cheque which was called *perscriptio*, and the payment was then made either in cash, or, if the person who was to receive it kept an account with the same banker, he had it added in the banker's book to his own deposit. This was likewise called *perscribere* or simply *scribere*. (Plaut. *Asin.* ii. 4, 34, &c., *Curc.* v. 2, 20; Donat. *ad* Ter. *Phorm.* v. 7, 28, &c., *ad Adelph.* ii. 4, 13; Cic. *ad Att.* iv. 18, § 2, ix. 12, 3, xii. 51, 3, *Phil.* v. 4, *in Verr.* v. 19; Hor. *Sat.* ii. 3, 76.) We also find that *argentarii* made payments for persons who had not deposited any money with them: this was equivalent to lending money, which in fact they often did for a certain percentage of interest. (Plaut. *Curc.* iv. 1, 19; 2, 22, &c., *Epid.* i. 2, 40; Tac. *Ann.* vi. 17.) Of all this business, of the receipts as well as of the expenditure, the *argentarii* kept accurate accounts in books called *codices*, *tabulae* or *rationes* (Dig. 2. 13, 1, 1), and there is every reason for believing that they were acquainted with what is called in book-keeping double entry [LITTERARUM OBLIGATIO]. When an *argentarius* settled his accounts with persons with whom he did business, it was done either in writing or orally, both parties meeting for the purpose (Dig. 2, tit. 14, s. 47, § 1; 14, tit. 3, s. 20; Plaut. *Aulul.* iii. 5, 53, &c.), and the party found to be in debt paid what he owed, and then had his name effaced (*nomen expedire*, *exsolvere* or *expungere*) from the banker's books. (Plaut. *Cist.* i. 3, 41; Cic. *ad Att.* xvi. 6.) As the books of the *argentarii* were generally kept with great accuracy, and particularly in regard to dates (Dig. 2. 13, 6, 6), they were looked upon as documents of high authority, and were appealed to in the courts of justice as unexceptionable evidence. (Cic. *pro Caec.* 6, 16; Gellius, xiv. 2.) Hence the *argentarii* were often concerned in civil cases, as money transactions were rarely concluded without their influence or co-operation. Their codices or tabulae could not be withheld from a person who in court referred to them for the purpose of maintaining his cause, and to produce them was called *edere* (Dig. 2, tit. 13, s. 1, § 1), or *proferre codicem* (2, tit. 13, s. 6, §§ 7, 8). 3. Their connexion with commerce and public auctions. This branch of their business seems to have been one of the most ancient. In private sales and purchases, they sometimes acted as agents for either party (*interpretes*, Plaut. *Curc.* iii. 1, 64), and sometimes they undertook to sell the whole estate of a person, as an inheritance. (Dig. 5, tit. 3, s. 18; 46, tit. 3, s. 88.) At public auctions they were almost invariably present, registering the articles sold, their prices and purchasers, and receiving the payment from the purchasers. (Cic. *pro Caec.* 6, 16; Quintil. xi. 2, 24; Suet. *Ner.* 5; Gaius, iv. 126; Capitolin. *M. Anton. Phil.* 9.) At auctions, however, the *argentarii* might transact business through their clerks or servants, who were called *coactores* from their collecting the money. Horace's father (Hor. *Sat.* i. 6, 86) and Vespasian's grandfather (Suet. *Vesp.* 1) were *coactores*. This business, connected with auctions, seems to have belonged exclusively to *argentarii*.

Banking establishments were often owned by several partners (*socii*), and we find some special peculiarities about such partnerships: *e.g.* each partner was liable by custom for the debts of the firm (*ad Herenn.* ii. 13); again, each partner had an action against a debtor to the firm (Dig. 2. 14, 27). For other peculiarities see Dig. 2. 4, 9 and 25; and Humbert in Saglio's *Dict.* p. 408. Slaves were allowed to act as bankers on their own account with their *peculium*, and the master was liable for the amount of the *peculium* sunk in the business (Dig. 2. 13, 4, 3); but generally the slave was only the manager of the bank (*institor*) for his master (Dig. 14. 3, 19, 3). During imperial times the *argentarii*, like so many other branches of the community, organised themselves into a collegium, and we find in the 3rd century two Roman inscriptions originating from them (Orelli, 913, 995); and Justinian, *Nov.* 136 pr., mentions the ἀργυροπράται as a corporation at Constantinople.

As regards the respectability of the *argentarii*, the passages of the ancients seem to contradict one another, for some writers speak of their occupation as respectable and honourable (Cic. *pro Caec.* 4, 10; Aurel. Vict. 72; Suet. *Vesp.* 1; Acron. *ad* Hor. *Sat.* i. 6, 86), while others speak of them with contempt (Plaut. *Curc.* iv. 2, 20, *Casin.* Prol. 25, &c.); but this contradiction may be easily reconciled by distinguishing between a lower and a higher class of *argentarii*. A wealthy *argentarius* who carried on business on a large scale was un-

doubtedly as much a person of respectability as a banker in modern times; but others who did business only on a small scale, or degraded their calling by acting as usurers, cannot have been held in any esteem. It has already been observed that the *argentarii* had their shops round the forum (Liv. ix. 40, xxvi. 11, 27; Plaut. *Truc.* i. 1, 51; Terent. *Phorm.* v. 8, 28, *Adelph.* ii. 4, 13); hence to become bankrupt was expressed by *foro cedere*, or *abire*, or *foro margi.* (Plaut. *Epid.* i. 2, 16; Dig. 16, tit. 3, s. 7, § 2.) The shops or booths were public property, and built by the censors, who sold the use of them to the *argentarii* (Liv. xxxix. 44, xl. 51, xli. 27, xliv. 16). Comp. J. G. Sieber, *Dissertat. de Argentariis*, Lipsiae, 1737; H. Hubert, *Disput. juridicae III. de Argentaria veterum*, Traject. 1739; W. T. Kraut, *de Argentariis et Nummulariis*, Göttingen, 1826; G. E. Heimbach, *Die Lehre vom dem Creditum*, Leipzig, 1849; F. Walter, *Geschichte des römischen Rechts*, Bonn, 1860, § 202; Marquardt, *Römische Staatsverwaltung*, Leipzig, 1876, vol. ii. pp. 63–66; Saglio and G. Humbert *ap.* D. and S. [L. C. P.]

ARGENTUM. The use of silver among the Greeks, although no doubt later introduced than that of gold, dates from pre-historic times. In the archaic tombs opened by Dr. Schliemann at Mycenae were several vessels and ornaments of silver. Homer mentions on several occasions vessels of silver, sometimes as coming from Sidon (*Il.* xxiii. 743), sometimes as imported from Egypt (*Od.* iv. 125), sometimes as of home manufacture (*Od.* xix. 57). Our museums exhibit numerous specimens of all these kinds of ware. The method of manufacture in early times was the same for silver as for gold and copper: the material was beaten out with a hammer and fastened either with nails or solder, or else cast in moulds.

In Asia, in the time of the Persian Empire, silver must have been common, for we know that it was thirteen times less valuable than gold (Herod. iii. 95); and the stores of gold accumulated by kings, such as Croesus, and even by private individuals, such as Pythius (Herod. vii. 27), were enormous. From Asia it came to Greece in the way of commerce. But there were also silver mines in Hellas of great importance. Among these the most prolific were the mines of Laurium, the property of the Athenian people and the chief source of their wealth. With regard to the working of these mines we possess many details; as to which see Boeckh *On the Silver Mines of Laurium*, and Rhangabé in the *Mémoires de l'Acad. des Inscr.* viii. 297. There were also extensive silver mines in the Pangaean range in Thrace and in Epirus. From these sources came the supplies of Greece before the age of Alexander. Silver was at that time in great demand in Greece. It was used by the rich for drinking vessels, by ladies for mirrors and toilet-boxes, by the pious for statues and ornaments to be dedicated in the temples. Among Greek silversmiths the most celebrated was Mentor (Plin. xxxiii. § 154), whose name is mentioned by the Romans in conjunction with those of Polycleitus and Scopas, and whose works were eagerly sought out by the connoisseurs of later times. Mys and Acragas and other silversmiths had wide reputation. But the chief use to which in earlier and less luxurious times silver was put was in coinage. The usual issues of Asia Minor were in silver, and that metal was almost the only currency in Hellas proper, and used conjointly with copper in Sicily and S. Italy. As early as the 6th century Aegina, Corinth, Euboea, Athens, Samos, and many other cities issued an abundance of silver coin, and during the next century the example was followed by nearly every Greek independent city of any pretensions. It may be remarked here that all the Greek words connected with money are derived from ἄργυρος, and not from χρυσός, as καταργυρόω, "to bribe with money;" ἀργυραμοιβός, "a money-changer," &c.; and ἄργυρος is itself not unfrequently used to signify money in general (Soph. *Antig.* 295), as *aes* is in Latin.

In the time of Alexander the mines of Laurium were of diminished richness, and their produce decreased until in the time of Pausanias and Strabo they were looked on as exhausted (Paus. *ad init.*). But their place was far more than supplied by the enormous treasures of silver which the Persian kings had laboriously hoarded, and which Alexander and his captains spent with lavish profusion. A whole corps of Alexander's soldiers bore silver shields (the ARGYRASPIDES), Mithradates Eupator had numerous chariots of silver, and we read in Athenaeus' description of the pomp of Ptolemy Philadelphus (v. p. 196 *sqq.*) of such things as a silver bowl holding 600 metretae and embossed with figures of animals.

Italy is less richly furnished by nature with silver than Greece. In early times, indeed, the Etruscans were celebrated for working in silver, many of their productions still surviving; and they issued silver coins as early as the 5th century. But we may suppose the metal imported either from the Gauls to the north or the seafaring Phoenicians. Certainly at the same period silver was rare at Rome, as is shown by the fact that Rome long contented herself with copper money, and only followed the example of her richer neighbours in striking silver in B.C. 269. Before that period Greek silver was in circulation at Rome; and the principal silver coin of the Romans, the *denarius*, was borrowed from the Greek *drachma*. This dearth of silver disappeared when the Romans acquired the rich mines of Spain, which the Carthaginians had worked before them. These were situate at Osca and elsewhere, but those near Carthago Nova were so rich (Polyb. xxxiv. 9) as to employ forty thousand miners, to the great profit of the Roman state. This makes more surprising the statement of Pliny (xxxiii. § 141) that at the capture of Carthage the booty in silver only amounted to 4370 pounds. It was really the victories of Scipio Asiaticus which flooded Rome with silver as with other luxuries, until silver tables of 100 pounds' weight became common at Rome, and even the cooking utensils of the wealthy were sometimes made of the same material (Plin. xxxiii. § 140). Statuettes and parts of statues of silver of the Roman period have been found, together with many silver cups and vessels. Some of these latter were found at Pompeii, some at Caere, but the largest hoard, weighing upwards of 100 pounds, at Hildesheim in Germany. This treasure, consisting of upwards of seventy vessels, must have been part of the baggage of a Roman officer on the frontiers,

and forcibly illustrates the luxury of wealthy officers in late times. It also shows what immense strides the practical art of the silversmith had made since early Greek times. The Hildesheim vases, which are now in the Museum of Berlin, are composed of a body of silver, over which is fastened a second layer covered with alto-rilievos of beaten work, admirably designed and excellently adapted to the forms and purposes of the vessels. On the subject of working in silver, Pliny has a dissertation (xxxiii. § 127 ff.).

Silver as Coin.—We have already stated when and where silver was principally used for currency; and for further details, see NUMMUS, DENARIUS, AS, DRACHMA. But we must add here a few words as to the alloy of silver. In the 6th and 5th centuries B.C. the silver issued in the Greek world is usually of almost perfect purity. Of a number of pieces of S. Italy tested, many offer a proportion of 94 to 96 per cent. of pure silver, none less than 91 per cent. The coins of Aegina are about ·96 fine. Those of Athens, which were noted in antiquity for their purity, give a percentage of ·986 to ·983. Even after Alexander the coins of Athens retain their purity, the analysis of some specimens yielding ·966 of silver, ·032 of copper, and ·002 of gold. But in some places the standard of fineness rapidly falls in late times. A tetradrachm of Philip, one of the last kings of Syria, yielded only ·678 of silver, and the contemporary coins of Egypt are still more debased. When the Romans occupied that country, they found the money so debased in quality, though it still retained its weight, that a Roman denarius was equivalent in value to the Ptolemaic tetradrachm of nearly four times its weight. Among the Romans silver retained its standard, excepting in the case of some denarii of M. Antony [NUMMUS LEGIONARIS], until the time of Augustus, who fixed the purity at 98–9 per cent. But after Vespasian we find a continual decrease in the standard of silver currency, with occasional slight reactions, until the so-called silver money is but copper plated. The substances used for adulteration of silver were copper, tin, zinc, and lead, all of which are found in the later Egyptian money. For fuller details see Lenormant, *La Monnaie dans l'Antiquité*, vol. i.

Proportionate Value of Silver as compared with Gold and Copper.—A few words must be said under this head as to the relations held, in value one with another, of the three precious metals, —gold, silver, and copper. According to Herodotus (iii. 95), in reckoning the revenues of the Persian Empire gold was esteemed at thirteen times the value of silver. And Brandis tries to show by induction that this relation, or more exactly that of $13\frac{1}{3}$ to 1, held between gold and silver in the Levant during many centuries. But in the 4th century the value of gold began to fall in Greece. The pseudo-Plato (*Hipparch.* 231 D) speaks of the comparative value of the two metals as 12 to 1; and after Philip of Macedon had possessed himself of the rich gold mines of Thrace, and his son of the treasures of the Persian kings, it fell to 10 to 1 (Menander, *ap.* Pollux, ix. 76). Mr. Head (*Coinage of Syracuse*, p. 26) shows reasons for supposing the relation in value of gold to silver in Sicily to have been 15 to 1 until about B.C. 344, and afterwards 12 to 1. Roman laws of the middle of the 2nd century show that the relation of 12 to 1 was then current in Italy; but Roman gold coins bearing marks of value show considerable variations in the relation, from 9 to 17 to 1. Under the empire it was about 10 or 12 to 1. (See Sabatier, *Production de l'or, de l'argent et du cuivre*, p. 50.) The relation between silver and copper was in Sicily 250 to 1, and nearly the same result is given for Rome (if we accept the theories of Mommsen as to the reductions of the as), by a comparison of the weights of silver and copper coins of the 3rd century which bear marks of value. At a later time copper would seem to have become far more valuable in proportion. It is, however, difficult to prove this, because copper coins of later time are mere money of account, and not struck up to the full value. [P. G.]

AR'GIAS GRAPHE' (ἀργίας γραφή), that is, an action for idleness. Vagrants and idlers were not tolerated at Athens from very early times, and every person was obliged to be able to state by what means he supported himself. (Herod. ii. 177; Diod. i. 77.) According to some (Plut. *Sol.* 37; Pollux, viii. 42), even Draco had enacted laws against idleness, while, according to others, Solon, in his legislation, borrowed these laws from the Egyptians, and others again state that Peisistratus was the first who introduced them at Athens (Plut. *Sol.* 31). In accordance with this law, which is called ἀργίας νόμος, all poor people were obliged to signify that they were carrying on some honourable business by which they gained their livelihood (Dem. *c. Eubul.* p. 1308, § 32; Isocrat. *Areopag.* § 44; Dionys. xx. 2); and if a person by his idleness injured his family, an action might be brought against him before the archon eponymus, not only by a member of his family, but by any one who chose to do so (*Lexic. Seguer.* p. 310). At the time when the Areiopagus was still in the full possession of its powers, the archon seems to have laid the charge before the court of the Areiopagus. If the action was brought against a person for the first time, a fine might be inflicted on him; and if he was found guilty a second or third time, he might be punished with ἀτιμία (Pollux, viii. 42). Draco had ordained atimia as the penalty even for the first conviction of idleness (Plut., Poll., *ll. cc.*). This law was modified by Solon, who inflicted atimia only when a person was convicted a third time, and it is doubtful as to whether in later times the atimia was inflicted at all for idleness. As the Areiopagus was entrusted with the general superintendence of the moral conduct of citizens, it is probable that it might interfere in cases of ἀργία, even when no one came forward to bring an action against a person guilty of it. It seems probable, however, that the ἀργίας γραφὴ was not under the exclusive jurisdiction of the Areiopagus, but came also before the dicastae in the ordinary courts. (Plut. *Lycurg.* 24; Val. Max. ii. 6, 4; Platner, *Process*, ii. p. 150, &c.; Meier and Schömann, *Att. Proc.* pp. 193, 298, &c.; Boeckh, *P. E.* p. 475.) Similar laws are said to have existed at Corinth (Athen. vi. p. 227), in Sardinia (Aelian, *V. H.* iv. 1), and in Lucania (Stob. *Flor.* xliv. 41). [L. S.] [W. W.]

ARGYRAS'PIDES (ἀργυράσπιδες), a division of the Macedonian army of Alexander the Great, who were so called because they carried shields

covered with silver plates. They were picked men, and were commanded by Nicanor, the son of Parmenion, and were held in high honour by Alexander. After the death of Alexander they followed Eumenes, but afterwards they deserted to Antigonus, and delivered Eumenes up to him. Antigonus, however, soon broke up the corps, finding it too turbulent to manage. (Diod. xvii. 57, 58, 59, xviii. 63, xix. 12, 41, 43, 48; Justin. xii. 7; Curtius, iv. 13, § 27; Plutarch, *Eumen.* 13, &c.; Droysen, *Nachfolg. Alex.* passim.) The Greek kings of Syria seem to have had a corps of the same name in their army: Livy mentions them as the royal cohort in the army of Antiochus the Great (Liv. xxxvii. 40; Polyb. v. 79). The Emperor Alexander Severus, among other things in which he imitated Alexander the Great, had in his army bodies of men who were called *argyroaspides* and *chrysoaspides*. (Lamprid. *Alex. Sev.* 50.) [P. S.]

ARGY'RIOU DIKE' (ἀργυρίου δίκη), a civil suit belonging to the jurisdiction of the thesmothetae, to compel the defendant to pay monies in his possession, or for which he was liable, to the plaintiff. The allegation was of the most general character (*ὁπότε τις ἀπαιτοίη ἀργύριον ὡς προσῆκον αὐτῷ*), thus differing from the more precise actions *χρέους*, *παρακαταθήκης*, and *ἀφορμῆς*. This action is casually alluded to in two speeches of Demosthenes (*Boeot. de Nom.* p. 1002, § 25; *Olympiod.* p. 1179, § 45), and is treated at large in the speech against Callippus (Orat. lii.). (Bekk. *Anecd.* i. 201, 443; Caillemer, *9me Etude*, p. 31, and *ap.* Daremberg and Saglio.) [W. W.]

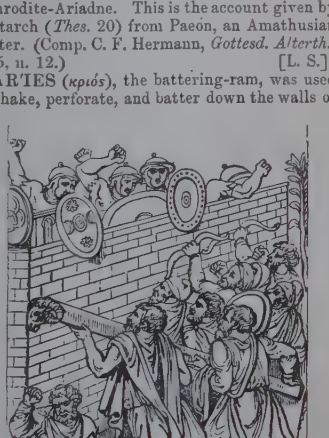
ARGYROKOPEI'ON (ἀργυροκοπεῖον), the place where money was coined, the mint, at Athens. It appears to have been in or adjoining to the chapel (*ἡρῷον*) of a hero named Stephanephorus, in which were kept the standard weights for the coins, just as at Rome in the sanctuary of Juno Moneta. [MONETA.] (Pollux, vii. 103; Harpocrat.; Suid.; Boeckh, *Corp. Inscr.* vol. i. p. 164, and the explanation of that inscription in his *Public Economy of Athens*, p. 144, E. T.: comp. TALENTUM.) [P. S.]

ARGYRO'LOGOI (ἀργυρολόγοι, with or without *νῆες*), the money-collecting ships of the Athenians, occur frequently in the Peloponnesian War (Thucyd. iii. 19, iv. 50, iv. 75; Xen. *Hell.* i. 1, 8; Aristoph. *Eq.* 1071). They were ostensibly employed in levying the regular tribute from the subject-allies; but as the needs of Athens became more pressing, their commanders often resorted to arbitrary exactions, even from neutrals. As they acted in small detachments, the number of strategi sent out was large in proportion to that of ships; and the bitterness they provoked is shown by armed resistance and sometimes by the destruction of the plunderers (Classen, on Thucyd. iii. 19). Alcibiades, who combined skill with popularity, was extremely successful in this kind of business, and on one occasion raised 100 talents in Caria alone (Xen. *Hell.* iv. 4, 9). Boeckh is perhaps unduly severe in arguing, from the single instance of Miltiades, who after all was punished (Herod. iii. 133 ff.), that the Athenians went about as pirates even in the earlier and better times (Boeckh, *P. E.* p. 586; Hermann, *Staatsalterth.* § 166; cf. Grote, ch. 36, iii. 312 ff.; ch. 47, iv. 147 ff.). [W. W.]

ARGYROTAMI'AE (ἀργυροταμίαι), magistrates found only in Greek inscriptions of the Roman period. They appear to have been native financial officers in the provinces; and their title distinguishes them from the *ταμίαι*, the Roman quaestors. We find them belonging to the people (*δήμου*, *C. I. G.* 2787), to the *φύλαρχοι* (3773), to the *πόλις* (3958), to the general assembly (*κοινὸν*) of Asia (2782). The *ἀργυροταμίας* referred to in this inscription is in every way connected with the high priest of Asia. We learn that at Athens the *ἀργυροταμίας* had the duty of selling up mortgages (*ὑποθῆκαι*), and received from the olive-growers the statement of the amount of their crop (354, 355). It appears to have been an extraordinary office at Aphrodisias, as it is more than once mentioned after *ἀρχαὶ καὶ λειτουργίαι* (2787, 2817). A man at Tralles (2930) held the post after being *δεκάπρωτος*, and before being *curator Romanorum* (cf. Mommsen-Marquardt, iv. 213 and 20). In Apamea Cibotus they carry out the consecration of the empresses decreed by the senate and people of the municipality (3958, 3959). In an inscription found near Damascus (4500), they appear to have given their name to the year. [L. C. P.]

ARIADNEIA (ἀριάδνεια), festivals solemnised in the island of Naxos in honour of Ariadne, who, according to one tradition, had died here a natural death, and was honoured with sacrifices, accompanied by rejoicing and merriment (Plut. *Thes.* 20). Another festival of the same name was celebrated in honour of Ariadne in Cyprus, which was said to have been instituted by Theseus in commemoration of her death in the month of Gorpiaeos. The Amathusians called the grove in which the grave of Ariadne was shown, that of Aphrodite-Ariadne. This is the account given by Plutarch (*Thes.* 20) from Paeon, an Amathusian writer. (Comp. C. F. Hermann, *Gottesd. Alterth.*, § 65, n. 12.) [L. S.]

AR'IES (κριός), the battering-ram, was used to shake, perforate, and batter down the walls of

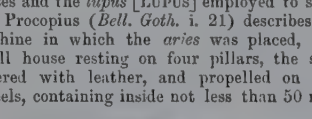


Aries, Battering Ram. (From Column of Trajan.)

Aries, Battering Ram.

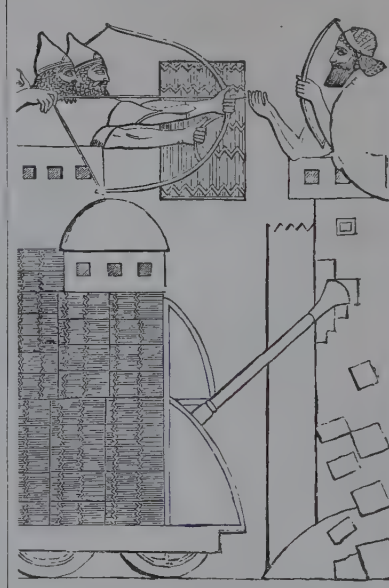
besieged cities. (Cic. *Off.* i. 11; 35; Caes. *B. G.* vii. 23; Verg. *Aen.* ii. 492, xii. 706; Liv. xxi. 12, xxxii. 23; Isid. *Orig.* viii. 11.) It consisted of a large beam, made of the trunk of a tree, especially of a fir or an ash. To one end was fastened a mass of bronze or iron (κεφαλή, ἐμβολή, πρότομή), which resembled in its form the head of a ram. The upper figure in the preceding woodcut is taken from the bas-reliefs on the Column of Trajan at Rome. It shows the *aries* in its simplest state, and as it was borne and impelled by human hands, without other assistance. ("Aries actus lacertis," Lucan. i. 384.) In an improved form, the ram was surrounded with iron bands, to which rings were attached for the purpose of suspending it by ropes or chains from a beam fixed transversely over it. (See the lower figure in the woodcut.) By this contrivance the soldiers were relieved from the necessity of supporting the weight of the ram, and they could with ease give it a rapid and forcible motion backwards and forwards. (Amm. Marc. xxiii. 4, § 8; "suspenso fortior ictu," Lucan. iii. 490.)

The use of this machine was further aided by placing the frame (κριοδόχη) in which it was suspended upon wheels, and also by constructing over it a wooden roof, so as to form a *testudo* (χελώνη κριοφόρος, Appian, *Bell. Mithr.* 73; *testudo arietaria*, Vitruv. x. 19), which protected the besieging party from the defensive assaults of the besieged, while by an arrangement of stories the *aries* could be made to play on the walls of the besieged place or different heights. Josephus, who gives a description of the machine (*B. J.* iii. 7, § 19), adds, that there was no tower so strong, no wall so thick, as to resist the force of this machine, if its blows were continued long enough. The beam of the *aries* was often of great length, *e.g.* 80, 100, or even 120 feet. The design of this was both to act across an intervening ditch, and to enable those who worked the machine to remain in a position of comparative security. A hundred men, or even a greater number, were sometimes employed to strike with the beam. The besieged party endeavoured to set the *testudo* on fire, or to break in its roof with stones. To protect it against these dangers, it was lined with ox-hides or with a thick coating of clay. In order to break the *aries*, stones and other heavy substances were dropped from a height, and also nooses and the *lupus* [LUPUS] employed to sever it. Procopius (*Bell. Goth.* i. 21) describes the machine in which the *aries* was placed, as a small house resting on four pillars, the sides covered with leather, and propelled on four wheels, containing inside not less than 50 men.



Aries with Testudo. (From the Arch of Septimius Severus.)

Both the *aries* and the *testudo* are represented on Assyrian monuments. There is, however, no reference even to the *aries* in Greek literature before the siege of Plataea (Thuc. ii. 76, where, however, it has not gained its characteristic name, but is called ἐμβολή). We may dismiss the statement of Pliny (*H. N.* vii. 202) that the wooden horse at the siege of Troy was an *aries*. Vitruvius (x. 19) attributes the



Assyrian Aries and Testudo. (Layard's *Nineveh.*)

invention of the simple ram to the Carthaginians at the siege of Gades; of the suspended ram to a Tyrian, Pephrasmenos, on the same occasion; of the *testudo* to Ceras of Chalcedon, but he too appears in Athenaeus as Geras the Carthaginian.

The *aries* first became an important military engine in the hands of the Macedonians, at the time of Philip and Alexander the Great. Vitruvius (*l. c.*), who gives copious extracts from the treatise of Diades on the subject, speaks of Polydus, a Thessalian, in the time of Philip, who greatly improved the machine, and his improvements were carried out still further by Diades and Chaereas, who served in the campaigns of Alexander the Great. The Romans learnt from the Greeks the art of building these machines, and appear to have employed them for the first time to any considerable extent in the siege of Syracuse in the second Punic war; on which occasion Censorinus employed two, one of which required 6000 legionaries to bring it up to the walls (App. *de reb. Pun.* 98). [HELEPOLIS.]

The *aries* is so called, according to Vegetius (iv. 14), not because its head resembled a ram's head, but because it butted the wall like a ram fighting: so he derives the name of the *testudo* from the appearances and disappearances of the *aries*, which recalled the action of a tortoise in putting out and drawing back its head under its shell: the name, however, may be taken from the resemblance of the protection given by the *testudo* to that given to the tortoise by its shell. Vitruvius thinks that the point of resemblance was its slowness of motion when being moved up to the walls of a city.

(Rüstow, *Griech. Kriegschrift teller*, pp. 205, 309; Becker-Marquardt, *Röm. Alterth.* iii. 2, p. 472 foll.) [J. H. F.] [W. S.]

ARISTOCRAT'IA (**ἀριστοκρατία**), a term in common use among Greek writers on politics, though rarely employed by historians, or otherwise than in connexion with political theories. It signifies literally "the government of the best men;" and as used by Plato, Aristotle, Polybius, &c., it meant (in reference to a state where political power was not shared by the bulk of the community, but was in the hands of a privileged class, existing along with a class personally free and possessed of civil rights, but excluded from the exercise of the highest political functions) the government of a class whose supremacy was founded not on wealth merely, but on personal distinction (*ὅπου μὴ μόνον πλουτίνδην ἀλλὰ καὶ ἀριστίνδην αἱροῦνται τὰς ἀρχάς*, Aristot. *Pol.* iv. 5, p. 127, ed. Göttl. "Ἡ **ἀριστοκρατία** *βούλεται τὴν ὑπεροχὴν ἀπονέμειν τοῖς ἀρίστοις τῶν πολιτῶν*, *ibid.* p. 128). That there should be an aristocracy, moreover, it was essential that the administration of affairs should be conducted with a view to the promotion of the general interests, not for the exclusive or predominant advantage of the privileged class (Aristot. *Pol.* iii. 5, p. 83, ed. Göttl.; Plat. *Polit.* p. 301 A). As soon as the government ceased to be thus conducted, or whenever the only title to political power in the dominant class was the possession of superior wealth, the constitution was termed an oligarchy (**ὀλιγαρχία**), which, in the technical use of the term, was always looked upon as a corruption (**παρέκβασις**, Aristot. *Pol.* iii. 5, p. 84, ed. Göttl.) of an aristocracy. (Comp. Plat. *l. c.*; Aristot. *Pol.* iv. 3, pp. 117, 118, ed. Göttl. iv. 6, **ἀριστοκρατίας γὰρ ὅρος ἀρετή, ὀλιγαρχίας δὲ πλοῦτος.**) In the practical application of the term *aristocracy*, however, the personal excellence which was held to be a necessary element was not of a higher kind than what, according to the deeply-seated ideas of the Greeks, was commonly hereditary in families of noble birth (Plat. *Menex.* p. 237 A, *Cratyl.* p. 394 A; Aristot. *Pol.* iv. 6, **ἡ γὰρ εὐγένειά ἐστιν ἀρχαῖος πλοῦτος καὶ ἀρετή.** v. 1, **εὐγενεῖς γὰρ εἶναι δοκοῦσιν οἷς ὑπάρχει προγόνων ἀρετὴ καὶ πλοῦτος**), and in early times would be the ordinary accompaniments of noble rank,—namely, wealth, military skill, and superior education and intelligence (comp. Aristot. *Pol.* iv. 6, **εἰώθασι καλεῖν .... ἀριστοκρατίας διὰ τὸ μᾶλλον ἀκολουθεῖν παιδείαν καὶ εὐγένειαν τοῖς εὐπορωτέροις**). It is to be noted that the word **ἀριστοκρατία** is never, like the English term *aristocracy*, the name of a class, but only of a particular political constitution.

In tracing the historical development of aristocratical government, we meet with a condition of things which may almost be called by that name in the state of society depicted in the Homeric poems, where we already see the power of the kings limited by that of a body of princes or nobles, such as would naturally arise in the infancy of society, especially among tribes in which, from the frequency of wars, martial skill would be a sure and speedy method of acquiring superiority. When the kingly families died out, or were stripped of their peculiar privileges, the supreme power naturally passed into the hands of these princes or chieftains, who formed a body of nobles, whose descendants would of course for the most part inherit those natural and be also alone in a position to secure those acquired advantages, especially warlike skill, which would form their title to political superiority. Some aristocracies thus arose from the natural progress of society: others arose from conquest. The changes consequent on the rise of the Hellenes, and the Thessalian, Boeotian and Dorian conquests in Greece, established pretty generally a state of things in which we find the political power in the hands of a body of nobles consisting chiefly or entirely of the conquerors, beneath whom is a free population not possessed of political rights, consisting of the older inhabitants of the land, together with, in most instances, a body of serfs attached to the domains of the nobles. These last are described under various names, as **Εὐπατρίδαι** in Attica, or **Γαμόροι**, as in Syracuse and several of the Doric states. From the superior efficiency of the cavalry in early times, we also find the nobles as a class bearing the name **Ἱππόται**, **Ἱππεῖς**, or **Ἱπποβόται** (as in Chalcis, Herod. v. 77), since, generally speaking, they alone had wealth sufficient to enable them to equip themselves for that kind of service; and in most states the first great advance of the commonalty in power arose from their gaining greater efficiency as heavy-armed foot-soldiers; that force, when properly organized and armed, being found more than a match for cavalry. (See especially Arist. *Pol.* iv. 3, 10; K. F. Hermann, *Griech. Staatsalterth.* c. iii. §§ 55–59; Wachsmuth, *Hellen. Alterthumsk.* vol. i. c. 3, §§ 30, 31; Thirlwall, *Hist. of Greece*, vol. i. c. 10, p. 394, &c.) Comp. EUPATRIDAE, GEOMORI, PATRICII. [C. P. M.]

ARISTON. [PRANDIUM.]

ARITHMET'ICA (**ἀριθμητική**, *sc.* **τέχνη** or **ἐπιστήμη**, Plat. *Gorg.* 450 D, &c.: in Latin, Vitruv. i. 1, Plin. xxxv. 10, 36, § 76: *arithmetica* as n. pl. in Cic. *Att.* xiv. 12, fin.: *numeri* is used, more idiomatically, with the same meaning, Cic. *Fin.* v. 29, 87) means generally the *theory of numbers* as opposed to the practical *art of calculation*. The distinction is especially insisted on by Plato (*Gorg.* 451 B, C; *Euthyd.* 290 B, C; cf. *Charm.* 174 B), who refers **λογιστική** to an inferior order of thought. But the line of division cannot be sharply drawn, for the discoveries of **ἀριθμητική** (*e.g.* the method of finding a least common multiple) are often appropriated by **λογιστική**, and the processes of the latter are indispensable to many of the inquiries of the former. Hence Plato at a later time distinguishes popular **ἀρ.** and **λογ.** together from the philosophical species of both (*Phileb.* 56 D *sqq.*), and the same distinction seems to underlie *Rep.* 525 A *sqq.*, where again **ἀρ.** and **λογ.** are named together as **ἀγωγὰ πρὸς ἀλήθειαν**, and the study of **λογ.** is further commended as leading the soul finally **περὶ αὐτῶν τῶν ἀριθμῶν διαλέγεσθαι.** From the same passage it appears that Plato's main objection to popular **λογ.** was that it had no logical unit, but dealt indifferently with all manner of tangible objects — apples, cows, &c. — at the bidding of any huckster or merchant. From this it would seem that any arithmetical operation in which numbers alone were considered would fall under **ἀρ.**, while such propositions as that 600 obols make a mina would belong to **λογ.** (cf. Geminus in Procl. *Comm. Eucl.* ed.

Friedlein, p. 38). But the opposition between the two terms came soon to cover an opposition, not of matter only, but of method. For philosophical purposes, numbers were generally represented by dots or lines arranged in geometrical figures (cf. Plat. *Theaet.* 147, 148; and Euclid, bks. vii. viii. ix.), and operations with the customary symbols *α*, *β*′, &c., were referred to λογ., and were seldom used, as indeed they were seldom required, in pure mathematics. Hence it was that no Greek mathematician ever seriously attempted to improve the ordinary Greek numerical symbolism, and thereby to simplify the cumbrous processes of elementary calculation (cf. Cantor, *Vorles. über Gesch. der Mathem.* p. 133).

The introduction of the study of numbers into Greece is universally attributed to Pythagoras, of whom Aristoxenus (*ap.* Stob. *Ecl. Phys.* i. 16, c. 2, *ad init.*) says, in words which illustrate the passages of Plato above cited, that he first raised arithmetic above τῆς τῶν ἐμπόρων χρείας, πάντα τὰ πράγματα ἀπεικάζων τοῖς ἀριθμοῖς. (On Egyptian and Chaldean arithmetic, and the possible indebtedness of Pythagoras to these foreign sources, comp. Cantor, *op. cit.* pp. 1–93.) The studious secrecy of the earliest Pythagorean school, and the almost complete loss of later Pythagorean writings, must always cause great doubt as to the development of ἀριθμητική: but the frequent references of Plato and Aristotle, when compared with Euclid vii.–ix., and with such late writers as Nicomachus of Gerasa, Theon Smyrnaeus, and Iamblichus, show that very little addition was from time to time made in the subject-matter of the science, although the original nomenclature received, in some cases, new applications. The chief subjects of ἀρ. were from the first, and remained always, the classification of numbers, the theory of proportion, and the summation of series. Some attempt at a theory of permutations and combinations may possibly have been made (cf. Plut. *Quaest. Conv.* viii. 9, 13), but the few problems and answers recorded by historians do not suggest an accurate knowledge of this branch of mathematics. The solution of equations will be mentioned later.

The unpractical nature of ἀρ. may be well seen from the books of Euclid above cited, in which only five propositions are of real importance in calculation. The mode of finding a G. C. M. is exhibited in vii. 2, 3, and of an L. C. M. in vii. 36, 38. In ix. 35, a proposition is stated from which the sum of a geometrical series may easily be found. But the great bulk of the books is devoted to the investigation of prime and other numbers, or to propositions in proportion, such as viii. 22: "If three numbers are proportional, and the first is a square, the third is also a square." (Cf. Nesselmann, *Algebra der Griechen*, pp. 158–183.)

It is not proposed in this article to give more than a brief statement of those arithmetical terms which occur most frequently in Greek philosophical literature, and a few references to passages where some problems are worked out. The first classification of numbers is that into ἄρτιοι and περισσοί, "odd" and "even." This division no doubt was older than Pythagoras, for a game, common in Plato's time, was founded on it (*Lysis*, 206 E). Of περισσοί, some are "prime," πρῶτοι, μονάδι μόνῃ μετρούμενοι (Eucl. vii. def. 11). Further classifications are then founded on the geometrical representation mentioned above. Plane numbers (ἐπίπεδοι) are the products of two factors (πλευραί), and solid numbers (στερεοί) of three (Eucl. vii. deff. 16 and 18). Of plane numbers some are triangular (τρίγωνοι), falling under the formula $\frac{n(n+1)}{2}$ (Theon Smyrn. *Math. Plat.* ed. Hiller, pp. 27–31; Cantor, *op. cit.* p. 135); some square, τετράγωνοι, ἴσακις ἴσοι (Eucl. vii. def. 18); some ἑτερομήκεις, falling under the formula $n(n+1)$. All these, according to Theon (*loc. cit.*), are founded on summations of arithmetical series: viz. the sum of the first n numbers is triangular; that of the first n odd numbers is square; that of the first n even numbers is ἑτερομήκης (Cantor, p. 135). In Plato, a number which is the product of two unequal factors is προμήκης (*Theaet.* 148 A) or "oblong." The word δύναμις, which occurs first with mathematical application in the extracts from Hippocrates of Chios preserved by Eudemus (*Fragm.* ed. Spengel, p. 128), seems generally to mean a square number, not geometrically conceived—"a number raised to the power of 2," so to say; but in the *Theaetetus* (*loc. cit.*) it is applied to a line which is the geometrical representative of a surd. Any odd number was also called "gnomonic" $(2n+1)$, because this added to n^2 produces the next highest square (cf. Ar. *Phys.* iii. 4, 203 a, which is explained to mean that square numbers are found by adding gnomons to unity, *sc.* in the series $1+3+5+$ &c., according to the statement of Theon mentioned above. For the *gnomon*, see Eucl. ii. def. 2). A few terms, not derived from geometry, may be added. "Perfect" numbers (τέλειοι, Eucl. vii. def. 22 and prop. 36) are those which are equal to the sum of their aliquot parts, as 6, 28, 496 (*e.g.* $6=1+2+3$: $28=1+2+4+7+14$). "Excessive" (ὑπερτέλειοι) and "defective" (ἐλλιπεῖς) are those of which the aliquot parts are respectively greater or less than the numbers. Aristotle, however (*Metaph.* i. 5), calls 10 a perfect number. It is unknown what definition he attached to τέλειος. "Friendly" numbers (φίλιοι) are pairs, of which one number is the sum of the aliquot parts of the other, as 220 and 284 (Iamblich. *in Nicom.* ed. Tennulius, pp. 47, 48; Cantor, p. 141). By the time of Hypsicles, probably *circa* 180 B.C., "polygonal" numbers were also distinguished, on which Diophantus afterwards wrote a short treatise (Nesselmann, pp. 463–469). These are the sums of arithmetical series, of which the common difference is 3 or more. The same nomenclature is used in the second book (on ἀριθμοὶ σχηματογραφηθέντες) of Nicomachus (*Introd. Arithm.* ed. Hoche, 1866), but with different applications (*e.g.* a "polygonal" number is one which, when represented by dots, can be arranged in the form of a polygon, and a "solid" number is the sum of several polygonal); but the distinctions of later ἀριθμητική have no literary interest, and the reader who desires more information must be referred to Nicomachus himself, and the commentary on him written by Iamblichus (ed. Tennulius, Arnheim, 1668; cf. Cantor, pp. 362–370).

Similar ratios (ἡ τῶν λόγων ὁμοιότης) pro-

duce a proportion (ἀναλογία, Eucl. v. def. 8). The terms of a proportion are in general called ὅροι, but the middle terms are specially called μεσότητες. The latter name was originally applied to proportions in general, ἀναλογία meaning specially *geometrical* proportion (Nesselmann, p. 210, n. 49; and Cantor, p. 206). By the time of Nicomachus, ten kinds of proportion were distinguished, three of which are ascribed to Eudoxus by the Eudemian fragment preserved in Proclus (ed. Friedlein, p. 67; Bretschneider, *Geom. vor Eukl.* p. 30), and four are of later origin (Iambl. *in Nicom.* pp. 141 *sqq.*, 159, 163, 168). The first four, according to Iamblichus (*loc. cit.*), were invented or introduced from Babylon, by Pythagoras. These are the *arithmetical* (when $a - b = c - d$), the *geometrical* (when $a : b :: c : d$), the *harmonical* or ὑπεναντία (when $a - b : b - c :: a : c$), and the *musical* or τελειοτάτη, which is created between two numbers and their arithmetical and harmonical means ($a \quad \frac{a+b}{2} :: \frac{2ab}{a+b} : b$, as $6 : 9 :: 8 : 12$). *Harmonical* proportion is said to have been so called, because a string, if stopped at $\frac{2}{3}$ of its length, gives the fifth, and, if stopped in the middle, the octave of the note which is produced by the whole string, and $1-\frac{2}{3} : \frac{2}{3}-\frac{1}{2} :: 1 : \frac{1}{2}$. (Hankel, *Zur Gesch. der Math.* p. 105. Dr. Allman in *Hermathena*, vii. p. 204, says that these proportions were never applied to number; but cf. Hankel, p. 114, and Arist. *An. Post.* i. 5, 74.)

The terms of a progression, like those of a proportion, were called ὅροι, and the progression itself was perhaps called ἔκθεσις (Cantor, p. 135, and Bienaymé in *Comptes Rendus de l'Acad. des Sci.* Oct. 3rd, 1870). The ratio or common difference seems to be called ἀπόστασις in Plat. *Tim.* 43 B. The summation of a geometrical progression is effected by implication in Eucl. ix. 35. The summation of an arithmetical series is exhibited in the first three propositions of the ἀναφορικός of Hypsicles (Paris, 1867), but a quite distinct formula is used incidentally by Archimedes (περὶ ἑλίκων, Torelli's ed. pp. 226–228) in a proposition which, in effect, amounts to the summation of a series of the first n square numbers. The theory of the extraction of square roots is well enough given by Theon of Alexandria, in his commentary on the Almagest (Nesselmann, pp. 111, 112), but the practice seems to have been rough and empirical, λογιστικῶς. Thus Eutocius (Torelli's *Archim.* p. 208) refers to Heron and other writers for rules ὅπως δεῖ σύνεγγυς τῆν δυναμένην πλευρὰν εὑρεῖν.

In Latin literature, *arithmetica* appears only in technical writers. The fragment in the *Arcerian* MS. of *gromatici*, attributed to Epaphroditus and Vitruvius Rufus (Cantor, *Agrimensoren*, p. 214 *sqq.*), contains one or two propositions not found in Greek writers (*e.g.* the summation of the first n cubic numbers. Cantor, *Vorles.* p. 473). The Arithmetica of Boethius is expressly said to be founded on that of Nicomachus (Friedlein's ed., pp. 4 and 5).

It should be added that the great work of Diophantus is also entitled ἀριθμητικά. It treats of the solution of algebraic equations, determinate and indeterminate, simple, quadratic or cubic, with one unknown. This sort of mathematical problem appears for the first time, though without any algebraic symbolism, in Heron of Alexandria (e.g. *Geometria*, 101, 7–9, p. 133 in Hultsch's ed.), who was above all things practical. The arithmetical puzzles of the Greek anthology, attributed chiefly to Metrodorus of the time of Constantine, show the popularity of the study, but its first philosophical application appears in the ἐπάνθημα of Thymaridas, obscurely described by Iamblichus (*in Nicom. Ar.* ed. Tennulius, p. 36), and admirably expounded by Nesselmann (*Alg. der Griechen*, pp. 232 *sqq.*; also Cantor, *Vorles. über Gesch. der Mathem.* p. 371). Diophantus himself does not pretend to be the inventor of a new method of inquiry, but only a systematiser, a στοιχειώτης. Thus in his definitions he uses καλεῖται, ἐστίν, where an inventor would have said καλείσθω, ἔστω, and he entirely omits to mention the rule, which he frequently uses, that the product of two *minus* quantities is *plus*. His problems are of the following kind, *e.g.* to find three numbers such that the sums of any two of them and of the three shall be a square (iii. 7). It is observable that he reasons entirely with algebraic and arithmetical symbols, only one proposition (v. 13) being treated geometrically. His symbolism does not occur in any other author, and does not therefore fall within the scope of this article. His works are most fully summarised and criticised by Hankel and Nesselmann (*opp. citt.*). The references given above indicate all the best modern authorities on every branch of the subject. [J. G.]

ARMA, ARMATU'RA (ὅπλα, Hom. ἕντεα, τεύχεα), arms, armour. Homer describes in various passages the entire suit of armour of

A Greek Soldier. (Hope's *Costume of the Ancients.*)

some of his greatest warriors, viz. of Achilles, Patroclus, Agamemnon, Menelaus, and Paris (*Il.* iii. 328–339, iv. 132–138, xi. 15–45, xvi.

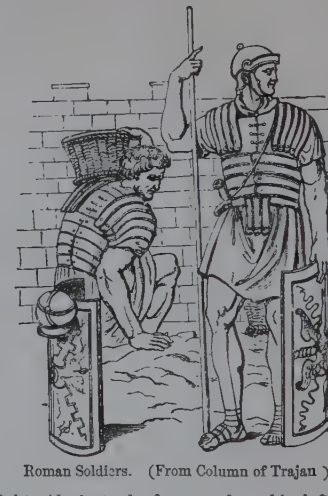
130–142, xix. 364–391); and we observe that it consisted of the same portions which were used by the Greek soldiers ever after. Moreover, the order of putting them on is always the same. The heavy-armed warrior, having already a tunic around his body, and preparing for combat, puts on,—first, his greaves (*κνημῖδες, ocreae*); secondly, his cuirass (*θώραξ, lorica*), to which belonged the *μίτρη* underneath, and the zone (*ζώνη, ζωστῆρ, cingulum*) above; thirdly, his sword (*ξίφος, ensis, gladius*) hung on the left side of his body by means of a belt which passed over the right shoulder; fourthly, the large round shield (*σάκος, ἀσπίς, clipeus, scutum*), supported in the same manner; fifthly, his helmet (*κόρυς, κυνέη, cassis, galea*); sixthly and lastly, he took his spear (*ἔγχος, δόρυ, hasta*), or, in many cases, two spears (*δοῦρε δύω*). The form and use of these portions are described in separate articles under their Latin names. The foregoing woodcut exhibits them all in the form of a Greek warrior attired for battle, as shown in Hope's *Costume of the Ancients* (i. 70).

Those who were defended in the manner which has now been represented, are called by Homer *ἀσπισταί*, from their great shield (*ἀσπίς*); also *ἀγχέμαχοι*, because they fought hand to hand with their adversaries; but much more commonly *πρόμαχοι*, because they occupied the front of the army: and it is to be observed that these terms, especially the last, were honourable titles, the expense of a complete suit of armour (*πανοπλίη*, Herod. i. 60) being of itself sufficient to prove the wealth and rank of the wearer, while his place on the field was no less indicative of strength and bravery.

In later times, the heavy-armed soldiers were called *ὁπλῖται*, because the term *ὅπλα* more especially denoted the defensive armour, the shield and thorax. By wearing these they were distinguished from the light-armed, whom Herodotus (ix. 62, 63), for the reason just mentioned, calls *ἄνοπλοι*, and who are also denominated *ψιλοί*, and *γυμνοί, γυμνῆται*, or *γυμνῆτες*. Instead of being defended by the shield and thorax, their bodies had a much slighter covering, sometimes consisting of skins, and sometimes of leather or cloth; and instead of the sword and lance, they commonly fought with darts, stones, bows and arrows, or slings.

Besides the heavy- and light-armed soldiers, the *ὁπλῖται* and *ψιλοί*, who in general bore towards one another the intimate relation now explained, another description of men, the *πελτασταί*, sometimes formed a part of the Greek army after the Persian wars, and regularly after the expedition of the Ten Thousand. Instead of the large round shield, they carried a smaller one called the *πέλτη*, and in other respects their armour was much lighter than that of the hoplites. The weapon on which they principally depended was the spear.

The Roman soldiers had different kinds of arms and armour; but an account of the arms of the different kinds of troops cannot be separated from a description of the troops of a Roman army, and the reader is therefore referred to EXERCITUS. The following cut represents two heavy-armed Roman soldiers, and is taken from the reliefs on Trajan's Column. On comparing it with that of the Greek hoplite in the other cut, we perceive that the several parts of the armour correspond, excepting only that the Roman soldier wears a dagger (*μάχαιρα, pugio*) on his



Roman Soldiers. (From Column of Trajan)

right side instead of a sword on his left, and, instead of greaves (which were abandoned in imperial times) upon his legs, has *femoralia* and *caligae*. All the essential parts of the Roman heavy armour (*lorica, ensis, clipeus, galea, hasta*) are mentioned together in an epigram of Martial (ix. 57); and all except the spear in a well-known passage (Eph. vi. 14–17) of St. Paul, whose enumeration exactly coincides with the figures on the Arch of Severus, and who makes mention not only of greaves, but of shoes or sandals for the feet.

The soft or flexible parts of the heavy armour were made of cloth or leather. The metal principally used in their formation was that compound of copper and tin which we call bronze, or more properly bell-metal. [AES.] Hence the names for this metal (*χαλκός, aes*) are often used to mean *armour*, and the light reflected from the arms of a warrior is called *αἰγὴ χαλκείη* by Homer, and *lux aëna* by Virgil (*Aen.* ii. 470). Instead of copper, iron afterwards came to be very extensively used in the manufacture of arms, although articles made of it are much more rarely discovered, because iron is by exposure to air and moisture exceedingly liable to corrosion and decay. Gold and silver, and tin unmixed with copper, were also used, more especially to enrich and adorn the armour. [J. Y.]

ARMAMENTA, in a general sense, signified any kind of implements or utensils (Plin. *H. N.* xvii. § 152, xviii. § 112), but was more particularly applied to the tackle of a ship, sails, ropes, cables, anchor, &c. (Plaut. *Merc.* i. 2, 64; Liv. xxi. 49, 9, xxxiii. 48, 8; Caes. *B. G.* iv. 29; Quint. x. 7, § 23.) Sometimes the sails (*vela*) are mentioned as distinct from the *armamenta*. (Caes. *B. G.* iii. 14; Liv. xxxvi. 44; Sen. *Ben.* vi. 15.) [NAVIS.] [W. S.]

ARMAMENTA'RIUM (*σκευοθήκη, ὁπλοθήκη*), a place where *armamenta* were kept; an armoury or, more frequently, a naval arsenal

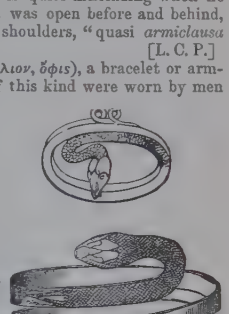
where tackling, &c., as well as munitions of war, were housed. In primitive times the acropolis of a city was the usual place for the storage of arms; but the fortifying of larger areas, and especially of ports like the Piraeus, gave rise to a special class of buildings designed for their safe custody. In Aeschylus (*fragm.* 273) and Aeschines (*c. Ctes.* § 25) *σκευοθῆκαι* are mentioned in connexion with naval matters. They must, however, be distinguished from *νεώρια*, dockyards, and *νεώσοικοι*, slips or docks. There was a celebrated *armamentarium* in the Piraeus, built by the architect Philo under the financial administration of the orator Lycurgus, about B.C. 342–330 (Cic. *de Or.* i. 14, § 62; Plin. *H. N.* vii. § 125; Strab. ix. p. 395; Plut. *Sull.* 14). The expression of Pliny, *armamentarium CD* (another reading is *mille*) *navium*, has been wrongly explained as a basin in which 1000 ships could lie. The corrected number comes from the passage in Strabo, where *ναύσταθμον ταῖς τετρακοσίαις ναυσὶν* is distinguished from *ὁπλοθήκη Φίλωνος ἔργον*. This was destroyed at the capture of Athens by Sulla (Plut. *l. c.*). A *ὁπλοθήκη* of the elder Dionysius at Syracuse is described by Aelian (*V. H.* vi. 12) as well filled with arms, armour, and engines; the *ναύσταθμον* at Rhodes included *θησαυροὶ ὅπλων*, as did those of Massalia and Cyzicus; and, as in modern times, strangers were wholly or partially excluded (Strab. xiv. p. 653).

Among the Romans the *armamentaria* were places for the manufacture as well as the storage of arms (Liv. xxvi. 51; xxix. 22 and 35); and arms might be served out from them in times of public danger (Cic. *Rab. Perd.* 7, § 20). We also find them under the empire, organised with the usual thoroughness of the Romans in military matters (Tac. *Hist.* i. 80; Sen. *de Tranq. An.* 3, § 5; Orelli-Henzen, *Inscrr.* 975, 3586; cf. Juv. *Sat.* xiii. 83). [W. W.]

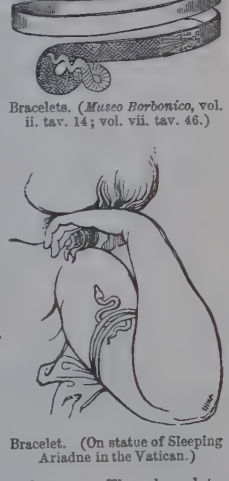
ARMA'RIUM (*locus, ubi quarumcunque artium instrumenta ponuntur*, Isidor. xv. 5), a cupboard, set upright in the wall of a room, for food, clothes, books, money, and household utensils in general. Tradesmen appear to have kept their stock in armaria; Jahn gives a representation of one in a cutler's shop, and there is another, from a shoemaker's shop, figured in the *Pitture d'Ercolano*, i. p. 187. The armarium was generally placed in the atrium of the house. (Dig. 33, tit. 10, *s.* 3; Cato, *R. R.* 11, 3; Plaut. *Capt.* iv. 4, 10, *Ep.* ii. 3, 3, *Men.* iii. 3, 8; Cic. *Cluent.* 64, 169, *Cael.* 21, 52; Petron. *Sat.* 29; Plin. *H. N.* xxix. § 101; Hieron. *Ep.* 22.) The same name was given to a cupboard for holding books (Plin. *Ep.* ii. 17, 8), and to the divisions of a library. (Vitruv. vii. *Praef.* § 10; Vopisc. *Tac.* 8; Dig. 32, tit. 1, *s.* 52, §§ 3, 7.) We find *armarium distegum* mentioned as a kind of sepulchre in an inscription (Orelli, *Inscript.* No. 4549). [W. S.]

ARMILAUSA (*armelausa, armilausium*), a kind of military tunic worn by foot-soldiers, reaching down to the knees; cf. Mauritius, *Strateg.* xii. p. 303: *ποῖα δεῖ φορεῖν ἱμάτια τοὺς πεζοὺς εἴτε ζωστήρια Γοτθικὰ εἴτε ἁρμελαύσια ἔχουσι κονδᾶ* ("cut away") *μέχρι τῶν γονάτων*. It was red (Paulin. Nol. *Epist.* 17 (13), c. 1, in Migne, *Patrol.* lxi.). The Scholiast on Juv. v. 143 explains "viridem thoraca" by "armilausam prasinam," both words curiously illustrating the change from classical to low Latin. Mayor (on Juv. *l. c.*) says it was a kind of waistcoat. Zeuss (*Die Deutschen und die Nachbarstämme*, ed. 1837, pp. 308–9) supposes it to be a Celtic word, and that the name of Armilausi was given from their dress to the mass of small Celtic peoples which Ptolemy places between the *Μαρούγγοι* and the Danube. For other derivations, see Ducange *s. v.*, ed. Favre, 1883. Isidore (*Orig.* xix. 22, 28) is quite misleading when he says the armilausa was open before and behind, but closed on the shoulders, "quasi *armiclausa* littera *c* ablata." [L. C. P.]

ARMILLA (*ψέλιον, ὄφις*), a bracelet or armlet. Ornaments of this kind were worn by men among the Persians and Medians, probably as a mark of distinction (cf. Herod. viii. 113; Xen. *Anab.* i. 2, § 27): in Greece, however, they seem to have been confined to the female sex, or to men of an effeminate character. With Greek ladies bracelets were a favourite ornament, and the female figures on the Greek vases are represented with bracelets of every kind. They were worn on one or both arms, sometimes on the wrist (*περικάρπια*), sometimes on the upper arm (*περιβραχιόνια*), sometimes even on both at once. One favourite kind of bracelet went several times round the arm, and seems to have had no clasp, being slipped on over the wrist, and retained in its place by compressing the arm. These bracelets, from their resemblance to serpents, were known to the Greeks as *δράκοντες* or *ὄφεις* (cf. Hesych. *s. v. ὄφεις*). The above bracelets are of this description.



Bracelets. (*Museo Borbonico*, vol. ii. tav. 14; vol. vii. tav. 46.)

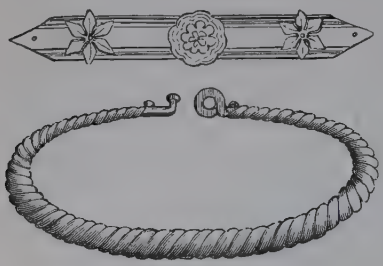


Bracelet. (On statue of Sleeping Ariadne in the Vatican.)

Bracelets were likewise worn at Rome by ladies of rank, but it was considered a mark of effeminacy for men in an ordinary way to use such female ornaments. (Suet. *Cal.* 52; *Ner.* 30.) They were, however, publicly conferred by a Roman general upon soldiers for deeds of extraordinary merit (Liv. x. 44; Plin. *H. N.* xxxiii. § 37; Festus, *s. v.*); in which case they were worn as a mark of honour, and probably differed in form from the ordinary ornaments of the kind. See the cut below.

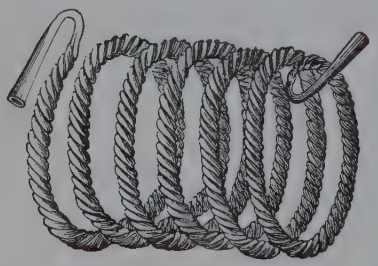
The following cuts exhibit Roman bracelets. The first figure represents a gold bracelet discovered at Rome on the Palatine Mount (Caylus,

Rec. d'Ant. vol. v. pl. 93). The rosette in the middle is composed of distinct and very delicate leaves. The two starlike flowers on each side of it have been repeated where the holes for securing them are still visible. The second



Roman Bracelets.

figure represents a gold bracelet found in Britain, and preserved in the British Museum. It appears to be made of two gold wires twisted together, and the mode of fastening it upon the arm, by a clasp, is worthy of observation. It has evidently been a lady's ornament. The third figure repre-



Roman military Bracelet.

sents an armilla, which must have been intended as a reward for soldiers, for it would be ridi-

Armilla, bronze and gold. (From the Belotti Collection.)

culous to suppose such a massive ornament to have been designed for women. The original, of pure gold, is more than twice the length of the figure, and was found in Cheshire. (*Archaeologia*, xxvii. 400.) The last example is from the Belotti Collection. [J. Y.] [J. H. O.]

ARMILLUM, a sort of wine-jug (*urceolus*, Varro, *ap.* Non. *s. v.* p. 547). Festus mentions it as used in sacrifices, and derives it from *armus*, as carried on the shoulder (Paul. Diac. p. 2, Müller). The word must, however, have been a familiar one, as it gave rise to a proverb, *anus ad armillum*, or *ad armillum redire, revertere*, to return to one's old tricks (Lucil. *ap.* Non. p. 74, 13; Apul. *Met.* ix. p. 197; in vi. p. 123, *armile* is variously explained by *armillum* and *armarium*).

The three last words, *armilausa*, *armilla*, and *armillum*, all illustrate the use, rare in classical Latin, but no doubt common enough at an earlier period, of *armus* for the human shoulder (*humerus*). This sense of the word is well discussed by Conington on Verg. *Aen.* iv. 11, xi. 641. [W. W.]

ARMILUSTRIUM, a Roman festival for the purification of arms. It was celebrated every year on the 14th before the kalends of November (Oct. 19; Mommsen, *Inscr. Lat. Ant.* p. 404), when the citizens assembled in arms and offered sacrifices, to the sound of the trumpet, in the place called Armilustrum or Armilustrium, on the Aventine near the Lauretum. The Armilustrium appears to mark the close of the campaigning season, when the arms were laid up for the winter; as the Quinquatrus marked the beginning of it. On both occasions the Ancilia were brought out. (Paul. Diac. p. 19, Müll.; Varro, *de L. L.* v. 153, vi. 22; Liv. xxvii. 37; Plut. *Rom.* 23; P. Vict. *de Regionibus U. R.*; Inscr. in Gruter, p. 250; Marquardt, vi. 417, 419.) [P. S.] [W. W.]

ARNIS (Ἀρνίς), a festival held by the Argives during the month of August, at which they used to kill any dog which came into the agora (Conon, *Narrat.* 19; Ael. *H. A.* xii. 34). The name of **Κυνοφόντις** was also given to the festival (Athen. iii. p. 99 e). It may have got its name of Ἀρνίς or the "lamb festival" because Apollo, the sun-god, was also god of flocks (Νόμιος, ὀπάων μήλων, Pind. *Pyth.* ix. 64); and in that burning season he is implored to spare the lambs. That the massacre of the dogs was due to fear of their madness is probable; as was the similar killing of the dogs at Rome in the month of August (Lyd. *de Mensibus*, iii. 40), which is, however, usually assigned to punishment for having failed to give notice of the attack by the Gauls on the Capitol (Plin. *H. N.* xxix. § 57). But the Argives tell a pretty story how that Linus, son of Apollo and Psamathe, when exposed by his mother among the lambs, was eaten by the dogs of the sheepfold; and how that the mother in her distraction betrayed her fault, and was put to death by her angry father Crotopus; and in aftertimes the matrons each year bewailed Psamathe and Linus, and added lamentations for their own dead children and prayers for the living. For the full story, see Conon, *l. c.*; Paus. i. 43, §§ 7 foll.; Stat. *Theb.* i. 568 foll. The dogs represented the dog-star, the lambs the tender youth of Linus and the children for whom the mothers feared sunstroke (Hesych. *s. v.* ἀστροβολήτους). (See Hartung, *Relig. der Griech.* iv. p. 157; Preller,

Griech. Myth. i. pp. 205, 379–80; Saglio, *s. v.)* [L. C. P.]

AROTOI HIEROI (*ἄροτοι ἱεροί*). These were three "sacred ploughings" in Attica to commemorate the institution of agriculture. They were held in Maimacterion (Nov.–Dec.): see Bötticher in *Philologus*, xxii. 394–7, concerning the frieze with the calendar sculptured upon it, from which we learn the date of this festival. The first ploughing was held at Sciros, the second on the Rarion (*Ῥάριον*) plain near Eleusis, and the third under the acropolis, which was specially called **Βουζύγιον** (Plut. *Conj. Praec.* 42 = ii. p. 144). These ploughings were probably for the purpose of sowing the corn used in the rites of the temples of Athena Sciras, of the Eleusinian goddesses and Athena Polias. The family of priests who took care of the sacred plough and of the oxen who drew it were called Buzygii, a sort of Arval Brotherhood; and the family derived their descent from an eponymous Buzyges, who was in later times assimilated with Triptolemos or Epimenides (Auson. *Epist.* 22, 46. Cf. Paus. i. 38, § 7; and especially Stoll in W. H. Roscher's *Lexikon der griech. und röm. Myth.* 1884, *s. v.* Buzyges). Great difficulty hangs round the question as to whether Buzyges belonged originally to the Cecropian worship of Athena Polias—as is held by Preller, *Griech. Myth.* i. pp. 169, 181, n. 4; Maury, *Relig. de la Grèce*, ii. 209; Stoll, *l. c.*—on the basis of a passage in Aristides (*Ath.* p. 20, Dindorf); or to the worship of Zeus, as is maintained by Schömann (*Gr. Alt.* ii. 266) and Bötticher (*l. c.* pp. 262–271—a good discussion), on the basis of *C. I. G.* 491 and an inscription **Ἱερέως Διὸς Τελείου Βουζυγίου** (*Philologus*, xix. 360), a worship united with that of Demeter Thesmophoros. There is no doubt that he did not originally belong to the worship of Demeter of Eleusis. The **ἀρᾶι Βουζύγειοι** are well known (Valcken. on Herod. vii. 231), falling on him who did not show the road to one who had missed it, who did not give a light or water to one in need thereof (Athen. vi. 239 a; Cic. *Off.* iii. 13, 55; Holden *ad loc.*), who killed the oxen that ploughed (Aelian, *V. H.* v. 14), who left a corpse unburied (Schol. on Soph. *Antig.* 262), who did not practise what he recommended to others (Clem. Alex. p. 503, 17), &c. A large mass of literature on the whole subject is in Stoll, *l. c.* [L. C. P.]

ARQUITES. [SAGITTARII.]

ARRA, ARRABO, an earnest. The word *arrābo* is Hebrew, and occurs (**ἀρραβών**, LXX.) in Gen. xxxviii. 17–20, of a ring, bracelets, and staff given as a pledge for the price, and the corresponding verb in Hebrew several times. **Ἀρραβών** is also in Paul (2 Cor. i. 22, v. 5; Eph. i. 14). The Phoenician traders probably brought word and custom to Greece, and Plautus probably followed in this his Greek original (cf. Menand. *Fr. inc.* 223, Meineke). He uses the word for anything given as sign of a bargain being made and as pledge of its fulfilment. In *Most.* 648, part (one-third) of the price is called *arrabo*, and in 978 *pignus*. In *Mil.* 957, the arrabo is a ring. In *Rud.* 46, 555, *Truc.* 689, *Poen.* 1342, the thing is not specified. In Ter. *Haut.* 603, and Claud. Quadr. *ap.* Gell. xvii. 2, § 21, persons form the arrabo. Varro (*L. L.* v. § 175) speaks of the arrabo as part payment. Excepting in the Plautus-loving Apuleius (*Met.* i. 20), the word is only found in early Latin.

Pliny and the lawyers use only the form *arra*, which according to Gellius, *l. c.*, was used by the old Romans and Laberius. He calls both words vulgar. In the Code, the plural *arrae* is used always, except iv. 45, l. 2.

In D. 14. 3, 5, § 15, and 19. 1, 11, § 6, a ring is mentioned as given *arrae nomine* by a purchaser to bind the bargain; Ulpian (D. 19. 5, 17, § 5) speaks of rings deposited in a wager (*sponsionis causa*) and deliverable to the winner. Hence Pliny (*H. N.* xxxiii. § 28), in speaking of a custom among common people of producing a ring *ad sponsiones*, is referring probably to wagers, not to betrothals. But, no doubt, the ring used in a betrothal was only the ordinary mark and pledge of a bargain. The original idea seems to have been a temporary deposit reclaimable on the bargain being fulfilled. The thing thus serving as *arra* ("earnest;" "erles penny," North Country English), given on hiring a servant—"Queen's shilling" in enlisting recruits (*Handgeld, Gottesheller, Weinkauf*, Germany)—might be a mere token or a pledge of some value, as a ring or a piece of money, or might pass into part payment of the price or part delivery of the thing purchased, and, according to any special agreement or custom, might be forfeitable by the party not carrying out his bargain, such forfeit being in lieu of or in addition to other remedies for breach of contract. According to Roman law, an arra was only a proof of a bargain having been made, and not a necessary condition (Gai. iii. 139; D. 18. 1, 35, pr.). On the bargain being fulfilled, its return could be enforced either by an action on its purchase, or by a *condictio sine causa* (D. 19. 1, 11, § 6; Cod. iv. 45, 2). In sales with a forfeiture clause (see COMMISSEM), default on the part of the purchaser gave the seller the right of retaining the arra, if he declared the sale null (D. 18. 3, 6; cf. ib. 8; Cod. iv. 54, 1). Justinian ordained that when an earnest was given to secure the making of a purchase (*super facienda emptione*), the purchaser, if he declined to complete, should forfeit the earnest; the seller, if he declined, should repay the earnest and as much again: and this, whether the contract was intended to be in writing or not, and though no special agreement had been made as to what was to be done with the earnest money (Cod. iv. 21, 17, § 2; Inst. iii. 23, pr. See Savigny, *Oblig.* § 79; Maynz, *Cours*, § 259).

Arrae, sometimes *arrae sponsaliciae*, is used of gifts by the man to the intended wife before marriage as evidence of betrothal (D. 23. 2, 38; Cod. v. 1, 3; 2, 5; 1; 8, 1, § 1). And a ring is mentioned in a similar connexion (D. 24. 1, 36, § 1). A previous constitution, that women declining to fulfil their engagement should repay the amount fourfold (cf. Cod. Th. iii. 5, 11), was altered by a constitution of A.D. 472, and only simple or twofold restitution, according to circumstances, was required (Cod. v. 1, 5). If either party died without having made default in the agreement to marry, the *arrae* were returned (Cod. v. 1, 3). [H. J. R.]

ARRHEPHO'RIA (*τὰ ἀρρηφόρια, ἡ ἀρρηφορία, v.* L. and S.), a festival which, according to the various ways in which it is written (for we

find ἐρσηφόρια or ἐρρηφόρια), is attributed to different deities. The first form is derived from ἄρρητα, and thus would indicate a festival at which mysterious things were carried. The other name would point to Erse or Herse, a daughter of Cecrops, whose worship was intimately connected with that of Athena. And there is, indeed, sufficient ground for believing that the festival was solemnised, in a higher sense, in honour of Athena. (*Etym. M.* s. v. Ἀρρηφόροι.) It was held at Athens, in the month of Skirophorion. Four girls, of between seven and eleven years (ἀρρηφόροι, ἐρσηφόροι, ἐρρηφόροι: Aristoph. *Lysist.* 642), were selected every year by the king archon from the most distinguished families, two of whom superintended the weaving of the sacred peplos of Athena, which was begun on the last day of Pyanepsion (Suid. *s. v.* Χαλκεῖα); the two others had to carry the mysterious and sacred vessels of the goddess to the Acropolis. These latter remained there a whole year, either in the Parthenon or some adjoining building (Harpocrat. *s. v.* Δειπνοφόρος: Paus. i. 27, § 4); and when the festival commenced, the priestess of the goddess placed vessels upon their heads, the contents of which were neither known to them nor to the priestess. With these they descended to a natural grotto within the district of Aphrodite in the gardens. Here they deposited the sacred vessels, and carried back something else, which was covered and likewise unknown to them. After this the girls were dismissed, and others were chosen to supply their place in the acropolis. The girls wore white robes adorned with gold, which were left for the goddess; and a peculiar kind of cakes was baked for them. To cover the expenses of the festival, a peculiar liturgy was established, called ἀρρηφορία. All other details concerning this festival are unknown. (Comp. C. F. Hermann, *Gottesd. Alterth.* § 61, n. 9; A. Mommsen, *Heortologie*, p. 443 ff.) [L. S.]

ARROGA'TIO. [Adoptio.]

ARTABA (ἀρτάβη), a Persian measure of capacity, principally used as a corn-measure, which contained, according to Herodotus (i. 192), 1 medimnus and 3 choenices (Attic), *i.e.* 51 choenices = 102 Roman sextarii = $12\frac{3}{4}$ gallons nearly; but, according to Suidas, Hesychius, Polyaenus (*Strat.* iv. 3, 32), and Epiphanius (*Pond.* 24), only 1 Attic medimnus = 96 sextarii = 12 gallons nearly: the latter is, however, only an approximate value. There was an Egyptian measure of the same name, of which there were two sorts, the old and the new artaba (Didymus, c. 19; cf. c. 21). The old artaba contained $4\frac{1}{2}$ Roman modii = 72 sextarii = 9 gallons nearly, according to most writers; but Galen (c. 5) makes it exactly 5 modii. It was about equal to the Attic metretes; and it was half of the Ptolemaic medimnus, which was to the Attic medimnus as 3 : 2. The later and more common Egyptian artaba contained $3\frac{1}{3}$ modii = $53\frac{1}{3}$ sextarii = about $6\frac{1}{2}$ gallons, which is so nearly the half of the Persian, that we may fairly suppose that in reality it was the half. It was equal to the Olympic cubic foot. (Rhemn. Fann. *Carmen de Pond. et Mens.* v. 89, 90; Hieron. *ad Ezech.* 5; Böckh, *Metrolog. Untersuch.* pp. 242, &c., 285; *Publ. Econ. of Ath.* p. 93, 2nd ed.; Wurm, *de Pond.*, &c. p. 133; Hultsch, *Metrol.* pp. 275, 284 f.) [P. S.]

ARTEMI'SIA (ἀρτεμίσια), great festivals celebrated in honour of Artemis in various parts of Greece, in the spring of the year. We find one mentioned at Syracuse in honour of Artemis Potamia and Soteria (Pind. *Pyth.* ii. 12). It lasted three days, which were principally spent in feasting and amusements (Liv. xxv. 23; Plut. *Marcell.* 18). Bread was offered to her under the name of Λοχία (Hesych. *s. v.*). But similar festivals occur in many other places in Greece, as at Delphi, where, according to Hegesander (Athen. vii. p. 325), they offered to the goddess a mullet on this occasion; because it appeared to hunt and kill the sea-hare, and thus bore some resemblance to Artemis, the huntress. The same name was given to the festivals of Artemis in Cyrene and Ephesus, though in the latter place the goddess was not the Grecian Artemis, but a deity of Eastern origin. (Dionys. iv. 25; Achill. Tat. vi. 4, vii. 12, viii. 17; Xenoph. Ephes. i. 2.) [L. S.]

ARTIAZEIN. [Par Impar.]

ARTIFICES. It is proposed in this article to touch on the general condition of the artisans in Greece and Rome, and the estimation in which they were held, without treating of the agricultural labourers, or going into the special technical details of the different manufactures. For the latter, the reader is referred to the articles treating of the separate trades.

I. Greek.—Among the Homeric Greeks we find gods and heroes engaged on the works of artisans. Thus Hephaestus himself works at the forge (*Il.* xviii. 371), and Athena at the loom (*Il.* viii. 386). Odysseus makes his own bed (*Od.* xxiii. 189), Arete spins (*Od.* vi. 306), and Nausicaa washes her own clothes (*Od.* vi. 31). This shows that much was done in the family which in later times would have been the work of slaves or hired workmen. But in Homeric times there were professional artisans who worked for the people, δημιοεργοί,—a term which probably comprised all kinds of artisans, and not merely the few mentioned as examples in *Od.* xvii. 384; viz. physicians, soothsayers, shipwrights, and singers. Some acquired such reputation that they used to be "called in" (καλεῖν, *Od.* i. 416, xvii. 382—the regular term) from their town (ἄλλοθεν) to another. They were free Greeks, not barbarians (cf. e.g. *Il.* vii. 221), not forming anything like a caste, of which there is not the slightest trace in Homer. They appear to have been remunerated generally by a feast (*Od.* xv. 506; cf. *Il.* xviii. 558), though the "called-in" artisans may have also received presents as ξένοι. They almost always belonged to the lower classes (χέρητες). Work was no shame at that period; idleness was shame (Hes. *Op.* 301). (On the Homeric workmen generally, see Riedenauer, *Handwerk und Handwerker in den homerischen Zeiten*, 1873; Buchholz, *Die homerischen Realien*, ii. 1, 27 ff., 1881).

The patriarchal times gave place to a period of unrest while Greece "was moving about and settling itself" (Thuc. i. 12). During this period the warriors were everything; the artisans were of small account. These latter came to be looked down on, as they are in every military society. Accordingly, when the aristocratically governed Dorians took possession of Laconia, they made the perioeci and the slaves

practise all the manual arts. An artisan could not be a citizen; nor could a citizen learn a manual art. The allies were almost all artisans (see the story in Plut. *Ages.* 26). Similarly, the Thespians did not allow their citizens to be either mechanics or agricultural labourers, and were accordingly very poor, says Heraclides Ponticus (*De polit. Graec.* 43). In other aristocratical communities the laws were not so strict. If a man had ceased to be a mechanic for ten years at Thebes, he was eligible for magistracies (Arist. *Pol.* vii. (vi.) 7, § 5, compared with iii. 3, § 4). Still less strict were the timocratical and democratical communities; least strict of all the Corinthians (Herod. ii. 167). Manufacture involves work and brings wealth, and work and wealth make a state in peace contented and happy. The Athenian legislators knew this, and enacted that every father should have his son taught a trade, or else the son should not be under any obligations towards him (Plut. *Sol.* 22); anyone who had no visible means of support, and yet was idle, was liable to an *ἀργίας γραφή*, "a law with which we can find no fault" (Herod. ii. 177); citizenship was offered to strangers who were skilled as artisans and were willing to settle at Athens (Plut. *Sol.* 24). Themistocles advised the people to encourage the artisans by freeing them from all tribute (Diod. Sic. xi. 43). Any one abusing another on account of his trade was liable to a *κακηγορίας δίκη* (Dem. *c. Eubul.* p. 1308, § 30).

This latter enactment gives a very clear hint as to the way artisans were regarded, even in democratic Athens. They were recognised and protected by the law, had a share in the deliberations of the assembly (Aeschin. *Timarch.* § 27; Thuc. ii. 40; Xen. *Mem.* iii. 7, § 6), but looked down upon by the upper classes, and so suffered in general repute, as they did in all ancient states (Herod. ii. 167). Leisure (*ἀργία*), they considered with Socrates, was the sister of Freedom (Ael. *Var. Hist.* x. 14); but work was to be resorted to in order to escape from poverty (Thuc. ii. 40). Thus in Macedonian times, when Athens became poor, we find many even of the free women turning to menial occupations, such as nurses and mowers and vintagers (Dem. *c. Eubul.* p. 1313, § 57). Phaenarete, the mother of Socrates, had been a midwife (Plat. *Theaet.* 149 A). According to genuine Greek minds, such as Plato's, no native should engage in the employments of artisans (*δημιουργικὰ τεχνήματα*); he has quite as much as he can do to maintain and further the honour of the state (*Legg.* 846 D). Aristotle holds similar views (*Pol.* iii. 3, § 2). Phaleas of Chalcedon in his constitution allowed no artisans except slaves belonging to the state (Aristot. *Pol.* ii. 4, § 13). The Greeks had many reasons for this contempt for manufacturing industry. Mechanical labour (*βανανσία*, properly labour over a furnace, Suidas *s. v.*) prevents the full development of the body, and consequently of the mind, owing both to the sedentary and confined nature of the various employments and to the want of leisure they entail. The mechanics are thus unable to attend to the interests of their friends or of the state (Xen. *Oec.* 4, § 2; Aristot. *Pol.* v. (viii.) 2, § 1). Again, even the free artisans were in a manner slaves to their employers for their hire; and as most of the artisans were either actually slaves or strangers (Aristot. *Pol.* iii. 3, § 2), all came to be regarded together as forming one class, viz. *βάνανσοι* (also called *τεχνῖται, χερνῆτες, χειροτέχναι, χειρώνακτες, χρηματισταί*). For it must be carefully borne in mind that the greater mass of the artisans were foreigners (*μέτοικοι*) or slaves; in the list of workmen at the Erechtheum (*C. I. A.* i. 324) the foreigners are twice as numerous as the citizens.

What is most remarkable to us in the low opinion of the ancients with regard to manual labour is that they made no radical distinction between the *artist* and the *artisan*, as long as both took pay for their services. No doubt Phidias was thought more of than a fuller; but still even the greatest statuary or painter, if he took pay, was regarded even till the latest times as a *βάνανσος καὶ χειρώναξ καὶ ἀηοχειροβίωτος*. See the striking speeches of Statuary (*Ἑρμογλυφική*) and Culture (*Παιδεία*) in Lucian's *Somnium*, 6–9, the whole tone of which dialogue is most instructive. (Cf. Plut. *Praecept. reip. ger.* 5, 7 = ii. 802.) Aristotle, too, deprecates professional skill being displayed in music (*Pol.* v. (viii.) 6, § 2, 3). If, however, the artist took no pay, this raised him in public estimation: *e.g.* Polygnotus, who painted the Stoa Poecile gratis (Plut. *Cim.* 4). How one who took money for services was in a manner lowered in social estimation may be felt from the way professional athletes are still regarded.

Such states as Phocis and Locris deserve a passing notice. They were poor and had for a long time no slaves, so that all the artisans were citizens. We hear that they strenuously resisted, as depriving them of their daily bread, a capitalist Mnason, who wanted to compete against them with slave labour on an extensive scale (Athen. vi. p. 264 d); for, says Athenaeus, it was customary for the younger to help the elder in their different houses.

This leads us on to the consideration of the question whether there were any castes of artisans among the Greeks as there were among the Egyptians. We may say generally that there were not (cf. Grote, iii. p. 51), though we occasionally meet with something like them: thus the functions of the heralds, flute-players, and cooks were hereditary in certain families at Sparta (Herod. vi. 60). The sculptors at Athens called themselves Daedalidae (Plat. *Euthyphr.* 11 C); and some priesthoods appear to have been confined to certain families, the Eteobutadae at Athens (Aeschin. *de Fals. Leg.* 47, § 155), the Telliadae and Iamidae in Elis (Herod. ix. 37, 33). But by an individual member of a family holding a priesthood that family was not rendered holy or separated from the rest. (On the absence of castes in Greece, see especially Drumann, *Arbeiter*, § 6.) Neither did the trades form corporations till late in Roman times and under Roman influence. The artisans appear to have had partners, *συνεργοί* (*C. I. A.* i. 324, p. 173), and apprentices (*μαθηταί*, Plat. *Meno*, 90 D). But, besides these small artisans, we find large workshops (*ἐργαστήρια*), the owners of which managed them by foremen (*ἔργων ἐπιστάται, ἐπίτροποι, ἡγεμόνες τοῦ ἐργαστηρίου*) taken from among their slaves or freedmen (Dem. *c. Aphob.* 819, § 24; Aeschin. *Tim.* 14, § 97). In the two factories of the father of Demosthenes there were fifty-two slaves (Dem. *c. Aphob.* 816,

§§ 11, 12); and Lysias and his brother Polemarchus had a shield-factory with 120 slaves (Lys. *contra Eratosth.* §§ 8, 19). Thus the establishments do not appear to have been large. The work of the slaves in them was probably severe. Most of the 20,000 slaves who deserted in the Decelean war to the Spartans were χειροτέχναι (Thuc. vii. 27). The owners of these workshops were generally considered highly respectable members of society; the father of Demosthenes was something more than one of the middle-class citizens (μετρίων, Dem. *de Cor.* p. 228, § 10), yet was called "a cutler" (Mayor on Juv. x. 130); and we may well suppose that some of the tanners, cobblers, lampmakers, &c. satirized by Aristophanes, were owners of such factories (cf. Hermann-Blümner, *Privatalterthümer*, 399, notes 2, 3). The workers in these factories were mostly slaves, though sometimes no doubt day-labourers were hired (θῆτες, μισθωτοί). Indeed, there was not much difference between the condition of slaves and such artisans: Aristotle (*Pol.* iii. 3, § 3) says, οἱ μὲν ἐνὶ λειτουργοῦντες τὰ τοιαῦτα δοῦλοι, οἱ δὲ κοινῇ βάνανσοι καὶ θῆτες. Masters, too, often allowed their slaves to be hired. These day-labourers were sometimes called at Athens Κολωνῖται, as the place where they congregated for hire was the κολωνὸς ἐν τῇ ἀγορᾷ παρὰ τὸ Εὐρυσακεῖον (Poll. vii. 133). The united artisans celebrated the festival of the Chalkea in honour of Athena and Hephaestus (A. Mommsen, *Heortologie*, 313 foll.). On manufactories in Greece, see Drumann, *op. cit.* § 11.

The state interfered very little with the artisans. They appear to have sometimes removed unsanitary factories, *e.g.* tanneries, outside the walls (Artem. *Oneirocr.* i. 53); and at Sybaris, noisy ones (Athen. xii. 518 c). We find at Paros the agoranomi seeing that fair contracts were enforced between employer and employed (see the important inscription in honour of Cillus at Paros in Rangabé, *Antiq. hellén.* ii. 366 ff.). There are stray allusions to a χειρωνάξιον or tax on trades generally (Aristot. *Oec.* ii. 1, 4, and *C. I. G.* 4863 b). Each man was allowed to exercise as many trades as he liked, though Plato (*Legg.* 846 E) would not have tolerated it; yet, as a matter of fact, the extension of the principle of division of labour (cf. Xen. *Mem.* ii. 7, 6) must have practically limited the exercise of more businesses than one. We have allusions to patents for discoveries (Athen. xii. 521 d); and to the selling of good-will (Lys. *pro Inval.* § 6). The rates of wages may be seen from the following:—Farm-labourer, 4 obols a day (Lucian, *Tim* 6); hodman, 3 obols (Aristoph. *Eccl.* 312); stonecutter and such as worked at the Erechtheum, 1 drachma (*C. I. A.* i. p. 173); night-work at the mill, 2 drachmas (Athen. iv. p. 168).

The principal works on the subject are Drumann, *Die Arbeiter und Communisten in Griechenland und Rom*, 1860; Frohberger, *De opificum apud veteres Graecos conditione*, 1866; Büchsenschütz, *Besitz und Erwerb im Griechischen Alterthume*, 1869, esp. 249–292, 316–355; Caillemer in D. and S., 1874; Becker-Göll, *Charikles*, iii. 93–97; Hermann-Blümner, *Privatalterthümer*, §§ 41, 42.

II. Roman.—It has been epigrammatically remarked that whereas with the Greeks every handicraft was an art, with the Romans every art was a handicraft. But both agreed in looking down on all manual labour for hire, whether art or handicraft. Seneca (*Epist.* 88, 18) hesitates about classing a painter among the practisers of liberal arts (see Marquardt, *Privatleben*, p. 589 *seq.*). For the distinction of "liberal" and "sordid" or "common" (*volgares*) arts was that adopted by the Romans, the former being those which involved greater skill and produced greater advantage, the latter those which required mere labour (*opera*), not skill, the wages for which constituted an obligation of slavery (*auctoramentum servitutis*, Cic. *Off.* i. 42, 150). Now it is to be noticed, firstly, that the practical Roman valued in any art the greater advantage, not the aesthetic excellence, of what was produced, always making profession before the people of being quite unskilled in aesthetic judgment (*e.g.* Cic. *Verr.* ii. 35, 87); and, secondly, that the professors of the liberal arts were in strictness called *artifices*, while *opifices* or *sellularii* was the name given to those who exercised the *artes operosae* or *sordidae* (Cic. *Off.* l. c.). The *artifices* were painters, sculptors, engineers, architects, musicians, actors, &c. These latter appear to have been specially called *artifices* (Weissenborn on Livy, v. 1, § 5). However, it will be convenient here to treat of the whole class of what we call artisans.

The earliest notice we have of such artisans is that king Numa (Plut. *Numa*, 17) instituted nine guilds: viz. αὐλητταί, *tibicines*; χρυσοχόοι, *aurifices*; τέκτονες, *fabri*; βαφεῖς, *tinctores*, or, according to Marquardt, *fullones*; σκυτοτόμοι, *sutores*; σκυτοδέψαι, *coriarii*; χαλκεῖς, *aerarii*; κεραμεῖς, *figuli*; and all the rest of the mechanics formed the ninth collegium. Mommsen remarks (*R. H.* i. 202, Eng. trans.) that there are no workers in iron, so that we may infer that iron was a late introduction. The skilled artisans no doubt united in order to preserve the traditions of their art. There are no signs of monopoly by these guilds, or protection in their interest (Mommsen, *l. c.*). These collegia remained in existence all through the republic.

The simplicity of the early times and the paucity of skilled slaves must have caused the artisans to be held at first in high esteem. But of this they were deprived by the Servian timocratic organisation, which excluded artisans (except the carpenters, coppersmiths, and musicians) from serving in the army, not formally but practically, because service was connected with a freehold, which the artisans did not possess (Mommsen, *l. c.*). Later the increase of capital in a few hands led to the employment by these capitalists of slaves or freedmen as artisans, and this prevented any middle class growing up in Rome. Most of the requirements of life were produced in this way. Manufacture was spread throughout Italy. The Ficoroni casket was made by a Praenestine. Cato advises the Campanian farmer to buy the different necessaries of his calling at the most various places (*de Re Rustica*, 135 [136]),—a highly important passage given by Wordsworth, *Fragm. and Specimens*, p. 334. It shows that Mommsen, *R. H.* ii. 379, is misleading. That cloth-working must have been fairly extensive is to be inferred from the frequent mention of the fullers in Roman comedy. A considerable list of manufacturers may be seen in Plaut. *Aulul.*

iii. 5, 34 ff. The strike of the *tibicines* recorded in Liv. ix. 30 reminds one of a modern trades-union. The rate of wages appears to have been about 12 *asses* a day (about 8*d.*) for an ordinary journeyman labourer (Cic. *Rosc. Com.* 10, 28). On the whole, it must be confessed with Mommsen (*R. H.* i. 203) that about the state of trade during the Republic we know next to nothing.

The *artifices*, properly so called, except the architects, came mostly from Greece: painters, *e.g.* Metrodorus (Plin. *H. N.* xxxv. § 135, who gives numerous other examples); statuaries, *e.g.* Pasiteles (Plin. *H. N.* xxxvi. § 40), Arcesilaus (*ib.* § 156); architects, *e.g.* Hermodorus (Cic. *de Orat.* i. 14, 62); and for many more see Drumann, *Arbeiter*, §§ 29, 30. But few Romans practised these arts. One of the Fabian gens got the honorary title of "Pictor" for painting the temple of Salus, in 304 B.C. The poet Pacuvius was also celebrated as a painter, but after him the art was seldom seen in respectable hands ("honestis manibus," Plin. *H. N.* xxxv. §§ 19, 20). See, too, the scoff of Naevius in Mommsen, *R. H.* ii. 478. Spurius Carvilius (Consul 293 B.C.) made a colossal bronze statue of Jupiter (Plin. *H. N.* xxxiv. § 43). A Roman architect, Cossutius, is found building a temple to Honor and Virtus at Rome, and later engaged on the temple of Zeus at Athens in 170 B.C. (Vitruv. vii., Pref. § 15). That actors were either slaves, freedmen, or strangers; and that, though in later times they were much admired and received enormous salaries, they were always considered unworthy of citizenship, is well known (see Cic. *Arch.* 5, 10; Tac. *Ann.* xiv. 21; and Drumann, *op. cit.* §§ 31, 32). All these professions were to the Romans *mediocres artes*, "second-rate arts" (Cic. *de Orat.* i. 2, 6), *leviores artes* (Cic. *Brut.* 1, 2).

The great boon of the empire was peace. Industry increased vastly in all departments. The division of labour was of the most extensive kind; see, for example, the immense number of different workmen engaged in the making of clothes, as given in Marquardt, *Privatleben*, pp. 566–7, and indeed the whole volume; also Friedländer, i.[4] 286, and his quotation from St. Augustine (*Civ. Dei*, vii. 4). Now a capital feature of the empire was the tendency to concentrate the different kinds of handicraftsmen in *collegia*. [COLLEGIUM.] An interesting and full account of these *collegia* of workmen, which were at once trades-unions and clubs, insurance and burial societies, is given in Boissier, *La Religion Romaine*, ii. 238 foll. They were the most conservative element of society. It was mostly foreigners and freedmen who carried on the different trades; though rich people and even the emperors put their money into large businesses (Hermann Schiller, *Röm. Kaiserzeit.* 424), *e.g.* the purple-manufacturers (Marquardt, *Privatleben*, p. 498). The artisans in these large workshops were slaves or freedmen (Friedländer, i.[4] 285, 291). The working dress of the lower orders appears to have been the tunica (Hor. *Ep.* i. 7, 65). The coppersmiths used to wear a cap and apron: *πίλον καὶ περίζωμα* (Epictet. *Diatrib.* iv. 8, 16). A considerable contempt, natural in a slave state, hung round the exercise of trade: at Tarsus we find a number of the small artisans "outside the state" (Dio Chrys. vol. ii. 43 and 45, Reiske). This contempt did not merely attach to trade, but also to what we call art: see Sen. *Ep.* 88, 18, and also *ap.* Lactant. *Inst.* ii. 2, 14, "simulacra deorum venerantur ... fabros qui illa fecere contemnunt." The technical skill and inventiveness of several of the artisans was of the highest order, details of which will be found in the articles treating of the different handicrafts.

The trades were sometimes taxed. Caligula exacted one-eighth of their gains from the porters (Suet. *Calig.* 40). Alexander Severus, and apparently before him Antoninus Pius (Justin Martyr, *Apol.* i. 27), laid a tax on several classes of artisans,—*braccarii, linteones, vitrarii, pelliones, claustrarii, argentarii, aurifices*—mostly makers of articles of luxury. (Lampr. *Alex. Sev.* 24.)

In post-Diocletian times all artisans were scheduled and formed in each community a corporation. Each corporation paid a fixed tax, called *lustralis collatio* (Cod. Theod. xiii. 1; and especially Marquardt, v. 230). During the same period the lower class of artisans and traders was organised into the COLLEGIATI, while a number of *artifices* by a law of Constantine obtained special exemption from all state burdens, in order that they might have more time to apply themselves each to his special art and to teach it to their sons (Cod. Theod. xiii. 4, 2; Cod. Just. x. 66). In the schedule to this law, which enumerates thirty-five different kinds of artisans concerned, architects, physicians, painters, sculptors, goldsmiths, fullers, potters, &c., all appear to be on an equality. Special immunities, too, are granted to architects, engineers, builders and painters (see the whole title Cod. Theod. xiii. 4, "De excusationibus artificum"). Compare, for similar immunities granted to military artisans, Dig. 50, 6, 7 (6). The idea was that the artisans were not rich enough to undertake *munera patrimonii*; but if the artisan or manufacturer grew rich, he became liable (Dig. 27, 1, 17, 2).

Besides Drumann, *op. cit.*, see Mommsen's *Roman History*; Friedländer's *Sittengeschichte Roms*, especially i.[4] 284 ff.; Marquardt's *Privatleben*; Lange, *Römische Alterthümer*, i.[3] 247, 470, 506, ii.[3] 28, &c.; Humbert in D. and S., s. v. *Artifices*; and E. Wezel, *De opificio opificibusque apud veteres Romanos*, Berlin, 1881. [L. C. P.]

ARTYNOI or ARTYNAI (*ἄρτυνοι* or *ἀρτῦναι*), a sort of council at Argos and Epidaurus inside the governing aristocracy. This latter consisted of 180 at Epidaurus (Plut. *Quaest. Graec.* init. = ii. 291) and 80 for Argos (Thuc. v. 47). The artynoi were a deliberative (*βουλευταί*, Plut. *l. c.*) and, as their name indicates, an executive body. They swear to the peace between Athens, Argos, Mantinea, and Elis in 420 B.C. (Thuc. *l. c.*). Arnold on this passage quotes Müller, *Dorier*, ii. 140, who supposes that the *ἀρτῦναι* succeeded to the civil powers of the kings as the *στρατηγοί* succeeded to their military authority. The *ἀρτυτὴρ* at Thera (*C. I. G.* 2448, iv. *fin.*) seems to have been a financial magistrate—*πράκτωρ καὶ ταμίας*, says Boeckh. (See on the *ἄρτυνοι*, Schömann, *Ant.* i. p. 136, E. T.) [L. C. P.]

ARURA (*ἄρουρα*), a Greek measure of surface, which would appear, from its name, to have been originally the chief land-measure.

Herodotus (ii. 163) mentions a measure of the same name, which is almost certainly identical. He says that it is a hundred Egyptian cubits in every direction. Now the Egyptian cubit contained nearly 17¾ inches (Hussey, *Ancient Weights*, &c. p. 237); therefore the square of $100 \times 17\frac{3}{4}$ inches, *i.e.* nearly 148 feet, gives approximately the number of square feet (English) in the arura, viz. 21,904. (Wurm, *de Pond.* &c. p. 94.) The different estimate of Suidas, making it the fourth part of the πλέθρον or 2500 square Greek feet, is erroneous (Hultsch, *Metrol.* p. 38, n. 4; p. 284). [P. S.] [W. W.]

ARUSPEX. [HARUSPEX.]

ARVA'LES FRATRES. The Fratres Arvales formed a college or company of priests, twelve in number, and were so called, according to Varro (*de Ling. Lat.* v. 85, Müller), from offering public sacrifices for the fertility of the fields. That they were of extreme antiquity is proved by the legend which refers their institution to Romulus, of whom it is said that when his nurse Acca Larentia lost one of her twelve sons, he allowed himself to be adopted by her in his place, and called himself and the remaining eleven "Fratres Arvales." (Gell. vi. 7, quoting Masurius Sabinus, a writer of the age of Tiberius.) We also find a college called the *Sodales Titii*; and as the latter were confessedly of Sabine origin, and instituted for the purpose of keeping up the Sabine religious rites (Tac. *Ann.* i. 53), there is some plausibility in the supposition of Niebuhr (*Rom. Hist.* i. 303), that these colleges corresponded one to the other; the Fratres Arvales being connected with the Latin, and the Sodales Titii with the Sabine element of the Roman state, just as there were two colleges of the *Luperci*,—namely, the *Fabii* and the *Quinctilii*, the former of whom seem to have belonged to the Sabines. But too little is really known of the Sodales Titii to warrant us in assuming this parallelism; and against it are the title Fratres borne by the Arvales alone among Roman priesthoods, the obvious connexion of their name with the tillage of the soil, and the absence of any gentile or tribal associations. Accordingly, Niebuhr's conjecture has been silently dropped by the latest authorities on the subject (Rein, *ap.* Pauly, i.² *s. v.*; De la Berge, *ap.* D. and S.; Marquardt, vi. 427).

The office of the Fratres Arvales was for life, and was not taken away even from an exile or captive. They wore, as a badge of office, a chaplet of ears of corn (*spicea corona*) fastened on their heads with a white band (*infula*). (Plin. *H. N.* xviii. § 6.) These passages, with a single reference in Minucius Felix (*Oct.* c. 25), comprise all the extant notices of the Fratres Arvales in the ancient writers; and the name of the Dea Dia whom they worshipped is not even mentioned. But the fortunate discovery of a large number of inscriptions has placed the locality of their sanctuary beyond a doubt, and has thrown a flood of light on their constitution and ceremonial as well as on that of other Roman priesthoods. In the Vigna Ceccarelli, at a place quaintly called Affoga l'Asino, a little beyond the fifth milestone on the Via Portuensis, inscriptions upon stone tablets have been found at intervals from 1570 to the present time, which sufficiently identify that spot as the grove of the Dea Dia where the chief festival of the Arvales was held. By the end of the last century, sixty-seven documents had been recovered, and these were published with a valuable commentary, not yet superseded as a storehouse of knowledge on Roman antiquities, by Gaetano Marini, Rome, 1795, 2 vols. 4to. In 1867 more systematic excavations were undertaken with the aid of funds supplied by the King and Queen of Prussia, and the results were given to the world by Henzen, the continuator of Orelli's Inscriptions, in the works mentioned at the end of this article. We have now the *acta* or protocols of ninety-six annual meetings of the college, ranging in date from A.D. 14, the last year of Augustus, to 241, in the reign of Gordian; besides a number of fragments found at various times in Rome itself. From these we are able to form a clear idea of the officers of the college, the ceremonies they performed, and the mode of filling up vacancies in their body. Some of these minutes of proceedings, as they may be called, are much fuller than others, the most important being that of 218, the first year of Elagabalus, which includes the celebrated Hymn. The passage in Varro being the only mention of the Arvales that dates from republican times, it is a highly probable conjecture that this may have been one of the obsolete or half-forgotten cults, several of which, we know, were revived by Augustus. It has further been suggested that the absence of all records, either in literature or inscriptions, later than the age of Gordian, points to a sudden suppression of the college about the middle of the third century. This was the opinion of Marini, favoured by Sig. de' Rossi and M. de la Berge (*ap.* D. and S.): Marquardt, on the contrary, thinks that it shared in the gradual extinction of the pagan rites and died out about the end of the fourth century. The *sacrificium Deae Diae in luco* is named in the law of Constantius and Constans, about 346, which, in the interest of the public amusements, provided for the maintenance of such temples as had games connected with them. In 382, by a decree of Gratian, the disestablishment of all pagan worships was completed, and their remaining endowments confiscated.

The regular number of brethren was twelve, as the legend indicates; the attendance at the annual meetings, as shown by the inscriptions, varies between three and nine. An exception occurs early in the reign of Nero; in the year 57 twelve fratres met, exclusive of the emperor, who was also a member according to the invariable practice, and in this instance, it would appear, a supernumerary. From the time of Augustus it had become usual to appoint princes of the imperial family as extra members of the most dignified priestly colleges (Dio Cass. li. 20). Vacancies as they occurred were filled up by cooptation, originally free, but under the empire usually controlled by an imperial rescript indicating the person to be elected, like the *congé d'élire* of modern times. Thus under Hadrian we find the formula, in the *acta* of the years 118 and 120, *ex litteris imperatoris fratrem Arvalem cooptarunt*. For the purpose of an election the brethren met on the summons of the *magister* in the Regia, the temple of Jupiter Stator, that of Divus Julius, or latterly in the temple of Concord; and the votes were given in writing (*per tabellas*). The newly elected mem-

ber was solemnly "admitted" by the *magister*, for which the phrase used is *ad sacra vocat*.

Like most Roman *collegia*, the Arvales had their presiding officer called *magister*, elected annually in the grove of the Dea Dia on the second or great day of the May festival, but not coming into office until the 17th of December following: *a Saturnalibus primis ad Saturnalia secunda* is the oft-recurring formula. The *promagister*, who acted in the absence of the *magister* (*vice fungens magistri*), appears to have been nominated by him for an indefinite period, and was not a regularly elected officer of the college. Next in importance to the *magister* was the *flamen*, elected annually upon the same occasion to assist in the sacrifices; he could also be represented by a *proflamen*, or by a member without that title *qui vice flaminis fungebatur*. Either of these dignities was often conferred by way of compliment on the emperor, who usually discharged its duties by deputy; and either might be re-elected, in consecutive years or after an interval. There were, besides, four *pueri ingenui patrimi et matrimi, senatorum filii* (called also CAMILLI), who waited on the brethren during the sacrificial feast, and shared it themselves sitting on *cathedrae*, while their elders of course reclined. The names of these also are found to be the same in successive lists; and it seems that, when once appointed, they retained the post until they assumed the *toga virilis* or lost one of their parents. The college had also its staff of servants; some *servi publici*, assigned to its use by the emperor and reckoned as belonging to his *familia*, an *aedituus* in charge of the sacred precinct, and lastly the *calatores*. To this last office each member of the college appointed one of his own freedmen, and they paid, or their patrons paid for them, an entrance fee or fine on admission; but it was ruled that this payment was not to be exacted more than once from any member, if he had occasion to appoint a fresh attendant (*placuit, ut cum calator accessio sit sacerdotis, semel ob introitum inferri debere, licet alius calator ab eodem sacerdote substituerētur*, year 120). These details, proved by the extant inscriptions, afford some curious points of resemblance to mediaeval and modern collegiate organisations.

The principal duty of the Arvales was to celebrate a three days' festival in honour of the Dea Dia, formerly supposed to be Ceres (Marini), but now more correctly identified with Ops; the divinity of Ceres, as Marquardt observes, not forming a part of the old Roman worship. This festival was sometimes held on the XVI., XIV. and XIII., sometimes on the VI., IV. and III. Kal. Jun., *i.e.* on the 17th, 19th, and 20th, or the 27th, 29th, and 30th of May; in either instance, it will be seen, with a bye-day between the first and second feast days, while the third immediately followed the second. The precise time was fixed in the January of each year, and solemnly proclaimed by the *magister* or his deputy from the temple of Concord on the Clivus Capitolinus. A rule of choosing the two dates alternately has been inferred from the extant *acta*, but there are many exceptions, and the festival undoubtedly belonged to the order of *feriae conceptivae*, or those fixed by proclamation. On the first and last of the three days the college met in Rome, usually at the house of the *magister*, but sometimes also *in Palatio in templo Divorum*; offered fruits, incense, and wine at sunrise to the Dea Dia; anointed her statue; bathed, and changed the *praetexta* in which they had sacrificed for a white dinner-dress (*album cenatorium*; cf. SYNTHESIS). Between dinner and dessert (*mensa prima* and *mensa secunda bellariorum*) they rose from table, reclined on more magnificent couches than those of the *triclinium* (*toralibus segmentatis*), repeated the offerings of wine, incense, and first-fruits (*fruges libatae*); then divided the *bellaria*, and received each man a *sportula* or perquisite for attendance. This in the period from Trajan to the Antonines amounted to 100 denarii, the boys receiving 25; in the impoverished times of the third century it was reduced to 25 denarii for members of the college. The *acta* of the year 218 describe each change of seats and vestments, each washing of the hands, with extraordinary minuteness; and, as has been seen, give the clearest insight, of all ancient documents, into the peculiarly ceremonial character of the Roman religion: the details are here necessarily abridged. Whether the *panes laureati* "touched" (*i.e.* consecrated) by the fratres were common loaves entwined with laurel or a special kind of fancy bread, is uncertain.

On the second day of the feast, which was the most important of the three, the Arvales assembled in the grove of Dea Dia already described. The *acta* of the year 224 contain the curious expression *in luco Deae Diae via Campana apud lapidem V.*: whereas there is no road known as the via Campana, and the road on which the spot is actually situated leads to the mouth of the Tiber, and not into Campania. The phrase, which is doubtless of great antiquity, probably means "country road" (*Feldstrasse:* Preller, *Röm. Myth.* p. 425); and may contain a trace of the process by which the district round Rome has come to be known as the *Campagna*. The grove included a circus for games and several temples, among which the Caesareum or *aedicula* of deified emperors and the Tetrastylum are mentioned; we find also the pavilion or tent (*papilio*) of the master, probably erected for the occasion. The sacrifices were begun early in the day by the *magister* or his deputy, acting alone; he first offered two young pigs in order to expiate the unavoidable desecration of the sacred grove by the use of the axe in pruning and felling it* (*porcilias piaculares ii. luci coinquendi et operis faciundi*), then a white heifer (*vacca honoraria*) as a victim to the Dea Dia herself. In the forenoon he was joined by his colleagues, who breakfasted on the offerings already made, and then proceeded to fresh ceremonies. They sacrificed a fat lamb; made an offering, not further described, with earthenware pots placed on a table (*in mensa sacrum fecerunt ollis*); sent out two of their number to collect grains of corn, probably from the crowd collected at the temple doors, passed them on to one another, receiving them in the left hand and giving with the right, and finally handed them to the attendants (*publici*, sc. *servi*); placed the *ollae* on the altar, and then threw them away that they might not be used again (this is the probable

* *Coinquire*, to lop trees, seems connected with *inquinare*.

explanation of the obscure phrase *ollas precati sunt et ostiis apertis per clivum jactaverunt*); and shared *panes laureati*, followed by turnips and another vegetable mysteriously described (*lumemulia cum rapinis*). The images were now anointed (the plural *deas* is used here only, and seems to refer to Acca Larentia and the Dea Dia as separate divinities); the temple was cleared of all but the priests, and the doors shut; and with their tunics tucked up for the dance, taking written copies of the formula from their attendants, and dividing right and left into two bodies, they proceeded to recite the hymn which has made the name of Fratres Arvales so interesting to philologers (*ibi sacerdotes clusi succincti, libellis acceptis, carmen descindentes tripodaverunt in verba haec*).

The text here given is that of Mommsen (*Hist.* i. 231, E. T.), with which those of Preller (*Röm. Myth.* p. 428) and Marquardt, after Bücheler (*Index schol. Bonnens. aest.* 1876), agree in the main. Another interpretation, embodying some rather fanciful notions of previous scholars, will be found in Donaldson's *Varronianus*, ch. vi. § 2. A rude Saturnian metre is traceable in the hymn:

Enos, Lases, iuvate,
Neve lue rue, Marmar, sins incurrere in pleores.
Satur fu, fere Mars! limen sali! sta! berber!
Semunis alternei advocapit conctos.
Enos Marmar iuvato.
Triumpe.

In Mommsen's rendering:

To the gods—
Nos, Lares, iuvate,
Neve luem ruem (= ruinam) sinas incurrere in plures.
Satur esto, fere Mars.

To the individual brethren—
In limen insili! sta! verbera (limen?)!

To all the brethren—
Semones alterni advocate cunctos.

To the god—
Nos, Mamers, iuvato!

To the individual brethren—
Tripudia.

Each of the first five lines was repeated thrice, *triumpe* five times in the inscription, but probably six were intended. There are, as will be seen, other indications of mistakes on the part of the stonecutter.

Very few points in Mommsen's explanation need be regarded as doubtful. Preller writes *E nos* as two words, taking *e* as equivalent to *age* or *eia*: the rest with more probability make *enos* a form of *nos*, comparing German *uns*. The most difficult words are those which appear in the inscription as NEVELVAERVE: Mommsen's view is simple and probable, and it is easy to suppose the *a* in *luae* a stonecutter's blunder; while Bücheler's *nevel*=*ne* and *vaerve*=*verber* is far-fetched, especially as *berber* in the next line undoubtedly represents *verber*. In the following line the expressions *limen sali! sta! berber!* are much better taken as addressed to the brethren (Mommsen) than as by the others to Mars, "retire into thy temple, stop thy scourge;" Bücheler and Marquardt making *sta* transitive =*siste*, Preller rendering *sta verber*(*e*), "desist from." In this line the lapidary has, doubtless by mistake, given once FVRERE, twice FVFERE; and Preller adopts this reading as *satur furere*, the rest much better *satur fu, fere Mars*, making *fu* an imperative. The phrase may have suggested Horace's *heu nimis longo satiate ludo* (*I. Od.* ii. 37), which, however, will suit either reading. For *semones*=*semihomines*, anciently *homônes*, compare Priscian, p. 683 Putsch; Paul. Diac. s. v. *Hemona*. The connexion of *triumphus* with *tripudium*, rather than with *θρίαμβος*, is now generally accepted.

After the recitation the doors were thrown open and the service-books handed back to the attendants (*publici introierunt et libellos receperunt*); and the brethren now proceeded to the election of a Magister and a Flamen for the ensuing year, followed by the distribution of the *sportula* and of roses. Next came races in the circus of the grove, in which *bigae*, *quadrigae*, and *desultores* are mentioned: the Magister or his deputy presided at the games, habited in the *ricinium* [RICINIUM], and gave away the prizes. The brethren then returned to Rome and dined together in the house of the Magister: this seems to have been the usual practice, but we also find in some of the *acta* a dinner on the spot, in the Tetrastylum (year 219).

Of the other functions of the Fratres Arvales a short account will be sufficient. Whenever iron was brought into the grove, as for cutting the inscriptions for the *acta*, or the lopping and felling of the trees (already mentioned), there were sacrifices *ob ferrum illatum*, and, when the work was done, *ob ferrum elatum*. When the trees fell from decay or, worse still, were struck by lightning, and when replanting was undertaken, still more solemn sacrifices (*suovetaurilia majora*) were offered on the spot. The Arvales met at Rome, in the Capitol and elsewhere, for elections and the *indictio* of the annual festival, as has been seen. They also met for the *nuncupatio* or solemn pronouncing of vows for important events in the imperial family,—the birthday, marriage, illness or recovery of the emperor, his setting out for or returning from serious undertakings, the accouchement of an empress, &c. The Ambarvalia, according to the most probable opinion, were entirely separate from the functions of the Fratres Arvales [AMBARVALIA]. (Marini, *Atti e Monumenti dei Fratelli Arvali*, Rome, 1795; Henzen, *Scavi nel Bosco Sacro dei Fratelli Arvali*, Rome, 1868, and *Acta Fratrum Arvalium*, Berlin, 1874; *C. I. L.* vi. No. 2023–2119; Burn, *Rome and the Campagna*, p. 440; Mommsen, *R. H.* i. 175 ff., 231; Preller, *Röm. Myth.* pp. 422–430; and especially Marquardt, vi. 428–443.) [R. W.] [W. W.]

ARX (*ἄκρα*) signified a height within the walls of a city, but which was never closed by a wall against the city in earlier times, and very seldom in later times. The same city may have had several *arces*, as was the case at Rome; and hence Virgil says with great propriety (*Georg.* ii. 535):—

"Septemque una sibi muro circumdedit arces."

As, however, there was generally one principal height in the city, the word *arx* came to be used as equivalent to *acropolis* [ACROPOLIS]. (Niebuhr, *Hist. of Rome*, vol. iii. note 411.) Where the position of a city was not mainly fixed by commercial considerations (as in the case of Rome itself), a settlement naturally grew around a

rock well adapted to become an *arx*. This is especially observable in the ancient cities of Central Italy,—for instance of the Sabines, Volscians, and Hernicans,—which often grew up round an almost inaccessible fastness. At Rome one of the summits of the Capitoline Hill was especially called *Arx*, but which of them was so called was formerly a subject of great dispute among Roman topographers, the German school for the most part placing the *Arx* on the north-eastern summit (*Ara Caeli*), and the *Capitolium* on the south-western (Palazzo Caffarelli), while the Italians generally transposed their positions. Of late, however, the German view is conclusively established, even in the judgment of the Italians themselves. (See the arguments in Burn, *Rome and the Campagna*, p. 185 ff.: and compare Middleton, *Anc. Rome in* 1885, p. 226; Lanciani, in *Bull. Comm. Arch. Rom.* 1875, iii. p. 165.) Within Rome the Arx was the regular place for taking the auspices (Liv. i. 18, x. 7); outside the walls the auspex turned towards it, if in sight (id. iv. 18). The spot in the Arx whence they were taken, probably an elevated platform at the very summit of it, was called *auguraculum*; it commanded a wide prospect to the east, which was not allowed to be obstructed (Cic. *de Off.* iii. 16, § 66). The gloss of Paulus Diaconus that *auguraculum* was an ancient name for the Arx itself is almost certainly a mistake (Fest. p. 18 M.; cf. Burn, *l. c.* p. 195). The *auguraculum* appears to have been transferred by Augustus to the Palatine; the *Notitia* (of the 4th century) mentions it in the Regio Palatina under the name *auguratorium* (Middleton, pp. 86, 235). [W. S.] [J. H. F.]

ARYBALLOS (ἀρύβαλλος), a vessel somewhat resembling the λήκυθος and ampulla, and, like them, used for carrying oil to the bath or palaestra. Pollux mentions it among the

Aryballos. (British Museum. Terra-cotta from Camirus, in Rhodes.)

utensils of the bath (vii. 166; x. 63); but it is a mistake to identify it with the ὑδρία or large jug for pouring water over the bathers: it was, indeed, larger than the ἀρύταινα (Aristoph. *Eq.* 1091, 1094), but the latter was a mere ladle, and the ἀρύβαλλος itself of no great size. Athenaeus describes it as a cup (ποτήριον) shaped like a purse with strings (ὡς τὰ συσπαστὰ βαλάντια), *i.e.* with a globular body and a short and narrow neck; and adds that such purses were sometimes called ἀρύβαλλοι from this resemblance (Ath. xi. p. 783 f, following p. 466). It had a small ring or handle, just sufficient for a thong to carry it with, like the ink-bottles (otherwise different in shape) figured under ATRAMENTUM. Hence the name is assigned, with great probability, to the specimens of ancient pottery frequent in museums, called by the Italians *vasi a palla*, i.e. ball-shaped. They are chiefly found among vases of the earliest style, and were carried with the strigil to the bath. The earliest form is that in the cut No. 1, but often without a base, as in cuts 2 and 3. No. 4 represents a later form. These vessels are often richly painted with mythological subjects (Birch, *Anc. Pottery*, ed. 1873, p. 374).

Aryballoi. (Dennis, *Etruria*, i. p. cxxiv.)

Other derivatives from the same root ἀρύω, ἀρύτω, to draw water, ἀρυστήρ, ἀρύστιχος, ἀρύταινα, ἀρυτήρ, are sufficiently described in the lexicons. [W. W.]

AS. We defer to the article PONDERA an account of the Roman *libra* or pound as a weight, and will deal in the present article only with the pound of copper, the pound as applied to money, the *as*. In the earliest times in Italy, as elsewhere, cattle were the medium of exchange, one ox reckoning as ten sheep (Mommsen, *Röm. Münzwesen*, p. 169). To cattle in Rome and N. Italy succeeded the pound of copper, which in these regions occupied the place held by the silver drachm in Greece and the shekel of gold in the East. There was a period of transition, during which the as was not coined, but measured by weight. Small formless pieces of copper or bronze passed from hand to hand, and were accepted in payments. Such are found in considerable numbers in votive wells, such as that at Vicarello, whither they were thrown as offerings. It would even appear that in later times when money was in use this *aes rude* was still fashioned for religious purposes and cast into the treasuries of deities.

Gradually these lumps of metal acquired fixed shape and design. At Vicarello were found among them cubes marked with rude types—an ox, a trident, and so forth, and weighing from an ounce to a pound; also certain elliptical pieces without types, but of the uniform weight of a sextans.

At what period the regular Roman as, with its divisions, superseded this rude coinage, it is impossible to determine with certainty. *A priori* probability would indicate that the Decemviri (B.C. 451) would, among their other

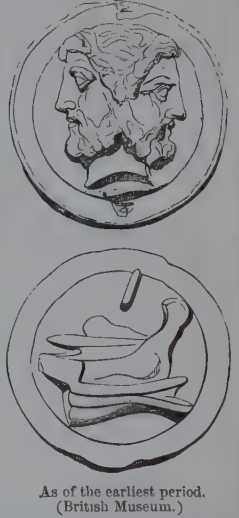
innovations, have introduced the use of coined money, which was in their day well known in Greece, Southern Italy, and Sicily. And it is noteworthy that in the Lex Menenia Sestia of the year of Rome 302 (B.C. 452) fines are reckoned in oxen, while in the Lex Julia Papiria of 324 (B.C. 430) they are expressed in asses, —a substitution explained by Festus as arising from the introduction between those dates of copper money (Mommsen, p. 175). It seems therefore safe to assert that copper took the place of oxen as the standard of value at Rome between the years 450 and 430 before our era.

Mommsen considers these grounds sufficient to justify his assertion that it was the Decemviri who introduced a regular copper coinage at Rome. Nevertheless it is by no means certain that the currency introduced by them was not *aes rude*, which passed current by weight. It is not likely that in any country a currency of coin would immediately supersede a currency of cattle. Another stage would be sure to intervene, during which metal would be accepted by weight, not tale. If cattle were the measure of value in B.C. 450, it is not likely that twenty years later would see the Romans in possession of a complete system of money. Further, it seems impossible to allow that any of the Roman coins, which have come down to us in such quantities, can possibly date from the 5th century B.C. In style, in relief, in type they seem to bear evidence of first appearing towards the middle of the 4th century. The prototypes from which they are copied are Greek coins of fully-developed art. Once more: if we assume that Rome began to issue money in the middle of the 5th century, we must assume that she was quite alone in doing so among all the states of Central Italy for at least a century. There is extant no *aes grave* of Southern Etruria, which was absorbed by the Roman state about B.C. 350. The *aes grave* of Luceria, Venusia, Hatria, and other cities certainly belongs to the period after 320, when those cities were Roman colonies. Even the silver coins of Etruria are now only in very rare instances attributed to a period earlier than that of Dionysius of Syracuse. For all these reasons, and others which space forbids us to mention, it seems probable that the copper which was the standard of value at Rome after the time of the Decemviri passed for quite a century by weight; and that the coinage of Rome properly so called does not begin until the middle of the 4th century. The pieces of silver with the name Valentia and the type of a sow which were formerly ascribed to the Rome of Servius Tullius, and other coins of the same style once accepted as ancient, are beyond question mere modern forgeries.

The early Roman coinage consists of large round heavy lumps of cast metal. The type of reverse alike of the as and of all its divisions is the prow of a galley, but each denomination has a different type on the obverse, together with an appropriate mark of value.

The normal weight of the Roman pound was 327·5 grammes, or 5050 English grains. The as would therefore originally have been of this weight, and a few specimens exist of nearly full weight. But it is noteworthy that extant specimens rarely weigh more than 285 grammes, which is the weight of ten Roman ounces, and the lower denominations are commonly light in the same proportion. This fact indicates that the standard of weight for money underwent a somewhat rapid reduction in the latter part of the 4th century.

Subjoined is an engraving of a Roman libral as of the earliest period: the diameter of the cut is half that of the coin itself.



As of the earliest period. (British Museum.)

The types of these coins merit a passing notice. The prow which is the leading type belongs to a sea-going vessel of war. It must have been first placed on the coin at a time when the Romans were beginning to pay great attention to naval affairs, probably the time when Rome had acquired the Latin sea-board, and the second treaty was concluded with Carthage. "On the other side" (Mommsen, *Röm. Münzw.*, p. 184) "are the heads of various deities: Janus on the as—*penes Janum prima*; Jupiter on the semis—*penes Jovem summa*; Minerva as discoverer of numbers twice, on triens and uncia, unless indeed one of these helmeted female heads belongs to Roma; Hercules on the quadrans as preserver and augmenter of wealth; Mercurius on the sextans as patron of commerce and voyages." In the choice of all these types, however, save the head of Janus, Greek influence is very manifest. The heads of the various deities are like those to be found on the Greek coins of South Italy in the 4th century.

Denomination.	Type.	Mark of Value.
As	Head of Janus	I
Semis	„ Jupiter	S
Triens	„ Minerva	....
Quadrans	„ Hercules	...
Sextans	„ Mercurius	..
Uncia	„ Roma (or Minerva)	.

It was scarcely earlier than B.C. 300 when the other cities of Latium followed the example of Rome and issued copper money of libral weight. Many series have come down to us: some, as that of Hatria (Adria) and that of Tuder, bear the name of the mint-city at length; others have merely an initial, or even no indication to show us where they were issued. A list of them will be found in Mommsen. It is noteworthy that whereas the asses of Rome seldom exceed the weight of 300 grammes, some

of the pieces issued by Latin cities and Roman colonies are of considerably higher standard. One reason of this may be that, whereas the money bearing the legal type of the Roman people went by tale and was legal tender, all other money, at all events in government payments and receipts, went by weight only (Lex Rubria, c. 21–2). Pieces of two asses (*dupondius*) and of five asses (*quincussis*) were also issued by Roman authority, although not probably in Rome itself.

We add engravings of a triens and a sextans of some state in Central Italy: in both cases the diameter is half that of the coins.

Triens and Sextans. (British Museum.)

Before arriving at the vexed question of the reductions of the Roman as, we must briefly indicate the relations which existed between the earlier coinage of Rome and those of other parts of Italy during the period B.C. 350–270.

To the north of Rome the Etruscans had adopted the art of coinage, as might have been expected, at a far earlier period than the Latin race. Deecke (*Etruskische Forschungen*, part ii.) has devoted a careful investigation to the systems of coinage in use in Etruria before the Roman conquest. He shows that there are among the Etruscan coins some in silver of an

ETRUSCAN MONEY.

No. of Librae.		Mark of Value.	Weight in Grains.		
			Gold.	Silver.	Copper.
	50	↑	45·		
	25	XX∧	22·5		
	20	XX	..	270	
	12½	X∥<	11·25		
	10	X	9·	135	
	5	∧	..	67·5	
	1	|	..	13·5	3375
Semis	½	:::	..	..	1687
Triens	⅓	::	..	..	1125
Quadrans	¼	∴	..	..	844
Sextans	⅙	:	..	..	562
Uncia	1/12	·	..	..	281

early date, the relation of which to the monetary standards of the ancient world is somewhat doubtful. But at some period not later than about B.C. 360 this system of coinage was replaced and supplanted by that in use in Sicily. The unit of this coinage is the *litra* or pound of copper (which was in weight just two-thirds of the Roman as), or its equivalent in silver of 13·5 English grains. In Etruria, gold, silver, and copper were all minted on this standard, and all bear marks of value. In Sicily copper was but a money of account, but in Etruria pounds or librae of copper of full weight were issued. The chief mint cities were—for silver Populonia, and for copper Volaterrae.

Hence it will appear that the proportionate value of gold to silver was 15 to 1, and that of silver to copper 250 to 1. These proportions we shall find to be the usual ones in all parts of Italy, at this early period.

But the coinage of Etruria was not brought so constantly into contact with that of Rome as was the coinage of the Greek cities of Southern Italy. The mediator between the Greek silver and the Roman copper was the nummus. The equivalent in silver at Rome of the as, which was as above mentioned practically issued of the weight of 10 ounces, was the scruple of silver weighing 17·5 grains. This was at first a money of account merely, and not actually minted until it appeared in the shape of the sestertius. But its place had been previously taken, to some extent at least, by the diobol of Tarentum, Nola, and the cities of Campania, which was in value one-sixth of the local didrachm, and very nearly equal in weight to the Roman scrupulus. Thus the Campanian didrachm was reckoned as equivalent to 6 asses of 10 ounces, or one of the quincusses of full weight (60 ounces). The diobol was both in Rome and South Italy called the *nummus* (from the Greek *νόμος*); and in both places it was divided decimally, being considered as containing 10 libellae. The silver libella, which was a money of account, was reckoned as equivalent to the ounce in copper, being in fact equal to 1⅛ ounces.

At Rome the phrase *heres ex libella*, applied to an heir who inherited the tenth of a property, survived to a late time to testify to the early Roman acceptance of the libella as one-tenth of the scruple or the sestertius. In Southern and Eastern Italy the whole coinage was based upon nummi and libellae. N for nummus occurs as mark of value on copper coins of Capua, and in all the region the quincunx takes the place of the semis, which is entirely wanting, thus giving proof of a decimal system of reckoning. It is further to be observed that if we take the copper equivalent of the libella, 437·5 grains, as an uncia and multiply by 12, we shall reach 5250 grains, nearly amounting to an as of 14 Roman ounces; and it is remarkable that an as of this very weight was issued at Hatria and other cities of Eastern Italy.

Soon after the Roman conquest of Capua (B.C. 338), there began to issue from the mint of that city the earliest gold and silver coins struck by authority of Rome, and marked with the name of that city; at first in the form ROMANO, and afterwards in that of ROMA. These gold and silver pieces, which circulated in all the southern parts of the Roman dominion, were suggested by the coins of Campania. But their weight is regulated by that of the Roman scrupulus. The gold coins are of the weight of

6, 4, and 3 scrupuli; the silver coins of 4 and 2 scrupuli. There are also copper pieces of small weight—struck, and not cast—which belong to this series, and which prove that even after the Roman conquest the circulation of Campania continued to consist of the precious metals, and copper was used only for money of account. One of the gold pieces of this series, weighing 6 scrupuli, offers us the mark of value XXX, which shows that it passed as the equivalent of 30 Roman asses, which was in fact a good deal below its market-value, as it reckons the value of gold as only ten times that of silver.

First Reduction of the As.—One of the most difficult problems in ancient numismatics is the determination of the course of depreciation followed by the Roman *as*. To determine what successive reductions it underwent in weight, the date of those reductions and their object, is almost impossible in the midst of the defective and inconclusive testimony with which we are surrounded. We may borrow our arguments from three sources: (1) ancient writers; (2) the coins themselves; (3) the Roman laws on money matters.

(1) *The writers.*—Verrius Flaccus (Festus, p. 347, ed. Müller) asserts that in the Second Punic War, when Hannibal was in the field, the Senate decreed that the weight of the as, which had hitherto been a pound, should be reduced to $\frac{1}{6}$ of a pound. Thus new asses were issued of the same weight as the sextantes of the earlier issue. This was done, says Flaccus, with a view to relieve debtors, both private persons and the state. Pliny, however (xxxiii. § 44), states that in the First Punic War, the Roman exchequer being bankrupt, the weight of an as was reduced to $\frac{1}{6}$ of what it had been, having previously been of full weight. Afterwards, in the Hannibalic war, during the dictatorship of Fabius Maximus, the value was again reduced by a half, and asses issued of only an ounce weight. It will be observed that Pliny and Flaccus (who was one of Pliny's authorities) are inconsistent one with the other; the one assigning the first reduction to the time of the First, the other to that of the Second Punic War.

(2) *The coins.*—As already stated, the as seldom much exceeds in weight 10 Roman ounces (285 grammes). Asses of 290–250 grammes are extremely common (cf. D'Ailly, *Monnaie Romaine*, vol. i.). They are seldom found between 240 and 150 grammes. From 150 to 55 grammes the descent seems quite gradual; asses of all intermediate weights occurring, but not being common. Thus in the list of D'Ailly there are 216 asses weighing from 270 to 260 grammes, and only 3 between 150 and 140, and 8 between 120 and 110 grs. But the semis is occasionally found between $\frac{170}{2}$ and $\frac{150}{2}$ grammes; 5 such occurring in D'Ailly's Lists. In the more recent list of weights drawn up by Dr. Samwer, there are 17 asses exceeding 11 Roman ounces in weight, 826 between 8 and 11 ounces, 15 between 5 and 8 ounces, 140 between 2 and 4 ounces, and 18 under 2 ounces.

(3) *The laws.*—Mommsen (p. 302) maintains that in the wording of several laws, for instance the Lex Voconia of B.C. 169 and the Lex Fannia of B.C. 161, the terms *as* and *sestertius* are used interchangeably. This proves that an as of one, no doubt an earlier, issue was equal in value to a sestertius ($2\frac{1}{2}$ asses) of a later issue.

Accepting this testimony of the Laws, Mommsen maintains that the first reduction of the Roman standard was in the ratio of 10:4. As the earlier asses were practically minted on the standard of 10 ounces, the asses of this reduction would be on the triental scale, *i.e.* weigh 4 ounces. Other considerations point in the same direction. Thus, the silver denarii issued in B.C. 269 or 268 were equivalent to 10 of the copper asses then in circulation. These denarii weigh about 70 grains. Multiplying this by 250, according to the proportion which seems to have held at this time between silver and copper, we find the value of the denarius, in copper, to be 17,500 grains, which gives 10 asses of 1750 grains or 113·4 grammes. These asses would be very nearly on the triental scale. It will be seen that the evidence we have collected under head (2) seems also to indicate a sudden change from a 10-ounce to a 4-ounce scale.

A remarkable piece of evidence as to the date and extent of the first reduction of the as is offered by the fact that, in the Roman colonies established at Hatria in B.C. 289 and in Ariminum in B.C. 268, a coinage was at first started on the libral scale. But in the colony of Brundisium, founded in 244, we find coins of the 4-ounce standard from the first. This fact seems to prove to demonstration that a reduction of the as to the extent described took place between 268 and 244 B.C.

Taking the theory of Mommsen, thus based, we may compare it with our other data. With the statements of Verrius and Pliny it cannot be reconciled, but then neither can their testimony be reconciled with that offered by existing coins. We must suppose that these writers omitted mention of the first reduction of the coin, and have the less hesitation in doing so because Verrius and Pliny, as we have seen, contradict one another.

But the evidence of existing coins must not be cavalierly treated; and it seems to prove unequivocally that the fall in weight of Roman asses, when it once began, proceeded gradually, and that afterwards every few years witnessed a lowering of standard. The regulations of the Senate in fixing the weight of successive issues, whatever those regulations may have been, must be regarded rather as attempts to put a stop to the gradual decline than as deliberate debasement of the standard. The coins prove that an effort was made to stay the decline of weight when the as had fallen to 5 ounces, about half its original bulk. At the time of the first issue of denarii the as must, as we have seen, have been of $\frac{1}{6}$ of full weight. But it very soon sank much lower: the asses issued on the triental scale are so rare as to show that they were not issued for a long period together.

We find traces of the triental scale elsewhere than at Rome. Apulia, with the great mint cities of Venusia and Luceria, adopted, no doubt contemporaneously, the same scale. So did Tuder in Umbria. It would appear that Latium and Picenum did not, but continued issuing money of full weight.

In the case of Etruria we have very full evidence that a scale was adopted very closely

corresponding to the triental of Rome. But, as has been above stated, the libra of Etruria was only equal in weight to $\frac{2}{3}$ of the Roman libra or 8 ounces: the reduction in that district therefore amounted to 50 per cent. and not to 60 per cent. as at Rome. We have an extensive series of Etruscan copper coins minted on this foot, and a series of silver coins of which the marks of value show them to be contemporary with copper of this issue, the relative value of silver and copper remaining unchanged. The pieces weigh exactly half as much as those above cited; for instance:—

No. of Librae.	Mark of Value.	Weight in grs.
20	XX (silver)	135
10	X ,,	67·5
5	Λ ,,	33·7
2½	IIΛ ,,	16·8
1	I (copper)	168·7

The piece of ten librae bears a close resemblance in weight to the Roman denarius, of which it was probably the contemporary equivalent and rival in circulation.

First Issue of Silver Coin.—It was, according to Pliny (xxxiii. § 44), in the year B.C. 269, five years before the First Punic War, that denarii of silver were first issued. The annalists put the event one year later. The denominations issued were as follows:—

	Mark of Value.	Weight in grs.
Denarius, 10 asses	X	70·
Quinarius, 5 ,,	V	35·
Sestertius, 2½ ,,	IIS	17·5

The sestertius was apparently of the weight of 1 scrupulus of silver, and equivalent in value to 1 as of the old issue, weighing 1 ounce, or 2½ asses of the new weight of 4 ounces. The denarius was of the weight of 4 scrupuli, or $\frac{1}{72}$ of the Roman libra.

All of these silver coins are of the same types: on the obverse the head of Roma in winged helmet, on the reverse the Dioscuri. The Dioscuri were in a special degree the patrons of the Equites of Rome, the moneyed class, who probably had most to do with the issue of the coin, and used it most when issued. In the place of the Dioscuri we find at a somewhat later period Diana in a biga, then Victory in a biga, and, lastly, Jupiter himself in a quadriga. It is not until the last century B.C. that these early types give way to a great variety of new types, originating in the caprice of monetary magistrates, and often recording events in the legendary history of their families. At the same period the inscription ROMA, which marks all the early issues in silver, disappears, and in its place is substituted the name of one or more magistrates.

Changes in the Coinage during the Hannibalic War.—We have seen that according to Pliny great changes took place in the coinage during the Hannibalic war. His words are, "Hannibale urgente Q. Fabio Maximo Dictatore asses unciales facti, placuitque denarium sedecim assibus permutari." We have reason to believe that, besides the changes mentioned by Pliny, others took place, which we must mention in order. The changes were in all four.

(1) *Reduction in the Weight of the As.*—This had doubtless not remained at the standard of 4 ounces, as it was probably fixed at the time of the first issue of denarii, but had continually fallen. What point it had reached at the outbreak of the Second Punic War we cannot say, but it is probable that the law which fixed it at 1 ounce (gr. 421) involved a considerable reduction, because the measure was one which was adopted at a period of great pressure, and which had for its professed object the easing of state obligations. As to the exact date of the measure we are in some uncertainty, as Verrius (Festus, p. 347 b) says that it was ordained by a Lex Flaminia, and so must have been ordered before the death of Flaminius in the battle at the Trasimene Lake, while Pliny ascribes the law to the dictatorship of Fabius Maximus, which followed that battle.

(2) *Reduction in the Weight of the Denarius.*—For this we have no ancient authority. But we find by induction that the weight of Roman denarii, except the very early specimens, does not exceed about 60 grains, and a denarius of that weight contains just $\frac{1}{72}$ of a Roman libra of silver, which Pliny mentions as the normal weight of a denarius (xxxiii. § 132). The denarius as reduced would correspond nearly in weight with the Attic drachm, then the standard of currency in Macedon, Syria, and Sicily. That this reduction took place exactly at the same time as the reduction of the as cannot be proved, but is intrinsically probable. It could at all events scarcely have taken place later. Samwer produces some arguments to prove that it may be fixed to about the year 241.

(3) *Alteration in the relation of Silver and Copper.*—The same measure which decreed the reduction of the weight of the as ordained that in future 16 asses should go to the denarius in the place of 10. And so it continued to be reckoned ever after, except, we are told, in the case of military pay. The pay of the soldier had been hitherto reckoned in asses, and he was allowed still to receive a denarius for every 10 asses due to him. He therefore suffered in a less degree by the depreciation of the currency than all other creditors or people in receipt of a fixed pay. And thus the mark of value X was retained on the denarius, though for nearly all the people it had become incorrect. These disproportioned changes in the weights of as and denarius necessarily produced a change in the relations of the silver and copper in circulation. Hitherto a denarius had really been equal in value to 10 current asses, but in future the denarius was reckoned as equal only to 16 asses of 1 ounce, or 6736 grains of copper, which gives as the new proportion of value of silver and copper 1:112; that is to say, in future asses circulated at twice their real value. And serious results might have followed from this, but that it henceforth became more and more the custom to reckon in silver, and to consider copper asses as mere money of account. After the Macedonian wars this method of reckoning indeed became universal.

(4.) *Issue of Gold Coin.*—Until the invasion of Hannibal, gold had passed among the Romans either in the form of bars, or in that of the Campanian coins, of which mention has already been made. But Hannibal cut the Romans off from Campania, the source of their wealth, and more especially of their supplies of the precious metals. It was probably the dearth of silver which caused the issue at Rome at this time of gold pieces of a new type. These bear national designs: on the obverse the head of Mars; on the reverse the Roman eagle bearing a thunderbolt, and the name ROMA. They are of the weight of 3, 2, and 1 Roman scruples, and bear respectively the marks of value ↓X, XXXX, XX. They were thus equivalent to 60, 40, and 20 asses of the early standard or sestertii of silver. The ratio of value between gold and silver exhibited by them is about 1:17, which shows that they circulated at a higher than intrinsic value. Mommsen maintains that they were really coins of necessity, issued at a severe crisis to ease circulation. The issue of them was not long continued.

Gold coin of 60 asses. (British Museum.)

Roman Money from Hannibal to Caesar:—

(1.) *Copper.*—The weight of the as was still further reduced by the Lex Papiria, passed 89 B.C. (Plin. xxxiii. § 46), to half an ounce. But as at this period copper had ceased to be the important medium of exchange, and all reckonings were made in silver, this regulation can have had but little effect. Far more importance in reality attaches to the Lex Valeria minus solvendi, passed in B.C. 86, which was a real measure of bankruptcy (Mommsen, *Röm. Münzw.* p. 383). Hitherto there had been two methods of reckoning: (1) in large transactions by the sestertius or old libral as; (2) in small traffic by the reduced as of $\frac{1}{16}$ denarius. The Lex Valeria suddenly abolished the former of these modes of reckoning; so that debtors could discharge obligations contracted under it with $\frac{1}{4}$ of the sum really due.

(2.) *Silver.*—The sestertius was issued for but a short period, and the quinarius was not used for very long. But beside the denarius there came into circulation the frequently discussed pieces called Victoriati. These exist in three denominations—the double, the unit, and the half. The type of all is the same: on the obverse, a head of Jupiter; on the reverse, Victory crowning a trophy, and the inscription ROMA. The Victoriatus was originally of the weight of 3 scrupuli or $\frac{3}{4}$ of a denarius; in certain parts of the Roman dominions it was so plentiful that reckonings were commonly made in it; and even Cato (*de R. R.* c. 15) sometimes uses it as the standard of value. With regard to the origin of the Victoriatus, there is some doubt. Mommsen accepted Pliny's statement (xxxiii. § 46) that the coin came originally from Illyria, but M. Zobel has since shown that the converse is the truth: the people of the cities of Illyria copied in their issues the weight of the Victoriatus, which had long been in circulation, more especially in Spain and Gaul, in which countries we should rather seek for its origin. At a later period the weight of the Victoriatus sank, and towards the end of the 2nd century pieces were issued of the type of the Victoriatus, but with the mark Q, which shows clearly that they were intended to pass as Quinarii. There is little doubt that the Victoriati owed their temporary popularity and abundance to reasons of commercial convenience; their weight being nearly that of contemporary drachms of Rhodes, Corinth, and Massilia.

One peculiarity marks all the silver coin of this period,—the frequent occurrence in it of plated pieces. These plated pieces are not in most cases to be set down as forgeries, but are due to the dishonesty of the Roman mint, which regularly, in many of its issues, mixed plated with solid pieces in a fixed proportion, which was sometimes even regulated by authority. It is to Caesar's credit that he called in most of this worthless currency, which must have caused continual losses to innocent persons.

(3.) *Gold.*—The issue of gold coin during the Second Punic War was a temporary expedient. Both before and after that period treasure was laid up at Rome in the form of gold bars, probably of fixed weight, but not issued as coin. Laws of the middle of the 2nd century show that then a pound of gold was reckoned as equivalent to 1000 denarii, which gives the proportionate value of gold to silver as 12 to 1. This treatment of the pound of gold as the unit governs the issue of gold coins, which took place at intervals during the last century B.C. Thus Sulla, for his own purposes, struck gold coins of 30 and 36 to the pound, and Pompey coins of 36 to the pound, while Caesar chose the weight of 40 to the pound for his aurei. Reckoning according to the above-mentioned proportion of 12 to 1, we get the following equations:—

$$\frac{1}{30} \text{ lb. of gold} = \frac{400}{3} \text{ sesterces.}$$
$$\frac{1}{36} \quad \text{,,} \quad = \frac{1000}{9} \quad \text{,,}$$
$$\frac{1}{40} \quad \text{,,} \quad = 100 \quad \text{,,}$$

All these coins were of a military character, struck not for the use of commerce, but to facilitate the distribution of booty.

Authority to issue Money.—According to the early Roman constitution, supreme power rested with the people with regard to money as with regard to other things. We have already mentioned several laws passed by them in regard to the weight of the as and similar matters. The regular issue of coin of course went on without continual interference of the Legislature, under the general control of the magistrates entrusted with the Imperium, such as Consuls and Praetors, who did not however put on it any mark or symbol of their own. With Mommsen (pp. 363–378) we would divide all coins issued within Roman dominions into three classes:—

(1.) *The normal State Coinage.*—It appears that before the Social War special magistrates were appointed to strike coin, or, as it was expressed in Roman phrase, *auro argento aeri flando feriundo.* In B.C. 100 we find the two quaestors Piso and Caepio issuing denarii. The coin issued in the name of Sulla shows great

irregularities, and gives us no indication of a settled magistracy. In the censorship of Crassus and Domitius, 92 B.C., there seems to have been a board of five moneyers working under control of the Censors. But at a comparatively early period the board of moneyers consisted of three members as the rule. We first find the IIIVIRI Monetales mentioned as regular magistrates after B.C. 92. After the Social War these officers were regularly and continuously appointed. For a time Caesar raised their number to four, but Augustus restored the triumvirate. The office disappears in the first century of our era. If any one beside the Monetales had occasion to issue money, he did it by special commission of the Senate, and usually placed on each piece the letters S C (Senatus Consulto).

(2.) *Money issued by Roman authority in subject States.*—Under this head will come the coins of Capua already spoken of, the Victoriati issued with the mint-mark of Corcyra and Croton, and other series. All these bear the name of Rome; nevertheless the coins were probably issued by inferior magistrates appointed by the mint city, the resident Roman magistrate exercising only a general oversight and control.

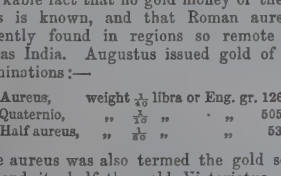
(3.) *Money issued by Generals in the Field.*—The military Imperium carried with it in the eyes of the Romans all such inferior privileges as the minting of money and the like. The gold coins issued by Sulla and Caesar are good instances in the Roman series of military money; there is also a great deal of silver minted by Caesar, Lentulus, Pompey, and others.

Roman Money from Augustus to Caracalla.—During the civil wars there was considerable irregularity in the issue of coin. Each of the contending generals issued money as suited himself, and meantime the Senate was also coining in the precious metals. When Augustus was settled in supreme power, he made an arrangement with the Senate whereby the right of minting gold and silver was reserved to himself, but the issue of copper was conceded to them. Henceforth all copper coin bears the letters S C to show that it appeared by authority of the Senate. We will mention in order the denominations issued in all three metals.

(1.) *Gold.*—Like the early kings of Persia, the Caesar of Rome claimed the sole right in all the world to issue gold coin; and it is a remarkable fact that no gold money of the Parthians is known, and that Roman aurei are frequently found in regions so remote from Italy as India. Augustus issued gold of three denominations:—

Aureus,	weight $\frac{1}{40}$ libra or Eng. gr.	126.
Quaternio,	„ $\frac{1}{10}$ „ „	505.
Half aureus,	„ $\frac{1}{80}$ „ „	53.

The aureus was also termed the gold sestertius, and its half the gold Victoriatus. The



Aureus of Augustus. (British Museum.)

aureus was evidently modelled as to weight on the gold staters of Philip and Alexander of Macedon, which weigh about 130 to 133 grains, and had long been the standard of value in all civilized countries. It was reckoned as equivalent in value to 25 silver denarii or 100 sesterces, which gives the ratio of value of gold to silver as about 12 to 1. But as the silver issued by the successors of Augustus became rapidly alloyed, the gold coin became the real standard of value, and the silver sank into the position of a mere money of account, so that when people incurred a debt of 100 denarii, what was really meant was 4 aurei. In fact the denarii assumed exactly the same position as is occupied in England by shillings and other silver money. With a few exceptions, all gold and silver coin of the Romans from Augustus onwards bears the image and superscription of an emperor. In the reign of Nero (Pliny, *H. N.* xxxiii. § 47), the weight of the aureus had sunk to $\frac{1}{45}$ of a libra, and in that of Caracalla still further to $\frac{1}{50}$ of a libra.

(2.) *Silver.*—Under the Empire the issue of quinarii and sestertii was for a time renewed, though for the latter a copper coin was soon substituted. The weight of the denarius was at first maintained at its old standard of $\frac{1}{84}$ libra, and its fineness was likewise for a time preserved almost perfect. But Nero lowered the weight of the denarius to $\frac{1}{96}$ libra or 52 English grains, at the same time mixing $\frac{1}{10}$ of alloy with the pure metal. After this the quality of the coin went on deteriorating, and we cannot be surprised that as Tacitus tells us (*Germ.* v.) the old Serrati and Bigati [*q. v.*] of the Republic passed more easily in Germany than the Imperial denarii. Indeed the discovery of hoards has furnished us with evidence that much of the currency of Rome during the 1st and 2nd centuries consisted of consular denarii: of these most of the heavier specimens disappeared during the reign of Trajan; the lighter were not melted down until the time of the Antonines. Caracalla introduced beside the denarius, a new coin weighing about $\frac{1}{60}$ libra, bearing on the obverse his head radiate. These were called *argentei* or *denarii Antoniniani*, and became common under following emperors. Their distinguishing mark is always that the emperor's head on them wears a radiate crown.

(3.) *Copper.*—The Senate, in virtue of the privilege allowed them by Augustus to issue copper coin, struck in several denominations. The largest coin they issued was the sestertius or piece of four asses. This was made of a fine yellow metal composed $\frac{3}{4}$ of copper and $\frac{1}{4}$ of zinc, and was a Roman ounce in weight. The dupondius was in the same metal, but of smaller size, weighing about half an ounce. From the time of Nero onward it was the custom to place on dupondii the head of the emperor with radiate crown, in order to distinguish these pieces from the asses on which the head was laureate. For in size the as and dupondius were closely alike, only the former was made of inferior metal,—copper alloyed with about 30 per cent. of tin and lead. Of this metal were also made semisses and occasionally quadrantes. What are now called by collectors *large brass* coins are sestertii, the middle brass are dupondii and asses, the small brass are semisses and quadrantes. What

are now called "medallions" are not coins at all, but medals issued by imperial authority to commemorate historical events.

Roman Money from Caracalla to Constantine.—This period presents us with a continually increasing adulteration of coin in all metals, ending in utter bankruptcy, and a collapse for which Diocletian and Constantine endeavoured to find a remedy.

Gold.—After the time of Caracalla various multiples of the aureus were struck. The metal whereof these and the aureus itself were formed was not at any time much adulterated, but the weight of the pieces sinks and varies in a remarkable degree. The result of this want of commercial honesty soon became apparent. Gold money, as we have seen, had become the measure of value. But when this became no longer trustworthy, people fell back on the only measure which underwent no change, the Roman pound. The pound or libra of gold remained the base of the system of credit, and gold coins circulated by weight only, just as if they had been small unstamped ingots of metal. It was reserved for Constantine to put an end to this state of things. He introduced a solidus of gold weighing $\frac{1}{72}$ of a libra, as its marks of value LXXII and O B sufficiently signify; as well as a semis and a triens of the same piece. This latter held its ground for a long time, and its lineal descendant the Bezant became the prototype of all later systems of gold coinage in East and West.

Silver.—The deterioration in the metal of the Antoniniani was very rapid, until in the time of Gallienus and Claudius II. they were little better than plated money of copper. The denarius meantime had declined both in weight and purity, and was in a shameful condition when Diocletian and his colleagues re-introduced the Neronian denarius and quinarius. Some of the former when first minted bore the mark of value XCVI, to indicate that their weight should be $\frac{1}{96}$ of a libra, though as a matter of fact they are sometimes heavier. Diocletian also struck pieces of much heavier denomination. Constantine added new denominations, striking silver pieces of the same weight as his gold solidus, and of half that weight.

Copper.—Not even the money of bronze escaped the tendency to deterioration during this age. The sestertii of fine brass fall to a half and even a third of their original weight of an ounce, and the metal becomes poorer. Finally with Florianus they become extinct. The coins of Decius, which weigh an ounce, are supposed to be quinarii in bronze. Diocletian issued copper money in two denominations, of which the heavier weighed about 150, the lighter some 35 grains; but as these pieces are washed with silver, they can scarcely have been intended to pass as mere copper. If we overlook a few temporary irregularities, these pieces continued to be part of Roman currency until the death of Theodosius I. The larger of them is mentioned by ancient writers under the name *follis* or *pecunia major*, and seems intended to succeed the degenerate Antoninianus. The smaller is called *nummus centenionalis*. By this time the denarius of account had sunk into a value too small to be coined, and was worth but a small proportion of the follis.

NORMAL WEIGHTS OF ROMAN COINS IN ENGLISH GRAINS.

	B.C. 350.	B.C. 269.	B.C. 210.	B.C. 89.	AUGUSTUS.	NERO.	CARACALLA.
GOLD.							
Aureus	..	..	62·5	..	126·	112·	101·
SILVER.							
Denarius	..	70·	60·	60·	60·	52·	
Quinarius	..	35·	30·	..	30·	26·	
Sestertius	..	17·5	15·	..	15·		
Victoriatus	..	..	..	45·			
Antoninianus	..	..	..	..	..	..	84·
COPPER.							
Sestertius	..	..	..	..	420	420	
Dupondius	..	..	..	..	210	210	
As	5050	1750	421	210	200?	200	
Semis	2525	875·	210	105			

The values of these coins in modern money varies of course with the weight. The *aureus* of Augustus was a little heavier than the English sovereign, and three *denarii* nearly of the same weight as a florin. The *as* was at first rather more valuable than an English pound of copper.

[P. G.]

ASAMINTHUS (ἀσάμινθος, σκαφή, πύελος, ἔμβασις, μάκτρα), a bath-tub, in which the bather sat, while hot water was poured over his head and shoulders (cf. *Od.* x. 361). This was the usual mode of bathing in Homeric times; in later times, however, when regular baths were introduced, other methods seem to have been preferred. So Suidas says, speaking of the ἀσάμινθος: σκαφὴ ἐν ᾗ οἱ ἀρχαῖοι ἐλούοντο, οὐκ ἦσαν γὰρ βαλανεῖα (cf. Suid. s. v.); and no representation of a tub, in which bathers could sit, appears on any of the vases, which depict scenes from the baths. There is, however, no doubt that baths of this kind still remained in use, as occasional references to them occur in later writers (cf. Aristoph. *Eq.* 1060; Poll. vii. 166), and Eupolis (*ap.* Poll. vii. 168) speaks of several people bathing together in a bath of this kind. [BALNEAE.] [J. H. O.]

ASCAULES. [TIBIA.]

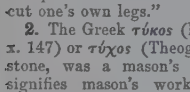
AS'CIA, a tool employed in somewhat different forms for different purposes. 1. The σκέπαρνον of Homer (*Od.* v. 235, ix. 391), used in working wood, and resembling our adze. It was

different from the πέλεκυς, felling-axe or hatchet (Liddell and Scott, *s.v.*). Muratori (*Inscr.* i. 534–536) has published numerous representations of the adze, as it is exhibited on ancient monuments. In the accompanying cut the figure on the left hand represents a ship-builder holding the ascia in his right hand, and using it to shape the rib of a vessel. Nos. 1 and 2 show the instrument

Ascia, or Carpenter's Adze.

with a slight variety of form, and No. 3 is the *acisculus* (see below), taken from a coin of the Valerian gens. Its invention is attributed by Pliny (*H. N.* vii. § 198) to Daedalus. Cf. *XII. Tab. ap.* Cic. *de Leg.* ii. 23; Plin. *H. N.* xvi. § 207; Petr. 74, 16; and App. *M.* iii. 6, where we find the proverb *in crus sibi asciam impingere*—"to cut one's own legs."

2. The Greek τύκος (Eur. *H. F.* 945; Pollux, x. 147) or τύχος (Theogn. 24), used in dressing stone, was a mason's hammer. Hence τύκη signifies mason's work (Eur. *Ion*, 206) and τύκισμα, working of stones (Eur. *Troad.* 812).


Ascia, Mason's Hammer or Pick.

The ascia, or mason's hammer, often represented on tombs, especially in Gallia Lugdunensis, together with inscriptions, of which *sub ascia posuit*, *sub ascia dedicavit* (or *S. A. D.*), *vivus sibi sub ascia dedicavit*, may be taken as typical instances. The phrase is generally taken to mark a new tomb, which is held to be still in the workman's hands. The object of this, according to Facciolati, was to secure the right of re-opening the tomb without having recourse to the governor of the province and the pontiffs. For other views, which are numerous, see Mazzocchi, *De Formula "sub ascia dedicare"* (Naples, 1738), or a summary of the earlier views in Forcellini, *s. v.*, and A. de Barthélemy, *Recherches sur le formule "sub ascia."*

3. A bricklayer's implement for chopping lime and mixing mortar (Vitruv. vii. 7; Pallad. i. 14), seen in the woodcut below from Trajan's Column.

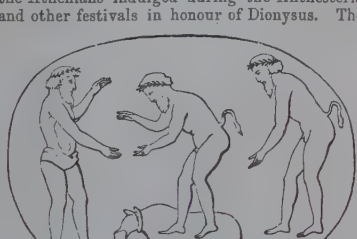
4. A hoe, which probably resembled an adze in the shape of its blade and the shortness of its handle. (Pallad. i. 43: *ascias in aversa parte referentes rastros.*)

Asciola is given by Isidore (*Orig.* xix. 19) as the diminutive of *ascia*, and *acisculus* (Id. *Gloss.*) with the explanation *asciola, dolabra.* The word *acisculus* is also found on coins of the Valerian gens (in which *Acisculus* was a name), together with representations of a tool, resembling an *ascia* (see first cut No. 3), but varying in shape on the different coins. [J. Y.] [J. H. F.]

Ascia used by Bricklayers. (From Trajan's Column.)

ASCLEPIEIA (ἀσκληπίεια), the name of festivals which were probably celebrated in all places where temples of Asklepios (Aesculapius) existed. The most celebrated, however, was that of Epidaurus, which took place in the grove of Asklepios every fifth year, and was solemnised with contests of rhapsodists and musicians, and with solemn processions and games. The solemnity took place nine days after the Isthmian games. (Schol. *ad* Pind. *Nem.* iii. 145; Paus. ii. 26, § 7.) Ἀσκληπίεια are also mentioned at Lampsacus (Böckh, *Corp. Inscr.* vol. ii. p. 1131), and at Athens (Aeschin. *c. Ctesiph.* § 67), which were probably, like those of Epidauros, solemnised with musical contests. They took place on the eighth day of the month of Elaphebolion. [L. S.]

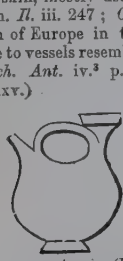
ASCOLIASMUS (ἀσκωλιασμός, ἀσκωλιάζειν, the leaping upon the leathern bag, ἀσκός) was one of the many kinds of amusement in which the Athenians indulged during the Anthesteria and other festivals in honour of Dionysus. The

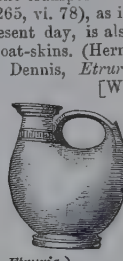

Ascoliasmus, dancing on a wine-skin. (From an ancient gem in Krause.)

Athenians sacrificed a he-goat to the god, made a bag out of the skin, smeared it with oil, and then tried to dance upon it. The various accidents accompanying this attempt afforded great amusement to the spectators. The competitor who kept his balance longest was proclaimed the winner, and received the skin as a reward. The game is alluded to by Virgil (*Georg.* ii. 384), "mollibus in pratis unctos saluere per utres." This term seems also to have included a variety of other games, the peculiarity of which consisted in hopping or standing on one leg. (Schol. *ad* Aristoph. *Plut.* 1129; Plat. *Symp.* p. 190, D, E;

Pollux, ix. 121; Suid. *s. v.*; Hesych. *s. v.* 'Ασκωλιάζοντες; Aristot. *Incess. Anim.* 4, 8; Ael. *H. N.* iii. 13; Varr. *ap.* Non. p. 21; Krause, *Gymnastik und Agonistik d. Hellenen*, p. 399; Dennis, *Etruria*, ii. p. 342.) [W. S.]

ASCOS (ἀσκός), a leathern bag, chiefly of goat-skin, mostly used for the transport of wine (Hom. *Il.* iii. 247; *Od.* v. 265, vi. 78), as in the south of Europe in the present day, is also the name to vessels resembling goat-skins. (Hermann, *Griech. Ant.* iv.[3] p. 232; Dennis, *Etruria*, i. p. cxxv.) [W. S.]





Ascoi. (Dennis's *Etruria*.)

ASEBEIAS GRAPHE' (ἀσεβείας γραφή) was one of the many forms prescribed by the Attic laws for the impeachment of impiety. From the various tenor of the accusations still extant, it may be gathered that this crime was as ill-defined at Athens, and therefore as liable to be made the pretext for persecution, as it has been in all other countries in which the civil power has attempted to reach offences so much beyond the natural limits of its jurisdiction. The occasions, however, upon which the Athenian accuser professed to come forward may be classed as, first, breaches of the ceremonial law of public worship; and, secondly, indications of that which in analogous cases of modern times would be called heterodoxy, or heresy. The former comprehended encroachment upon consecrated grounds, the plunder or other injury of temples, the violation of asylums, the interruption of sacrifices and festivals, the mutilation of statues of the gods, the introduction of deities not acknowledged by the state, and various other transgressions peculiarly defined by the laws of the Attic sacra, such as a private celebration of the Eleusinian mysteries and their divulgation to the uninitiated, injury to the sacred olive-trees, or placing a suppliant bough (ἱκετηρία) on a particular altar at an improper time (Andoc. *de Myst.* § 110), or offering a sacrifice with any deviation from the prescribed rites (Demosth. *c. Neaer.* p. 1385, § 116). The heretical delinquencies may be exemplified by the expulsion of Protagoras (Diog. Laërt. ix. 51, 52), for writing "that he could not learn whether the gods existed or not;" in the persecution of Anaxagoras (Diog. Laërt. ii. 12), like that of Galileo in after-times, for impugning the received opinions about the sun; and the condemnation of Socrates for not holding the objects of the public worship to be gods. (Xen. *Apol. Socr.* 10; *Memorab.* i. 1, § 1.) The variety of these examples will have shown that it is impossible to enumerate all the cases to which this sweeping accusation might be extended; and, as it is not upon record that religious Athens (Xen. *Rep. Ath.* iii. 8) was scandalised at the profane jests of Aristophanes, or that it forced Epicurus to deny that the gods were indifferent to human actions, it is difficult to ascertain the limit at which jests and scepticism ended, and penal impiety began.

With respect to the trial, any citizen that pleased (ὁ βουλόμενος)—which, however, in this as in all other public actions, must be understood of those only who did not labour under an incapacitating disfranchisement (ἀτιμία)—seems to have been a competent accuser; but as the nine archons, and the Areiopagites, were the proper guardians of the sacred olives (μορίαι, σηκοί, Lysias, Περὶ τοῦ Σηκοῦ, § 29), it is not impossible that they had also a power of official prosecution upon casually discovering any injury done to their charge.

The magistrate who conducted the previous examination (ἀνάκρισις) was, according to Meier (*Att. Proc.* pp. 300, 304, n. 34), invariably the king archon; but whether the court into which he brought the causes were the Areiopagus, or the common heliastic court, of both of which there are several instances, is supposed (Meier, *Att. Proc.* p. 305) to have been determined by the form of action adopted by the prosecutor, or the degree of competency to which the Areiopagus rose or fell at the different periods of Athenian history. Westermann (*ap.* Pauly) holds the notion that indictments for ἀσέβεια could be brought before the Areiopagus to be a mistake, while admitting that it is the common opinion: the latter is re-asserted by Schömann in his latest work (*Antiq.* i. 498, E. T.). The penalty, which might be fine, banishment, or death, was usually (as in the case of Socrates) a separate question for the dicasts after conviction. For some kinds of impiety, however, the punishment was fixed by special laws, as in the case of persons injuring the sacred olive-trees: and it would seem that the sanctity of Demeter and the divinities associated with her (Cora, Dionysus) was hedged in by denouncing the penalty of death against the breach of merely ceremonial regulations in connexion with the Eleusinian worship (Andoc. *de Myst.* §§ 33, 110; Demosth. *c. Neaer.* l. c.).

If the accuser failed to obtain a fifth of the votes of the dicasts, he forfeited a thousand drachmas, and incurred probably a modified ἀτιμία, though not to the extent of exclusion from office (Demosth. *c. Eubul.* p. 1301, § 28). Other forms of prosecution for this offence were the ἀπαγωγή (Dem. *c. Androt.* p. 601, § 35), ἐφήγησις (Meier, *Att. Proc.* p. 246), ἔνδειξις (Andoc. *de Myst.* § 8), προβολή (Libanius, *Argum. ad* Dem. *in Mid.* init.), and in extraordinary cases εἰσαγγελία (Andoc. *de Myst.* § 43); besides these, Demosthenes mentions two other courses that an accuser might adopt, δικάζεσθαι πρὸς Εὐμολπίδας, and φράζειν πρὸς τὸν βασιλέα (Wayte, on Demosth. *Androt.* l. c.). [J. S. M.] [W. W.]

ASIARCHAE (ἀσιάρχαι) were, in the Roman province of Asia, the chief presidents of the religious rites, whose office it was to exhibit games and theatrical amusements every year, in honour of the gods and the Roman emperor, at their own expense, like the Roman aediles. As the exhibition of these games was attended with great expense, wealthy persons were always chosen to fill this office; for which reason, Strabo says, some of the inhabitants of Tralles, which was one of the most wealthy cities in Asia, were always chosen asiarchs. A list of ten names was drawn up annually by delegates (σύνεδροι) of the different towns of Asia, at the general assembly (κοινὸν Ἀσίας), and the selection of

one made by the Roman proconsul. It appears, however, that the duty was frequently shared among a large number, doubtless in order to lighten the burthen of the expense. The office lasted only for a year; but the Asiarchs appear to have enjoyed the title as a mark of courtesy for the rest of their lives. In the other Roman provinces in Asia, we find similar magistrates corresponding to the Asiarchae in proconsular Asia, as for instance the Bithyniarchae, Galatarchae, Lyciarchae, &c. (Strab. xiv. p. 649; Acts xix. 31, with the notes of Wetstein and Meyer; Euseb. *H. E.* iv. 15; Winer, *Biblisches Realwörterbuch*, art. *Asiarchen;* Babington, *Numism. Chron.* 1866, p. 93 ff.; and especially M. Waddington in Le Bas, *Voyage archéol.* part v. *Explication des Inscriptions*, No. 885.) [A. S. W.]

ASILLA (ἄσιλλα), a wooden pole, or yoke, held by a man either on his two shoulders, or more commonly on one shoulder only, and used for carrying burthens (Aristot. *Rhet.* i. 7, 1365 a). It is called ἀνάφορον by Aristophanes (*Ran.* 8). It deserves mention here chiefly from its frequent occurrence in works of Grecian art, of

Asilla or pole used for carrying burthens.

which some specimens are given in the annexed cut. [J. Y.]

ASSARION. The Greek word ἀσσάριον is merely a rendering used in Polybius and other writers of the Latin *as*. Thus it is in the first place used only of Roman money. But when the denarius had become the currency of the world, assaria were minted in many parts of the Levant. Late coins of Chios frequently bear an inscription marking them as 3, 2, or 1½ assaria. And they are so light that either they were mere money of account, or else they show that the as in the island of Chios and probably elsewhere was of small value. (Cf. *Dictionary of the Bible*, s. v. *Farthing*.) [P. G.]

ASSA'RIUS NUMMUS. [As.]

ASSER (from *assero*), what is "joined to" the walls, means the beam of a house (Plaut. *Aul.* ii. 6, 8), or, more usually, a pole, *e.g.* the pole of a litter (Juv. iii. 245). In warfare different kinds of long *asseres* were used: (1) *falcati asseres* (Liv. xxxviii. 5, 3), also called *harpagones* (Liv. xxx. 10, 16); δορυδρέπανα (Polyb. xxi. 27, § 4), poles with hooks at the ends, used for tearing down battlements. (2) At sea, similar poles (called *longurii*) were used for destroying the rigging of the enemy's ships (Caes. *B. G.* iii. 14, 5). (3) Poles, twelve feet long, with sharp points (*cuspidibus praefixi*), hurled from engines against the works of the besiegers (Caes. *B. C.* ii. 2). (4) Strong beams with grappling hooks (*corvi et ferreae manus*) attached, which were let drop on the enemy's ships (Q. Curt. iv. 3, § 24). [L. C. P.]

ASSERTOR or **ADSERTOR** is the name given to the party who asserts or vindicates in an action (*liberale judicium*) the freedom of another (Gaius, iv. 14); for a person who claimed to be free could not sue on his own behalf. By the law of the Twelve Tables it was enacted in favour of liberty, that an adsertor should not be called on to give security in the *sacramenti actio* to more than the amount of 50 asses. In the course of the action the adsertor laid his hand on the person whose liberty he claimed (*adsertus*), and formally asserted the right of the latter to his freedom. Hence *adserere in libertatem, liberali adserere manu.* (Ter. *And.* ii. 1, 40; Plaut. *Poen.* iv. 2, 83.)

The expression *adserere in servitutem*, "to claim a person as a slave," occurs in Livy (iii. 44; xxxiv. 18). The *vindicatio in libertatem* was employed as a collusive action for the purpose of manumitting slaves (*manumissio per vindictam*). In later times the part of assertor was represented by the Praetor's lictor. (Dig. 40. 12, *de Liberali Causa;* Cod. vii. 16.) [G. L.] [E. A. W.]

ASSESSOR or **ADSESSOR.** The consuls, praetors, governors of provinces, and the judices were often imperfectly acquainted with the law and the forms of procedure, and it was necessary that they should have the aid of those who had made the law their study (Cic. *de Orat.* i. 37; *in Verrem*, ii. 19). Such advisers, who sat in court near or by the side of the functionary who was administering justice, were called *assessores.* This custom continued under the Empire (Plin. *Epist.* 20, vi. 11, x. 19; Gellius, i. 22). The *praefectus praetorio, praefectus urbi*, and other civil and military functionaries had their assessors. An instance is mentioned by Tac. (*Ann.* i. 75) of the Emperor Tiberius assisting at the judicia (*judiciis assidebat*), and taking his seat at the corner of the tribunal, nominally in the capacity of assessor.

No magistrate was allowed to sit without one or more assessors, learned in the law (*juris studiosi*). The Emperor Alexander Severus gave *assessores* a regular salary (Lampr. *Alex. Sev.* 46). The assessor was chosen by the magistrate whom he was called in to advise, and persons could not act as assessors in the province to which they belonged. *Infames* were incapable of serving the office. The jurist Paulus, who wrote a special work, *de Officio Adsessoris*, thus sums up the duties of the office: "Omne judicium adsessoris, quo juris studiosi partibus suis funguntur, in his fere causis constat: in cognitionibus, postulationibus, libellis, edictis, decretis, epistulis" (Dig. 1, tit. 22, s. 1). The magistrate was often the mere mouthpiece of his assessor. If the latter gave improper advice, he, and not the magistrate, was responsible.

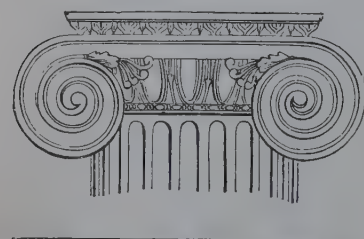
Under the later empire assessors seem to have heard causes on behalf of the magistrate in his absence. According to the conjecture of Savigny (*Geschichte des Röm. Rechts im Mittelalter*, vol. i. p. 79), as the formulary system gradually declined the *assessores* took the place of the *judices*.

The work of assessor was regarded as good preparation for high independent office (Spart. *Pesc. Nig.* 7). In the later writers assessors are mentioned under the various names of *adsessores*, *πάρεδροι*, *Consiliarii*, *juris studiosi*, *comites*. The *juris studiosi* mentioned by Gellius, xii. 13, as assistants to the judices (*quos adhibere in consilium judicaturi solent*) were *assessores*. (Bethmann-Hollweg, *Der römische Civil-Prozess*, § 141, vol. iii. 129.) [E. A. W.]

ASSID'UI. [Locupletes.]

ASTRAG'ALUS (*ἀστράγαλος*) literally signifies that particular bone in the ankles of certain quadrupeds which the Greeks, as well as the Romans, used for dice and other purposes, as described under the corresponding Latin word Talus.

As a Latin word, *astragalus* is used by Vitruvius, who of course borrowed it from the Greek writers on architecture, for a certain moulding (the astragal), which seems to have derived its name from its resemblance to a string or chain of *tali*; and it is in fact always used in positions where it seems intended to bind together the parts to which it is applied. It belongs properly to the more highly decorated forms of the Ionic order, in which it appears as a lower edging to the larger mouldings, especially the *echinus* (ovolo). particularly in the capital, as shown in the following woodcut, which represents an



Astragalus, from Ionic capital.

Ionic capital found in the ruins of the temple of Dionysus at Teos. Still finer examples occur in the capitals of the temple of Erechtheus or Athene Polias, at Athens, where it is seen, too, on the sides of the volutes. It is also often used in the entablature as an edging to the divisions of the cornice, frieze, and architrave. The lower figure in the woodcut represents a portion of the astragal which runs beneath the crowning moulding of the architrave of the temple of Erechtheus. It is taken from a fragment in the British Museum, and is drawn of the same size as the original.

The term is also applied to a plain convex moulding of the same sectional outline as the former, but without the division into links, just like a *torus* on a small scale: in this form it is used in the Ionic base [Spira]. In the orders subsequent to the Ionic,—the Corinthian, Roman Doric, and Composite,—the astragal was very freely used. The rules for the use of the moulding are given by Vitruvius (iii. 5, § 3; iv. 6, §§ 2, 3: Schneid.). Numerous fine examples of it will be found in the plates of Mauch (*Die Griechischen und Römischen Bau-Ordnungen*, Potsdam, 1845). [P. S.]

ASTRATEIAS GRAPHE' (*ἀστρατείας γραφή*). Under this head we may conveniently group the principal military offences, which at Athens were dealt with by one law. A citizen was liable to indictment, and, if convicted, to disfranchisement for — 1. Failure to join the army—*ἀστρατείας*: 2. Cowardice in battle—*δειλίας*: 3. Desertion of his post—*λιποταξίου*: 4. Desertion from the army—*λιποστρατίου*. Of these terms, *λιποταξίου* was that used in the widest sense, and might include any of the others. Prof. Jebb observes that it does not appear quite certain whether there was a *γραφὴ δειλίας* distinct from a *γραφὴ λιποταξίου*. In Lysias (*c. Alcib.* i. § 6) they appear to be identified; but in the following passages (among others) they are distinguished:—Andoc. *de Myst.* § 73; Aeschin. *in Ctes.*, § 175; Plato, *Legg.* xii. 943 D, *βιφθέντων* in the last passage being obviously equivalent to *δειλίας* (Jebb, *Att. Or.* i. 256 n.). The two speeches of Lysias against the younger Alcibiades—one *λιποταξίου*, the other *ἀστρατείας*—are two separate indictments for the same offence, that of serving in the cavalry when he was drawn as a hoplite; an incident highly characteristic of Athenian procedure.

All these actions belonged to the jurisdiction of the strategi: the accuser was any qualified citizen that chose to come forward (*ὁ βουλόμενος, οἷς ἔξεστι*), and the court was composed of soldiers who had served in the campaign. It has been objected that a soldier could not also be a dicast: but the trial would naturally come on after the campaign was over, and the language of Lysias is explicit (*τοὺς στρατιώτας δικάζειν*, *c. Alcib.* i. § 6; *οὐκ ἐπεξῆλθε μεθ' ὑμῶν*, § 7; cf. § 15, and the concluding words of the Second Speech). The taxiarchs and hipparchs, having the duty of drawing up the military list, would be associated with the strategi in getting up the case (Demosth. *c. Boeot. de Nom.* p. 999, § 17).

The punishment of *ἀτιμία* is regularly attached to this class of offences (see, besides the passages already referred to, Aeschin. *Timarch.* § 29; Demosth. *Mid.* p. 533, § 58, *Neaer.* p. 1353, § 27), with, of course, further penalties for usurping the forfeited rights (Demosth. *c. Timocr.* p. 732, § 103). The question whether confiscation was not added in some cases, has been noticed under Anaumachiou Graphé. The *λιποστρατίου γραφὴ* must be distinguished from the much more serious *αὐτομολία*, or going over to the enemy. The latter was not a purely military offence, and so apparently not tried before the strategi, and was a capital crime [Automolias Graphé]. [W. W.]

ASTROLO'GIA. This word is employed by the best Latin writers (*e.g.* Cic. *de Divin.* ii. 42, 87; *de Orat.* i. 16, 69) to denote *astronomy* in general, for which *astronomia* does not occur earlier than Seneca. In Greek, *ἀστρολογία* is the

more common term, and is the only one used in the genuine works of Aristotle. But Xenophon (*Mem.* iv. 7, 4 and 5) and Theophrastus use both ἀστρολογία and ἀστρονομία in the same sense. In the present article, however, we employ the word in the sense in which it is used in the Christian Fathers, for what is strictly termed *judicial astrology*, and treat of astronomy under ASTRONOMIA.

At a period far beyond the records of authentic history a belief arose, which still prevails unshaken in the East, that a mysterious but close connexion subsisted between the relative position and movements of the heavenly bodies and the fate of man. In process of time it was maintained that the fortunes of each individual throughout life depended upon the aspect of the sky at the moment of his birth, and especially upon the star which was rising above the horizon at the instant when he saw the light, and upon those which were in its immediate vicinity (*conjunctae*), or removed from it by a sixth, a fourth, or a third part of a great circle of the sphere; or, finally, upon those which were at the opposite extremity of the same diameter (*oppositae*). Few doubted that by observation and deep study persons might acquire the power of expounding these appearances, that the destiny of the child might be predicted with certainty by those who were skilled to interpret the language of the stars, and that the result of any undertaking might be foretold from the aspect of the firmament when it was commenced. Hence a numerous and powerful class of men arose who were distinguished by various designations. From the country where astronomy was first studied, and their science was first developed, they were called *Chaldaei* or *Babylonii*; from observing the stars, *astronomi, astrologi, planetarii*; from employing diagrams such as were used by geometricians, *mathematici*; from determining the lot of man at his natal hour, *genethliaci*; from dealing with the effects (ἀποτελέσματα) of the stars, ἀποτελεσματικοί: while their art was known as ἀστρολογία, μετεωρολογία, γενεθλιαλογία, ἀποτελεσματική, *Ars Chaldaeorum, Mathesis*, or, from the tables they consulted, πινακική. Their calculations were termed *Babylonii numeri*. Χαλδαίων μέθοδοι, Χαλδαίων ψηφῖδες, *Responsa Chaldaicae*; their responses when consulted, *Chaldaeorum monita, Chaldaeorum natalicia praedicta, Astrologorum praedicta*.

The stars and constellations to which attention was chiefly directed were the planets and the signs of the zodiac, some of which were supposed to exert uniformly a benign influence (ἀγαθοποιοὶ ἀστέρες), such as Venus, Jupiter, Luna, Virgo, Libra, Taurus; others to be uniformly malign (κακοποιοὶ ἀστέρες), such as Saturnus, Mars, Scorpio, Capricornus; others to be doubtful (ἐπίκοινοι ἀστέρες), such as Mercurius. By the combination and conjunction (συνδρομή, *constellatio*) or opposition, however, of those benign with those malign, the power of the latter might be neutralised or even reversed, and a most happy horoscope be produced, as in the case of Augustus, who was born under Capricornus (Suet. *Aug.* 94), and hence that figure frequently appears on his medals. For the sake of expediting calculations, the risings, settings, movements, and relative positions (*ortus, occasus, motus, viae, discessiones, coetus, conventus, concursiones, circuitus, transitus, habitus, forma, positura, positus siderum et spectia*) were carefully registered in tables (πίνακες, ἐφημερίδες). In so far as the planets were concerned, it was of especial importance to note through what sign of the zodiac they happened to be passing, since each planet had a peculiar sign, called the *domus* or house of the planet, during its sojourn in which it possessed superior power. Thus Libra, Capricornus, and Scorpio were respectively the *houses* of Venus, Saturn, and Mars.

The exact period of birth (*hora genitalis*) being the critical moment, the computations founded upon it were styled γένεσις (*genesis* or *genitura*), ὡροσκόπος (*horoscopus*), or simply θέμα, and the star or stars in the ascendant *sidus natalicium, sidera natalicia*, or sometimes ὡροσκόπος.

The Chaldaean astrology was unknown in Greece until after the conquests of Alexander, although Eudoxus, a younger contemporary of Plato, is said to have warned his countrymen not to place faith in it (Cic. *de Div.* ii. 42, 87). Euripides (*Frag.* 485 Dind.) describes Hippo, the daughter of Chiron, as predicting the future from the risings of stars: but Archdeacon Hare (*Philol. Mus.* i. 25) thinks that this referred only to predictions of the weather. This limitation will not apply to the language of Plato (*Timaeus*, p. 40 D) about divination from the movements of the planets (Lewis, *Astr. of the Anc.* p. 295). The first Chaldaean who practised astrology in Greece is said to have been Berosus (Vitruv. ix. 7), who lived about B.C. 340–270. After this time it passed into general acceptance, especially among the Stoic philosophers: and Panaetius, in the second century, who rejected it, mentioned Anchialus and Cassander, two contemporary astronomers, as standing alone in sharing his views (Cic. *de Div.* ii. 42, 88). Astrologers by this time had found their way to Rome. The words *de circo astrologos* in Cic. *de Div.* i. 58, 132, evidently belong, not to Ennius, as has sometimes been supposed, but to Cicero himself (cf. Ribbeck, *Frag. Trag.*[2] p. 55): but Cato (*de R. R.* 5, 4) forbids his steward to consult "haruspicem, augurem, hariolum, Chaldaeum."

In B.C. 139 C. Cornelius Hispallus, the *praetor peregrinus*, banished the Chaldaeans from the city, and ordered them to quit Italy within ten days (Val. Max. i. 3, § 2). We read, however, of prophecies of the Chaldaeans given to Sulla, Pompeius, Crassus, and Caesar; and Cicero speaks of L. Tarutius Firmanus, the friend of Varro, as "in primis Chaldaicis rationibus eruditus" (*de Div.* ii. 47, 98). In B.C. 33 they were again banished from the city by M. Agrippa, who was then aedile (Dio Cass. xlix. 1). Another severe ordinance was levelled by Augustus against this class (Dio Cass. lxv. 1, lxvi. 25), but the frequent occurrence of such phrases as "expulit et mathematicos" (Suet. *Tib.* 36), "pulsis Italia mathematicis" (Tac. *Hist.* ii. 62), in the historians of the empire, prove how firm a hold these pretenders must have obtained over the public mind, and how profitable the occupation must have been which could induce them to brave disgrace, and sometimes a cruel death (Tac. *Ann.* ii. 32). Not-

withstanding the number and stringent character of the penal enactments by which they were denounced, they appear to have kept their ground, and, although from time to time crushed or terrified into silence, to have revived with fresh vigour in seasons of confusion and anarchy, when all classes of the community, hanging in suspense between hope and fear, were predisposed to yield to every superstitious impulse. It must be remembered also, that the most austere princes did not disdain, when agitated by doubts or excited by ambitious longings, to acquire the principles of the art and to consult its professors, as we may perceive, not to multiply examples, from the well-known story of Tiberius and Thrasyllus (Tac. *Ann.* vi. 20, 21). Hence Tacitus, after recounting the high promises by which the "mathematici" stimulated Otho to assume the purple, adds in a tone of sorrowful resignation, "genus hominum potentibus infidum, sperantibus fallax, quod in civitate nostra et vetabitur semper et retinebitur." (See Cic. *de Div.* ii. 42 ff.; Gell. xiv. 1; Hor. *Carm.* i. 11, 2, ii. 17, 17; Pers. v. 46; Juv. iii. 43, vii. 194, x. 94 (with Mayor's note), xiv. 248, vi. 553–581; Tac. *Ann.* ii. 27, 32, iii. 22, iv. 58, vi. 20, xii. 22, 52, 68, xvi. 14; *Hist.* i. 22, ii. 62; Suet. *Tib.* 14, 36, *Vitell.* 14, *Nero* 40, *Galb.* 4; Gell. i. 9; Dio Cass. xlix. 43, lvi. 25, lvii. 15, lxv. 1; Zonar. ii. p. 142; Lips. *Excurs.* vii. *ad* Tac. *Ann.* ii.; Jani, *Excurs. ad* Hor. *Carm.* ii. 17, 17; Ruperti, *Not. ad* Tac. *Ann.* ii. 27. For the penal enactments, see Rein, *Das Criminalrecht der Römer*, p. 901, &c. Leipzig, 1844; Becker, *Handbuch der röm. Alterth.* iv. 100–102; and on the general question, Lewis, *Astron. of the Ancients*, pp. 292–303. Those who would acquire a knowledge of the technical details of astrology, as practised by the ancients, must peruse the Latin poem of Manilius, the treatise of Julius Firmicus, and the Greek works of Manetho, Paulus, and Ptolemy.) [W. R.]

ASTRONO'MIA, astronomy. It is not proposed in the present article to give a technical history of the rise and progress of astronomy among the ancients, but to confine ourselves to what may be regarded as the popular portion of the science,—the observations, namely, upon the relative position and apparent movements of the celestial bodies, especially the fixed stars, which from the earliest epoch engaged the attention of those classes of men who, as shepherds or mariners, were wont to pass their nights in the open air. We shall consider:—

1. The different names by which the constellations were distinguished among the Greeks and Romans, and the legends attached to each; but we shall not attempt to investigate at length the origin of these names, nor the times and places when and where they were first bestowed. The materials for this first section have been carefully collected by Ideler in his essay entitled *Untersuchungen über den Ursprung und die Bedeutung der Sternnamen* (Berlin, 1809), a work which we now mention specially once for all to avoid the necessity of constant references; in the *Historische Untersuchungen über die astronomischen Beobachtungen der Alten*, by the same author (Berlin, 1806); in a paper by Buttmann, *Ueber die Entstehung der Sternbilder auf der griechischen Sfäre*, contained in the Transactions of the Berlin Academy for 1826; in Delambre, *Hist. de l'Astr. Ancienne*; and in the *Geschichte der Astronomie* of Schaubach.

2. The risings and settings of the fixed stars considered with reference to the position of the sun in the ecliptic,—a series of phenomena which, recurring regularly every tropical year, served in the most remote ages as the sole guides for the operations of the husbandman, and which, being in later times frequently appealed to by the poets, are sometimes designated the "Poetical Risings and Settings of the Stars." Here we chiefly depend upon the compilations and dissertations, ancient and modern, brought together in the *Uranologion* of Petavius; upon the disquisition by J. F. Pfaff entitled *Commentatio de Ortibus et Occasibus Siderum apud auctores classicos commemoratis* (Gotting. 1786); upon a paper by Ideler, *Ueber den astronomischen Theil der Fasti des Ovid*, in the Transactions of the Berlin Academy for 1822–1823, and on the *Handbuch der Chronologie* by the same author.

3. The division of the year into two, three, or more seasons, according to the risings and settings of particular stars or clusters of stars. The *Handbuch der Chronologie* contains a full examination of all the most important passages from the Greek and Roman authors which bear upon these points.

The determination of the length of the year, and the distribution of time into months, days, hours, and other periods, which in some degree belong to the same subject, are treated of separately under the heads of CALENDARIUM and DIES; and confining our attention for the present to the fixed stars, we shall make a few remarks on the bodies of the solar system under PLANETAE.

I. THE HISTORY AND NAMES OF THE CONSTELLATIONS.

The only constellations known to Homer (*Il.* xviii. 485–489; *Od.* v. 272–275) appear to have been the *Great Bear* or *Waggon*, *Boötes*, and *Orion*, with the two clusters of the *Hyades* and *Pleiades*. Hesiod mentions the Pleiades (*Op. et Di.* 383), *Arcturus* (possibly for *Boötes*; see below: *ib.* 566), *Sirius* (repeatedly), the *Hyades* (*Op.* 615), and *Orion* (*Op.* 598, &c.).

Pliny (*H. N.* ii. § 31) attributes the invention of the signs of the zodiac to Cleostratus of Tenedos (fl. B.C. 500), and asserts that *Aries* and *Sagittarius* were marked out before the rest. Aristotle more than once mentions ὁ κύκλος τῶν ζῳδίων. The first distinct information with regard to the Grecian heavens was contained in the Ἔνοπτρον and the Φαινόμενα of Eudoxus of Cnidus, who died B.C. 352. Both of these works are, it is true, lost with the exception of a few fragments (cf. *Papyrus Grecs du Musée du Louvre*, pp. 7–76; Paris, 1860), but their contents are known to us from the poem of Aratus (fl. B.C. 260), which, as we are assured in the commentary which bears the name of Hipparchus, does little more than represent in verse, with very few variations, the matter contained in the two treatises named above, especially in the latter. The great popularity enjoyed by the production of Aratus ("Cum sole et luna semper Aratus erit," Ov. *Am.* i. 15, 16) must have depended upon the attractions presented by his theme, and certainly not upon the spirit or grace with which that theme was handled. We know the names

of thirty-five Greeks who composed commentaries upon it, and we are acquainted with no less than three translations into Latin verse—one by Cicero, of which fragments only remain; another by Caesar Germanicus, of which a considerable portion has been preserved; and a third by Rufus Festus Avienus, which is entire. Virgil borrowed largely from this source in those portions of his Georgics which contain references to the heavenly bodies, and particularly in that section which is devoted to prognostics of the weather. There are also valuable Greek scholia ascribed to the younger Theon, but manifestly compounded of materials derived from many different quarters. The work itself is divided into three parts:

1. A description of the constellations, extending to line 452.

2. A short account of the Planets, of the Milky Way, of the Tropical Circles, and of the Equator, followed from v. 559 by a full detail of the stars which rise and set as each sign of the zodiac appears in succession (*συναπτολαί*).

3. At line 733 commences what is frequently regarded as a separate poem, and placed apart under the title *Διοσημεῖα*, consisting of a collection of the various appearances which enable an observer of nature to predict the weather. It will be seen below that the constellations described by Aratus still retain, with a few variations, the names by which he distinguishes them.

In a little tract ascribed to Eratosthenes (fl. B.C. 230), entitled *Καταστερισμοί*, probably an abridgment of a more complete treatise, in which he details the mythological origin of the constellations, together with the number and place of the stars in each, we find the same forms arranged in the same order as in Aratus, who is followed step by step. The *Bird*, however, is here termed the *Swan*; the *Centaur* is individualised into *Chiron*; and the *Hair of Berenice* appears for the first time, having been introduced by Conon in honour of the sister-wife of Ptolemy Euergetes.

Scientific astronomy commenced at Alexandria in the early part of the third century before our era; and the first steps were made by Timocharis and Aristyllus, who flourished about B.C. 290. They invented the method of determining the places of the fixed stars, by referring them to one of the great circles of the heavens, and for this purpose selected the equator. By them, as we learn from Ptolemy, the right ascension and declination of many stars were observed, among others of *Spica* in the Virgin, which they found to be 8° from the equinox of autumn.

Hipparchus, about 150 years later, followed up the track which they had indicated: his observations extended from B.C. 162 to B.C. 127; and, whether we regard the originality, the magnitude, or the importance of his labours, he is well entitled to be regarded as the father of the science. (See Plin. *H. N.* ii. § 95.) In addition to many other services, he first drew up a regular catalogue of the fixed stars, pointing out their position and magnitude; he first delineated accurately the shape of the constellations; and he first discovered the precession of the equinoxes by comparing his own observations with those of Timocharis and Aristyllus. It is much to be lamented that all the works of so great a man should have perished, with the exception of a commentary in three books upon the description of the fixed stars by Eudoxus and Aratus (*Ἐξήγησις τῶν Ἀράτου καὶ Εὐδόξου φαινομένων*), the least valuable perhaps of all his productions. We have, however, every reason to believe that the substance of his most valuable observations has been preserved in the Almagest of Ptolemy, which long enjoyed such high fame that all former authors were allowed to sink into oblivion.

The catalogue of the fixed stars by Ptolemy (fl. A.D. 150), contained in the seventh and eighth books of the Almagest, and derived in all probability in a great measure from that compiled by Hipparchus, long served as the model for all subsequent labours in the same field, and little more than two centuries have elapsed since any attempt was made to supersede it by something more perfect. It embraces 48 constellations (21 northern, 15 southern, and the 12 signs of the zodiac), comprising 15 stars of the first magnitude, 45 of the second, 208 of the third, 474 of the fourth, 217 of the fifth, 49 of the sixth, 9 obscure, and 5 nebulous, in all 1022. These are the constellations, usually denominated the *Old Constellations*, to distinguish them from the additions made in modern times, and these we shall consider in regular order. The stars are enumerated according to the place which they occupy in the figures; the latitude, longitude, and magnitude of each being specified. In connexion with many constellations, several stars are mentioned as *ἀμόρφωτοι*,—that is, not included within the limits of any one of the figures; among those near the Lion he notices the *Hair of Berenice*, among those near the Eagle the *Antinous*. The single stars and small groups to which particular names are assigned are, *Arcturus*, the *Lyre*, *Capella*, the *Kids*, the *Eagle*, the *Hyades*, the *Pleiades*, the *Manger*, the *Asses*, *Regulus* (*βασιλίσκος*), *Vindemiatrix*, *Spica*, *Antares*, the *Hound* (he does not give the name *Sirius*), *Canopus*, and *Procyon*.

Among our Greek authorities we must not pass over Geminus, whose work *Εἰσαγωγὴ εἰς τὰ Φαινόμενα* contains in sixteen chapters an exposition of the most striking facts in astronomy and mathematical geography. We know nothing of him personally; but it has been inferred from his book that he was a native of Rhodes, and that he flourished about B.C. 70 at Rome, or at some place under the same parallel. The second chapter treats of the constellations and of those stars and small clusters distinguished by particular names. The *Coma Berenices*, which is not included in the 21 northern constellations of Ptolemy, has here an independent place assigned to it; the *Foal*, or *Little Horse*, is termed *προτομὴ ἵππου καθ' Ἵππαρχον*, which seems to indicate that it was introduced by Hipparchus; in addition to the 15 southern constellations of Ptolemy, we find the *Stream* (*χύσις ὕδατος*) issuing from the urn of Aquarius, and the *Thyrsus* of the Centaur. The sixteenth chapter is particularly interesting and valuable, since it contains a parapegma or calendar of the risings and settings of the fixed stars, with prognostics of the weather, according to Meton, Euctemon, Eudoxus, Callippus, and others, the observations of each being quoted separately.

The Romans adopted the knowledge of the stars communicated by the Greeks without in the slightest degree extending it. Only two

Latin writers discourse specially on the subject, Manilius and Julius Firmicus, and their treatises belong rather to Judicial Astrology. The poets, however, especially Ovid and Virgil, make frequent allusions to the risings and settings of the fixed stars, to the most remarkable constellations and to the legends attached to them. Cicero, Germanicus, and Avienus, as we have stated above, executed translations of Aratus; while in Vitruvius, Pliny, Columella, Martianus Capella, the Scholiast on Germanicus, and Hyginus, we find a multitude of details. Manilius, it is clear, took Aratus for his guide in so far as the constellations were concerned; for he does not notice the *Hair of Berenice*, the *Foal*, nor the *Southern Crown*.

Pliny speaks of the constellations as seventy-two in number; but he seems to have eked out the sum by counting separately portions of figures, such as the *Pleiades*, the *Hyades*, the *Urn* and the *Stream of Aquarius*, the *Thyrsus of the Centaur*, the *Head of Medusa*, the *Scimetar of Perseus*, the *Manger*, the *Two Asses*, *Capella*, the *Kids*, the *Hair of Berenice*, the *Throne of Caesar*, and probably the more conspicuous among the individual stars, such as *Arcturus* and *Sirius*. He sets down the number of observed stars at 1600, which far exceeds the catalogue of Ptolemy.

The Scholia on Germanicus do not constitute a regular commentary like the Scholia on Aratus, but are translations from Eratosthenes, with some excerpts, added subsequently perhaps, from the *Sphaera Graeca et Barbara* of Nigidius Figulus and other works on astronomical myths.

The *Poëticon Astronomicon*, which bears the name of Hyginus, is written in the style of Eratosthenes, and is in a great measure borrowed from him. No notice is here taken of the *Foal* nor of the *Southern Crown*, which proves that at the time when it was composed, whenever that may have been, more attention was paid to Aratus than to Hipparchus and Ptolemy.

Names of the Constellations.

In what follows we arrange the constellations, with one or two trifling exceptions, in the order adopted by Ptolemy, enumerating first the twenty-one northern signs; secondly, the twelve zodiacal signs; and lastly, the fifteen southern signs. In each case we give, first, the name by which the constellation is known among ourselves; secondly, the name ascribed to it by Aratus; and lastly, the other Greek and Latin names which most frequently occur or which deserve particular notice.

Northern Signs.

The Great Bear, The Plough, Charles' Wain, Ἄρκτος (μεγάλη), Ἑλίκη (Arat. 27, &c.), *Major Arctus*, *Major Ursa* (German.), *Helice* (Cic., Manil. i. 303). The most remarkable cluster in the northern hemisphere, both on account of its brilliancy and from the circumstance that it never sinks below the horizon in Europe and those parts of Asia known to the ancients, is that which as early as the time of Homer was known by the names of Ἄρκτος, *The She Bear*, or Ἅμαξα, *The Waggon* (*Il.* xviii. 487; *Od.* v. 275), which the Romans translated by the equivalent terms *Ursa* and *Plaustrum* or *Currus*. At a later period when the Lesser Bear had been added to the number of the celestial signs, the epithets μεγάλη and μικρά were applied to them respectively by way of distinction, and in like manner Ovid (*Trist.* iv. 3) speaks of them as *magna minorque fera*. The ancient Italian name for the seven bright stars which form the most conspicuous portion of the group was *Septem Triones* (Cic.), that is, according to the interpretation of Varro (*L. L.* vi. 4; Gell. ii. 21; Festus, *s. v. Triones*), *The Seven Ploughing Oxen*, an appellation which as well as that of ἅμαξα was extended to the Lesser Bear. Thus Aratus commences his description

δύω δέ μιν ἀμφὶς ἔχουσαι·
Ἄρκτοι ἅμα τροχόωσι, τὸ δὴ καλέονται ἅμαξαι,

deriving ἅμαξαι, absurdly enough, from ἅμα. Virgil celebrates

Arcturum, pluviasque Hyadas, *geminosque Triones*;

and Vitruvius (ix. 3) not only employs *Septemtrio* simply for the Greater Bear, but distinguishes between *Septemtrio major* and *Septemtrio minor*, and again speaks of the *Arctos*, *qui Septemtriones dicuntur*.

In addition to the above designations we find Ἑλίκη, applied to the Greater Bear alone, derived from its sweeping round in a curve (ἀπὸ τοῦ ἑλίσσεσθαι, Schol. *ad* Arat. 37), while from the mythical connexion established between this constellation and Callisto, daughter of the Arcadian monarch Lycaon, the Latin poets constantly refer to it as *Lycaonis Arctos*; *Parrhasis Arctos*; *Parrhasides stellae*; *Maenalis Ursa*, &c. The term *Boves Icarii* employed by Propertius (ii. 24, 24) is explained below (No. 5) under *Arctophylax*. For the story of Callisto and her transformation see Ovid. *Met.* ii. 409, *Fast.* ii. 155; Serv. *ad* Verg. *Georg.* i. 246; Hygin. *Poët. Astron.* ii. 1, 2.

2. The Lesser *or* Little Bear, Ἄρκτος (μικρά), Κυνόσουρα, Κυνόσουρις (Arat. 27, 308), *Arctus minor* (Cic.), *Cynosura* (Cic., Manil. i. 306). This constellation, we are assured by many authorities (Schol. *ad* Hom. *Il.* xviii. 187; Achill. Tat. *Isagog. in* Arat. *Phaen.* c. 1; Diog. Laërt. i. 23; Hygin. *Poët. Astron.* ii. 2), was first added to the Grecian catalogues by Thales, by whom it may possibly have been imported from the East; and while, from its close resemblance in form, it shared the names of Ἄρκτος and ἅμαξα with its more ancient and majestic companion, it enjoyed exclusively the appellations of Φοινίκη and Κυνόσουρα. The former was derived from the circumstance that it was selected by the Phoenicians as the guide by which they shaped their course at sea, the Grecian mariners with less judgment employing Helice for the same purpose (Arat. 37; Erat. *Cat.* 2; Schol. *ad* German. p. 89; Hygin. *P. A.* ii. 2). The latter, signifying *canis cauda*, applied by the ancients to the whole figure, and not as in modern times merely to the pole star, seems to have been suggested by the appearance presented by three of the stars which form a circular sweep, bearing some resemblance to the upturned curl of a dog's tail, and will thus be an expression analogous to that of *Helice*. The early astronomers seem to have generally considered that one of the stars in the Little Bear marked the position of the pole, but it is difficult to determine from their words to which they

severally refer. According to Hyginus, who however seems not to have clearly understood Eratosthenes whom he quotes, one of the three stars forming the tail was called *Polus*, and the two others, from circling round it, Χορευταί, *The Dancers*, the same apparently with the *Ludentes* of the Scholiast on Germanicus.

Those poets who regarded the Great Bear as Callisto represented the Little Bear as her dog; but according to another legend commonly received, the two bears were the two nymphs who acted as nurses in Crete to infant Jove (Arat. 31), and hence the phrase *Cretaeae Arcti* (German.).

3. THE DRAGON, Δράκων (Arat. 45), translated by the Latins *Draco* (Cic., German., Vitruv.), *Serpens* (German., Vitruv., Manil., Ovid), and *Anguis* (Virgil, Ovid, Manil.). Servius (*ad* Verg. *Georg.* i. 205) remarks that there are three *Angues* in the sky, one lying between the Bears:

> Maximus hic flexu sinuoso elabitur Anguis
> Circum perque duas in morem fluminis Arctos:

(comp. Vitruv. ix. 3:) the second grasped by *Ophiuchus*: the third, to the south, around the *Crater* and *Corvus*. The superior richness of the Greek language distinguished these as Δράκων, Ὄφις, and Ὕδρη. The description of Aratus has been rendered almost verbatim and with great spirit by Virgil in the lines quoted above. Mythologically, the dragon was regarded as the snake which once guarded the apples of the Hesperides, or as a snake snatched by Minerva from the giants and whirled by her aloft to the pole. (Hygin. *P. A.* ii. 3, iii. 2; Serv. *ad* Verg. *Georg.* i. 244.)

4. CEPHEUS, Κηφεύς (Arat. 183), *Cepheus* (Cic., Vitruv., Manil.), *Iasides Cepheus* (German.). The legends respecting this ill-fated monarch and the other members of his family who beamed in the heavens, *Cassiopeia*, *Perseus*, and *Andromeda*, are detailed at length in the Catasterisms of Eratosthenes and in Hyginus.

5. THE BEAR WARDEN, BOÖTES, THE WAGGONER, Ἀρκτοφύλαξ (Arat. 91), *Arctophylax* (Cic., German., Manil. i. 323), translated by Ovid (*Trist.* i. 10, 15) *Custos Ursae*, and by Vitruvius (ix. 3) *Custos Arcti*, or simply *Custos* (*l. c.*), was denominated also Βοώτης (Arat. *l. c.*), *Boötes* (Cic., German., Manil.), i.e. *Bubulcus*, the ox-driver, and according to the Scholiast on Aratus (*l. c.*) Τρυγητής, the vintager. The first name, which supposes the constellations to represent a man upon the watch, denotes simply the position of the figure with regard to the Great Bear, or when the latter was regarded as Callisto, then Arctophylax became her son Arcas, by whom she was hunted and slain; the second name, which is found in Homer (*Od.* v. 272), refers to the ἅμαξα, the imaginary form of Βοώτης being fancied to occupy the place of the driver of the team; the third name is connected with the period of the heliacal rising of the group which indicated the season of the vintage.

The chief star in the constellation is ARCTURUS, Ἀρκτοῦρος (Arat. 95), *Arcturus* (Cic., German., Vitruv., Manil.), a word of similar import with Arctophylax. It is twice mentioned by Hesiod (*Op.* 566, 610), and, as we shall see hereafter, occupied a prominent place in the calendars of Greece and Rome. Some late writers, such as the Scholiast on Germanicus, Hyginus and Martianus Capella, use the name Arcturus for the whole constellation; but Aratus, Geminus, and Ptolemy consider it as a single star.

The legends with regard to Boötes present many different aspects: by the Greeks he was usually represented as Arcas, the son of Callisto; Ovid in one passage (*Fast.* vi. 235) calls him Lycaon, the father of the hapless damsel; by others he was pronounced to be Icarius (or Icarus), to whom Bacchus taught the use of the vine, and then the constellation Virgo was his daughter Erigone, and either the greater or the lesser hound was her dog Maera (*Canis Icarius*, Ov. *Fast.* iv. 939). Hence, too, the Septemtriones are styled *Boves Icarii* by Propertius (ii. 24, 24).

Homer (*Od.* v. 272) calls Boötes ὀψὲ δύων, from his descending below the horizon in an upright position, and therefore very gradually. Compare Ov. *Fast.* iii. 405; Claud. *Rapt. Proserp.* ii. 190, and the "pigri sarraca Bootae" of Juvenal, v. 23.

6. THE NORTHERN CROWN, Στέφανος (Arat. 71), *Corona* (Cic., Vitruv., Manil.), *Ariadn s corona* (*Minoa corona*, German.). Ptolemy distinguishes between the Northern and the Southern Crown (Στέφανος βόρειος, νότιος), and hence the modern name. According to the legend commonly adopted, this was the chaplet of Ariadne placed by Bacchus in the firmament to do honour to his mistress, and hence the epithets applied by Germanicus as quoted above. (Comp. Verg. *Georg.* i. 122; Ov. *Fast.* iii. 460; Manil. i. 330.)

The name *Gemma*, now given to the most resplendent star in the circle, was not known to the Romans.

7. HERCULES. The constellation now known by this name is described by Aratus (v. 63) as an unknown or nameless form (εἴδωλον ἄϊστον; ἀπευθέος εἰδώλοιο), which, from its resemblance to a man toiling (μογέοντι ἀνδρὶ ἐοικὸς εἴδωλον) on his knees, was usually called Ἐγγόνασιν, which the Romans either expressed in the same letters, *Engonasi* (Manil. v. 645), *Engonasin* (Cic.), or by the translations *Geniculatus*, *Ingeniculatus* (Vitruv. ix. 3), *Ingeniculus* (Jul. Firm. viii. 17), *Nixus in genibus* (Vitruv. ibid.), *Nixa genu species* (German.; Manil. i. 322, v. 645), *Dextro genu nixus* (German.), or simply *Nisus* s. *Nixus* (Cic., German.), *Innixus* (Avien. 205), or with reference to the labouring attitude *Defectum sidus*, *Effigies defecta labore* (German.).

According to Avienus (v. 175), the appellation of Hercules was bestowed by Panyasis, by others it was regarded as Theseus, by others as Ceteus son of Lycaon, by others as Prometheus chained to Caucasus. (Hygin. *P. A.* ii. 6, iii. 5.)

8. THE LYRE, Χέλυς, Λύρα (Arat. 268), *Lyra* (German., Vitruv., Manil. i. 331), *Fides* (Cic.), *Fidis* (Col. xi. 2, § 43, &c.), *Fidicula* (Plin. *H. N.* xviii. § 222, &c.). Ptolemy (Φ. A.) designates as ὁ λαμπρὸς τῆς λύρας, the peculiarly bright star (α Lyrae), which renders this constellation so conspicuous; but it appears probable that the simple Λύρα among the Greek astronomers, as well as *Fidis* and *Fidicula* among the Latins, was frequently employed to denote this single star, as well as the whole sign. Manilius seems to speak of *Fides* as a constellation distinct from

Lyra, but the passages are very confused (i. 409; comp. 324, 337). The invention of the Lyre being ascribed to Mercury, we naturally find the epithets Ἑρμαΐη (Arat. 674), Κυλληναίη (597), *Mercurialis* (German.), *Cyllenia* (Cic.) attached to it.

9. THE SWAN, Ὄρνις, ἀΐολος ὄρνις (Arat. 273, 275), *Ales* (Cic.), *Volucris*, *Avis* (Vitruv. ix. 4). The Bird is the name given by Aratus and Geminus to the constellation termed by Eratosthenes (c. 25) Κύκνος, rendered *Cycnus* by Germanicus and Manilius, for which the synonym *Olor* is frequently substituted. By mythologists it was regarded as the swan of Leda.

10. CASSIOPEIA, Κασσιέπεια (Arat. 189), *Cassiepeia* (Cic., German., Manil. i. 361), *Cassiopea* (Vitruv.). For the myth regarding her, see Hygin. *P. A.* ii. 10; comp. Arat. 654; Manil. v. 504; Propert. i. 17, 3; Columell. xi. 2, § 78.

11. PERSEUS, Περσεύς (Arat. 248), *Perseus* (Cic., German., Vitruv., Manil. i. 357, 365), was pictured as bearing in one hand a crooked sword (ἅρπη, falx), and in the other the head of the Gorgon Medusa, Γοργόνιον (Gemin., Ptolem.), *Gorgoneum caput* (Vitruv. ix. 3), *Gorgonis ora* (Manil. i. 366), *Caput Gorgonis* (Hygin. *P. A.* iii. 11).

12. THE CHARIOTEER, Ἡνίοχος (Arat. 156), *Heniochus* (Manil. i. 369), *Auriga* (Cic., German., Vitruv.), *Aurigitor* (Avien.), was, according to one legend (German.), *Erichthonius*,

> Quem primum cursu volitantem Jupiter alto
> Quadrijugis conspexit equis.—MANIL. i. 370.

According to another (German. *ibid.*), Myrtilus, the charioteer of Oenomaus, who betrayed his master to Pelops. (Hygin. *Fab.* 84.)

The brightest star in this constellation (α′) was termed Αἴξ (Arat. 157) by the Greeks, who pictured a goat supported upon the upper part of the left arm of the figure, and by the Romans *Capella* (Ovid, Manil., Plin.) or *Capra* (Cic., Vitruv., Hor., German., Columel.). The epithet Ὠλενίη in Aratus (164), according to the explanation of his Scholiast, was applied because the αἴξ rested ἐπὶ τῆς ὠλένης τοῦ Ἡνιόχου, and hence *Olenie*, *Olenium pecus*, *Olenium astrum*. Its heliacal rising took place soon before the winter solstice, and thus it was termed *signum pluviale*, while the legends declared that this was the very goat Amaltheia who nursed Jupiter upon Mount Ida. Both of these points are touched upon in the couplet of Ovid:

> Nascitur Oleniae signum pluviale Capellae,
> Illa dati caelum praemia lactis habet.

The two stars (ζ′, η′) placed by Aratus (166) and Ptolemy on the wrist of Auriga were

THE KIDS, Ἔριφοι (Arat. 158), *Haedi* (Cic., Vitruv., Manil. i. 372), and are said to have been first named by Cleostratus of Tenedos about B.C. 500 (Hygin. *P. A.* ii. 13). They, as well as Capella, are spoken of as heralds of the storm. (Manil. i. 372; Verg. *Georg.* i. 205, *Aen.* ix. 663; Hor. *Carm.* iii. 1, 28.) The star which marks the northern horn-tip of the Bull was, according to Vitruvius (ix. 3), called *Aurigae Manus*, since he was supposed to hold it in his hand.

13. THE SERPENT HOLDER, Ὀφιοῦχος (Arat. 75), *Ophiuchus* (German., Vitruv.), *Anguitenens* (Cic., Manil. v. 384), *Anguifer* (Columel. xi. 2, § 49), *Serpentitrius* (Schol. German.), was commonly regarded by mythical writers and poets as Aesculapius (Eratosth. c. 6; Ov. *Fast.* vi. 735), and by some as Hercules, not to mention other more obscure legends. (Hygin. *P. A.* ii. 14, iii. 13.)

14. THE SNAKE, grasped by and surrounding the figure, was termed ὄφις (Arat. 86), *Anguis* (Cic., German.), or *Serpens* (Cic., Vitruv.),

> *Serpentem* Graiis *Ophiuchus* nomine dictus
> Dividit, &c.—(MANIL. i. 338,)

and is reckoned as a separate constellation.

15. THE ARROW, Ὀϊστός (Arat. 311), Τόξον (Eratosth.), *Sagitta* (German., Vitruv.), *Clara sagitta*, *Fulgens sagitta* (Cic.), is distinct from the arrow fitted to the bow of Sagittarius, the archer, in the zodiac. Hence Aratus, after describing the latter, adds:

> Ἐστί δέ τις προτέρω βεβλημένος ἄλλος ὀϊστός
> Αὐτὸς ἄτερ τόξου.

(Comp. Cic. 325; German. 683; Manil. i. 349.)

16. THE EAGLE, Ἀετός (ἀητός, Arat. 315), *Aquila* (Cic., Vitruv.), or, in poetical circumlocution, *Jovis armiger* (German., Avien.), *Jovis ales* (German., Manil. i. 350), *Armiger uncis unguibus ales* (German.), *Praepes adunca Jovis* (Ov. *Fast.* vi. 196). The principal star is named specially ἀετὸς by Ptolemy; but from the circumstance of his placing it among those of the second magnitude, it has been conjectured that it was less bright in his day than at present.

ANTINOUS. Ptolemy, when noticing the stars around the Eagle not properly included within the limits of the constellation, remarks, ἐφ' ὧν ὁ Ἀντίνοος, which corroborates the statement of Dio Cassius, that Hadrian assigned a star to his favourite. Antinous, as a separate constellation, was first introduced by Tycho Brahe.

17. THE DOLPHIN, Δελφίς (Arat. 313) s. Δελφίν, *Delphinus* (Cic., German., Vitruv., Manil. i. 353), *Delphin* (German.), was regarded by mythologists as the dolphin which bore Arion.

18. THE LITTLE HORSE, Ἵππου προτομή, literally, *the fore quarters of a horse*, was unknown to Aratus and Eratosthenes; but appears from the words of Geminus to have been introduced by Hipparchus. It is not noticed by Vitruvius nor by Manilius.

19. PEGASUS, Ἵππος (Arat. 205), *Equus* (Cic., Vitruv., Manil. i. 355), *Sonipes*, *Sonipes ales* (German.). The legends having declared that this was the steed of Bellerophon, the name Pegasus (German. 505) was employed as early as Eratosthenes to distinguish the constellations, but Aratus speaks of it simply as *the horse*. (Ov. *Fast.* iii. 450.) The figure was supposed to represent the fore quarters only.

20. ANDROMEDA, Ἀνδρομέδη (Arat. 197), *Andromeda* s. *Andromede* (Cic., German., Vitruv., Manil. i. 357, 363). Andromeda was the daughter of Cepheus and Cassiopeia, and hence the constellation is termed *Cepheis* by Manilius and Germanicus (i. 443), while in consequence of her deliverance from the sea-monster by Perseus we find *Persea* in the Scholiast on Germanicus.

21. THE TRIANGLE, Δελτωτόν (Arat. 235; Cic.), *Deltotum* (German., Manil. i. 360), the τρίγωνον of Ptolemy, and hence Vitruv. ix. 3, "Insuper Arietis signum facientes stellae sunt *trigonum* paribus lateribus."

Signs of the Zodiac.

1. THE RAM, Κριός (Arat. 225), *Aries* (Cic., German., Vitruv., Manil. i. 263), *Laniger* (German. 699; Manil. ii. 546). This was the very golden-fleeced ram which bore away Phrixus and Helle from the wrath of Ino, and hence the designations in Ovid of *Phrixeus Ovis*, *Pecus Athamantidos Helles*.

2. THE BULL, Ταῦρος (Arat. 167), *Taurus* (Cic., German., Vitruv., Manil. i. 264), *Bos* (German. 181), was by some mythologers regarded as the bull into which Jupiter transformed himself to gain Europa; according to others, as the cow into which Io was metamorphosed; in either case an object of jealousy to Juno. In reference to the former idea Ovid (*Fast.* vi. 712) speaks of him as *Agenoreus*, while Martial (x. 51) applies the epithet *Tyrius*.

This constellation is chiefly remarkable from including within its limits two small but closely packed clusters of stars, which attracted attention at a very early period, and are distinguished by Homer (*Il.* xviii. 436) and Hesiod (*Ery.* 615) as the HYADES and PLEIADES, names which they still retain unchanged.

The HYADES, Ὑάδες (Arat. 173), *Hyades* (German., &c.), situated in the forehead of the figure (ἐπὶ παντὶ μετώπῳ, Arat.; ἐπὶ τοῦ βουκράνου, Gemin.), derived their name ἀπὸ τοῦ ὗειν, because the period of their setting in the morning twilight (the end of November) marked the most wet and stormy period of the year. By the Italian peasants they were denominated the *suculae*, i.e. the little swine, and hence it has been imagined, but probably erroneously, that Ὑάδες is etymologically connected with Ὗς (Plin. *H. N.* xviii. § 247; Gell. xiii. 9). They set in the evening twilight at Rome, towards the close of the republic, about the 20th of April, and hence were known as the *sidus Parilicium* (or *Palilicium*), the *Parilia* (or *Palilia*), the festival which marked the birthday of the city, being kept upon the 21st. Ancient astronomers were not agreed as to the number of stars included in the Hyades (see Schol. *ad* Arat.). Thales reckoned two only (viz. α and ε), the two eyes of the bull; Euripides, three; Achaeus, four; Hesiod, five; Pherecydes, seven. The latter made nymphs of them, and the names have been preserved by Hyginus. One of these, *Thyene*, is put by Ovid (*Fast.* vi. 711) for the whole group, which elsewhere (v. 734) he terms the *Sidus Hyantis*, in allusion to a legend which he had previously (v. 169) recounted.

Still more important were the PLEIADES, Πλειάδες, Πληϊάδες (Hom. *l. c.* Arat. 255 regards them as a distinct constellation), *Pleiades* (German., &c. &c.), a word for which various etymologies have been proposed, the most reasonable being the verb πλεῖν, their heliacal rising and setting in the first half of May and the beginning of November having been the signal in the early ages of Greece for the mariner to commence and to discontinue his voyages. The form πελειάδες, i.e. *the flock of pigeons*, probably originated in a corruption. The Italian name was *Vergiliae* (Cic.), *Sidus Vergiliarum* (Vitruv. ix. 2), derived manifestly from their heliacal rising in spring. Aratus notices the circumstance that they are commonly spoken of as the *seven* stars, although six only are visible, and thus Ovid also:

Quae septem dici sex tamen esse solent.

The fact is that the cluster consists of six stars, which can be distinctly seen by the naked eye, and of several very small ones, which are telescopic. Under very favourable circumstances, however, one of these may have occasionally been discerned, as Hipparchus states, or, possibly, as we know to have been the case with other fixed stars, one of them may have lost a portion of the lustre which it at one period possessed, and have become nearly or totally invisible. Be this as it may, the disappearance of the seventh Pleiad gave rise to a multitude of legends. By Hesiod they are styled Ἀτλαγενεῖς, *Children of Atlas*, from whom the Roman poets adopted the expression *Atlantides*, the name of the damsels (Arat. 262) being *Alcyone*, *Merope*, *Celaeno*, *Electra*, *Sterope* (or *Asterope*, German.), *Taygete* and *Maia*. Of these six wedded divinities, the seventh a mortal man, and thus her brilliancy became dimmed by the influence of the debasing alliance. One or other of the above names is frequently employed to denote the whole, as *Taygete* (Verg. *Georg.* iv. 232; Ov. *Met.* iii. 594), *Maia* (Verg. *Georg.* i. 225), *Sterope* (Ov. *Trist.* x. 14), and in like manner Πλειὰς or *Pleias* is often used in the singular.

3. THE TWINS, Δίδυμοι (Arat. 147), *Gemini* (Cic., German., Vitruv., Manil. i. 265). The two brightest stars, being supposed to represent Castor and Pollux.

4. THE CRAB, Καρκίνος (Arat. 147), *Cancer* (Cic., Vitruv., German., Manil. i. 265), called *Lernaeus* by Columella (x. 313), because, according to the legend, it crawled out of the Lernaean swamp to attack Hercules while he was doing battle with the Hydra. The epithet *Littoreus* in Ovid (*Met.* x. 127) and Manilius (iii. 316) probably refers merely to the ordinary habits of the animal, and not, as Ideler supposes, to the same contest.

Two small stars in this constellation (γ, δ) were called Ὄνοι, *Asini* s. *Aselli*, the Donkeys, one being distinguished as the northern (*Βόρειος*), the other as the southern (*νότιος*), and a nebular brightness between them, *Φάτνη*, *Praesepe*, the Stall or Manger. (Arat. 894, &c.; Plin. *H. N.* xviii. § 353; Ptolem.) These seem to form what Manilius calls *Jugulae* (v. 174, and note of Scalig.), although *Jugula* is a name sometimes applied to Orion.

5. THE LION, Λέων (Arat. 149), *Leo* (Cic., German., Vitruv., Manil. i. 266), regarded as the Nemean lion slain by Hercules, and hence constantly termed simply *Nemeaeus* (*e.g.* Manil. iii. 409). The bright star now known as *Regulus*, a name introduced by Copernicus, was anciently, as we learn from the Scholiast on Aratus, called βασιλίσκος, and marked the heart of the animal (ἐπὶ τῆς καρδίας). In Pliny it is *Regia* (*H. N.* xviii. § 271); in the Scholiast on Germanicus, *Tyberone*, which is either a corruption, or arose from his mistaking the meaning of the word in Pliny, who says, "Stella *Regia* appellata Tuberoni in pectore Leonis," *i.e.* The star on the Lion's heart called *Regia* by Tubero.

6. THE VIRGIN, Παρθένος (Arat. 96, &c.), *Virgo* (Cic., German., Vitruv., Manil. i. 266), *Erigone* (Manil. ii. 552, *et pass.*), was mythically

regarded as Δίκη, *Justitia*, or *Astraea*, or as *Erigone*, or as *Ceres*, or as *Isis*, or as *Fortuna*, the last name being given to her, according to the Scholiast on Germanicus, "because she is a headless constellation."

The brightest star in the constellation is called by Aratus Στάχυς, *Spica* (German., Vitruv.), *Spicum* (Cic.), THE CORN EAR, and this the figure is supposed to grasp in her left hand.

The star which marks the right wing (ε) was προτρυγητὴρ (Arat. 138) s. προτρυγητὴς s. τρυγητήρ, translated *Provindemiator*, *Vindemiator* s. *Vindemitor*, and is now known as *Vindemiatrix*,—names which it received in consequence of rising shortly before the period of the vintage. (Arat. 138 and Schol.; Columell. xi. 2, § 24; Ov. *Fast.* iii. 407; Plin. *H. N.* xviii. §§ 237, 309. Vitruv. ix. 3 says that the Greek name was προτρύγετος, and the Roman, *Provindemia Major*.)

7. THE BALANCE was by the earlier Greek astronomers invariably denominated Χηλαί (Arat. 89), *Chelae* (Cic., German., Manil. ii. 544, *et pass.*), THE CLAWS, *i.e.* of the Scorpion, which stands next in the Zodiac. Geminus, who flourished, it is believed, about B.C. 80, is, as far as we know, the first Greek writer who distinguishes the seventh sign as Ζυγός, which is used by Ptolemy indifferently with Χηλαί. The term *Libra*, for which Cicero in one passage employs *Jugum*, was first formally adopted by the Romans in the Calendar of Julius Caesar, to whom it was very probably suggested by Sosigenes. The figure, it would seem, was derived from the East, and must be regarded as a symbol of equality introduced into the heavens at the period when the entrance of the sun into that constellation marked the Autumnal Equinox. The scientific Latin writers, such as Vitruvius, Columella, and Pliny, uniformly distinguish this sign by the name *Libra* alone; the poets use either *Libra* or *Chelae*, as may suit their purpose. Manilius combines both into one phrase (*Juga Chelarum*, i. 609); while the ingenious conceit by which Virgil represents the Scorpion as drawing in his claws in order to make room for Augustus, is known to every reader of the first Georgic. (Comp. Ov. *Met.* ii. 195.)

In the commentary of Theon on the Almagest, *Libra* is frequently represented by Λίτρα or Λίτραι, a word originally borrowed by the Romans from the Sicilians, transformed into *Libra*, and then restored to the later Greeks in the new sense of a Balance.

8. THE SCORPION, Σκορπίος (Arat. 85, 304), *Scorpius* (Cic., German.), *Scorpios* (Manil. i. 268, *et pass.*), *Scorpio* (Vitruv.). Cicero, in his translation of Aratus, and Manilius, both make use also of the term *Nepa*,—a word, according to Festus, of African origin, sometimes employed to denote a *Scorpion* and sometimes a *Crab* (Plaut. *Cas.* ii. 8, 7; Cic. *de Fin.* v. 15); and thus Cicero, in line 460 of his Aratus, distinctly indicates the fourth sign by the word *Nepa*, which elsewhere is put for the Scorpion. Aratus names this constellation μέγα θηρίον and τέρας μέγα (84, 402), because, according to the Grecian arrangement, as explained in the last paragraph, it occupied, together with its claws, the space of two signs. (Ov. *Met.* ii. 195.)

Ἀντάρης, now Antares, the name given to the brightest star, is first found in the works of Ptolemy, and probably refers to its colour and brilliancy, *rivalling that of* (the planet) *Mars*.

9. THE ARCHER, τοξευτής, τοξευτήρ, and simply τόξον (Arat. 306, 400, 664, 665), *Sagittarius* (Vitruv.), *Sagittipotens* (Cic.), *Sagittifer* (German.), *Arcitenens* (Cic.), and simply *Arcus* (Cic., German.). This bowman was supposed to be in the shape of a centaur (*Mixtus equo*, Manil. i. 270); hence is frequently termed *Centaurus*, and sometimes individualised into *Chiron* (*Haemonii arcus*, Ov. *Met.* ii. 81), thus giving rise to a confusion between this sign and the Centaur among the southern constellations. (Comp. Columell. x. 56; Hygin. *P. A.* ii. 27.)

10. THE GOAT (*i.e.* the Chamois), Αἰγόκερως (Arat. 284), *Aegoceros* (German.), *Capricornus* (Cic., German., Vitruv., Manil. i. 271), *Caper* (Manil. ii. 659), called also Πὰν by Eratosthenes. Hyginus, the Scholiast on Germanicus, and Isidorus inform us that some of the ancients represented this creature with the tail of a fish, and in this form it is actually figured on several coins of Augustus, who was born under the sign. No notice of such a peculiarity in shape is taken by Aratus, Eratosthenes, or Ptolemy.

11. THE WATERMAN, Ὑδροχόος (Arat. 283), *Hydrochoos* (German.), *Aquarius* (Cic., Vitruv., German., Manil. i. 472), *Aquitenens* (German. 560), *Fundens latices* (German. 388), *Aequoreus juvenis* (Manil. ii. 558), *Juvenis gerens aquam* (Ov. *Fast.* i. 652), and simply *Juvenis* (Manil. iv. 709), was regarded by those who connected the figure with mythical legends sometimes as *Deucalion* (German. 568), sometimes as *Ganymedes*. (Manil. v. 487; comp. Schol. *ad* Arat. 283.)

The four stars (γ, ζ, η, π) on the right hand were, according to Geminus, named κάλπις, which is equivalent to the Latin *Situla*, an Urn.

The WATER STREAM, Ὕδωρ (Arat.), χύσις ὕδατος, *Aqua* (Cic.), *Effusio Aquae* (Schol. Germ. 119), which ends with the bright star, now known by the Arabic name *Fomalhaut*, in the mouth of the Piscis Australis (see Manil. i. 446, and comp. Vitruv. ix. 4, *quae vero ab Aquario fundi memoratur Aqua profluit inter Piscis Austrini caput et caudam Ceti*), is regarded as a separate constellation under the name of Ὕδωρ by Aratus (389–399), and also by Geminus, who distinguishes it as the Ὕδωρ τὸ ἀπὸ τοῦ Ὑδροχόου, "the Water flowing from the Waterman," in order that it may not be confounded with the constellation Eridanus, the Ποταμὸς ὁ ἀπὸ τοῦ Ὡρίωνος, "the River flowing from Orion."

12. THE FISHES, Ἰχθύες (Arat. 240), or in the dual Ἰχθύε, *Pisces* (Cic., Vitruv.), *Gemini Pisces*, *Imbriferi duo Pisces* (German.). One of these was entitled the Northern (*Aquilonaris Piscis*, Vitruv. ix. 3), the other the Southern Fish (Schol. *ad* Arat. 240; Ov. *Fast.* iii. 401; Schol. German., Hygin. *P. A.* iii. 29); but in order to prevent the embarrassment which might arise from identifying the latter with the Ἰχθὺς νότιος, or *Piscis Australis*, a constellation of the southern hemisphere, Ptolemy names the northern of the two ἑπόμενος, and the other ἡγούμενος,—a precaution by no means unnecessary, since Manilius actually confounds (i. 272) the fishes of the zodiac with the Piscis Australis. The Scholiast on Aratus remarks that the

Northern Fish was represented with a swallow's head, and on that account styled χελιδονίας (i.e. *hirundininus*) by the Chaldaeans, a circumstance for which Scaliger accounts by supposing that the name was given in consequence of the entrance of the sun into this constellation, when the swallow appeared in Greece as the herald of Spring.

The legends connected with this constellation (Eratosth. 58; Hygin. *P. A.* ii. 30, 41) bear reference to a Syrian divinity, termed by the Greeks sometimes *Atargatis* (a Semitic word signifying *The Great Fish*), sometimes *Derceto*, sometimes *Derce*. This power they confounded with another Syrian goddess, *Astarte*, whom again they identified with their own Aphrodite. The story ran that, when fleeing in terror from the violence of Typhon, she plunged into the Euphrates, and was transformed into a fish. (Manil. ii. 33; iv. 580.) Avienus terms these fishes *Bombycii*, for which Grotius has rightly proposed to substitute *Bumbycii*, for Atargatis was specially worshipped at *Bambyce* or *Hierapolis* in Cyrrhestica. (Strab. xvi. p. 517; Plin. *H. N.* v. § 81; Selden, *de Dīs Syriis*, ii. 3.)

The bright star (α) which is supposed to form the knot of the two bands which connects the fishes by their tails, is by Aratus (245) named Σύνδεσμος ὑπουραῖος, by his Scholiast δεσμὸς οὐραῖος, by Geminus and Germanicus simply Σύνδεσμος,—terms variously translated *Nodus* (Cic.), *Nodus Piscium* (Vitruv.), *Nodus coelestis* (Avien.), *Commissura piscium* (Plin. xviii. § 311). The bands themselves are called in one passage of Aratus (362) Δεσμοὶ οὐραῖοι, more commonly Λίνοι or Λίνα, the *Vincla* of Cicero and Germanicus, the *Alligamentum linteum* of the Scholiast on the latter.

From Vitruvius (ix. 4) it appears that the sprinkling of indistinct stars between the Fishes and the Whale was called by the Greeks Ἐρμηδόνη, a word explained by Hesychius to mean τῶν ἀμυδρῶν ἀστέρων χύσις.

Southern Signs.

1. The Whale, Κῆτος (Arat. 353), Ὀρφός (Jul. Firm. *Astron.* viii. 17), *Cetus* (Vitruv. ix. 4; Manil. i. 440), *Pristis* (German. 644; Manil. i. 363), *Nereia Pistris* (German. 714), *Neptunia Pistrix* (Cic., comp. German. 709). The last three designations are different forms of the Greek Πρῆστις, which Suidas interprets to signify εἶδος κήτους θαλασσίου. This was the sea-monster, according to Aratus, sent to devour Andromeda.

2. Orion, Ὠρίων (Arat. 322), Ὡαρίων (Pind. Callim.). *Orion* (Cic., German., Vitruv., Manil. i. 399), *Oarion* (Catull. lxv. *sub fin.*), *Proles Hyriea* (Ov. *Fast.* vi. 719; comp. v. 495). *Aryion* in Julius Firmicus (viii. 9) is probably a corrupt form of Oarion.

This is one of the oldest constellations, being noticed in Homer (xviii. 486) and Hesiod (*Erg.* 598, 615, 619), both of whom employ the expression σθένος Ὠρίωνος. The figure was supposed to represent an armed warrior (ξίφεος ἴφι πεποιθώς, Arat.), grasping a shield in his left hand and a club in his right (*manu laeva tenens clipeum, clavam altera*, Vitruv. ix. 4), with a glittering belt, from which a sword depended (*Balteus Orionis, Vagina*, German.; *Ensis*, Cic.). The origin of the name is quite unknown, the ordinary derivation from οὖρον, to which a mythical legend was adapted, being altogether unworthy of attention. The morning setting of this remarkable cluster, about the beginning of November, pointed out in ancient times to the husbandman and the mariner the approach of the most stormy period of the year. (Hor. *Carm.* i. 28, 21, iii. 27, 18, *Epod.* x. 9, xv. 7; Verg. *Aen.* i. 535, iv. 52.)

An anonymous Greek writer quoted by Scaliger declares that the popular name for Orion was Ἀλεκτροπόδιον, which seems a corruption of Ἀλεκτροπόδιον, i.e. *Cocks-foot*; and Ideler thinks that we can, without any great stretch of fancy, trace a resemblance to a fowl strutting along.

Among the Romans *Jugula* or *Jugulae* seems to have been the indigenous appellation; the former is noticed by Varro and Festus, the latter occurs in Plautus (*Amph.* i. 1, 119)—

Nec Jugulae, neque Vesperugo, neque Vergiliae occidunt:

but no satisfactory explanation has been proposed. The two bright stars (α, γ) under the head were called *Humeri*. (Varr. *L. L.* vi. 3.)

3. The Eridanus, Ποταμός (Arat. 358), *Amnis* (Cic., German.). Aratus remarks that it was considered as a remnant of the Eridanus:

Λειψανον Ἠριδανοῖο πολυκλαύστου ποταμοῖο,

that mythical non-existent (τὸν μηδαμοῦ γῆς ὄντα, Strab.) stream which proved a fruitful source of speculation in ancient as it has done in modern times. The Romans identified the Eridanus with the Po; and hence while Cicero employs the former, Germanicus uses Eridanus and Padus indifferently. (Comp. Vitruv. ix. 4.) From Eratosthenes, the Scholiast on Germanicus and Hyginus (*P. A.* ii. 32), we learn that this constellation was by others called the Nile, that being the only earthly river which flowed from the south towards the north, as this stream of stars appears to do when rising above the horizon.

4. The Hare, Λαγωός (Arat. 338), Λαγός, *Lepus* (Vitruv. ix. 4), *Levipes Lepus* (Cic.), *Auritus Lepus* (German.), *Velox Lepus* (Manil.).

5. The Great Dog, Κύων, Σείριος (Arat. 326), *Canis* (Cic.), *Canis Sirius* (German.). Aratus (342) employs the phrase μεγάλοιο Κυνός, but the epithet must be here understood to refer to the magnitude of the principal star and not to the constellation *Procyon*, which the Greeks never call the *Little* or *Lesser Dog*.

The most important star in the Great Dog, perhaps the brightest in the heavens, was frequently specially named Κύων, sometimes emphatically τὸ ἄστρον, and by the Romans *Canis* or *Canicula*, but is more frequently designated by the appellation Σείριος, *Sirius*, which occurs four times in Hesiod (*Op.* 417, 587, 619; *Scut.* 397), although, in the first of these passages, the sun, and not a fixed star, is probably indicated. Indeed the word seems to be properly an adjective, signifying *glittering* or *bright*; and Eratosthenes remarks (c. 33), that astronomers were in the habit of denominating other stars Σείριους διὰ τὴν τῆς φλογὸς κίνησιν. Homer twice (*Il.* v. 5; xxii. 25) alludes to this star without naming it, in one passage with the epithet ὀπωρινός, which will be discussed hereafter.

About four hundred years before our era, the heliacal rising of Sirius at Athens, corresponding with the entrance of the sun into the sign Leo, marked the hottest season of the year; and this observation being taken on trust by the Romans of a later epoch without considering whether it suited their age and country, the *Dies Caniculares* became proverbial among them, as the *Dog Days* are among ourselves, and the poets constantly refer to the Lion and the Dog in connexion with the heats of midsummer.

6. THE LITTLE DOG, Προκύων (Arat. 450), *Procyon* (German.), or, literally translated, *Antecanem* (Cic.), *Antecanis* (Schol. German.), so called because in Greece the constellation in question rises heliacally before the (Great) Dog. The names *Antecanis* and *Antecanem*, however, do not appear to have been generally adopted, for Pliny (*H. N.* xviii. § 268), when speaking of Procyon, remarks, "quod sidus apud Romanos non habet nomen, nisi *Caniculam* hanc velimus intelligi, hoc est, minorem canem ut in astris pingitur"—words which do not necessarily imply that Procyon ever was actually termed *Canicula* by the Roman writers, although this was certainly sometimes the case if we can trust the express assertion of Hyginus, "Canem (sc. Icarii) autem sua adpellatione et specie *Caniculam* dixerunt, quae a Graecis, quod ante majorem canem exoritur, προκύων adpellatur" (*P. A.* ii. 4). A passage in Pliny (*H. N.* xviii. § 285) would at first sight appear to be decisive: "IV. Kalendas Maii, Canis occidit, sidus et per se vehemens, *et cui praeoccidere Caniculam necesse sit.*" But since we know that in Northern latitudes the Great Dog not only rises after, but also sets before the Little Dog, it is evident that, unless we suppose Pliny to be involved in inextricable confusion, *Canicula* cannot here signify the sign Procyon. The explanation generally adopted, although somewhat forced, is that a reference is made to the practice of offering a dog in sacrifice on the Robigalia. (See Ov. *Fast.* iv. 936, &c.; Columell. x. 342, and the commentators on Pliny.)

While, as on the whole seems probable, Procyon was sometimes termed Canicula by the Romans, so, on the other hand, the star Sirius seems to have been occasionally called Προκύων by the Greeks, because he rose before the rest of the constellation to which he belonged. (See Galen. *Comment. in Hippocrat. Epidem.* i.) We cannot, however, attach this meaning to the words of Horace (*Carm.* iii. 29, 18)—

> jam Procyon furit
> Et stella vesani Leonis—

for the appearance of Procyon would to his countrymen be in reality a more sure indication of the hottest season than the rising of the Greater Dog.

We have already intimated that the Greeks designate the two constellations simply as Κύων and Προκύων, not as the Greater and Lesser Dog,—a distinction which prevailed among the Romans, as we perceive clearly from Vitruvius (ix. 4): "Geminos autem minusculus Canis sequitur contra Anguis caput: Major item sequitur Minorem."

When Boötes was regarded as Icarius, and Virgo as his daughter Erigone, Procyon became Maera, the dog of Icarius. (Hygin. *P. A.* ii. 4; comp. Ov. *Fast.* iv. 940.)

7. THE SHIP ARGO, Ἀργώ (Arat. 342), *Argo* (Cic., Manil. i. 420), *Navis* (Cic.), *Argo Navis* (Cic.), *Navis quae nominatur Argo* (Vitruv.), *Argoa puppis* (German.), *Ratis Heroum* (Manil. v. 13). Like Pegasus and the Bull, it was supposed to represent only one-half of the object (ἡμίτομος), the portion namely of the vessel behind the mast (ἱστὸν διχόωσα κατ' αὐτὸν, Arat. 605. *Puppe trahitur*, German.). The brightest star was by Eudoxus and Aratus (351, 368) distinguished as πηδάλιον (*gubernaculum*, Cic.), the rudder, instead of which Κάνωβος (*stella Canopi quae his regionibus est ignota*, Vitruv. ix. 4), a name which appears first in Eratosthenes (c. 37) and Hipparchus, became general. According to the Scholiast on Germanicus, it was called also *Ptolemaeon*, or, as Martianus Capella has it, *Ptolemaeus*, in honour, evidently, of some Egyptian monarch. This star, as the words of Vitruvius indicate, was not visible in Italian latitudes.

Cicero, in addition to the rudder, distinguishes the mast (*malum*) also, "radiato stipite malum."

8. THE WATER SNAKE, Ὕδρη (Arat. 444), Ὕδρος (Eratosth., Gemin., Ptolem.), *Hydra* (Cic., Germ., Hygin., Avien.), *Hydros* (Germ.), *Anguis* (Vitruv. ix. 4; Ov. *Fast.* ii. 243; Manil. i. 422. See also Serv. *ad* Verg. *Georg.* i. 205; Hygin. *P. A.* ii. 40, iii. 39).

9. THE CUP, Κρατήρ (Arat. 448), *Crater* (German., Vitruv., Manil. i. 424), *Fulgens Crater* (Cic.), *Urna* (Schol. German.).

10. THE RAVEN or CROW, Εἴδωλον κόρακος (Arat. 449), *Corvus* (Cic., German., Vitruv.), *Phoebo sacer ales* (Manil. i. 424).

The Cup and the Raven were represented as standing upon the back of the Water Snake, and the whole three are grouped together by Ovid (*Fast.* ii. 243) in the couplet:—

> Continuata loco tria sidera, *Corvus* et *Anguis*,
> Et medius *Crater* inter utrumque jacet.

11. THE CENTAUR, Κένταυρος (Arat. 431, 436), Ἱππότα φήρ (Arat. 664), Χείρων (Eratosth.), *Centaurus* (Cic., Vitruv., German.), *Geminus Biformis* (German.), *Sonipes* (German.), *Duplici Centaurus imagine* (Manil. i. 425), *Chiron* (German. 418, 624). By Ptolemy he is represented with a thyrsus in his hand, and these stars were, as we are told by Geminus, formed by Hipparchus into a distinct constellation under the name Θυρσόλογχος.

12. THE WOLF, Θηρίον (Arat. 442), *Bestia* (Vitruv. ix. 4), *Hostia* (Hygin. *P. A.* ii. 38). This, according to Aratus (*l. c.*), was a wild beast grasped in the hand of the Centaur, but it received no name from the Greeks or Romans.

13. THE ALTAR, Θυτήριον (Arat. 403), *Ara* (Cic., German., Manil. i. 428), *Apta Altaria sacris* (685), according to Geminus and Ptolemy Θυμιατήριον, translated *Turibulum* by Germanicus and Vitruvius (ix. 4). The Scholiast on Germanicus furnishes two other names, *Sacrarium* and *Pharus*. In the legend preserved by Manilius (i. 428), it was the altar erected by Jove when heaven was invaded by the giants.

13. THE SOUTHERN CROWN. Not named by Aratus, who merely remarks (401) that under the fore-feet of Sagittarius are some stars sweeping round in a circle (δινωτοὶ κύκλῳ), but to these Geminus and Ptolemy give the specific name of Στέφανος νότιος. In consequence of

no legend being attached to the group, Germanicus (388) describes it as

sine honore Corona
Ante Sagittiferi multum pernicia crura.

(Comp. Hygin. *P. A.* ii. 28. Manilius takes no notice of it.) Geminus has preserved two other names, Οὐρανίσκος and Κηρυκεῖον: the former Martianus Capella renders by *Caelulum;* the latter, used by Hipparchus, denotes a herald's wand of peace. Others, according to the Scholiast on Aratus, regarded it as Ixion's wheel (Ἰξιόνος τροχός).

15. The Southern Fish, Ἰχθὺς νότιος (Arat. 387), *Piscis Notius* (Manil. i. 445; Hygin. *P. A.* iii. 40), *Piscis Australis* (Cic.), *Piscis Austrinus* (Vitruv. ix. 4; Columell. xi. 2).

It appears from Eratosthenes (38), and the Scholiast on Germanicus, that it was styled also Ἰχθὺς μέγας, *Piscis magnus.*

Before quitting this part of our subject, we must add a few words on

Coma Berenices; Berenices Crinis. Milvus.

1. The Hair of Berenice, Πλόκαμος s. Βόστρυχος Βερονίκης (Callim., Schol. *ad* Arat. 146), *Coma Berenices* (see Catull. lxv.), was, as we have seen above, formed by Conon out of certain unappropriated (ἀμόρφωτοι) stars behind the Lion's Tail, in honour of Berenice, the wife of Ptolemy Euergetes, and afforded a theme for a complimentary elegy by Callimachus, of which we possess a translation by Catullus. The constellation being unknown to Aratus, is not alluded to by his translators, Cicero and Germanicus, nor is it noticed by Manilius. When Pliny (*H. N.* ii. § 178) observes, "Septemtriones non cernit Troglodytice, et confinis Ægyptus: nec Canopum Italia, et quem vocant Berenices Crinem; item quem sub Divo Augusto cognominavere Caesaris Thronon, insignes ibi stellas," it is much more probable that he committed a positive blunder, than that, as some have supposed, he intended to indicate under the name of *Berenices Crinem* some southern sign to which no one else makes any allusion.

2. We find in Ovid (*Fast.* iii. 793) the following couplet in reference to the night of the 17th of March:—

Stella Lycaoniam vergit declivis ad Arcton
Miluus. Haec illa nocte videnda venit,

and in Pliny (*H. N.* xviii. § 237), "Caesar et Idibus Martiis ferales sibi annotavit Scorpionis occasu: XV. Kalendas vero Aprilis Italiae Milvum ostendit: XII. Kalendas April. Equum occidere matutino." In the first of these passages we find a constellation named *Milvus* or the Kite described as one of the northern signs, or at least as a sign visible in Italy, and the period of its rising fixed to the 17th of March. The words of Pliny, although more ambiguous than those of Ovid, would lead us to suppose that he was quoting this, as well as the preceding observation, from the Calendar of Caesar; but the abruptness of his ordinary style is such as to prevent us from affirming this with certainty.

Now no Greek and no other Roman writers mention any constellation bearing the above name, nor can we adopt the explanation of Grotius, who supposes that the Swan or the Eagle is indicated, for the rising of these signs is removed by three months from the period here fixed. Ideler (*Sternn.* p. 7 f.) has, in all probability, discovered the solution of the enigma. In the Parapegma of Geminus, a phenomenon described by the words Ἰκτῖνος φαίνεται, i.e. *Milvus apparet*, is placed by Eudoxus thirteen days before the vernal equinox, and by Euctemon and Callippus respectively, eight days and one day before the same epoch; while Ptolemy, in his Φάσεις ἀπλανῶν, marks under the 21st of Phamenoth (*i.e.* according to Ideler, 8th March), Εὐδόξῳ χελιδὼν καὶ ἰκτῖνος φαίνεται. But the ἰκτῖνος, rendered *milvus* by the Latins, was, as we are told by Aristotle (*H. A.* viii. 16), a bird of passage, and hence the arrival of the ἰκτῖνος, like that of the swallow, took place at and served to mark a particular season of the year. Ovid and Pliny, being ignorant of this fact, and finding in the calendars which they consulted the words *Milvus apparet*, took it for granted, without further inquiry, that *Milvus* was the name of a constellation; for when we consider the context of the naturalist, as well as the date, but one day later than that fixed by Ovid, we can scarcely doubt that he, as well as the poet, believed *Milvus* to be a "Stella." Merkel (Ov. *Fast.* p. lxvii.) has shown that in this place Ovid is simply following his guide, Clodius Fuscus.

II. Risings and Settings of the Fixed Stars.

A nation like the Greeks, whose climate permitted them to watch their flocks by night during a considerable part of the year, could not fail to remark that certain fixed stars appeared and disappeared in regular succession, as the sun passed through the different stages of his annual career. Accordingly, we find that, as early as the time of Hesiod, the changes of the seasons, and the more important operations of agriculture, were fixed with reference to the risings and settings of Orion, the Pleiades, the Hyades, Arcturus, and Sirius. Such observations were in the first instance extremely rude; but after Thales had turned the attention of his countrymen to scientific astronomy, these celestial phenomena were determined with great care and accuracy: tables were drawn up in which the risings and settings of the more brilliant stars, with reference to the sun, were fully detailed, together with such notices, touching the winds and weather to be expected at the different epochs, as experience suggested. Copies were engraved on stone or brass, and, being nailed or hung up in the market-places of large towns and other places of public resort, received the name of παραπήγματα. Two catalogues of this description have been preserved which are valuable, inasmuch as they frequently quote the authority of the early Greek astronomers, Meton, Euctemon, Eudoxus, Callippus, &c. for their statements. The one was drawn up by Geminus (fl. B.C. 80), the other by the famous Ptolemy (A.D. 140). In the former the risings and settings of the stars are fixed according to the passage of the sun through the signs of the zodiac; in the latter they are ranged under the months and years of the Julian Calendar.

The practice commenced by Hesiod was followed by subsequent writers upon rural economy,

and we accordingly find numerous precepts in Virgil, Columella, and Pliny delivered with reference to the risings and settings of the stars, forming a complete Calendarium Rusticum. Ovid has combined the Fasti of the city with these Rural Almanacs, and has thus gained an opportunity of enlivening his poem by recounting the various myths attached to the constellations. Indeed it would appear that Caesar, when he reconstructed the Fasti of Rome, included the risings and settings of the stars, since Pliny frequently quotes the authority of Caesar for his statements on these points. Thus the *Fasti* of Ovid may be considered as a commentary upon the almanac in common use.

The early Grecian *parapegmata* were undoubtedly constructed from actual observation in the countries where they were first exhibited, and must therefore have completely answered the purpose for which they were intended. But this does not by any means hold good of the corresponding compilations of the Romans, who, being little versed in astronomy themselves, copied blindly from others without knowledge or discrimination.

It is necessary to attend to two facts:—

1. The time of the risings and settings of the fixed stars varies for the same place at different epochs. Thus the Pleiades which at Rome rose along with the sun on the 16th of April, B.C. 44, rose with the sun at Rome several days earlier in the age of Meton, and do not now rise with the sun at Rome until several days later. This is caused by the precession of the equinoxes.

2. The time of the risings and settings of the fixed stars is different on the same day in places whose latitude is different. Thus, in the year when the Pleiades rose along with the sun at Rome on the 16th of April, they did not rise along with the sun at Athens until the 22nd of April.

Too little attention was paid to these considerations by the Roman writers; and consequently we not unfrequently discover that they combined the observations of astronomers who lived at times and places remote from them and from each other—that calculations made for the latitude of Athens, or of Rhodes, or of Alexandria, 300 years before, were adopted at once and transferred to their calendars without change or modification.

Another source of confusion is a want of precision in specifying the different kinds of risings and settings, which ought always to be most carefully distinguished from each other by appropriate scientific terms.

The risings and settings of the fixed stars, when considered with reference to the sun's place in his orbit, may be arranged under eight heads:—

(*a*) When a star rises at sunrise.
(*b*) When a star rises at sunset.
(*c*) When a star sets at sunrise.
(*d*) When a star sets at sunset.

(*α*) When a star rises shortly before the sun so as to be just visible in the morning twilight as it ascends above the horizon before its rays are overpowered by the light of the more brilliant luminary.

(*β*) When a star rises shortly after sunset so as to be just visible in the evening twilight as it ascends above the horizon.

(*γ*) When a star sets shortly before sunrise so as to be just visible in the morning twilight as it sinks below the horizon.

(*δ*) When a star sets shortly after sunset so as to be just visible in the evening twilight as it sinks below the horizon.

The names by which these, taken in order, are discriminated by the Greek astronomers Geminus (*Isagog.* cap. xi.) and Ptolemy (*Math. Syntax.* viii. 4) are the following:—

(*a*) Ἐπιτολὴ ἑῴα ἀληθινή, G.—Ἑῴα συνανατολὴ ἀληθινή, P.—*Ortus Matutinus Verus.* True morning rising.

(*b*) Ἐπιτολὴ ἑσπερία ἀληθινή, G.—Ἑσπερία συνανατολὴ ἀληθινή, P.—*Ortus Vespertinus Verus.* True evening rising.

(*c*) Δύσις ἑῴα ἀληθινή, G.—Ἑῴα συγκατάδυσις ἀληθινή, P.—*Occasus Matutinus Verus.* True morning setting.

(*d*) Δύσις ἑσπερία ἀληθινή, G.—Ἑσπερία συγκατάδυσις ἀληθινή, P.—*Occasus Vespertinus Verus.* True evening setting.

(*α*) Ἐπιτολὴ ἑῴα φαινομένη, G.—Ἑῴα προανατολὴ φαινομένη, P.—*Ortus Matutinus Apparens* s. *Ortus Heliacus.* Heliacal rising, *i.e.* First visible rising of a star in the morning twilight.

(*β*) Ἐπιτολὴ ἑσπερία φαινομένη, G.—Ἑσπερία ἐπανατολὴ φαινομένη, P.—*Ortus Vespertinus Apparens.* Last visible rising of a star after sunset.

(*γ*) Δύσις ἑῴα φαινομένη, G.—Ἑῴα πρόδυσις φαινομένη, P.—*Occasus Matutinus Apparens.* First visible setting of a star before sunrise.

(*δ*) Δύσις ἑσπερία φαινομένη, G.—Ἑσπερία ἐπικατάδυσις φαινομένη, P.—*Occasus Vespertinus Apparens* s. *Occasus Heliacus.* Heliacal setting, *i.e.* Last visible setting of a star in the evening twilight.

With regard to the above technicalities we must observe:—

1. That Geminus (*l. c.*) draws a distinction between the words ἀνατολὴ and ἐπιτολή. By ἀνατολὴ he understands the rising of a star considered simply with reference to its elevation above the horizon, which takes place once in twenty-four hours in consequence of the diurnal motion; by ἐπιτολή, the rising of the star considered with reference to its distance from the sun, which depends upon the sun's place in the ecliptic. As to the settings of the stars, he would make δύσις the correlative of ἀνατολὴ and κρύψις of ἐπιτολή; but to this last definition he does not himself adhere, since he constantly employs δύσις to denote the setting of a star, when considered with reference to its distance from the sun. Ptolemy, while he includes all the risings and settings under the general designation of Φάσεις ἀπλανῶν, endeavours to introduce an improved nomenclature, by varying the preposition according as the star rises or sets along with (σύν), or before (πρό) or after (ἐπί) the sun, but pays no regard to the rule of Geminus with respect to ἀνατολὴ and ἐπιτολή.

2. Two terms, in addition to those set down above, are commonly employed by writers on these topics, the Cosmical rising and setting (*Ortus Cosmicus, Occasus C.*), and the Acronychal rising and setting (*Ortus Acronychus, Occasus A.*).

The epithet *Cosmicus*, as applied to this subject, first occurs in a note of Servius on Verg. *Georg.* i. 218, "Ortus et occasus duo sunt: unus ἡλιακός, id est, *solaris;* et alter κοσμικός, id est, *mun-*

dunus: unde fit ut ea signa quae cum sole oriuntur a nobis non possint videri: et ea, quae videmus, quantum ad solis rationem pertinet, videantur occidere." Modern astronomers have for the most part (see Petavius. Varr. *Diss.* p. 3, ed. 1630) adopted the phrase *Ortus Cosmicus* to indicate the rising marked (*a*), that is, the *Ortus Matutinus Verus*, and *Occasus Cosmicus* to indicate the setting marked (*c*), that is, the *Occasus Matutinus Verus*: but Ideler (*Historische Untersuchungen*, &c. p. 311), while he interprets *Ortus Cosmicus* in the sense usually received, applies *Occasus Cosmicus* to the setting marked (*γ*), that is, to the *Occasus Matutinus Apparens*.

Again, the epithet **ἀκρόνυχος** appears to be first used by Theophrastus (*de Signis Pluv. et Vent.* cap. i. § 2), where **ἀνατολαὶ ἀκρόνυχοι** are alone mentioned, and are distinctly explained to mean the rising of a star at sunset, that is, the *Ortus Vespertinus Verus* marked (*b*); and in this sense the phrase *Ortus Acronychus* is found in the treatises of Petavius and others, who employ also the expression *Occasus Acronychus* to indicate the setting marked (*d*), that is, the *Occasus Vespertinus Verus*. Ideler concurs in the latter, but interprets *Ortus Acronychus* to mean the rising marked (*β*), that is, the *Ortus Vespertinus Apparens*. This view is certainly at variance with the words of Theophrastus, which are quite explicit and are corroborated by Julius Firmicus (ii. 8); but on the other hand, in the Parapegma of Geminus, in the observations ascribed to Eudoxus, **ἀκρονυχος** is the general term applied to all evening settings, and most of these unquestionably refer to the apparent phenomena. Euctemon again makes use of **ἑσπέριος** to express the same meaning. The words **Ἀρκτοῦρος ἀκρόνυχος πρωΐας δύνει** under Scorpius d. 8. are probably corrupt.

Under these circumstances, to prevent all confusion or ambiguity, we have altogether passed over the terms *Cosmicus* and *Acronychus* in our table, but have retained *Heliacus*, which, like *Cosmicus*, first occurs in the passage quoted from Servius, but is applied uniformly by subsequent writers to the phenomenon marked (*a*) and (*δ*), and to no others.

3. Pliny (*H. N.* xviii. § 218) proposes to designate by *Emersus*, what we have called the Heliacal Rising (*a*), because the star then for the first time emerges from the sun's rays, and by *Occultatio*, what we have called the Heliacal Setting (*δ*), because this is the last appearance of the star, which is forthwith obscured by the sun's rays, but these terms do not appear to have been ever generally received.

4. It is manifest that of the eight phenomena named above, the first four are purely matters of calculation, since the true risings and settings never can be visible to the naked eye. These then ought always to have been, and for some time always were, excluded from rural calendars intended for the use of practical men. We find, however, from the fragments of Callippus, preserved in the Parapegma of Geminus, when verified by computation, that this astronomer had substituted the true risings and settings for the apparent risings and settings, which were there marked in the tables of Euctemon, Meton, and Eudoxus. Hence great caution would become indispensable in quoting from different authorities, or in advancing an original statement. If the rising of a star was named, it would be necessary not only to specify whether it was the morning or the evening rising, but also whether the true or the apparent rising was indicated, and to proceed in like manner for the setting of a star. Now and then we find in Columella and Pliny some attempt to preserve accuracy in one or other of these essential points, as when the latter observes (xviii. § 74): "Pridie Kalendas (Nov.) Caesari Arcturus occidit et Suculae *exoriuntur cum sole*;" "XVI. Kal. Octob. Ægypto Spica, quam tenet Virgo, exoritur matutino, Etesiaeque desinunt. Hoc idem Caesari XIV. Kalendas XIII. Assyriae significant;" and even in Virgil, as when he defines the *morning setting* of the Pleiads: "Ante tibi *Eoae* Atlantides abscondantur;" but for the most part, both in prose writers and in poets, everything is vague and unsatisfactory: risings and settings of all descriptions, calculated for different epochs and for different latitudes, are thrown together at random. In order to substantiate these charges, we may examine the statements contained in Columella, Ovid, and Pliny with regard to *Lyra*, a constellation to which considerable importance was attached by the Romans, since the beginning of Autumn in the calendar of Caesar was marked by its (true) morning setting. It will suit our purpose particularly well, because from its limited extent every portion of the constellation became visible within two or three days after the appearance of the first star; and hence no ambiguity could arise from the heliacal risings of the extreme portions being separated by an interval of some weeks, as was the case with Orion and others stretching over a large space in the heavens, in treating of which it became necessary to specify particular portions of the figure, as when we read "Orionis humerus oritur;" "Gladius Orionis occidere incipit;" "Orion totus oritur," and so forth. In the following quotations, the words *Fidis* and *Fidicula* seem to be absolutely synonymous, there being no reason to believe that the latter was applied exclusively to the peculiarly bright star which in the catalogues of modern astronomers is *α Lyrae*, the **ὁ λαμπρὸς τῆς λύρας** of Ptolemy, although to this in all probability most of the observations were directed. We shall set down in regular order, first the settings and then the risings.

Settings of Lyra.

(1.) Pridie Id. Aug. (12th August) Fidis occidit mane et Auctumnus incipit. *Col.* xi. 2, § 57.

According to Pliny (xviii. § 222), the setting of Fidicula (*Fidiculae occasus*) marked the commencement of autumn, and took place on the forty-sixth day after the solstice; that is, on the 8th of August, if we include, according to the Roman method of computation, the 24th of June, the day from which he reckoned. In a subsequent section (§ 271) he states that the phenomenon in question took place, according to the Calendar of Caesar, on the 11th of August, but that more accurate observations had fixed it to the 8th, and this he soon after repeats (§ 289).

(2.) XIII. Kal. Sept. (*i.e.* 20th August) Sol in Virginem transitum facit... hoc eodem die Fidis occidit.—X. Kal. Sept. (23rd August) ex eodem sidere tempestas plerumque oritur et pluvia. *Columell.* xi. 2, § 58.

(3.) XI. Kal. Feb. (22nd January) Fidicula Vespere occidit, dies pluvius. *Columell.* x. 2, § 5.
Ovid places the setting on 23rd of January.

> Fulgebit toto jam Lyra nulla polo.—*Fast.* i. 653.

(4.) III. Kal. Feb. (30th January) Fidicula occidit. *Columell.* xi. 2, § 6.

(5.) Kal. Feb. (1st February) Fidis incipit occidere. Ventus Eurinus et interdum Auster cum grandine est. *Columell.* xi. 2, § 14.

III. Non. Febr. (3rd February) Fidis tota occidit. *Columell.* ibid.

Ovid, without alluding to what he had said before, remarks on the 2nd of February (*Fast.* ii. 73):

> Illa nocte aliquis tollens ad sidera vultum,
> Dicet, ubi est hodie, quae Lyra fulsit heri?

Pliny has (xviii. § 235) "et pridie Nonas Februarias (4th February) Fidicula vesperi (sc. occidit)."

Risings of Lyra.

(6.) IX. Kal. Mai. (23rd April) prima nocte Fidicula apparet, tempestatem significat. *Columell.* xi. 2, § 37.

VI. Kal. Mai. (26th April) Boeotiae et Atticae Canis Vesperi occultatur, Fidicula mane oritur. *Plin.* xviii. § 248.

(7.) Ovid (*Fast.* v. 415) names the 5th of May as the day on which Lyra rises.

(8.) III. Id. Mai. (13th May) Fidis mane exoritur, significat tempestatem. *Columell.* xi. 2, § 40.

III. Id. Mai. Fidiculae exortus. *Plin.* xviii. § 255.

Id. Mai. (15th May) Fidis mane exoritur. *Columell.* xi. 2, § 43.

(9.) III. Non. Novemb. (3rd November) Fidicula mane exoritur, hiemat et pluit. *Columell.* xi. 2, § 84.

(10.) VIII. Id. Novemb. (6th November) idem sidus totum exoritur, Auster vel Favonius, hiemat. *Columell.* ibid.

(11.) XVI. Kal. Dec. (16th November) Fidis exoritur mane, Auster, interdum Aquilo magnus. *Columell.* xi. 2, § 88.

(12.) Non. Januar. (5th January) Fidis exoritur mane: tempestas varia. *Columell.* xi. 2, § 97.

> Institerint Nonae, missi tibi nubibus atris
> Signa dabunt imbres exoriente Lyra.
> Ovid, *Fast.* i. 315.

Pridie Nonas Januarias (4th January) Caesari Delphinus matutino exoritur et postero die Fidicula. *Plin.* xviii. § 234.

The total disregard of precision in the phraseology employed in describing the above appearances is evident in almost every assertion, but the confusion may be considered to have reached a climax when we read the words "Fidis (or Fidicula) exoritur mane," used without variation or explanation to denote a phenomenon assigned to the 26th of April, the 3rd and 15th of May, the 3rd and 16th of November. By examining each paragraph separately, we shall be still more fully convinced of the carelessness and ignorance displayed.

(1.) The *true morning setting* of *Lucida Lyrae* took place at Rome in the age of Caesar, on the 12th or 13th of August, and therefore the Calendar of Caesar here followed by Columella was more accurate than the authorities quoted by Pliny, unless these referred to a different latitude. Remark, however, that no hint is dropped by either to indicate that the *true* and not the *apparent morning setting* is meant; and it ought to be borne in mind that the latter happened, at the epoch in question, on that very day at Alexandria. In the Parapegma of Geminus also, we find, under 11th of August (17 Leo), Εὐκτήμονι λύρα δύεται.

(2.) This must be the *apparent morning setting* which took place at Rome on 24th of August for the Julian epoch.

(3.) The *true evening setting*, calculated for Alexandria at the same epoch, took place on 23rd of January, the very day named by Ovid.

(4.) This is the *heliacal setting*, which, for Lucida Lyrae, took place at Rome on 28th of January.

(5.) These notices seem to be borrowed from old Greek calendars. Eudoxus, as quoted by Geminus, assigns the *evening* (ἀκρόνυχος) *setting* of Lyra to the 11th degree of Aquarius; that is, the 4th of February, according to the Julian Calendar.

It will be seen that the last three paragraphs, (3), (4), (5), without any change of expression, spread the setting of Lyra over a space extending from 23rd of January to 4th February, the apparent and true settings for Rome being on the 28th January and 9th February respectively.

(6.) The *apparent evening rising*, which seems clearly pointed out by the words of Columella, took place at Rome for the Julian era on 14th of April, at Alexandria on 26th of April: the *true evening rising* at Rome on 22nd April; and to this, therefore, the statement of Columella, from whatever source derived, must, if accurate, apply. Pliny has here fallen into a palpable blunder, and has written *mane* for *vesperi*. In fact he has copied, perhaps at second hand, the observation of Eudoxus with regard to the Lyre and Dog (see Parapegma of Gem.), except that he has inserted the word *mane* where the Greek astronomer simply says λύρα ἐπιτέλλει.

(7.) This will agree tolerably well with the *true evening rising* at Alexandria for the Julian era, but is twenty-one days too late for the *apparent evening setting* at Rome, and thirteen days too late for the *true evening setting*.

(8.) Here all is error. We must manifestly substitute *vespere* for *mane* in both passages of Columella; but even thus the observation will not give anything like a close approximation to any rising of Lyra either at Rome or Alexandria in the Julian age.

(9.) Copied verbatim along with the accompanying prognostic of the weather, from the Parapegma of Geminus, where it is ascribed to Euctemon. The day, however, corresponds closely with the *heliacal rising*, which took place at Rome on 5th of November.

(10.) Copied along with the prognostic "hiemat" (καὶ ὁ ἀὴρ χειμέριος γίνεται ὡς ἐπὶ τὰ πολλὰ) from the same compilation, where it is ascribed to Democritus, who fixed upon this day for the *true morning rising* (λύρα ἐπιβάλλει ἅμα ἡλίῳ ἀνίσχοντι). At Rome this *rising* fell upon 23rd of October.

(11.) Copied again from the same source, where it is ascribed to Eudoxus. Here the

observation can in no way be stretched so as to apply to Rome.

(12.) This, like the last, can in no way be made applicable to Rome; but the *heliacal setting* at Alexandria took place, for that epoch, about four days later, on the 9th or 10th of January.

Having now pointed out the difficulties which the student must expect to encounter in prosecuting his inquiries in this department, we proceed briefly to examine the most remarkable passages in the classical writers, where particular periods of the year are defined by referring to the risings and settings of the stars. We begin with the most important,—the Pleiades, Arcturus, and Sirius, which we shall discuss fully, and then add a few words upon others of less note.

The Pleiades.

Hesiod.—Hesiod indicates the period of harvest by the rising of the Atlas-born Pleiads (*Op.* 384) after they had remained concealed for forty days and forty nights. Now, in the age of Hesiod (B.C. 800) the heliacal rising of the Pleiads took place at Athens, according to the computation of Ideler, on the 19th of May of the Julian Calendar, which is just the season when the wheat crop comes to maturity in that climate. Again (*l. c.*), he indicates the commencement of the ploughing-season, and the close of the season for navigating, by the morning setting of the Pleiads, which in that age and latitude fell about the third of the Julian November. In these and all other passages where Hesiod speaks of the risings and settings of the stars, we must unquestionably assume that he refers to the apparent phenomena. Indeed it is by no means improbable that the precepts which he inculcates may be the result of the personal observations of himself and his contemporaries.

Varro, Columella, Pliny. — *Morning Rising.*—(1.) Varro, where he describes the distribution of the year into eight divisions, according to the calendar of Caesar, states that there was a space of forty-six days from the vernal equinox (25th March) to the rising of the Pleiades (*Vergiliarum exortum*), which is thus fixed to the 8th or 9th of May (*R. R.* i. 28).

(2.) Pliny (xviii. 66, § 1) names the 10th of May.

Columella has three distinct notices (*R. R.* xi. 2, §§ 36, 39).

(3.) *X. Kal. Mai.* (22nd April) *Vergiliae cum sole oriuntur.*

(4.) *Nonis Maiis* (7th May) *Vergiliae exoriuntur mane.*

(5.) *VI. Idus sc. Mai* (10th May) *Vergiliae totae apparent;* and this last corresponds with his assertion elsewhere, that the phenomenon takes place forty-eight days after the vernal equinox (ix. 14, § 4).

Now the true morning rising of the Pleiads took place at Rome in the age of the above writers, who are all embraced within the limits of a century, about the 16th of April, the apparent or heliacal rising about the 28th of May. Hence not one of the above statements is accurate. But (1), (2), (4), (5) approach closely to the observation of Euctemon (B.C. 430), according to whom the Pleiad rises on the 13th of Taurus (8th of May); and (3), which expressly refers to the true rising, although inapplicable to Rome, will suit the latitude of Athens for the epoch in question.

Morning Setting.—(1.) Varro places the setting of the Pleiades (*Vergiliarum occasum*) forty-five days after the autumnal equinox (24th Sept.); that is, on the 6th or 7th of November (*R. R.* i. 28).

(2.) Pliny names the 11th of November (xviii. 60, 74; the text in c. 59 is corrupt).

Columella, as before, has a succession of notices.

(3.) *XIII. et XII. Kal. Nov.* (20th and 21st Oct.) *Solis exortu Vergiliae incipiunt occidere.*

(4.) *V. Kal. Nov.* (28th Oct.) *Vergiliae occidunt.*

(5.) *VI. Id. Nov.* (8th Nov.) *Vergiliae mane occidunt.*

(6.) *IV. Id. Nov.* (10th Nov.) *hiemis initium.*

These are all taken from his calendar in xi. 2; but in ix. 14, § 11, "*Ab aequinoctio. . . . ad Vergiliarum occasum diebus XL.*" i.e. 2nd or 3rd of November. Compare ii. 8, § 1.

Now the true morning setting of the Pleiads took place for Rome at that epoch on the 29th of October, the apparent morning setting on the 9th of November. Hence it appears that (5) may be regarded as an accurate determination of the apparent morning setting, and that (1) and (2) approach nearly to the truth, especially when we bear in mind that variations to the extent of two or even three days must be allowed in regard to a phenomenon which depends in some degree on the state of the atmosphere. We perceive also that (4) is correct for the true morning setting, while (3), which is inapplicable to Rome, corresponds to the horizon of Athens in the time of Meton. In the passage from Colum. ix. 14, we ought probably to adopt the conjecture of Pontedera, and read xliv. for xl.

Evening Setting and Evening Rising.—The evening setting of the Pleiades took place, according to Columella, on the 6th of April (*VIII. Idus Aprilis Vergiliae Vespere celantur*); according to the calendar of Caesar, on the 5th. (Colum. ix. 2, § 34; Plin. *H. N.* xviii. § 246.) These statements are not far from the truth, since the apparent evening setting took place at Rome for the Julian epoch on the 8th of April. The apparent evening rising belonged to the 25th of September.

Virgil.—Virgil (*Georg.* i. 221) enjoins the husbandman not to sow his wheat until after the morning setting of the Pleiades:—

> Ante tibi Eoae Atlantides abscondantur
> Gnosiaque ardentis decedat stella Coronae
> Debita quam sulcis committas semina.

Hesiod, as we have seen above, fixes the commencement of the ploughing season, without making any distinction as to the particular crop desired by the (apparent) morning setting of the Pleiades; that is, for his age, the beginning of November. But it is impossible to tell whether Virgil intended merely to repeat this precept or had in his eye the calendar of Caesar or some similar compilation. Columella (ii. 8, § 1), in commenting upon these lines, understands him to mean the true morning setting, which, he says, takes place thirty-two days after the

equinox; that is, on the 25th or 26th of October, —a calculation not far from the truth, since we have pointed out above that the 28th was the real day.

There is another passage where both the rising and the setting of the Pleiades are mentioned in connexion with the two periods of the honey harvest (*Georg.* iv. 231):—

> Bis gravidos cogunt fetus, duo tempora messis,
> Taygete simul os terris ostendit honestum
> Pleias et oceani spretos pede reppulit amnes,
> Aut eadem sidus fugiens ubi Piscis aquosi
> Tristior hibernas caelo descendit in undas.

Here, again, there is nothing in the context by which we can ascertain the precise periods which the poet desired to define; we can only make a guess by comparing his injunction with those of others. Columella (xi. 2) recommends that the combs should be cut, *if full*, about the 22nd of April; but, since he adds that if they are not full the operation ought to be deferred, the matter is left quite indefinite. Now, the words of Virgil seem clearly to point to the heliacal rising which took place in his time at Rome about the 28th of May, more than five weeks after the day given by Columella. In like manner the last-named writer advises (xi. 2, § 57) that the autumnal collection of honey should be put off until the month of October, although others were in the habit of beginning earlier. The true morning setting was, as already stated, on the 28th of October, the apparent on the 9th of November.

As to the expression "sidus fugiens ubi Piscis aquosi," it will be sufficient to observe that although the "Piscis" in question has been variously supposed to be—one of the fishes in the zodiac—the Southern Fish—the Hydra—the Dolphin—or even the Scorpion, no one has yet succeeded in proposing a reasonable or intelligible interpretation, which can be reconciled with any delineation of the heavens with which we are acquainted.

Ovid.—We are told in the *Fasti* (iv. 165) that at daybreak on the morning which follows the 1st of April:—

> Pleiades incipiunt humeros relevare paternos
> Quae septem dici, sex tamen esse solent.

According to the legend, the Pleiades were the daughters of Atlas, who supported the heavens on his shoulders, and hence, when they disappeared from the sky, they might be said to remove a portion of their father's burden "humeros relevare paternos." The apparent morning setting is therefore clearly denoted. But this took place at Rome on the 9th of November, while, on the other hand, the apparent evening (or heliacal) setting fell upon the 8th of April, only six days after the date mentioned. Hence the poet blundered between the morning setting and the evening setting, which are many months apart.

Again (v. 599), the Pleiades are said to rise visibly in the morning on May 14th, marking the end of spring and the beginning of summer. Now the heliacal rising of the Pleiades did not take place at Rome when Ovid wrote until May 28th; but the phenomenon in question took place at Athens on May 16th in the age of Meton. Hence this observation was evidently copied from a Greek calendar computed for the fifth century B.C.

Arcturus.

Considerable difficulty arises in the discussion of the passages which refer to Arcturus, from the circumstance that this name is sometimes applied generally to the whole of the wide-spreading constellation of Boötes, and sometimes confined to the bright star in the knee of the figure.

Homer.—Homer (*Od.* v. 29) speaks of Arcturus as *ὀψὲ δύοντα*, because the apparent evening or heliacal setting took place late in the year when winter was nigh at hand, and hence the phrase *νύκτες ἐπ' Ἀρκτούρῳ* for *long nights*. (See Arat. 585.) Another explanation of the phrase has been given above when discussing the constellation Boötes.

Hesiod.—Hesiod (*Op.* 564) dates the commencement of Spring from the evening rising of Arcturus (*ἐπιτέλλεται ἀκρονυκτίοιο*) sixty days after the solstice. Now the apparent evening rising for the age and country of Hesiod fell upon the 24th of February; therefore his statement is correct in round numbers.

Again, in the same poem (659) he marks the period of the vintage by the morning (heliacal) rising of Arcturus, which, according to Ideler, fell in that age on the 18th of September.

Columella, Pliny.—*Morning Rising.* Columella (ix. 14, § 10) places the rising of Arcturus about fifty days after the rising of Canicula; and since the heliacal rising of the latter fell on the 2nd of August at Rome in the Julian era, and of the former on the 21st of September, the computation is exact.

Pliny (xviii. § 310), *Arcturus vero medius pridie Idus* (sc. Septembres oritur), *i.e.* 12th of September, where the middle portion of the whole constellation is indicated, and the observation is very accurate.

Morning Setting.—(1.) *XI. et X. Kal. Jun.* (22nd and 23rd May) *Arcturus mane occidit.* Col. xi. 2, § 43.

(2.) *VII. Id. Jun.* (9th June) *Arcturus occidit.* Id. § 45.

(3.) Pliny (xviii. § 255) ascribes the *Arcturi occasus matutinus* to *V. Id. Maias*, i.e. 11th May.

(4.) Again, in the same section we find that *Arcturus matutino occidit* on the 8th of June.

Now, the true morning setting of Arcturus for Rome at this epoch belongs to 28th of May, the apparent morning setting to 10th of June.

But (1) seems to be copied from the observation of Euctemon in the Parapegma of Geminus; (2) is a close approximation to the apparent morning setting for Rome; (3) is altogether erroneous, and must be a true morning setting extracted from some old Greek calendar; (4) corresponds with (2), and is nearly correct.

Evening Rising.—(1.) *IX. Kal. Mart.* (21st Feb.) *Arcturus prima nocte oritur.* Col. xi. 2, § 21.

(2.) *Ortus Arcturi qui est ab Idibus Februariis* (13th Feb.). Col. ix. 14.

(3.) *VIII. Kal. Mart.* (22nd Feb.) *hirundinis visu et postero die* (23rd Feb.) *Arcturi exortu vespertino.* Plin. *H. N.* xviii. 65.

Now the apparent evening rising of Arcturus took place for Rome at the Julian epoch on the 27th of February, the true evening rising on

the 6th of March. But since it is evident from (2) that Columella here employed *Arcturus* to denote not merely the star properly so called, but the whole figure of Boötes, a latitude of several days must be allowed in the case of this as of all the larger constellations. See below the remarks on Ov. *Fast.* ii. 153. We may remark, however, that 21st–23rd of February will answer for the apparent evening rising of the star Arcturus at Athens in the age of Meton.

Evening Setting.—IV. Kal. Nov. (29th Oct.) *Arcturus vespere occidit, ventosus dies.* Col. xi. 2, § 78.

This is taken verbatim from an observation of Euctemon quoted in the Parapegma of Geminus. The heliacal setting for Rome was a few days later, about the 4th of November. But the observation of Euctemon is not accurate for the latitude of Athens in his own age, for the phenomenon ought to have been placed about five days earlier, which proves, as Pfaff remarks, that the Greek astronomers are not always to be depended upon in these matters.

We find in Pliny (xviii. § 271), *VIII. Id. Aug.* (6th August) *Arcturus medius occidit.* This is so far removed from any setting of the star in question that Harduin pronounces the text corrupt, and substitutes *VII. Id. Aug. Aquarius occidit medius*, while Pfaff endeavours to refer the expression to the culmination,—an explanation which is both in itself forced and completely at variance with the ordinary usage of Pliny.

Again, Pliny (xviii. § 313), *Pridie Kalendas* (Nov.) *Caesari Arcturus occidit*, i.e. 31st of October, and a few lines farther on *IV. Nonas Arcturus occidit vesperi.* The latter is not far from the truth; the former, unless it refers to the constellation in general, must have been borrowed from a foreign source.

Virgil.—Virgil (*Georg.* i. 229) instructs the husbandman to sow vetches, kidney beans, and lentiles, when Boötes sets, by which he probably intends to indicate the heliacal setting of Arcturus on the 4th of November. In like manner Pliny (xviii. § 120) orders the vetch to be sown about the setting of Arcturus, the kidney bean at the setting of Boötes (xviii. § 202), the lentile in the month of November (xviii. § 125). Columella assigns the sowing of vetches and kidney beans, and Palladius of kidney beans, to the month of October; if the end of the month is meant, then the precept may be considered as identical with those of Virgil and Pliny; if the middle of the month is intended, this will correspond with the heliacal setting of Arcturus for the latitude of Alexandria.

Again, in *Georg.* i. 67, when treating of ploughing, the words

> At si non fuerit tellus fecunda, sub ipsum
> Arcturum tenui sat erit suspendere sulco,

refer to the morning rising. The true morning rising was on the 8th of September, the apparent on the 21st. The former agrees best with the directions given by Columella (ii. 4, § 11) for ploughing of very light land, "graciles clivi non sunt aestate arandi, sed circa Septembres Kalendas;" and a little lower down, when treating of the same kind of soil, "itaque optime inter Kalendas et Idus Septembres aratur et subinde iteratur."

Ovid.—In the second book of the *Fasti* (153) we read:

> Tertia nox veniat: custodem protinus Ursae
> Adspicies geminos exseruisse pedes;

that is, the *constellation* Arcturus displays both his feet on the 11th of February, where it ought to be observed that from the posture in which Boötes rises his two legs appear above the horizon nearly at the same time. The apparent evening rising of the star Arcturus took place at Rome, on the 27th of February, the true evening rising on the 6th of March; but the calendar to which Ovid was indebted probably recorded the appearance of the first star in the figure which became visible.

In three passages, the morning setting is clearly described (*Fast.* iii. 403; v. 733; vi. 235). In the first, it is placed on 4th or 5th of March, according as we adopt the reading *quartae* or *quintae;* in the second, on the 26th of May; in the third, on the 7th of June. Now there is no doubt that the setting of Boötes is spread over a considerable period,—and hence the epithet *piger*, applied to him here and elsewhere,—but in no way could it be made to occupy three months. The star Arcturus is one of the first which sets in this constellation: its true morning setting took place on 28th of May, its apparent morning setting on 10th of June; thus the second and third of the above passages will apply to these two. In the first passage he has erroneously substituted the *apparent morning setting* for the *true evening rising*, which really took place, as we have seen, on the 6th of March.

Sirius. Canis. Canicula.

Homer, Hesiod.—Homer (*Il.* v. 5; xxii. 25) alludes to Sirius as the star of ὀπώρα; that is, of the hottest portion of summer, as will be explained more fully below in treating of the ancient division of the year into seasons. The heliacal rising of Sirius in Southern Greece would take place in the age of Homer about the middle of July.

The culmination of Sirius spoken of by Hesiod (*Op.* 609), as marking along with the morning rising of Arcturus the period of the vintage, would take place in that age about the 20th of September. The passage (*Op.* 417), where Σείριος ἀστὴρ is supposed to denote the sun, has been already noticed. See above, p. 221 b.

Varro, Columella, Pliny.—*Morning Rising*—(1.) Varro, following the calendar of Caesar, reckons an interval of twenty-four days from the summer solstice to the rising of Sirius (*ad Caniculae signum*), which, according to this calculation, would fall on the 17th or 18th of July (*R. R.* i. 28).

(2.) Columella (xi. 2, § 53) fixes upon the 26th of July (*VII. Kal. Aug. Canicula apparet*), and in another passage (ix. 15, § 5) makes the interval between the solstice and the rising of Sirius about thirty days (*peracto solstitio usque ad ortum Caniculae, qui fere dies triginta sunt*); that is, on the 24th of July.

(3.) Pliny (xviii. § 269) says, that the epoch "*quod canis ortum vocamus*" corresponded with the entrance of the sun into Leo; that is, according to the Julian Calendar, which he professes to follow, the 24th of July.

(4.) In the very next clause he says, that it

fell twenty-three days after the solstice; that is, on the 17th of July.

(5.) And a little farther on (§ 288), he refers the same event specifically to the 17th of July (*XVI. Kal. Aug.*).

(6.) Finally, in a different part of his work (xi. § 36), he places the rising of Sirius thirty days after the solstice: *ipso Sirio exsplendescente post solstitium diebus tricenis fere*, a passage in which it will be seen, upon referring to the original, that he must have been consulting Greek authorities, and in which the words necessarily imply a *visible* rising of the star.

The whole of the above statements may be reduced to two. In (1), (4), (5), the rising of Sirius is placed on the 17th or 18th of July, twenty-three days after the solstice; in (2), (3), (6), *about* thirty days after the solstice,—that is, 24th–26th of July.

Now the true morning rising of Sirius for Rome at the Julian era fell upon the 19th of July, the apparent morning or heliacal rising on the 2nd of August, thirty-eight or thirty-nine days after the solstice.

Hence (1), (4), (5) are close approximations to the truth, while (2), (3), (6) are inapplicable to Rome, and borrowed from computations adapted to the horizon of Southern Greece.

Some words in Pliny deserve particular notice: "XVI. Kal. Aug. Assyriae Procyon exoritur; dein postridie fere ubique, confessum inter omnes sidus indicans, quod canis ortum vocamus, sole partem primam Leonis ingresso. Hoc fit post solstitium XXIII. die. Sentiunt id maria, et terrae, multae vero et ferae, ut suis locis diximus. Neque est minor ei veneratio quam descriptis in deos stellis." Although the expressions employed here are far from being distinct, they lead us to infer that certain remarkable periods in the year were from habit and superstition so indissolubly connected in the public mind with certain astronomical phenomena, that even after the periods in question had ceased to correspond with the phenomena, no change was introduced into the established phraseology. Thus the period of most intense heat, which at one time coincided with the heliacal rising of Sirius, would continue to be distinguished in the language of the people, and in almanacs intended for general use, as the *Canis Exortus*, long after the two epochs were removed to a distance from each other, just as among ourselves the term dog-days, having once obtained a firm footing, is used and probably will continue to be used for centuries without the slightest regard to the actual position of the constellation at the time in question. An example still more striking, because it involves an anomaly universally recognised by scientific men, is the practice of denominating the position of the sun at the vernal equinox, as the *first point of Aries*, although two thousand years have elapsed since the intersection of the ecliptic with the equator corresponded with the commencement of the constellation Aries. A necessity has thus arisen of drawing a distinction, which proves most embarrassing to the unlearned, between the signs of the zodiac and the constellations of the zodiac, and thus the sun is said to be in the sign Aries while he is actually traversing the constellation of Pisces, and enters the sign Taurus long before he quits the constellation Aries. Now something of this sort may to a certain extent explain some of the anomalies which recur so perpetually in the calendar of Columella or Pliny. Certain remarkable appearances fixed upon at a very early period to mark the approach of summer and winter, such as the rising and setting of the Pleiades, may have by custom or tradition become so completely identified in the minds of the people with particular days, that the compilers of calendars intended for general use, while they desired to register accurate observations, were compelled at the same time to include those which, belonging to remote ages and foreign lands, had nevertheless acquired a prescriptive claim to attention. We may thus account for inconsistencies so numerous and glaring, that they could scarcely have been altogether overlooked by the writers in whose works they occur, although it is impossible to forgive their carelessness in withholding the necesssary explanations, or the gross ignorance which they so often manifest.

Evening Setting.—Columella places the evening setting of the Dog on the 30th of April (*Prid. Kal. Mai. Canis se Vespere celat*), xi. 2, § 37. Pliny on the 28th (*IV. Kal. Mai. Canis occidit, sidus et per se vehemens et cui praeoccidere Canuculam necesse sit*), xviii. § 285.

The heliacal setting at Rome for the Julian era was on the 1st of May, which proves the above statements to be nearly correct. The expression *cui praecoccidere Caniculam necesse sit* has been already commented on. See above, p. 222 a.

Morning Setting. Evening Rising.—(1.) *VII. Kal. Dec.* (25th Nov.) *Canicula occidit solis ortu.* Col. xi. 2, § 89.

(2.) *III. Kal. Jan.* (30th Dec.) *Canicula vespere occidit.* Ibid. § 94.

(3.) *III. Kal. Jan.* (30th Dec.) *Matutino canis occidens.* Plin. xviii. § 234.

(1) is accurate for the apparent morning setting at Rome, B.C. 44.

(2) and (3) are directly at variance with each other, and are both blunders. The apparent evening rising took place at Rome on the 30th of December, not the evening setting as Columella would have it, nor the morning setting as Pliny has recorded.

VIRGIL.—Virgil instructs the farmer to sow beans, lucerne, and millet:—

> Candidus auratis aperit cum cornibus annum
> Taurus et adverso cedens Canis occidit astro.
>
> *Georg.* i. 217.

The sun entered Taurus, according to the Julian Calendar, on the 24th of April: the heliacal setting of Sirius was on the 1st of May, six days afterwards. Many interpretations have been proposed for the words "adverso cedens Canis occidit astro;" of these the most plausible is that which explains them with reference to the form and attitude under which the constellation of the Dog was depicted, which made him set backwards facing the signs which follow.

Again, in *Georg.* iv. 425, we find

> Jam rapidus torrens sitientes Sirius Indos
> Ardebat caelo et medium sol igneus orbem
> Hauserat,

words which are intended to indicate the hottest portion of the day in the hottest season of the

year. Here the separate mention of "Sol" is quite sufficient to confute those who would consider Sirius as equivalent in this passage to the sun. See above, p. 221 b. Comp. Lucan. *Phars.* x. 209.

OVID.—In the fourth book of the *Fasti* (ver. 901) the rising of Sirius is assigned to the 25th of April, is made coincident with the disappearance of Aries, and marks the epoch of midspring:—

> Sex ubi quae restant luces Aprilis habebit
> In medio cursu tempora Veris erunt;
> Et frustra pecudem quaeres Athamantidos Helles
> Signaque dant imbres exoriturque Canis.

A notorious blunder has been here committed by the poet. No rising of Sirius, either real or apparent, in the morning or in the evening, corresponds to this season. But this is the very day fixed by Euctemon (*ap.* Gemin. *Parapeg.*) for the heliacal setting (*κύων κρύπτεται*) of the Dog, which fell at Rome for the Julian era on the 1st of May.

Again, in *Fast.* v. 723, we read—

> Nocte sequente diem Canis Erigoneius exit;

that is, on the 22nd of May. Now, it is clear from a former passage (iv. 939) that by *Canis Erigoneius* he means the Great Dog; but the true rising of Sirius took place for Rome at this period on the 19th of July, the apparent on the 2nd of August.

Not much will be gained by supposing that Procyon is here alluded to; for the risings of that star precede those of Sirius by about eight days only. Here, again, therefore, we have a gross mistake.

PALLADIUS. — Palladius (vii. 9): "In ortu Caniculae, qui apud Romanos XIV. Kal. Aug. (19th July) die tenetur, explorant (sc. Aegypti) quae semina exortum sidus exurat, quae illaesa custodiat." Now this is the exact period of the heliacal rising in Egypt for the Julian epoch; hence the words "apud Romanos" must refer to a notice in some Roman Calendar, and not to the real period of the phenomenon.

ORION.

It must be borne in mind that, from the great size of this constellation, its risings and settings are spread over a considerable space; while the brilliant stars which it contains are so numerous that no one can be fixed upon as a representative of the whole, as in the case of Boötes, where the different appearances are usually referred to Arcturus alone. Hence those writers who aim at precision use such phrases as "Orion incipit oriri," "Orion totus oritur," "Orion incipit occidere;" and wherever such qualifications are omitted the statements are necessarily vague.

HESIOD.—Hesiod (*Op.* 598) orders the corn to be threshed *εὖτ' ἂν πρῶτα φανῇ σθένος Ὠρίωνος*. For that age and country the apparent morning or heliacal rising of Orion would be completed about the 9th of July.

The setting of Orion was one of the tokens which gave notice to the farmer that the season for ploughing had arrived, and to the mariner that he must no longer brave the perils of the deep (*Op.* 615). The apparent morning setting extended over the whole month of November.

The culmination of Orion, which coincided with the vintage (*Op.* 609), took place about the 14th of September.

ARISTOTLE.— Aristotle (*Meteorolog.* ii. 5, *Problem.* xiv. 26) places the rising of Orion at the commencement of Opora, and the setting at the beginning of winter, or rather in the transition from summer to winter (*ἐν μεταβολῇ τοῦ θέρους καὶ χειμῶνος*).

Now the two limits which included the beginning and end of the apparent morning or heliacal rising, which alone can be here indicated, were, for the age and country of the writer, 17th of June—14th of July; those which embraced the apparent morning setting were, 8th of November—8th of December; while the true morning setting continued from 27th of October—20th of November.

Upon examining the passages in question, a very curious contradiction will be perceived, which has long exercised the ingenuity of the commentators. Aristotle distinctly asserts in one place that the rising of Orion is characterised by unsteady stormy weather, and offers an explanation of the fact: in another place he as distinctly avers that the rising of Orion is characterised by the absence of wind (*περὶ Ὠρίωνος ἀνατολὴν μάλιστα γίνεται νηνεμία*).

PLINY. — (1.) *VIII. Idus* (Mart.) *Aquilonii piscis exortu, et postero die Orionis.* xviii. 65, § 1.

(2.) *Nonis* (Apr.) *Aegypto Orion et gladius ejus incipiunt abscondi.* xviii. 66, § 1.

(1.) The first date, 8th of March, is so far removed from the rising of Orion, whether in the morning or the evening, that Ideler is probably correct when he supposes that either the text is corrupt or that Pliny himself inserted Orion by mistake instead of the name of some other constellation.

(2.) Here also the date, 5th of April, is wide of the truth. The apparent evening setting of the middle star in the belt fell at Alexandria on the 26th of April, seven days later than at Rome, the true evening setting about the 9th or 10th of May.

VIRGIL, HORACE. — Both Virgil and Horace frequently allude to the tempests which accompanied the winter setting of Orion (*Suevus ubi Orion hibernis conditur undis*, Verg. *Aen.* vii. 719; see also iv. 52: Hor. *Carm.* i. 28. 21, iii. 27. 17; *Epod.* x. 9, xv. 7), just as Hesiod (*Op.* 617) eight hundred years before had warned the mariner that when the Pleiades, fleeing from the might of Orion, plunge into the dark main:

> *Δὴ τότε παντοίων ἀνέμων θύουσιν ἀῆται.*

The apparent morning setting of Orion, which in the time of Hesiod commenced early in November, soon after the morning setting of the Pleiades, thus became connected in traditional lore with the first gales of the rainy season, and the association continued for centuries, although the phenomenon itself became gradually further and further removed from the beginning of the stormy period. In the *Parapegma* of Geminus we find notices by three different astronomers, in which the setting of the Pleiades and of Orion are mentioned as attended by tempests, although each of the three fixes upon a different day. For Rome, at the Julian era, the apparent morning setting commenced about the 12th or 13th of November. In Pliny (xviii. § 313) we find,

"V. Idus Novembr. (8 Novemb.) gladius Orionis occidere incipit," which is the true morning setting for Alexandria at that epoch.

Ovid.—Ovid refers twice in his *Fasti* to the setting of Orion. In one passage (iv. 387) he places it on the day before the termination of the Megalesia, that is, on the 10th of April; in another (v. 493), where the complete disappearance of the figure is expressly noted, on the 11th of May.

Now the apparent evening setting of Rigel, the bright star which marks the left foot, took place for Rome in the age of the poet on 11th of April; while the smaller star, now known as κ, set on the previous day, the true evening setting of Betelgeuse, which marks the right shoulder, fell on the 11th of May. Hence it is clear that Ovid derived his information from two very accurate calendars, one of which gave the date of the commencement of the apparent evening setting; the other, the date of the termination of the true evening setting.

He refers twice to the rising of Orion also—in the sixth book of the *Fasti* (717), on the 16th of June:

> At pater Heliadum radios ubi tinxerit undis,
> Et cinget geminos stella serena polos,
> Tollet humo validos proles Hyriea lacertos,

and on the festival of Fortuna Fortis, on the 24th of June:

> Zona latet tua nunc, et cras fortasse latebit,
> Dehinc erit, Orion, adspicienda mihi,

that is, on the 26th of June.

With regard to the first, the date is nearly correct for the true MORNING (*not* EVENING, as the words denote) rising of the two stars (o o) at the extremity of the left hand; with regard to the second, the true morning rising of the middle star in the belt fell on the 21st of June, the apparent on the 13th of July. There is a mistake, therefore, here of five days, as far as Rome is concerned.

Hyades.

In Hesiod (*Op.* 615), the setting of the Pleiades, of the Hyades, and of mighty Orion warns the husbandman that the season has arrived for ploughing the earth, and the mariner, that navigation must cease. The apparent morning setting of the Hyades took place, according to the calculation of Ideler, for the age and country of Hesiod, on the 7th of the Julian November, four days after that of the Pleiades, and eight before that of Orion.

Virgil (*Aen.* i. 744, iii. 516) terms this cluster "pluvias Hyadas," and Horace (*Carm.* i. 3, 14) "tristes Hyadas," in reference to their morning setting at the most rainy and stormy season of the year. The true morning setting for Rome at the Julian era happened on the 3rd of November, the apparent on the 14th of November. The apparent evening rising, which fell upon the 25th of October, would likewise suit these epithets.

Ovid, in his *Fasti* (iv. 677), places the evening setting of the Hyades on the 17th of April, the day fixed in the Calendar of Caesar (Plin. xviii. 66, § 1), while Columella names the 18th (*R. R.* xi. 2, § 36). These statements are nearly accurate, since the apparent evening or heliacal setting took place for Rome at that epoch on the 20th of April.

In the same poem, the morning rising is alluded to five times.

(1.) It is said (v. 163) to take place on the 2nd of May, which was the day fixed in the Calendar of Caesar (Plin. xviii. § 248), and adopted by Columella (xi. 2, §.59), whose words, *Sucula cum sole oritur*, indicate the true morning rising.

(2.) On the 14th of May (v. 603), while Columella (*Ibid.* § 43) has, *XII. Kal. Jun.* (21st May) *Suculae exoriuntur.*

(3.) On the 27th of May (v. 734).

(4.) On the 2nd of June (vi. 197).

(5.) On the 15th of June (vi. 711).

Now the true morning rising of the Hyades for Rome at that epoch was on the 16th of May, the apparent or heliacal rising on the 9th of June, the true evening setting on the 3rd of May.

Hence it is clear that Ovid, Columella, and Pliny, copying in (1) a blunder which had found its way into the Calendar of Caesar, assigned the morning rising to the 2nd of May instead of the true evening setting. The true evening rising lay between the days named in (2). The heliacal rising was thirteen days after (3), seven days after (4), six days before (5).

The Cretan Crown.

We have seen above that Virgil (*Georg.* i. 222) instructs the farmer not to commence sowing wheat until after the Pleiades have set in the morning:

> Gnosiaque ardentis decedat stella Coronae,

words which must signify the *setting of the Cretan Crown*. The apparent evening (or heliacal) setting of this constellation fell at Rome for this epoch upon the 9th of November, the very day after the apparent morning setting of the Pleiades.

Ovid (*Fast.* iii. 459), after having spoken of the rising of Pegasus on the night of March 7th, adds,

> Protenus adspicies venienti nocte Coronam = Gnosida,

words which denote the evening rising; and, in reality, the apparent evening rising took place on the 10th of March, only two days later than the date here fixed.

The Kids.

Virgil (*Georg.* i. 205), when inculcating the utility of observing the stars, declares that it is no less necessary for the husbandman than for the mariner to watch Arcturus and the glistening Snake, and *the days of the Kids* (*haedorumque dies servandi*). Elsewhere (*Aen.* ix. 658) he compares a dense flight of arrows and javelins rattling against shields and helmets to the torrents of rain proceeding from the west under the influence of *the watery Kids* (*pluvialibus haedis*). Horace (*Carm.* iii. 1, 27) dwells on the terrors of setting Arcturus and the *rising Kid*, while Ovid (*Trist.* i. 1, 13) and Theocritus (vii. 53; see Schol.) speak in the same strain. In Columella's Calendar (xi. 2, § 66) we find *V. Kal. Octob.* (27th Sept.) *Haedi exoriuntur*, and a little farther on (§ 73) *Pridie Non. Octob.* (4th Nov.) *Haedi oriuntur vespere.* The former date marks the precise day of the *true evening rising* of the

foremost Kid at Rome for the Julian era; and hence the *apparent evening rising*, which would fall some days earlier, would indicate the approach of those storms which commonly attend upon the autumnal equinox.

III. Division of the Year into Seasons.

As early as the age of Hesiod the commencement of different seasons was marked by the risings and settings of certain stars; but before proceeding to determine these limits, it will be necessary to ascertain into how many compartments the year was portioned out by the earlier Greeks.

Homer clearly defines three: — 1. Spring (ἔαρ), at whose return the nightingale trills her notes among the greenwood brakes (*Od.* xix. 519). 2. Winter (χειμών, χεῖμα), at whose approach, accompanied by deluges of rain (ἀθέσφατον ὄμβρον), the cranes fly screaming away to the streams of ocean (*Il.* iii. 4; comp. Hesiod. *Op.* 448). 3. Summer (θέρος), to which χεῖμα is directly opposed (*Od.* vii. 118). 4. Three lines occur in the *Odyssey* (xi. 191, αὐτὰρ ἐπὴν ἔλθῃσι θέρος τεθαλυῖά τ' ὀπώρη, and also xii. 76, xiv. 384) where the word ὀπώρα seems to be distinguished from θέρος, and is in consequence generally translated *autumn*. Ideler, however, has proved in a satisfactory manner (*Handbuch der Chron.* i. p. 243) that the term originally indicated not a season separate from and following after summer, but the hottest part of summer itself; and hence Sirius, whose heliacal rising took place in the age of Homer about the middle of July, is designated as ἀστὴρ ὀπωρινός (*Il.* v. 5; see Schol. *ad* Eustath. *ad loc.*; compare also *Il.* xxii. 26), while Aristotle in one passage (*Meteorolog.* ii. 5) makes the heliacal rising of Sirius, which he notes as coinciding with the entrance of the sun into Leo, *i.e.* 24th July of the Julian Calendar, the sign of the commencement of ὀπώρα; and in another passage (*Problem.* xxv. 26, xxvi. 14) places the rising of Orion at the beginning of ὀπώρα, and the setting of the same constellation at the beginning of winter—ἐν μεταβολῇ τοῦ θέρους καὶ χειμῶνος—an expression which clearly indicates that ὀπώρα was included within the more general θέρος.

Hesiod notices ἔαρ (*Op.* 462), θέρος (*l. c.*), χεῖμα (450), and in his poem we find the trace of a fourfold division, for he employs the adjective μετοπωρινός (*Op.* 415) in reference to the period of the first rains, when the excessive heat had in some degree abated. These rains he elsewhere calls the ὀπωρινὸν ὄμβρος, and notices them in connexion with the vintage, when he enjoins the mariner to hasten home to port before the serene weather has passed away—μηδὲ μένειν οἶνον τε νέον καὶ ὀπωρινὸν ὄμβρον. Moreover, by making θέρος proper end fifty days after the solstice (*Op.* 663), he leaves a vacant space from the middle of August to the end of October, which he must have intended to fill by a fourth season, which he nowhere specifically names. As late, however, as Aeschylus (*Prom.* 453) and Aristophanes (*Av.* 710), the seasons are spoken of as three—χειμών, ἔαρ, θέρος, by the former; χειμών, ἔαρ, ὀπώρα, by the latter. Nor can we avoid attaching some weight to the fact that the most ancient poets and artists recognised the Ὧραι as three only, bearing, according to the Theogony (901), the symbolical appellation of Order (Εὐνομία), Justice (Δίκη), and blooming Peace (Εἰρήνη). Indeed Pausanias has preserved a record of a time when the Ὧραι were known as two goddesses only—Καρπώ, the patroness of fruits, and Θαλλώ, the guardian of blossoms (ix. 35, § 2). We may hence safely conclude that the Greeks for many ages discriminated three seasons only—Winter, Spring, and Summer; that the general name for the whole of summer being θέρος, the hottest portion was distinguished as ὀπώρα, and that the latter term was gradually separated from the former, so that θέρος was commonly employed for early summer, and ὀπώρα for late summer.

The first direct mention of autumn is contained in the treatise *de Diacta* (lib. iii. &c.), commonly ascribed to Hippocrates (B.C. 420), where we are told that the year is usually divided into four parts,—Winter (χειμών), Spring (ἔαρ), Summer (θέρος), Autumn (φθινόπωρον); and this word with its synonym μετόπωρον occurs regularly from this time forward, proving that those by whom they were framed considered ὀπώρα, not as autumn, but as the period which immediately preceded autumn and merged in it.

We discover also in the Greek medical writers traces of a sevenfold division, although there is no evidence to prove that it was ever generally adopted. According to this distribution, summer is divided into two parts, and winter into three, and we have, 1. Spring (ἔαρ). 2. Early summer (θέρος). 3. Late summer (ὀπώρα). 4. Autumn (φθινόπωρον s. μετόπωρον). 5. The ploughing or sowing season (ἄροτος s. σπορητός). 6. Winter proper (χειμών). 7. The planting season (φυταλία).

From Varro (*R. R.* i. 28), Columella (ix. 14, xi. 2), and Pliny (xviii. § 220 ff.) we infer that Julius Caesar, in his Calendar, selected an eightfold division, each of the four seasons being subdivided into two, after this manner: 1. *Veris Initium.* 2. *Aequinoctium Vernum.* 3. *Aestatis Initium.* 4. *Solstitium.* 5. *Autumni Initium.* 6. *Aequinoctium Autumni.* 7. *Hiemis Initium.* 8. *Bruma.*

We find no trace in Homer of any connexion having been established between the recurrence of particular astronomical phenomena, and the return of the seasons. But in Hesiod, as remarked above, and in subsequent writers, the limits of the divisions which they adopt are carefully defined by the risings and settings of particular stars or constellations. The following tabular arrangement will afford a view of the most important systems:—

Division of the Seasons according to Hesiod.

Commencement of spring	The evening (ἀκροκνέφαιος) rising of Arcturus 60 days after the winter solstice (*Op.* 564).
Commencement of summer (ἄμητος) or reaping time	(Heliacal) rising of the Pleiades after they have remained concealed for 40 days and 40 nights (383).
Threshing time	(Heliacal) rising of the first star in Orion (595).
Period of most oppressive heat	(Heliacal) rising of Sirius (582, &c.).

End of summer (θέρος)	Fifty days after the solstice (663).
Period of the vintage	(Heliacal) rising of Arcturus. Culmination of Sirius and Orion (609).
Commencement of winter, which coincides with ploughing time (ἄροτος), and the close of navigation.	The (morning) setting of the Pleiades (383), of the Hyades, and of Orion (615).

According to the Author of the Treatise "De Diaeta."

Commencement of spring	The vernal equinox.
,, summer	Heliacal rising of the Pleiades.
,, autumn	Heliacal rising of Arcturus.
,, winter	Morning setting of Pleiades.

Sevenfold Division, according to Hippocrates and other Medical Writers.

Commencement of spring	The vernal equinox.
,, early summer (θέρος)	Heliacal rising of the Pleiades.
,, late summer (ὀπώρα)	Heliacal rising of Sirius.
,, autumn	Heliacal rising of Arcturus.
,, ploughing and sowing season (ἄροτος σπορητὸς)	Morning setting of Pleiades.
Commencement of winter proper (χειμὼν)	Winter solstice.
,, planting season (φυταλία)	Evening rising of Arcturus.

Seasons according to Euctemon, Eudoxus, and other Authors quoted in the Parapegma of Geminus.

First breezes of Zephyrus	16° or 17° of Aquarius.
Appearance of the swallow	2° of Pisces.
Appearance of kite (ἰκτῖνος φαινέται)	17° of Pisces (Eud.)—22° of Pisces (Euctem.).
Commencement of summer	13° of Taurus.
Midwinter	14° of Capricornus.

According to the Calendar of Julius Caesar.

Commencement of spring	The breezes of Favonius begin to blow	VII. Id. Feb. (7 February).
Vernal equinox		VIII. Kal. Apr. (25 March).
Commencement of summer	Heliacal rising of the Pleiades (Vergiliae)	VII. Kal. Mai. (9 May).
Summer solstice (*solstitium*)		VIII. Kal. Jun. (24 June).
Commencement of autumn	Morning setting of Fidicula	III. Id. Aug. (11 August).
Autumnal equinox		VIII. Kal. Oct. (24 September).
Commencement of winter	Morning setting of the Pleiades	III. Id. Nov. (11 November).
Winter solstice (*bruma*)		VIII. Kal. Jan. (25 December).

Thus assigning to spring, ninety-one days; to summer, ninety-four days; to autumn, ninety-one days; to winter, eighty-four days.

[W. R.] [A. S. W.]

ASTY'NOMI (ἀστυνόμοι), public officers in most of the Greek states, who had to preserve order in the streets, to keep them clean, and to see that all buildings, both public and private, were in a safe state, and not likely to cause injury by falling down (Arist. *Pol.* vi. 5, § 3 = p. 1321 b, 19; Plato, *Legg.* vi. 759 A, 763 C; Dig. 43. tit. 10, s. 1). Among the cities where inscriptions bearing the name ἀστυνόμοι have been found are Athens, Ancyra, Cnidus, Eumeneia in Phrygia, Heraclea in Bithynia, Olbia, Rhodes, Sinope, and Teuthrania. In Plato's ideal *Laws* the functions of the astynomi are enlarged beyond what was actually the case at Athens; he assigns them the control of paving and of the public water supply, which we know to have been under the care of the ὁδοποιοὶ and the ἐπιστάται τῶν ὑδάτων (Boeckh, *P. E.* p. 203 ff.). The astynomi at Athens formed a street police, and were ten in number, corresponding with the number of the tribes, and appointed by lot, five for the city and five for the Peiraeus (Harpocrat., Suid. *s. v.*; Bekk. *Anecd.* p. 455, 24; *C. I. G.* i. 337). Aristotle states (*ap.* Harpocrat. *l. c.*) that they had the superintendence of the scavengers (κοπρολόγοι), which would naturally belong to them as charged with the cleansing of the streets; as also of musicians of both sexes, mountebanks, and the like. It is probable, however, that they had only to do with the latter in virtue of their duty of preserving order in the streets, since the regulation of public prostitutes belonged to the agoranomi [AGORANOMI]. We must regard the supervision of buildings as a part of their functions; the opinion that the Areiopagus was empowered to deal with such matters, and prevent the streets being made too narrow, or encroached upon by balconies (δρύφακτοι), has been proved to be erroneous (Schömann, *Antiq.* p. 415, E. T.; J. H. Lipsius in *Att. Process*, note 198*). It would likewise appear from a story told of the philosopher Crates by Diogenes Laërtius (vi. 90), that they could prevent a person from appearing in public in luxurious or indecent apparel. The office was regarded as burdensome, and no one could be compelled to serve in it a second time (Dem. *Prooem.* 55, p. 1461). It is mentioned on one occasion that a will was deposited with one of the astynomi (Isaeus, *Or.* 1 [*Cleon.*], § 15); but this was clearly no part of their official duties, and must be regarded simply as an instance of private confidence. There was, in fact, no regular place for the custody of wills at Athens. The notion of an ἀστυνόμιον or public building for the astynomi rests only on the fancy sketch of Plato, *Legg.* xi. 918 A, and is not supported by definite statements (Meier and Schömann, *Att. Process*, pp. 93–96, with Lipsius' notes; K. F. Hermann, *Staatsalterth.*, § 150, n. 8, 9; Boeckh, *Public Economy*, and Schömann, *Antiq.* as above). [W. S.] [W. W.]

ASY'LIA (ἀσυλία), inviolability. **1.** The security of person and property everywhere granted to ambassadors and heralds, and often to others as well. It was regularly enjoyed by athletes on their journeys to and from the games, and by actors and others engaged in the Dionysiac

festivals (Plut. *Arat.* 28). As granted to individuals by special favour, it is often mentioned in the inscriptions in connexion with ἀτέλεια and προξενία (*C. I. G.* n. 1052, 1542, and many more; Curtius, *Anecd. Delph.* n. 41 ff.). This privilege was also granted by one state to another, and claimed in the fullest measure by the presiding states at the four great games (Pind. *Isthm.* ii. 23; Thucyd. v. 49; Strabo, viii. p. 358; cf. OLYMPIA). The period during which the sacred truce lasted was called ἱερομηνία or ἐκεχειρία. In rare instances, the possessors of a sanctuary enjoyed by treaties a perpetual inviolability of their territory: this was especially the case with the city of Teos, as is proved by inscriptions built into the walls of the modern town which has risen out of its ruins (cf. *Dict. Geogr.* s. v. *Teos*). As the derivation of the word implies, ἀσυλία included exemption from reprisals (σῦλαι) in time of war [SYLAE]. **2.** The right of sanctuary [ASYLUM]. [W. W.]

ASYLUM (ἄσυλον). **1.** GREEK.—In the Greek states the temples, altars, sacred groves, and statues of the gods generally possessed the privilege of protecting slaves, debtors, and even criminals, who fled to them for refuge. The laws, however, do not appear to have recognised the right of all such sacred places to afford the protection which was claimed. There was, in fact, a clear distinction between the right of the suppliant (ἱκέτης), which was everywhere acknowledged, and the ἀσυλία, or *jus asyli*, limited to certain specially privileged places. All sacred localities were held to protect the suppliant to a certain extent, even if their right to do so was not legally recognised. How purely formal the scruples of the Greeks were on this point, is shown by the additional touch in Plutarch's narrative of the massacre of the Cylonians, as compared with the accounts in Herodotus and Thucydides. In the later version, the Cylonians, on surrendering, attached a cord to the statue of the goddess, and as long as they held it were safe; when the cord broke accidentally, their enemies looked upon them as providentially delivered into their hands (Plut. *Sol.* 12; cf. Herod. v. 71; Thucyd. i. 126). Bp. Thirlwall calls this "too characteristic of the age to have been a later invention" (*H. G.* ii. 22). When the law gave no protection, it seems to have been thought lawful to use any means in order to compel those who had taken refuge to leave the sanctuary, except dragging them out by personal violence. Thus it was not uncommon to force a person from an altar or statue of a god, by the application of fire (Eurip. *Androm.* 257, with Schol.; *Herc. Fur.* 240 ff.; Plaut. *Mostell.* v. 1, 45, 65). He might also be starved out, as in the well-known instance of Pausanias (Thucyd. i. 134; cf. Herod. iii. 48).

Among the Greek sanctuaries which were really privileged and where the right of asylum was confirmed by law, we must distinguish between those of merely local sanctity and those to which fugitives might have recourse from a distance. To the latter, more famous, class belonged the temple of Athena Alea at Tegea (Plut. *Lys.* 30; Pausan. ii. 17, 7; iii. 5, 6; 7, 10); that of Poseidon, in Calauria (Strabo, viii. p. 373; Plut. *Demosth.* 29; Pausan. ii. 33, 3); of Poseidon, at Taenarum, the favourite refuge of Spartan slaves, Helots, and Perioeci under oppression (Thucyd. i. 128, 133; Corn. Nep. *Paus.* c. 4; Pausan. vii. 25, 3; Aelian, *V. H.* vi. 7; Plut. *Pomp.* 24); and of Athena Chalcioecos at Sparta (Thucyd. i. 128, 134; Polyb. iv. 35; Pausan. iii. 17, 7). The treatment of Pausanias by the Spartans, which was thought to have brought on the calamities that soon afterwards afflicted their state, would have passed without remark, but for the exceptional sanctity of the Brazen House. The temples of Apollo at Delos, Actium, and Leucas; of Hera at Argos and Samos, and on the Lacinian promontory; of the Lycaean Zeus; of Poseidon at the Isthmus; of Aesculapius, both at Cos, the home of the Asclepiadae, and Epidaurus; of the Chthonian Demeter at Hermione, and of the hero Amphiaraus at Oropus,—all apparently belonged to this higher class. The entire island of Samothrace claimed inviolability (Liv. xlv. 5; Plut. *Aemil. Paul.* 23, 26). On a somewhat lower footing were those sanctuaries which possessed merely local privileges, and were only occasionally used for places of refuge. Such were the temples of Athena Itonia in Boeotia, of Artemis Hegemone at Ambracia, of Artemis in Samos, of Hera at Corcyra, of Athena at Siris in Italy. There were several places in Athens which possessed this privilege; of which the best known was the Theseum, or temple of Theseus, in the city, which was chiefly intended for the protection of ill-treated slaves, who could take refuge in this place, and compel their masters to sell them to some other person (Plut. *Thes.* 36; Pollux, vii. 13; Schol. *ad* Aristoph. *Eq.* 1312; Hesych. and Suidas, *s. v.* Θησεῖον). The other places in Athens which possessed the right of asylum were: the altar of Pity (Ἔλεος) in the agora, the altar of Zeus Ἀγοραῖος, the altars of the twelve gods, the altar of the Eumenides on the Areiopagus, the Theseum in the Peiraeus, and the altar of Artemis at Munychia (Meier and Schömann. *Att. Proc.* p. 404, original edition).

In the time of Tiberius, the number of places possessing the *jus asyli* in Greece and Asia Minor became so numerous, as seriously to impede the administration of justice. In consequence of this, the senate, by the command of the emperor, limited the *jus asyli* to a few cities, but did not entirely abolish it, as Suetonius (*Tib.* 37) has erroneously stated. (See Tac. *Ann.* iii. 60–63, iv. 14; and Ernesti's *Excursus* to Suet. *l. c.*)

It is perhaps impossible to decide whether the right of sanctuary, as we find it among the Greeks of the classical period, was a survival from the primitive sanctity of temples in general, limited to a few of the most important in consequence of the abuses to which it gave rise; or, as some writers maintain, itself the growth of a later period. The latter is the opinion of Wachsmuth (*Hellen. Alterth.* i. p. 335) and Förster (*de Asylis Graecorum*, p. 39): the former is upheld by Caillemer (*ap.* D. and S.), and seems to us intrinsically the more probable. (Compare K. F. Hermann, *Staatsalterth.*, § 10, n. 6; *Gottesd. Alterth.* § 10, n. 15, 16; § 49, n. 10; Förster, *de Asylis Graecorum*, Berlin, 1847).

2. ROMAN.—The asylum which Romulus is said to have opened at Rome on the Capitoline hill, between its two summits, in order to increase the population of the city (Liv. i. 8; Vell. Pat. i. 9; Dionys. ii. 15), was, according to the legend, a place of refuge for the inhabitants of

other states, rather than a sanctuary for those who had violated the laws of the city. In the republican and early imperial times, a right of asylum, such as existed in the Greek states, does not appear to have been recognised by the Roman law. Livy seems to speak of the right (xxxv. 51) as peculiar to the Greeks:—*Templum est Apollinis Delium—eo jure sancto quo sunt templa quae asyla Graeci appellant.* The temple of Divus Julius was constituted an asylum by decree of the people; but this, the historian himself remarks, was quite exceptional (Dio Cass. xlvii. 19). By a *constitutio* of Antoninus Pius, it was decreed that, if a slave in a province fled to the temples of the gods or the statues of the emperors, to avoid the ill-usage of his master, the praeses could compel the master to sell the slave (Gaius, i. 53); and the slave was not regarded by the law as a runaway—*fugitivus* (Dig. 21, tit. 1, s. 17, § 12). This *constitutio* of Antoninus is quoted in Justinian's Institutes (1, tit. 8, s. 2), with a slight alteration; the words *ad aedem sacram* are substituted for *ad fana deorum*, since the *jus asyli* was in his time extended to churches. Those slaves who took refuge at the statue of an emperor were considered to inflict disgrace on their master, as it was reasonably supposed that no slave would take such a step, unless he had received very bad usage from his master. If it could be proved that any individual had instigated the slave of another to flee to the statue of an emperor, he was liable to an action *corrupti servi.* (Dig. 47, tit. 11, s. 5.) The right of asylum seems to have been generally, but not entirely, confined to slaves. (Dig. 48, tit. 19, s. 28, § 7. Comp. Osiander, *de Asylis Gentilium*, in Gronov. *Thesaur.* vol. vi.; Simon, *Sur les Asyles*, in *Mém. de l'Acad. des Inscript.* vol. iii.; Bringer, *de Asylorum Origine, Usu, et Abusu*, Lugd. Bat. 1828; C. Neu, *de Asylis*, Gott. 1837. Respecting the right of asylum in the churches under the Christian emperors, see Rein, *Das Criminalrecht der Römer*, p. 896.) [W. S.] [W. W.]

ATELEIA (ἀτέλεια) is generally immunity or exemption from some or all of the duties which a person has to perform towards the state. Immunities may be granted either as a privilege to the citizens of a state, exempting them from certain duties which would otherwise be incumbent on them, or they are given as honorary distinctions to foreign kings, states, communities, or even private individuals. With regard to the latter the ateleia was usually an exemption from custom duties on the importation or exportation of goods, and was given as a reward for certain good services. Thus Croesus received the ateleia at Delphi (Herod. i. 54), the Deceleans at Sparta (Herod. ix. 73), and Leucon, the ruler of Bosporus, at Athens. (Dem. *c. Lept.* p. 466 ff.) At Athens the immunity might be either general (ἀτέλεια ἁπάντων, Demosth. *l. c.* p. 475, § 60) or partial. The former included exemption from customs duties; from liturgies, other than the trierarchy; in some rare exceptions, from the εἰσφορὰ or property tax, which, as a rule, no Athenian citizen could escape; from providing victims for sacrifice (ἀτέλεια ἱερῶν, Demosth. *l. c.* p. 495, § 126), in which case the victims were provided at the cost of the state (Boeckh, *P. E.* p. 86, note); and in the case of resident aliens, from the μετοίκιον (ἀτέλεια μετοικίου, Demosth. *c. Aristocr.* p. 691, § 211). The ἀτέλεια ἁπάντων was only granted to foreigners who had been distinguished as εὐεργέται or public benefactors; and Demosthenes argues (*c. Lept.* p. 470, § 44) that practically no use was ever made of it by the small number of persons who enjoyed it. Partial ἀτέλεια consisted in exemption from any one or more of the above burdens. The descendants of Harmodius and Aristogeiton probably enjoyed all these exemptions, except that from the εἰσφορά. The most common case was that of immunity from customs duties, which was somewhat freely granted for the purpose of encouraging commerce. The trierarchy stood upon a different footing from other liturgies: none could be exempt but the nine archons (Demosth. *Lept.* p. 465, § 28). Exemption from military service, again, requires to be considered by itself: it does not seem to have formed a part of the general conception of ἀτέλεια, but was legally enjoyed by all members of the βουλὴ or senate (Lycurg. *c. Leocr.* § 37), by the archons for the time being, by the τελῶναι or farmers of taxes (Demosth. *c. Neaer.* p. 1353, § 27), and by those who traded by sea, although with them the privilege must have been under regulation to prevent fraud (Schol. *ad* Arist. *Plut.* 905, *Acharn.* 399; Suid. *s. v.* ἔμπορός εἰμι). Actors appear to have been altogether excused from military service by sea or land, and choreutae under certain restrictions; but agreeably to the general Athenian practice, such excuses were liable to be disputed by a γραφὴ ἀστρατείας (Demosth. *Olynth.* iii. p. 31, § 11; *c. Mid.* p. 577, § 193; *c. Boeot. de Nom.* p. 999, § 16). In or about B.C. 356, Leptines carried a law by which all ἀτέλειαι were abolished; Demosthenes procured the repeal of it in 355, and his speech against the law of Leptines is the chief source of our information. The loss to the state, he argues, was quite inappreciable: since the ἀτέλεια was enjoyed by not more than ten foreigners and five or six citizens. The notion of a reciprocal ἀτέλεια and full citizenship between Athens and Byzantium rests on the doubtful authority of a document in Demosth. *de Cor.* p. 256, §§ 90, 91, and is not supported by anything in the text of the speech. On the whole subject, compare Wolf, *Prolegom. ad Lept.* p. lxxi. ff.; Boeckh, *P. E.* p. 85 ff. [W. W.]

ATELLA'NAE FA'BULAE. [COMOEDIA.]

ATHENAEA (ἀθήναια). See CHALKEIA and PANATHENAEA.

ATHENAEUM (ἀθήναιον), a school (*ludus*) founded by the Emperor Hadrian at Rome, for the promotion of literary and scientific studies (*ingenuarum artium*), and called Athenaeum from the town of Athens, which was still regarded as the seat of intellectual refinement. The Athenaeum was situated on the Capitoline hill. It was a kind of university; and a staff of professors, for the various branches of study, was regularly engaged. Under Theodosius II., for example, there were three orators, ten grammarians, five sophists, one philosopher, two lawyers or jurisconsults. Besides the instruction given by these magistri, poets, orators, and critics were accustomed to recite their compositions there, and these prelections were sometimes honoured with the presence of the emperors themselves. There were other places where such recitations were made, as the Library of Trajan [BIBLIOTHECA]; sometimes also a room was

hired, and made into an auditorium, seats erected, &c. The Athenaeum seems to have continued in high repute till the fifth century. Little is known of the details of study or discipline in the Athenaeum, but in the constitution of the year 370 there are some regulations respecting students in Rome, from which it would appear that it must have been a very extensive and important institution. And this is confirmed by other statements contained in some of the Fathers and other ancient authors, from which we learn that young men from all parts, after finishing their usual school and college studies in their own town or province, used to resort to Rome as a sort of higher university, for the purpose of completing their education. (Aur. Vict. *Caes.* 14; Dio Cass. lxxiii. 17; Capitolin. *Pertin.* 11, *Gordian. Sen.* 3; Lamprid. *Alex. Sever.* 35; Cod. Theod. 14, tit. 9, s. 1.) [A. A.]

ATHLETAE (ἀθληταί, ἀθλητῆρες). The term is in strictness applied to those who contended for prizes (ἆθλα) in the games which required strength, skill, and agility of body, in contradistinction to those who engaged in equestrian and musical contests; though in a general sense it is found extended even to these (Poll. iii. 143–4) and to horses (Lysias, *de bonis Aristoph.* 63), and is metaphorically used for one who is master in any laborious pursuit (*e.g.* Plat. *Rep.* 543 B). We never find *αθλητική* sc. *τέχνη*, though the Latins spoke of *ars athletica* (Gell. xv. 16), but either *γυμναστική* or *ἀγωνιστική* (Plat. *Legg.* vi. 764), or ἄθλησις (Dion Chrys. i. 540, Reiske), or *ἀθλητικὴ ἄσκησις* (Galen, i. 21, Kühn).

The contests of the *athletae* were in running, wrestling, boxing, the pentathlon, and the pancratium. Details of these will be found in the separate articles [STADIUM; LUCTA; PUGILATUS; PENTATHLON; PANCRATIUM]. Here we must confine ourselves to a general sketch of the class of athletes.

In the early times in Greece athletic games were held occasionally at festivals in honour of the gods and heroes, but especially at the funerals of distinguished men: thus in the Iliad (xxiii.) games are held at the funeral of Patroclus. But the warriors as a rule do not appear to have trained specially for the games: as part of their general education, they had been instructed in gymnastics. In this department Grecian legend told how Hercules, Peleus, and Theseus had been celebrated (Philostratus, *Gymn.* 1), as were also Castor and Pollux (Paus. v. 8, 4); but in the Homeric age there were few who made athletics as such their special business, though we must not forget the passage (*Od.* viii. 164) where Euryalus reproaches Ulysses as not being "like an athlete," nor that even in the Iliad (xxiii. 670). Epeius the boxer says, "Is it not enough that I am not skilled in battle? A man, I ween, cannot be skilled in all pursuits." Games were becoming fairly frequent, and the special skill required in the contests was gradually demanding increased application to the different branches of athletics.

But in the next age athletics became the national Hellenic sport, and never ceased to be so till the latest times of the ancient world: for, in the first instance, they satisfied the artistic instinct of the Greeks, as they developed the human frame in strength and beauty. But as it was the national sport, just as horse-racing with us, every department tended to become more and more professionalised. The great festivals collected together the greatest concourses of the members of the Hellenic race; and the emulation to succeed before the immense gatherings of their countrymen, and the extravagant honours and rewards bestowed by the cities on their citizens when victorious, rendered victory in the games the most coveted distinction a Greek could acquire, and so every means was resorted to in order to attain the strength and skill necessary for success. But still those who contended, though often of low extraction (Aristot. *Rhet.* i. 7, 9; Athen. ix. 382 b), were also often cultured men, members of the noblest families, and men famous at home in war and politics, like Phayllus of Croton (Herod. viii. 47) and Dorieus of Rhodes (Paus. vi. 7, 4). A professional class of athletes, however, who devoted their entire exertions in that direction and who made their art a trade, had already arisen. These, by increased training, greater development of the technical side of gymnastics, and special application to details, acquired such proficiency that it became all but hopeless for any but such a specially trained athlete to contend in the games with any chance of success. The cultivated and upper classes began to stand aloof, and to take part in the games chiefly by running their chariots; while the professional athletes came to form a class of low-born, uneducated, and vulgar men (Isocr. *de Big.* 33, 34). Now, it is to these professional athletes that the term *ἀθληταὶ* was most strictly applied in the historical times; for they were those who contended for the prizes in the games then: those who practised athletics in the old liberal but unprofessional manner are said to have retained the generic term *ἀγωνισταί*. (Pauly, i. p. 1992; yet cf. Lucian, *Anach.* 10.)

Euripides (*Autol.* Frag. 1) speaks with bitter contempt of the athletes, who, he says, are the greatest evil of the countless evils of Hellas, who are slaves to their belly, a degenerating lot, useless in war, unable to bear old age or misfortune—for their training is not an ennobling training (*ἔθη γὰρ οὐκ ἐθισθέντες καλά*). On similar grounds Xenophanes (Frag. 2: Bergk, ii. p. 112), who flourished about 540 B.C., had before strongly censured as reckless and unreasonable the extravagant value the Greeks set on mere strength for the games (strength which is otherwise perfectly useless) as compared with intellectual cultivation. And he was quite right. That pursuit which lacks the exercise of a cultivated mind, no matter how much the majority passionately follows it, must become more and more mechanical and vulgar, and so sink more and more in the estimation of the cultivated classes. We see it ourselves in the case of those professionally connected with the turf, who in many ways afford a good parallel to the Greek professional athletes. In the excessive training the latter had to submit to, the body was developed at the cost of the mind; and this was one of the few cases in which the Greeks forgot their wonted moderation.

The athletic contests, just as were the "weights" in the Ring in England, were divided into "light" (*κοῦφα*) and "heavy" (*βαρέα*) or "violent" (*βίαια*): see Aristot. *Pol.* v. 4, 7 fol.; Galen, vi. 487, K.; Philostr. *Gymn.* 3. Saglio

(*Dict. des Antiq.* i. 519) remarks that the statues of the competitors in these two classes of contests correspond to the types of Hercules and of Mercury, the two gods who presided over athletics. Mercury exhibits the slight but muscular and wiry figure of the "light" athletes, and Hercules the massive body of the "heavy" ones. Philostratus (*Gymn.* 37 foll.) mentions other strange names of different classes of athletes: the "lion-like," "eagle-like," the "lathy" (σχιζίαι), the "bears," &c. The training in each of the two main classes became severer and severer as time went on; for more and more striking performances were expected. We hear of a rule that the competitors at Olympia had to swear that they had diligently devoted ten months to the recognised special training in athletics (Paus. v. 24, 9). This was to maintain that common system of athletic training which prevailed in all Hellenic wrestling-schools (see Curtius, *Hist. of Greece*, ii. 33, Eng. trans.). The ordinary gymnastic master who taught the youths bodily exercises as a branch of general education was called **παιδοτρίβης**, and he who trained those who were intending to compete in the games was the **γυμναστής**: but this distinction disappeared in later times (Hermann-Blümner, *Privatalt.* 335). The **γυμναστὴς** was in constant supervision of his pupils, followed them to the games (Paus. v. 6, 8), where he made all necessary preparations for their contest, and during the struggle stood by with words of encouragement or reproach (Philostr. *Gymn.* 20). Just as a physician, a trainer required implicit obedience in those for whom he prescribed (Epictet. *Enchir.* 29). Subordinate to him was the **ἀλείπτης**, who originally, as his name indicates, looked to the anointing of the body, but often, especially in later times, took much more upon himself, became confused with the **παιδοτρίβης** (Schol. on Ar. *Eq.* 492), and used to prescribe the course of diet to be eaten (Aristot. *Eth. Nic.* ii. 6, 7), and even how it was to be eaten: thus he disapproved of too intellectual conversation (**φιλολογεῖν**) during meals! (Plut. *de san. tuend.* 133, 19.) The diet of athletes is said to have been (Diog. Laërt. viii. 1, 13) fresh cheese, dried figs, and wheat; but Dromeus of Stymphalus (Paus. vi. 7, 10), or according to others a trainer called Pythagoras (Plin. *H. N.* xxiii. 63; cf. Diog. Laërt. *l. c.*), introduced a meat diet. However, it is very unlikely that the athletes were ever trained on anything but meat (see Philostr. *Gymn.* 43). Pork was the principal meat used (Galen, vi. 661), though we find also beef (Plat. *Rep.* i. 338 C) and goat's flesh (Athen. ix. 402 a). Fish was considered bad (Philostr. *Gymn.* 44). They probably drank water and not wine after their exercises, as the latter was dangerous (Galen, xv. 194); they had to abstain from all cakes (Epictet. *l. c.*). The bread they ate was of a special kind (Galen, vi. 180, K.), slightly leavened and hardly baked at all (Philostr. *Gymn.* 43): this was perhaps the *coliphia* mentioned by Plautus (*Pers.* i. 3, 12) and Juvenal (ii. 53). The usual course was to eat bread for the morning meal and meat for the evening. After the morning meal their exercises continued till the evening, interrupted only by a few intervals (Galen, vi. 168–9). Those who submitted to the severest training (**βίαιος τροφή, ἀναγκαιοφαγία, ἀδηφαγία**) had to eat enormous masses of meat after the day's exercise: two minae (= $2\frac{2}{3}$ lbs.) was a very small amount for an athlete (Galen, viii. 843, K.), who generally slept it off late into the next day (Galen, i. 28, K.), though we sometimes hear of athletes promoting digestion by walking (Plin. *H. N.* xi. § 283). The quantum of food was gradually increased (Arist. *Eth. Nic.* ii. 6, 7); and the most ridiculous stories of the amount some of the athletes—such as Milo, Theagenes, and others—used to eat, obtained currency (Athen. x. 412; cf. Theocr. iv. 34). But many athletes did really eat vast quantities of food; so much that their appetite became proverbial (Aristoph. *Pax*, 34), and, says Pliny (*H. N.* xviii. § 63), was like a horse's; and further they got to be unable to do without the abnormal amount even for a day (Cic. *Tusc.* ii. 17, 40). The aim of this excessive eating appears to have been to acquire not so much that plump yet muscular frame which is expressed by the verb **σφριγᾶν**, and that harmonious inner development of the whole constitution which Philostratus calls **κρᾶσις**, and which he emphasises as the distinctive difference between the former gymnastic training and the more scientific one of his own day (42, 43, cf. 28); but to get mere mass and weight (**ὄγκος καὶ βάρος**) of body, which was such an important element in "heavy" contests like boxing and the pancratium. Different trainers had, however, different regimens: thus Theon ordered warm baths and diminution of food after completed exercises (Galen, vi. 208); and of course the training for runners was directed towards diminishing the flesh (Galen, v. 905). Besides the ordinary training (**κατασκευή**), there were also other treatments, consisting of long-continued and violent movements, accompanied with shampooings by many hands and with much oil (Galen, vi. 117, 123, 222). For the obscure *tetras* see Philostr. *Gymn.* 47; Galen, v. 898; and Saglio, p. 518. It was a fourfold course of treatment, lasting four days, which is not clearly enough defined, but which Philostratus strongly disapproves of. The strictest continence was enjoined in all athletic discipline (cf. Hor. *A. P.* 414), and by some rigorously practised during the whole period of their training (Plat. *Legg.* viii. 840).

The exercises which athletes went through were the ordinary ones of the palaestra and those required for the games; though we sometimes find athletes going through exercises which were not departments of competition, merely in order to increase their strength, such as putting heavy weights, bending bars of iron, wrenching back the necks of bulls, knocking suspended bags of sand backwards and forwards by blows of their fists (**κωρυκοβολία**, &c.: cf. Lucian, *Lexiph.* 5; Philostr. *Gymn.* 43), also working with a mattock (Theocr. iv. 10). The athletes practised as a rule each for a separate event (Philostr. *Gymn.* 43). Hence the one-sidedness even of their physical training; and the fact that those who trained for that event, which comprised the most varied exertions (such as the pentathlon), were justly considered to have the best-proportioned frames (Aristot. *Rhet.* i. 5). But sometimes the athletes attempted more than one: for it was considered a great honour to be victorious at Olympia in both wrestling and in the pancratium on the

same day. There were only seven such victors besides their mythic predecessor, Hercules (Paus. v. 21, 10; 8, 4). A certain Polites conquered on the same day in the three different kinds of races,—the stadion, the diaulos, and the dolichos (Paus. vi. 13, 3): and for other victories in more than a single event, see Pind. *Ol.* xiii. 30; Paus. vi. 15, 8; 11, 5.

Victors in the principal games were called *ἱερονῖκαι*; those in the separate games, *ὀλυμπιονῖκαι*, &c.; and those who were successful in all four games were the *περιοδονῖκαι*. In Roman times, however, we find this latter term applied to celebrated athletes who had been victors in a great number of games, even though they were not the four great ones (cf. Dio Cass. lxiii. 8). Another strange title of distinguished athletes at Rome was *παραδοξονίκης*, which was strictly applied to those who conquered in both wrestling and the pancratium (Plut. *Comp. Cim. et Lucull.* 2).

In early times the athletes used to practise in the *gymnasium*, where the young men, who had made some progress in gymnastics and were advanced from the *palaestra*, went through their ordinary unprofessional exercises. In Roman times we find the athletes frequenting the palaestrae, the gymnasia, xysti (covered places for use in bad weather, Vitruv. v. 11, 4: hence athletes were sometimes called *xystici*), and the stadia. There were exercising places in the great Roman thermae [BALNEAE]. Athletes who had won signal distinction in the sacred games were occasionally in Grecian cities honoured by having special porticoes built for them to exercise in (Paus. vii. 23, 5).

Originally the athletes used to contend with a girdle round their loins (*διάζωμα*, *περίζωμα*, or simple *ζῶμα*), according to the custom of the Spartans (Thuc. i. 6, 4). But very soon it became the custom to contend naked,—a custom introduced by Orsippus (Paus. i. 44, 1). It was professional for Roman athletes to wear their hair tied up in a knot called *cirrus* (see figure of a Roman athlete below), which explains a story in Suet. *Nero*, 45. The Greek as well as the Roman athletes used sometimes to shave off their hair, in that tonsure which Aristophanes would have called "the bowl crop" (*σκαφίον*, *Thesm.* 838). Further, they occasionally wore, according to Martial (xiv. 50), a cap (*galericulum*); and as their wonderful style of boxing consisted in swinging round their arms and not striking out straight from the shoulder, they used to wear guards for the ears (*ἀμφωτίδες* or *ἐπωτίδες*, Poll. ii. 83). For the battered ears of ancient boxers, see Plat. *Protag.* 342 B; Mart. vii. 32, 5.

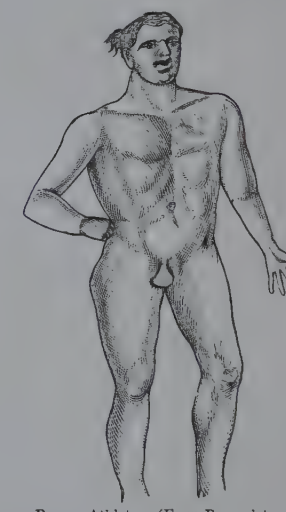
He who took to the profession of an athlete seldom abandoned it before his thirty-fifth year, which was considered the age at which he was in the prime of manhood (Macrob. *Somn. Scip.* i. 4); but if he had never won a victory by that time, he generally gave up the business. A successful athlete continued to contend in the games till his strength failed (Plut. *Cat. Maj.* 4); and, as might be expected, in many cases, as he advanced in years, became a trainer of younger men: *e.g.* Iccus (Paus. vi. 10, 5).

The same causes which produced the excessive and one-sided training of men produced a similar excessive training of boys. For there arose contests of boys at the great festivals. The only distinction originally was between men and boys (Dissen on Pind. *Ol.* viii. 54); but later those below man's estate were divided into *παῖδες* from about 13 to 16, and *ἀγένειοι* from about 16 to 19 (Plat. *Legg.* viii. 833 C). In Olympiad 37 (= 632 B.C.) there was the first contest of running and wrestling for boys (Paus. v. 8, 9); in Ol. 38 (= 628 B.C.), the first and only pentathlon (Paus. v. 9, 1); in Ol. 41 (= 616 B.C.), the first boxing match (Philostr. *Gymn.* 13): but happily not till the 145th Olympiad (= 200 B.C.) the horrid pancratium (Paus. v. 8, 11), though we find this latter in the 61st Pythian celebration (Paus. x. 7, 8); and in the Pythian games we find what we do not find at Olympia, long races for boys (Paus. x. 7, 5). The training for these events was too severe for the growing frame, and Aristotle (*Pol.* v. 4, 8) raised his voice earnestly against it, as detrimental to the development of the man, pointing out how there were only two or three victors at the Olympic games both as boys and as men.

But what can sober science avail against a national passion and the extravagant praise and rewards which are bestowed on those who excel in what the people delight to honour? To be an Olympic victor, said Cicero (*Flacc.* 13, 31), was esteemed by the Greeks as a greater glory than a triumph at Rome. And indeed the victorious Greek athlete used to have a kind of triumphal entry into the town his victory had ennobled (Vitruv. ix. Pref.). Surrounded by a large crowd, sometimes with a grand procession of chariots (Diod. xiii. 82), clad in a purple mantle like a king (Schol. on Ar. *Nub.* 70), he drove into the city through a breach made in the wall for his chariot to pass through—a symbol that cities which possessed such citizens had no need of walls (Plut. *Symp.* ii. 5). Then followed the banquet, during which the victor heard his praises sung by a lyrical chorus and in verse of the greatest poets of the day. Contests which involved the honour of such a triumphal entry were technically called *ἀγῶνες εἰσελαστικοί*, which in early times were the four great festivals only; but in Imperial Rome this privilege was extended to other games (Plin. *Epist.* x. 119, 120). Solid material rewards, too, were given. Even as reduced by Solon, the money reward the Athenians gave the victor in the Olympic games was 500 drachmae, and 100 to the victor in any of the other games (Diog. Laërt. i. 2, 55; Plut. *Sol.* 23): sometimes he got maintenance in the Prytaneum and the honour of first seat in the assemblies and theatre (*προεδρία*, Xenophan. Frag. 2, 7, ed. Bergk). Statues were often erected to him in his native city and at Olympia (Paus. vi. 13, 1). In fact, Plato goes so far as to say (*Rep.* v. 465 D) that the victor at the Olympic games enjoyed a blessed life (*βίος μακαριστός*). Lucian (*Anach.* 10: cf. Pind. *Pyth.* x. 27; Cic. *Tusc.* i. 46, 111) declared the honours of such a victor were as those of the gods, and we do actually hear of a boxer being deified while alive (Plin. *H. N.* vii. § 152). As a contrast, the picture of the defeated competitor shows "a hateful return and contemptuous greeting and a skulking path" (Pind. *Ol.* viii. 69). Can we wonder, then, when such honourable rewards followed success and such humiliation followed defeat, that there was oc-

casionally unfair dealing and trafficking amongst the combatants, a rich competitor buying the victory from a stronger but poorer one? An oath was required of the combatants that they would not act in violation of the rules of the contest (Paus. v. 24, 9); and so bribery was comparatively rare in early times, though it became frequent later (Philostr. *Gymn.* 45). It was punished by severe fines, according to the rules of the Olympic games (Paus. *l. c.*). We regard with wonder that species of bribery which is recorded whereby a strange city paid a victorious athlete to declare that he was their citizen, so that the city might be proclaimed as victor; and we are not surprised that, after such falsehood, the native city of the victor inflicted on him exile or some other mark of their indignation (Paus. vi. 18, 6; 13, 5).

Yet amongst the many judgments passed by the ancients on the athletes, we can hardly find any that are favourable. Allusion has been made to the strictures of Xenophanes and Euripides, who attack them for their uselessness to the state and want of cultivation. And even from the physical point of view their training appeared to thoughtful men of science utterly bad. Plato sees in the athletes a habit of body which is sleepy and very subject to disease (*Rep.* iii. 404 A), which is too highly and extravagantly trained, and unfits them for social or political duties (*ib.* 407 B). They are without information, cultivation, or grace of manner; hard and brutal, all violence and fierceness (*ib.* 410, 411). Aristotle declares that the habit of body of athletes is not suitable for that vigorous physical condition a citizen should have, nor for health and the procreation of children. It is too one-sided, and the discipline which developed it is too severe (*Pol.* iv. 16, 3). Plutarch (*de sanit. tuenda*, 16, 20) disapproves of the *ἰσχὺς παλαιστικὴ* and athletic training generally. Galen devotes six long chapters (9–14) of his *Προτρεπτικὸς Λόγος* to solemnly warning the young men against devoting themselves to athletics, by showing what athletes are in his opinion (i. 20–39, Kühn). Man has a link, he says, with God, and a link with the lower animals; athletics develops the latter only. Athletes are like swine. Their flesh-sunk soul is without intellect, and no better than the brutes (*ἄλογα ζῷα*). His strictures on the physical side are, however, the most interesting. Owing to their immoderate eating, sleeping, and exertion, athletes are, he says, unhealthy. Their training is a training in disease. No class of men are more liable to break down in health, or to sudden death (xvii. 2, 363, Kühn). Beauty is quite wanting in their lumpish, battered bodies. Nor is their knock-down strength (*ἰσχὺς καταβλητικὴ*), though serviceable in just a few special events in the games, of any use in agriculture or in war nor does it bring with it a capability of enduring heat, cold, or fatigue. Nor are they ever rich: they are wretched (*ἄθλιοι*) in their lives, and are so rightly called "athletes." In fact, their whole existence is one round of "eating, or drinking, or sleeping, or evacuating, or rolling about in the mud and dust" (v. 879, K.). With such strictures, if we compare the view of Dio Chrysostom, who sees in athletes generally, and Melancomas in particular, large beautiful bodies, and the practice of athletes as generating courage and nobleness, strength and temperance (*Or.* xxix. 538, 540, ed. Reiske), we must suppose that the description, though perhaps true of Melancomas, yet was at best only an affectionate tribute to the glory that was thought to have belonged to the great Hellenic past, and in reality was a thoroughly ideal and false view of the athletes of the Graeco-Roman civilization, and one which is certainly not borne out by the repulsive portraits on the mosaic of the Thermae of Caracalla; of which is subjoined as a specimen a single example. The reader is referred for more hideous ones to Baumeister's *Denkmäler*, p. 223.



Roman Athlete. (From Baumeister.)

With Plutarch and Galen, however, we are in Roman times; and we must now hastily review the rise of athletic games at Rome. Exhibitions of gladiators, not of athletes, were the national sport. Cicero says to M. Marius (*Fam.* vii. 1, 3) of the athletic contests exhibited by Pompeius in 55 B.C., "Why should I think you regretted not having seen the athletes when you have despised the gladiators?" A certain kind of athletics had indeed been indigenous in Italy from the earliest times (Liv. i. 35), and we hear of contests in wrestling and boxing at the Roman games (Ter. *Hecyra*, Prol. 25; Cic. *Legg.* ii. 15, 38); but the whole practice was utterly unsystematic (cf. Suet. *Aug.* 45), and so quite unlike the elaborate manner in which it was cultivated in Greece (cf. Hor. *Ep.* i. 1, 49). It was from Greece that the scientific practice of athletics came. In 186 B.C. M. Fulvius Nobilior gave the first exhibition of professional Greek athletes at Rome (Liv. xxxix. 22). We do not, however, hear of a similar exhibition again till Sulla's time (App. *B. C.* i. 99), but there were a few others during the last century of the republic (Val. Max. ii. 4, 7; Dio Cass. xxxix. 38, 1; Suet. *Caes.* 39). Varro complains indeed of there being a gymnasium at every villa (*R. R.* ii. 1, 1), but this was probably for

medicinally-prescribed exercises (*iatraliptice*), not regular athletics. But it was not till the Actian games were established by Augustus and other periodic games (Dio Cass. li. 1), which comprised gymnastic contests in their programme, that athletics got a steady footing among the Romans. From that time these *certamina graeca*, as they were called (Tac. *Ann.* xiv. 21), became more and more popular. Nero in 60 A.D. built a gymnasium (Suet. *Nero*, 12), and instituted a new set of games called Neronia, of which athletics formed a part, as they did also of the important Agon Capitolinus established by Domitian in 86 A.D., who further built a magnificent stadium for athletics in the Campus Martius, large enough to hold 30,000 spectators (Suet. *Dom.* 4, 5; Friedländer, p. 466). After this athletics gradually attained increased prominence in the Roman games (cf. Vopisc. *Carin.* 19, 3), till finally in the fifth century they supplanted the gladiatorial shows. Thus at the consular games of Flavius Mallius Theodorus there were athletes, but no gladiators (Claudian, *de cons. Fl. M. Th.* 288). For a full account of the Roman athletic games, see Friedländer, *op. cit.* 460–468.

It is highly noticeable, however, that the names of the athletes which are preserved in inscriptions are almost all Greek; not more than four or five are Roman (Friedländer, p. 472). Everything connected with athletics, technical terms and all, are Greek (cf. Juv. iii. 68). The reason is that for a long time it was considered quite unbecoming of Roman dignity to be an athlete. The nakedness of the Greeks offended the Roman sense of propriety (Cic. *Tusc.* iv. 33, 70). The Romans saw the uselessness for war of the athletic training, for they themselves had been, as Polybius says (i. 6, 6), "the true athletes in the feats of war, trained in contests with the Samnites and Gauls." They saw further that it was a training too in laziness and vice, one more example of the invasion of the pernicious practices of the Greeks (Plin. *H. N.* xxxv. § 163). (There is a large mass of evidence on Roman adverse opinion of gymnasia in Mayor on Juv. iii. 68.) But, like all things Greek, athletics continued to grow in popularity, especially from the time of Nero. Professional athletes used to give lessons for high pay (Mart. vii. 32, 5, 6), even to women (Juv. vi. 246, 355); were often found among the attendants of great houses (Mart. iii. 58, 25); statues were erected to them (Plin. *H. N.* xxxv. § 5), &c. M. Aurelius was a regular frequenter of the palaestrae (Galen, vi. 406), and so was Alexander Severus (Lampr. *Alex. Sev.* 27). The athletes, as free men (*ingenui*, Dig. 9, 2, 7, 4), always stood higher in social estimation (Dig. 3, 2, 4) than did the gladiators and actors. Later indeed the stringency of this rule, which admitted only free men to the athletic competitions, seems to have been somewhat relaxed, as Alexander Severus had to re-enact the law on the subject (Lampr. *Alex. Sev.* 42). And the position of an actor must have been far higher in the Grecian provinces than in Italy or the west (Friedländer, p. 480). The Olympic games continued to maintain their glory: even Epictetus (*Enchir.* 29) would not disdain to be a victor thereat, "for it was a fine thing" (*κομψόν*). We hear of Olympic victors being hired by the givers of spectacles for immense sums, even as much as five talents (Dio Chrys. *Or.* lxvi. = ii. 351, ed. Reiske).

Like all the classes in the community under the Roman empire, the athletes crystallized into societies or guilds (*σύνοδοι*). They were well organized, had presidents called *Xystarchi* (Am. Marc. xxi. 1, 4), and used to make provincial tours and give exhibitions (Friedländer, p. 475). The chief of these societies in the second century was that of the Herculanei (cf. *C. I. G.* 5906 foll.), who had their own special gymnasium, with its council-chamber (*curia*, Orelli, 2588), its records, its temple, and its president, who bore the title of *ἀρχιερεύς*, and who was also overseer of the imperial baths. To this company a Christian called Johannes appears to have belonged at the end of the fourth century (Friedländer, pp. 475–6).

Augustus increased whatever privileges athletes already had in his day (Suet. *Aug.* 45). Trajan fixed the remuneration (called *opsonia*) to be given to victors at the iselastic games (Plin. *Epist.* x. 119, 120); and a rescript of the emperors Diocletian and Maximian (Cod. Just. x. 54 (53)) gave professional athletes who without bribery had been victorious in the sacred games freedom from all taxes. We are told that there was not by any means the same strictness of training among the athletes of the Roman empire as there was in earlier times among the Greeks (cf. Philostr. *Gymn.* 44). They are especially accused of being addicted to wine (Sen. *Ep.* xv. 1; Quintil. i. 11, 15). But we must not lay too much stress on such charges: for St. Paul tells us (1 Cor. ix. 25) that "every man who striveth in the games is temperate in all things." (Cf. Epictet. *Enchir.* 29.) But undoubtedly by the time of Philostratus (240 A.D.) there was a marked decline (*Gymn.* 1, 2; cf. 43), which he attributes to unhealthy rules of training, and to the fact that the medical art unduly intermeddled by prescribing too mild a course of diet and discipline for professional athletes.

On athletics generally, the chief ancient work is Philostratus's *Γυμναστικός* (see Kayser's Teubner text, ii. 261–293). Modern writers are Krause, *Gymnastik und Agonistik der Hellenen*, passim; Hermann-Blümner, *Privatalterthümer der Griechen*, §§ 36, 50; Becker-Göll, *Charikles*, ii. 213 foll.; Grasberger, *Erziehung und Unterricht im klassischen Alterthum*, vols. i. iii. passim; Guhl and Koner, *Das Leben der Griechen und Römer*, § 52; and especially Friedländer, *Darstellungen aus der Sittengeschichte Roms*, ii.[3] 459–491; M. Planck, in Pauly's *Real-Encyclopädie*; Bussemaker and Saglio, in *Dict. des Antiquités*; and Blümner, in Baumeister's *Denkmäler der klassischen Alterthümer*, s. v. *Athletae*. [L. C. P.]

ATHLO'THETAE. [AGONOTHETAE.]

ATI'MIA (*ἀτιμία*). The undiminished possession of the rights of an Athenian citizen was expressed by the word *ἐπιτιμία*: its opposite, *ἀτιμία*, denotes with various shades of meaning every limitation to the exercise of those rights, outlawry, total or partial disfranchisement, disability, all in short that came under the Roman *capitis deminutio*. The atimia occurs in Attica as early as the laws (*θεσμοί*) of Draco, without the term itself being in any way defined (Demosth. *c. Aristocr.* p. 640, § 62), which shows that the

idea connected with it must even at that time have been familiar to the Athenians. The most important passage relating to atimia, in any ancient writer, is that of Andocides (*de Myst.*, §§ 73-76), with the psephisma of Patrocleides following (§§ 77-79); but it is too obscure, perhaps too corrupt, to yield any clear and consistent view of the subject. The best classification appears to us to be that of Caillemer (*ap.* Daremberg and Saglio). Atimia might be either (i.) temporary or (ii.) perpetual, and the latter again might be either total or partial.

I. The first kind of atimia—which, though in its extent a total one, lasted only until the person subjected to it fulfilled those duties for the neglect of which it had been inflicted—was not so much a punishment for any particular crime as a means of compelling a man to submit to the laws. This was the atimia of public debtors. Any citizen of Athens who owed money to the public treasury, whether his debt arose from a fine to which he had been condemned, or from a part he had taken in any branch of the administration, or from his having pledged himself to the republic for another person, was in a state of total atimia if he refused to pay or could not pay the sum which was due. If it remained unpaid at the time of the ninth prytany, the last but one of the year, the debt was doubled, and the debtor's property taken and sold (Andoc. *de Myst.* § 73; Demosth. *c. Nicostrat.* p. 1255, § 27; *c. Neaer.* p. 1347, § 7). If the sum obtained by the sale was sufficient to pay the debt, the atimia appears to have ceased; but if not, the atimia not only continued to the death of the public debtor, but was inherited by his heirs, and lasted until the debt was paid off. During his lifetime, however, his children were not included in his atimia; they remained ἐπίτιμοι (Demosth. *c. Androt.* p. 603, § 34; *c. Timocr.* p. 762, §§ 200, 201; *c. Theocrin.* p. 1322, § 2; cf. Boeckh, *P. E.* p. 391, and HERES). This atimia for public debt was sometimes accompanied by imprisonment, as in the cases of Alcibiades and Cimon; but whether in such a case, on the death of the prisoner, his children were likewise imprisoned, is uncertain. If a person living in atimia for public debt petitioned to be released from his debt or his atimia, he became subject to ἔνδειξις: and if another person made the attempt for him, he thereby forfeited his own property: if the proedros even ventured to put the question to the vote, he himself became atimos.

II. Perpetual atimia, sometimes also hereditary, is denoted by the phrase καθάπαξ ἄτιμος (Demosth. *c. Mid.* p. 524, § 32, p. 542, § 87; *c. Aristog.* i. p. 779, § 30). A detailed enumeration of the rights of which an atimos was deprived is given by Aeschines (*c. Timarch.* § 18 ff.). He was not allowed to hold any civil or priestly office whatever, either in the city of Athens itself, or in any town within the dominion of Athens; he could not be employed as herald or as ambassador; he could not give his opinion or speak either in the public assembly or the senate; he was not even allowed to appear within the extent of the agora, he was excluded from visiting the public sanctuaries as well as from taking part in any public sacrifice; he could neither bring an action nor appear as a witness in any court of justice; nor could, on the other hand, any one bring an action against him. (Compare Demosth. *c. Neaer.* p. 1353, § 27; *c. Timocrat.* p. 739, § 123; *de Rhod. Lib.* p. 200, § 32; *c. Mid.* p. 542, § 87; Lys. *c. Andoc.* § 24.) In some cases he might not even be buried within the limits of Attica (Hyperid. *pro Euxen.* col. 31; *pro Lycophr.* col. 16). The right which, in point of fact, included most of those which we have here enumerated, was that of taking part in the popular assembly (λέγειν and γράφειν). Hence this one right is most frequently the only one mentioned as being forfeited by atimia (Demosth. *c. Androt.* p. 602, § 30; Aeschin. *c. Timarch.* § 27; Andoc. *l. c.*). In two laws mentioned by Demosthenes (*c. Mid.* p. 551, § 113; *c. Aristocr.* p. 640, § 62), the children and the property of an atimos are included in the atimia. As regards the children or heirs, the disabilities came to them as an inheritance which they could not avoid [HERES]. But when we read of the property of a man being included in his atimia, this can only mean that it shared the outlawry of its owner—that is, it did not enjoy the protection of the law, and could not be mortgaged. It does not follow that it was also confiscated. The question whether atimia, as such, ever involved the confiscation of a man's property (as distinguished from its legal disabilities just mentioned), is not without difficulty. Some discrepancies in the evidence have been noticed under ANAUMACHIOU GRAPHÉ. Demosthenes argues (*c. Lept.* p. 504, § 156) that it is contrary to justice to attach two penalties to the same offence. It is a probable conjecture of Naber's, approved by Westermann, that the words of Andocides (*l. c.* § 74, τούτους δ' ἔδει καὶ τοὺς ἀπὸ τούτων ἀτίμους εἶναι) should be transposed to the end of § 73, referring to public debtors; and we are justified, on the whole, in concluding that it was only as public debtors that the atimoi were subject to confiscation.

The crimes for which total and perpetual atimia was inflicted on a person were as follow:—The giving and accepting of bribes, the embezzlement of public money, the various military offences enumerated under ASTRATEIAS GRAPHÉ, false witness (ψευδομαρτυρία, ψευδοκλητεία), false accusation, and bad conduct towards parents (Andoc. *l. c.*): moreover, if a person either by deed or by word injured or insulted a magistrate while he was performing the duties of his office (Demosth. *c. Mid.* p. 524, § 32); if he squandered his patrimony, or was guilty of ἑταίρησις (Aeschin. *c. Timarch.* §§ 19, 21); if he proposed any alteration in the laws of homicide (Lex ap. Demosth. *c. Aristocr.* p. 640, § 62); if he passed off a foreign woman as a citizen and gave her in marriage to an Athenian (Lex ap. Demosth. *c. Neaer.* p. 1363, § 52; in this passage confiscation appears as an additional penalty, but the authority of these "laws" and other documents inserted in the text of the orators is very slight compared with the express statements of the orators themselves); if he condoned his wife's adultery (Lex *l. c.* p. 1374, § 87); and in the following cases of breach of duty by a public officer:—If a debtor, in person or by his friend, asked for the remission of a public debt, and if the proedros

put this illegal motion to the vote (Lex ap. Demosth. *c. Timocr.* p. 716, § 50); if a herald made an unlawful proclamation in a theatre (Aeschin. *c. Ctes.* § 44); if a diaetetes had been guilty of partiality (Dēmosth. *c. Mid.* p. 542, § 87). The cases of treason (*προδοσία, δήμου κατάλυσις*), murder (*φόνος*), and robbery (*κλοπή, λωποδυσία*), sometimes referred to this head, scarcely come under the general conception of atimia: they were capital crimes, involving (like felonies under the old English law) forfeiture of goods, and as such the perpetrators were infamous. A species of atimia is said to have attached to the children of a man who had been put to death by the law, on the doubtful authority of the speech *c. Aristog.* i. p. 779, § 30; but the nature and duration of it are unknown.

III. A third and only partial kind of atimia deprived a man of a portion only of his rights as a citizen. It was called *ἀτιμία κατὰ προστάξεις* (Andoc. *l. c.* § 75), because it was specified in each case what particular right was forfeited by the atimos. The following cases are expressly mentioned:—If a man came forward as a public accuser, and afterwards either dropped the charge or did not obtain a fifth of the votes in favour of his accusation, he was not only liable to a fine of 1000 drachmas, but was deprived of the right to appear as a prosecutor in like cases in future (Demosth. *c. Aristog.* ii. p. 803, § 9; Harpocrat. *s. v. Δώρων γραφή*). If his accusation had been a *γραφὴ ἀσεβείας*, he also lost the right of visiting particular temples (Andoc. *de Myst.* § 33). The *εἰσαγγελία κακώσεως*, a charge brought before the chief archon respecting the ill-treatment of parents, orphans, or heiresses, was the single case in which an accuser, though he did not obtain a fifth of the votes, was not subjected to any punishment whatever (Isae. *Pyrrh.* § 46; *Hagn.* § 31; Demosth. *c. Pantaen.* p. 980, § 46). In other cases the accuser was merely subject to a fine of 1000 drachmas, without incurring any degree of atimia (Pollux, viii. 52, 53). But as Boeckh remarks (*P. E.* p. 381 n.), the law does not appear to have always been strictly observed. Andocides mentions some other kinds of partial atimia, but they seem to have had only a temporary application at the end of the Peloponnesian war (*l. c.* § 75, where Dobree's conjecture, *τετρακοσίων* for *τυράννων*, is approved by Westermann: the Thirty are always *οἱ τριάκοντα* in classical Greek, never *τύραννοι*). Partial atimia, when once inflicted, lasted during the whole of a man's life.

IV. Enforcement of the penalties. If a person, under whatever kind of atimia he was labouring, continued to exercise any of the rights which he had forfeited, he might immediately be subjected to *ἀπαγωγὴ* or *ἔνδειξις*: and if his transgression was proved, he might, without any further proceedings, be punished immediately, and even with death (Andoc. *l. c.* § 33; Aeschin. *Timarch.* § 21), or imprisonment (Demosth. *c. Timocr.* p. 732, § 103).

V. Rehabilitation, or release from atimia, was not impossible, but was rendered extremely difficult. A law mentioned by Demosthenes (*c. Timocr.* p. 715, § 45) ordained that the releasing of any kind of atimoi should never be proposed in the public assembly unless permission had first been granted by not less than 6000 citizens, voting by ballot. And even then the matter could only be discussed in so far as the senate and people thought proper. It was only in times when the republic was threatened by great danger that an atimos might hope to recover his lost rights, and in such circumstances the atimoi were sometimes restored *en masse* to the full citizenship. (Xen. *Hellen.* ii. 2, § 11; Andoc. *l. c.* §§ 70, 77, 107; Lycurg. *c. Leocrat.* § 41.)

The offences which were punished at Sparta with atimia are not so well known; and in many cases it does not seem to have been expressly mentioned by the law, but to have depended entirely upon public opinion, whether a person was to be considered and treated as an atimos or not. In general, it appears that everyone who refused to live according to the national institutions lost the rights of a full citizen (*ὄμοιος*, Xenoph. *de Rep. Laced.* x. 7; iii. 3). It was, however, a positive law, that whoever did not give or could not give his contribution towards the syssitia, lost his rights as a citizen. (Aristot. *Polit.* ii. 6, p. 59, ed. Göttling.) The highest degree of infamy fell upon the coward (*τρέσας*) who either ran away from the field of battle, or returned home without the rest of the army, as Aristodemus did after the battle of Thermopylae (Herod. vii. 231), though in this case the infamy itself, as well as its humiliating consequences, were manifestly the mere effect of public opinion, and lasted until the person labouring under it distinguished himself by some signal exploit, and thus wiped off the stain from his name. The Spartans who in Sphacteria had surrendered to the Athenians were punished with a kind of atimia which deprived them of their claims to public offices (a punishment common to all kinds of atimia), and rendered them incapable of making any lawful purchase or sale. Afterwards, however, they recovered their rights (Thuc. v. 34). Unmarried men were also subject to a certain degree of infamy, in so far as they were deprived of the customary honours of old age, were excluded from taking part in the celebration of certain festivals, and occasionally compelled to sing defamatory songs against themselves. No atimos was allowed to marry the daughter of a Spartan citizen, and was thus compelled to endure the ignominies of an old bachelor (Plut. *Agesil.* 30; Müller, *Dor.* iv. 4, § 3). Although an atimos at Sparta was subject to a great many painful restrictions, yet his condition cannot be called outlawry; it was rather a state of infamy properly so called. Even the atimia of a coward cannot be considered equivalent to the civil death of an Athenian atimos, for we find him still acting to some extent as a citizen, though always in a manner which made his infamy manifest to every one who saw him.

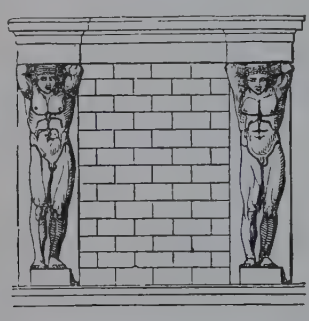
(Lelyveld, *De Infamia ex Jure Attico*, Amstelod. 1835; Wachsmuth, *Hellen. Alterth.* vol. ii. p. 195, &c., 2nd edit.; Meier, *de Bonis Damnat.* p. 101, &c.; Schömann, *Assemblies*, p. 73 ff.; Hermann, *Polit. Ant. of Greece*, § 124; Meier and Schömann, *Att. Proc.* p. 563. On the Spartan atimia in particular, see Wachsmuth, &c., vol. ii. p. 155, &c. 2nd ed.; Müller, *Dor.* iii. 10, § 3.) [L. S.] [W. W.]

ATLANTES (*ἄτλαντες*) and TELAMO'NES (*τελαμῶνες*) are terms used in archi-

tecture, the former by the Greeks, the latter by the Romans, to designate those male figures which are sometimes fancifully used, like the female *Caryatides*, in place of columns (Vitruv. v. 7, § 6, Schneid.). Both words are derived from τλῆναι, and the former evidently refers to the fable of Atlas, who supported the vault of heaven, the latter *perhaps* to the strength of the Telamonian Ajax.

The Greek architects used such figures sparingly, and generally with some adaptation to the character of the building. They were much more freely used in tripods, thrones, and so forth.

They were also applied as ornaments to the sides of a vessel, having the appearance of supporting the upper works; as in the ship of Hiero, described by Athenaeus (v. p. 208 b).



Atlantes. (From Temple at Agrigentum: Professor Cockerell.)

A representation of such figures is given in the preceding woodcut, from the temple of Jupiter Olympius at Agrigentum. (Müller, *Archäol. d. Kunst*, § 279; Mauch, *Die Griech. u. Röm. Bau-Ordnungen*, p. 88.) [P. S.]

ATRAMENTUM (*μέλαν*), a term applicable to any black liquid (for instance, that emitted by the cuttle-fish, Cic. *N. D.* ii. 50, 127), but specially to three different kinds of black colouring substances:—1. *Atramentum sutorium* (*χάλκανθον*), used by shoemakers as a sort of blacking to dye leather with (Plin. *H. N.* xxxiv. § 123). It contained a poisonous ingredient, probably sulphate of copper (Cic. *ad Fam.* ix. 21). 2. *Atramentum tectorium* or *pictorium*, a black pigment used by painters Pliny describes many varieties, the best of which was made by collecting the soot arising from the combustion of the pitch-pine on the marble walls of a specially constructed furnace, mixing it with glue, and then drying the mixture in the sun (Pliny, *H. N.* xxxv. § 41; Vitruv. vii. 10). A kind made with vinegar instead of glue was especially permanent. Another kind, which was imported from India, was probably the same as our Indian ink. Apelles (Plin. *H. N.* xxxv. § 97) coated his pictures with a thin *atramentum* or varnish, which both protected them and toned down the colours. 3. *Atramentum librarium* (*μέλαν γραφικόν*, in Byzantine Greek *μελάνιον*, *ἀτέραμνον*, *ἔγκαυστον*, whence our English word *ink*) was usually prepared in the same way as *atramentum tectorium*, gum being substituted for glue (Pliny and Vitruv. *l. c.*) The proportions, according to Dioscorides (v. 182), were three parts of soot to one of gum. An infusion of wormwood protected manuscripts from mice (Plin. xxvii. § 52). This ink was more unctuous than ours, and perhaps more durable, resembling our printer's ink. It could, however, be easily wiped out soon after writing (Athen. ix. p. 407 c). Hence the sponge was one of the regular implements of the *scriba librarius* (Suet. *Aug.* 85; *Calig.* 20; Auson. *Ep.* 7; *Anthol. Pal.* vi. 295, 2; 65, 7; 66, 7). An inkstand containing some ink, thick but still fluid, was found at Pompeii. Its viscous character was sometimes a ground of complaint (Pers. *l. c.*), yet it was well adapted for writing on papyrus.

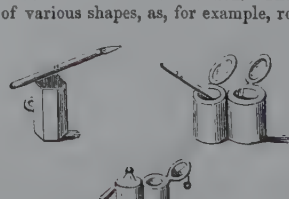
The invention of our modern ink, composed of oxide of iron and galls, has been placed as late as the 12th century, but it is almost impossible to write on parchment with the ink described above, and the use of galls is mentioned not only by Martianus Capella (iii. 225) in the 5th century, but by Philo of Byzantium (p. 102, *Vet. Mathem.*) in the 2nd, in a description of a sympathetic ink, and has, moreover, been established by Sir H. Davy's experiments on the Herculanean manuscripts (*Phil. Trans.* 1821, ii. 205).

The black fluid of the cuttle-fish (sepia) was also used as an ink, especially in Africa (Pers. *Sat.* iii. 12 and Schol.; Auson. iv. 76).

Coloured inks were also in use among the Romans [CINNABARIS, MINIUM, RUBRICA], and even a species of illumination in gold (Suet. *Ner.* 10).

Something like what we call sympathetic ink, which is invisible till heat or some preparation be applied, appears not to have been uncommon. So Ovid (*A. A.* iii. 627) advises writing love letters with fresh milk, which would be unreadable until the letters were sprinkled with coal-dust. Ausonius (*Ep.* xxiii. 21) gives the same direction. Pliny (xxvi. § 62) suggests that the milky sap contained in some plants might be used in the same way. Philo of Byzantium (*l. c.*) says that a letter written with an infusion of galls becomes invisible until a sponge dipped in a solution of sulphate of copper is passed over it, when it again becomes visible.

An inkstand (*πυξίον*, *μελάνδοκον*, *μελανδοχεῖον*, *βροχίς*; late Lat. *atramentarium*, *atramentale*) was either single or double. The double was probably intended to contain both black and red ink, much in the modern fashion. They were also of various shapes, as, for example, round or



Inkstands from Pompeii.

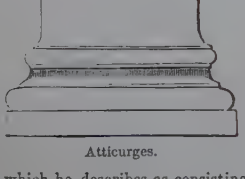
hexagonal, and of various materials, as terra-cotta, bronze or bronze inlaid with silver and gold, and sometimes highly decorated. It will be ob-

served that two of the inkstands in the woodcut have rings whereby to attach them to the girdle (Petr. *Sat.* 102).

The preceding cuts represent inkstands found at Pompeii. [CALAMUS.] (Caneparius, *de Atramentis cujusque Generis*, Lond. 1660; Beckmann, *History of Inventions*, i. 106, ii. 266, London, 1846; Becker-Göll, *Charikles*, ii. 222, &c.; *Gallus*, i. 166, &c.) [J. H. F.]

A'TRIUM is used in a distinctive as well as collective sense, to designate a particular part in the private houses of the Romans [DOMUS], and also a class of public buildings, so called from their general resemblance in construction to the atrium of a private house. There is likewise a distinction between atrium and area; the former being an open area surrounded by a colonnade, whilst the latter had no such ornament attached to it. The atrium, moreover, was sometimes a building by itself, resembling in some respects the open basilica [BASILICA], but consisting of three sides. Such was the Atrium Publicum in the Capitol, which, Livy informs us, was struck with lightning, B.C. 214 (Liv. xxiv. 10). It was at other times attached to some temple or other edifice, and in such case consisted of an open area and surrounding portico in front of the structure, like that before the church of St. Peter's, in the Vatican, or still more like the atrium which leads to the church of S. Ambrogio at Milan, built by S. Ambrose on the ruins of a temple of Bacchus. The recently discovered *atrium Vestae* appears to have resembled the atrium of a house, surrounded by the apartments of the Vestals. We also read of two *atria libertatis*, one or other of which was employed as a record office by the censors, as a prison, and as the earliest public library of Rome (Cic. *ad Att.* iv. 16, *pro Mil.* 22, 59; Liv. xxv. 7, xxxiv. 44, xliii. 16, xlv. 15; Ov. *Trist.* iii. 1, 71; Tac. *Hist.* i. 31; Suet. *Aug.* 29); of an *atrium Minervae*, near the Curia Julia, an *atrium Caci*, an *atrium sutorium* (Mommsen, *Corp. Inscr.* i. p. 389), and *atria Licinia* (Cic. *pro Quint.* 3, 12; 6, 25). The name is also applied to the halls in which auctions were held (*atria auctionaria*, Cic. *Agr.* i. 3, 7; Orelli, *Inscr.* 3439, 3883). [A. R.] [J. H. F.]

ATTICURGES (*Ἀττικουργές, in the Attic style*) is an architectural term, which only occurs in Vitruvius (iii. 5, § 2; iv. 6, §§ 1, 6, Schn.: as a common adjective, the word only occurs in a fragment of Menander, No. 628, Meineke). The word is evidently used not to describe a distinct order of architecture, but any of those variations which the genius of the Athenian architects made upon the established forms. In the former passage, Vitruvius applies it to a sort of base of a



Atticurges.

column, which he describes as consisting of two *tori* divided by a *scotia* or *trochilus* with a fillet above and below, and beneath all a *plinth*; but in several of the best examples the plinth is wanting. (For the exact proportions, see Vitruvius.) This form of base seems to have been originally an Athenian simplification of the Ionic base; but it was afterwards used in the other orders, especially the Corinthian and the Roman Doric; and it is usually regarded as being, from its simple elegance, the most generally applicable of all the bases [SPIRA].

In the second of the passages above referred to, Vitruvius applies the term *Atticurges* to a particular form of doorway, but it differed very little from that which he designates as the Doric: in fact, though Vitruvius enumerates three kinds of doorways to temples—the Doric, Ionic, and Attic—we only find in the existing building two really distinct forms (Mauch, *Die Griech. u. Röm. Bau-Ordnungen*, p. 97). According to Pliny (*H. N.* xxxvi. § 179), square pillars were called *Atticae columnae*. [P. S.]

AUCEPS, a bird-catcher, fowler (Ov. *A. A.* iii. 669; Varr. *L. L.* viii. 61, and *ap.* Non. 1, 97), the occupation called *aucupium* (Pallad. xiii. 6). The Romans, like the modern Italians, were fond of the flesh of small birds, and caught them in large quantities. In great families slaves were employed for this purpose, forming a part of the *familia rustica*, but freedmen and poor people also caught small birds, which they sold at Rome in the vicus Tuscus, near the Forum (Hor. *Sat.* ii. 3, 227; cf. Plaut. *Trin.* ii. 4, 7). The fowlers used for catching birds gins and snares (*laquei*, Pallad. xiii. 6; *pedicae*, Verg. *Georg.* i. 307), rods tipped with bird-lime (*arundines, calami*, Mart. ix. 54, 3; Petron. 40; Sil. Ital. vii. 674; Val. Flacc. vi. 260 *seq.*; Plaut. *Bacch.* i. 1, 17; *calami aucupatorii*, Mart. xiv. 218) [CALAMUS, 6]; clap-nets, held by two parallel rods or poles (*amites*, Pallad. x. 12; Hor. *Epod.* ii. 33; *amites, perticae aucupales*, Fest. p. 21, Müller), in connexion with which decoy- (*illex*) or call-birds, especially the owl (*noctua*), were used (Pallad. *l. c.*; Plaut. *As.* i. 3, 67); traps (*transennae*, Plaut. *Bacch.* iv. 5, 22; id. *Rud.* iv. 7, 10; id. *Pers.* iv. 3, 10), &c. The time for catching birds was from December to March (Pallad. xiii. 6); and the birds most frequently mentioned as caught were thrushes (*turdi*, Pallad. *l. c.*; Hor. *Epod.* ii. 33; Plaut. *Bacch.* iv. 5, 22). (See Rein, in Pauly, *Encyclop.* ii.[2] *s. v.*) [W. S.]

AU'CTIO signifies generally "an increasing, an enhancement," and hence the name is applied to a public sale of goods, at which persons bid against one another. The term *auctio* is general, and comprehends the species *auctio, bonorum emptio*, and *sectio*. As a species, *auctio* signifies a public sale of goods by the owner or his agent, or a sale of goods of a deceased person for the purpose of dividing the money among those entitled to it, which was called *auctio hereditaria* (Cic. *pro Caecin.* 5, 13). The sale was sometimes conducted by an *argentarius*, or by a *magister auctionis*; and the time, place, and conditions of sale were announced either by a public notice (*tabula, album*), or by a crier (*praeco*).

The usual phrases to express the giving notice of a sale are *auctionem proscribere, praedicare*; and to determine on a sale, *auctionem constituere*. The purchasers (*emptores*), when assembled, were sometimes said *ad tabulam adesse*. The phrases

signifying "to bid" are *liceri*, *licitari*, which was done either by word of mouth, or by such significant hints as are known to all people who have attended an auction. The property was said to be knocked down (*addici*) to the purchaser, who either entered into an engagement to pay the money to the *argentarius* or *magister*, or it was sometimes a condition of sale that there should be no delivery of the thing before payment (Gaius, iv. 126: *actio*). An entry was made in the books of the *argentarius* of the sale and the money due, and credit was given in the same books to the purchaser when he paid the money (*expensa pecunia lata, accepta relata*). Thus the book of the *argentarius* might be used as evidence for the purchaser, both of his having made a purchase, and having paid for the thing purchased. If the money was not paid according to the conditions of sale, the *argentarius* could sue for it.

The *praeco* or crier seems to have acted the part of the modern auctioneer, so far as calling out the biddings (Cic. *de Off.* ii. 23, 83) and amusing the company. Slaves, when sold by auction, were placed on a stone or other elevated thing, as used sometimes to be the case when slaves were sold in the United States; and hence the phrase *homo de lapide emptus*. It was usual to put up a spear (*hasta*) in auctions; a symbol derived, it is said, from the ancient practice of selling under a spear the booty acquired in war. Hence the phrase *sub hasta vendere* (Cic. *de Off.* ii. 8, 27) signified "an auction." The expression *asta pubblica* is now used in Italy to signify an auction: the expression is *vendere all' asta pubblica* or *vendere per subasta*. [BONORUM EMPTIO; SECTIO.] [G. L.] [E. A. W.]

AUCTOR. A word which contains the same element as *augeo*, and signifies generally one who enlarges, confirms, or gives to a thing its completeness and efficient form. The numerous technical meanings of the word, some of which we proceed to explain, are more or less closely derived from this general notion. As he who gives to a thing that which is necessary for its completeness may, in this sense, be viewed as the chief actor or doer, the word *auctor* is also used in the sense of one who originates or proposes a thing; but this cannot be regarded as its primary meaning.

I. *Political.*—The word *auctor*, when used in connexion with *lex* or *senatus consultum*, often means him who originates and proposes, as appears from numerous passages (Liv. vi. 36; Cic. *pro Dom.* 30, 80). When the word is applied to him who recommends but does not originate a legislative measure, it is equivalent to *suasor* (Cic. *ad Att.* i. 19; *Brut.* 25, 97; 27, 106). Sometimes both *auctor* and *suasor* are used in the same sentence, and the meaning of each is kept distinct (Cic. *de Off.* iii. 30, 109). When a measure was approved by the senate before it was confirmed by the votes of the people, the senate were said *auctores fieri*, and this preliminary approval was called *senatus auctoritas* (Cic. *Brut.* 14, 55). The expressions *patres auctores fiunt, patres auctores facti*, have been the subject of much discussion, and are explained in a separate article. [AUCTORITAS PATRUM.]

In the imperial time, auctor is often said of the emperor (*princeps*) who recommended anything to the senate, and on which recommendation that body passed a senatus consultum (Gaius, i. 30, 80; Sueton. *Vesp.* 11).

II. *Legal.*—1. With reference to dealings between individuals, auctor has the sense of owner (Cic. *pro Caecin.* 10, 27), and is defined thus (Dig. 50, tit. 17, s. 175): *Auctor meus a quo jus in me transit.* In this sense auctor is the seller (*venditor*), as opposed to the buyer (*emptor*). (Dig. 19, tit. 1, s. 4; s. 52, § 3.) The person who joined the seller in a warranty, or as security, was called *auctor secundus*, as opposed to the seller or *auctor primus* (Dig. 21, tit. 2, s. 4). The phrase *a malo auctore emere* (Cic. *Verr.* v. 22, 56), *auctorum laudare* (Gell. ii. 10), will thus be intelligible. The testator, with respect to his heir, might be called *auctor*. (Ex Corp. Hermogen. Cod. tit. 11.)

2. A person whose concurrence is a necessary condition for giving effect to certain legal transactions, is called *auctor*. Thus as a person could not be arrogated without his own consent, he is said to be the auctor of the arrogation (Cic. *pro Dom.* 29).

3. Auctor is also used generally to express any person under whose authority any legal act is done. In this sense, it means a tutor who is appointed to aid or advise a woman on account of the infirmity of her sex (Liv. xxxiv. 2; Cic. *pro Caecin.* c. 25; Gaius, i. 190, 195): it is also applied to a tutor whose business it is to approve of certain acts on behalf of a ward (*pupillus*). (Paulus, *Dig.* 26, tit. 8, s. 3.)

4. In the criminal law auctor signifies the instigator of a crime, the person who induced another either alone, or in the company of the auctor, or in combination with others, to commit a crime (Suet. *Tit.* 9, *Dom.* 23, *Oth.* 1, *Ner.* 33; *auctor et socius*, Sall. *Jug.* 30). The passages in the Digest on this subject are given by Rein, *Criminalrecht der Römer*, p. 190.

III. The term *auctores juris* is sometimes equivalent to *jurisperiti* (Dig. 1, tit. 2, s. 2, § 13; Gell. ii. 10); but the term is specially used for those jurists to whom the *jus respondendi* had been given by the emperor. The law writers or leaders of particular schools of law were called *scholae auctores*. It is unnecessary to trace the other significations of this word. [G. L.] [E. A. W.]

AUCTORAMENTUM. [GLADIATORES.]

AUCTORITAS. The technical meanings of this word correlate with those of auctor. The *auctoritas senatus* was not a *senatus consultum*; it was a measure, incomplete in itself, which received its completion by some other authority. Similarly in private law the *tutor* was said *auctoritatem interponere*, when he gave his sanction to such acts of his ward as would otherwise have been ineffectual (Gaius, i. 190).

An act which required the order or approval of a magistrate was said to be done by the authority of such magistrate (*auctoritas praetoris, auctoritate principis adoptare*, Dig. 1, tit. 7, s. 2, pr.).

The word *auctoritas* is used to express the force and validity of statute law, of legal opinion, and of decided cases (*auctoritas legis, sententiae, rerum perpetuo similiter judicatarum*).

Auctoritas sometimes signifies the obligation of the *auctor* in case the purchaser is evicted (Paul. ii. 17, § 1, 3), as also the action by

which the *auctor* may be made liable (Dig. 21, tit. 2, s. 76.) It thus comes to mean the title by which property is held (Cic. *Top.* 4, 23; *pro Caecin.* 26, 74). It was a provision of the XII. Tables that no title by usucapion could be acquired in respect to a stolen thing (*res furtiva*, Gaius, ii. 45), which is thus expressed in the Atinian law as given in Gellius, xvii. 7: "Quod subreptum erit, ejus rei aeterna auctoritas esto;" *i.e.* the owner from whom the thing had been stolen retained his title, however long he might be out of possession (Cic. *de Off.* i. 12; Dirksen, *Zwölf-Tafel-Fragm.* p. 447). (As to the expression *usus auctoritas*, see USUCAPIO.)

In the imperial constitutions auctoritas is used as a title of honour (Cod. Theod. v. 13, 15, 17: "Illustris et magnifica auctoritas tua"). The other meanings of auctoritas may be easily derived from the primary meaning of the word, and from the explanations here given. [G. L.] [E. A. W.]

AUCTORITAS PATRUM. Few points in the constitution of Rome have been more discussed, and still divide opinion more, than the nature of the *patrum auctoritas*. Livy (i. 17) tells us that on the occasion of the election of Numa Pompilius, the senate, with the intention of securing the favour of the people, enacted that when the people had chosen (*iussisset*) a king, it should be valid *si patres auctores fierent*. The same phrase occurs in describing the elections of Tullus (c. 22) and of Ancus (c. 32). The first question that arises is whether by *patres* is meant senators or patricians. Cicero (*de Rep.* ii. 13, 17, 18, 20) does not mention expressly the *patrum auctoritas* (though in c. 13 he has the phrase *patribus auctoribus*), but in each case speaks of a Lex Curiata de imperio proposed by the king to the Comitia after his election. Niebuhr, whose opinion was long generally accepted, identified the two (cf. Becker, *Handbuch*, ii. 1, 316–331; Marquardt, ii. 3, 184) as the same thing under different phrases. But this is based upon two theories, both of them now shown to be erroneous. In the first place it identifies the *populus* with the *patres* (patricians); for Cicero says expressly of Hostilius, "de imperio suo exemplo Pompilii *populum* consuluit curiatim;" but there is not the slightest warrant for this assumption (cf. Seeley on Livy, i. 17). Secondly, it supposes the Comitia Curiata to have been a purely patrician body, which it certainly was not [COMITIA]; and, besides, the *patrum auctoritas* was given to laws as well as to elections. Hence Niebuhr's view now finds few defenders. The most important of these is Lange (*Röm. Alterth.* i. 265 ff.); the strongest argument he adduces is drawn from Livy, vi. 42, where we are told in reference to the election of the first plebeian consul, "patricii se auctores futuros negabant:" and then a decree was made by the senate, "ut patres auctores omnibus eius anni comitiis fierent." This is certainly fatal to the view commonly held before Niebuhr, which Livy's language in i. 17 seems to show that he held himself, that the *patres* were *identical* with the senate. It is not inconsistent with the second explanation, put forward by Huschke and Rubino, and now supported by Mommsen (*Röm. Forsch.* i. 233 ff.) and Madvig (*Verf.* i. 233 ff.). These scholars hold that in this case, as in that of an interregnum, *patres* denotes *the patrician portion* of the senate, and that the Lex Curiata de imperio was totally different from the *patrum auctoritas*. This is certainly the most natural interpretation of the language of Cicero (*de Rep.* ii. 13). And it appears to be proved to demonstration by a comparison of Livy, vi. 41, "nec centuriatis nec curiatis comitiis patres auctores fiant," which makes it impossible to identify *patres* with Curiata Comitia, with the passage above quoted from vi. 42, which is as great an obstacle to identifying them with the senate. It is further to be noticed that the term *auctoritas*, "sanction," is well suited to the act of a portion of the people, but quite inapplicable to the resolve of the whole body. It is no serious objection to this view that the term *patricii auctores fiunt* is sometimes used (Liv. vi. 42, xxvii. 8, 1; Sall. *Frag. Hist.* iii. 82, 15, Kr.; Dion. H. ii. 60, vi. 90; Gaius, i. 3), for the term *patricii* would be a natural one to use of the patrician section of the senate.

We have five instances on record of the attempted refusal of this *patrum auctoritas*, all instances in which some constitutional change was contemplated. Hence it seems to have held in earlier times something like the place of the action of the augurs at a later day (Mommsen, *R. F.* i. 240 ff.). The significance of the Publilian Law of 339 (Liv. viii. 12) was therefore that no merely formal objection should be allowed to interfere with the deliberate choice of the Comitia Centuriata, but "ut legum, quae comitiis centuriatis ferrentur, ante initum suffragium patres auctores fierent." A Lex Maenia early in the 3rd century B.C. (Cic. *Brut.* 14, 55) extended the same rule to elections.

A third view, which has found some support of late, is that put forward by Peter (*Epochen der Verfassungs*, Leipzig, 1841), adopted with some modifications by Schwegler (*Röm. Gesch.* ii. 155–173) and Walter (*Röm. Rechtsgesch.* i. § 23, n. 55, 56; § 41, n. 16; § 66). This ascribes a double meaning to the term, assuming both in elections and in laws passed by the centuries, first a permissive resolution on the part of the senate, and then, after the voting, a confirmatory decree on the part of the curies, both described by the same term *patrum auctoritas*. This procedure was then followed in the case of a consul's election by the Lex Curiata de imperio, proposed by the consul himself. There does not appear to be any evidence requiring such a complicated hypothesis. The recorded facts are well explained by Mommsen's simpler view.

The *patrum auctoritas* must be carefully distinguished from the *Senatus auctoritas* [SENATUS]. [A. S. W.]

AUDITO'RIUM, as the name implies, is any place for hearing. It was the practice among the Romans for poets and orators to read their compositions to their friends, who were sometimes called the *auditorium* (Plin. *Ep.* iv. 7); but under the empire the word was applied to a court of justice. Under the republic the place for all judicial proceedings was the Comitium and the Forum ("ni pagunt in comitio aut in foro ante meridiem causam conjicito quum perorant ambo praesentes," Dirksen, *Uebersicht*, &c., p. 725). Under the empire, the Forum continued to be the place where magistrates and judices heard civil causes. But for the sake of shelter and convenience, it became

a practice to hold courts in the Basilicae, halls of temples, and other suitable places about the Forum. Such enclosed courts were called *auditoria*, or places in which the plaints of litigants were heard. The effect of this change was that courts of justice were less frequented by the public than when they were held in an open space. So in the dialogue *de Oratoribus* (c. 39) the writer observes that oratory had lost much by cases being generally heard in *auditoria* and *tabularia*. The courts of the provincial governors were not always open to the public in the time of Cicero (Cic. *Verr.* v. 11, 27). Their courts appear to have been held at a later period, either in the hall of their Praetorium or in the open Forum (St. John xviii. 33, xix. 9–13; Acts of the Apost. xv. 23, *ἀκροατήριον*).

The emperors at first sometimes sat in the Forum, but they soon gave up the practice, and only exercised justice within their own palace. The place where the court sat was called the *auditorium principis* or *sacrum auditorium*. The *auditorium principis* is first mentioned in reference to M. Aurelius, and afterwards becomes a common term (Dig. 36, tit. 1, s. 22; 49, tit. 9, s. 1; Dio Cass. lxxvi. 11; Dig. 4, tit. 4, s. 18). The *praefectus praetorio* and *praefectus urbi*, who exercised the imperial jurisdiction, also sat in *auditoria* (Dig. 12, tit. 1, s. 40; 23, tit. 3, s. 78, § 4). The imperial court of justice (*auditorium principis*) is sometimes distinguished from the imperial administrative council (*consistorium principis*), but in later Roman law the distinction is not always maintained.

Under the later empire, judicial proceedings were carried on with less publicity.

In the time of Diocletian, the auditorium was also called *secretarium*. In a constitution of Constantine the two words were used as equivalent (Cod. Th. i. tit. 16, s. 6), when he enacts that both criminal and civil cases should be heard openly from the tribunal, and not in *auditoria* or *secretaria*.

Valentinianus and Valens allowed causes to be heard either before the tribunal or in the *secretarium;* but in the latter the doors were to be left open.

From the 5th cent. causes were exclusively heard in the *secretarium* or *secretum*. The public was shut off by *cancelli* and curtains (*vela*), which in exceptional cases were drawn aside (*levato velo cognoscere*, Cod. Theod. vi. tit. 13, s. 9). Under the despotic system of the late empire the public was excluded from the inner *secretarium*, but persons of a certain rank (*honorati*) and those invited by the magistrate were admitted to it. (Bethmann-Hollweg, *Civil-Prozess*, § 147.) [G. L.] [E. A. W.]

AUGUR, AUGURIUM; AUSPEX, AUSPICIUM. *Augur* or *auspex* meant a diviner by birds, but came in course of time, like the Greek *οἰωνός*, to be applied in a more extended sense: his art was called *augurium* or *auspicium*. Plutarch relates that the *augures* were originally termed *auspices* (*Quaest. Rom.* c. 72), and there seems no reason to doubt this statement as Hartung does (*Die Religion der Römer*, vol. i. p. 99), on the authority of Servius (*ad* Verg. *Aen.* i. 402, iii. 20). The authority of Plutarch is further supported by the fact, that in Roman marriages the person who represented the diviner of ancient times was called *auspex*, and not *augur*. (Cic. *de Div.* i. 16, 28.) Rubino (*Römisch. Verfassung*, p. 45), followed by Mommsen (*Röm. Staatsr.* i.[2] 101, note 2), draws a distinction between the meaning of the words *auspex* and *augur*, though believing that they were used to indicate the same person, the former referring simply to the observation of the signs, and the latter to the interpretation of them. This view is certainly supported by the meaning of the verbs *auspicari* and *augurari*, and the same distinction seems to prevail between the words *auspicium* and *augurium*, when they are used together (Cic. *de Nat. Deor.* ii. 3, 9), though they are often applied to the same signs. The word *auspex* was supplanted by *augur*, but the scientific term for the observation continued on the contrary to be *auspicium*, and not *augurium*. The etymology of *auspex* is clear enough (from *avis*, and the root *spec*), but that of *augur* is not so certain. Some ancient grammarians derived it from *avis* and *gero* (Festus, s. v. *augur;* Serv. *ad* Verg. *Aen.* v. 523), in support of which we may mention the analogy of *au-spex* and *au-ceps*, and the ancient forms *auger* and *augeratus* quoted by Priscian, i. 6, § 36; and this derivation is now accepted by Mommsen, Marquardt, Bouché-Leclercq, and others. Of modern suggestions may be mentioned that of Aufrecht and Kirchhoff, connecting the word with the Umbrian *uhtur* = *auctor* (cf. *ius est augurum cum auctoritate conjunctum*, Cic. *de Leg.* ii. 12, 31; and Nissen, *Das Templum*, p. 5), and that of Vaníček, from *avis* and the root *gar* (found in Sanscrit and in *γηρύειν*, *garrire*). Fick, and apparently Kuntze, connect it with *augeo augustus* (cf. *augustum augurium* in Ennius), and take it to mean "assistant;" while Lange and Bréal see in the word the root *gush* (as in *γεύω*) and understand by it "an appreciator." By Greek writers on Roman affairs, the augurs are called *αὔγουρες*, *οἰωνοπόλοι*, *οἰωνοσκόποι*, *οἰωνισταί*, *οἰωνομάντεις*, *οἱ ἐπ' οἰωνοῖς ἱερεῖς*.

In the most ancient times, no transaction took place, either of a private or a public nature, without consulting the auspices, and hence we find the question asked in a well-known passage of Livy (vi. 41, 4), "Auspiciis hanc urbem conditam esse, auspiciis bello ac pace, domi militiaeque omnia geri, quis est, qui ignoret?" But the private augur seems to have fallen into contempt. Thus Cicero, while arguing in favour of divination in general, follows Ennius in classing the *Marsus augur* with other impostors (*de Div.* i. 58, 132); and of the *auspices* at weddings he says that they had ceased to be such in anything but name (i. 16, 28).

The public augurs, on the contrary (in full, *augures publici populi Romani Quiritium*, Orelli, *Inscr.* 2130, &c.), are of great importance in Roman political history, and formed a collegium. But before tracing their history we will inquire what the auspices were.

All the nations of antiquity were impressed with the firm belief, that the will of the gods and future events were revealed to men by certain signs, which were sent by the gods as marks of their favour to their sincere worshippers. Hence the arguments of the Stoics, that if there are gods they care for men, and that if they care for men they must send them signs of their will (Cic. *de Leg.* ii. 13, 32), expressed

so completely the popular belief, that whoever questioned it would have been looked upon in no other light than an atheist. But while all nations sought to become acquainted with the will of the gods by various modes, which gave rise to innumerable kinds of divination, there arose in each separate nation a sort of national belief, that the particular gods, who watched over them, revealed the future to them in a distinct and peculiar manner. Hence each people possessed a national *μαντική* or *divinatio*, which was supported by the laws and institutions of the state, and was guarded from mixture with foreign elements by stringent enactments. Thus the Romans looked upon astrology and the whole prophetic art of the Chaldaeans as a dangerous innovation; they paid little attention to dreams, and hardly any to inspired prophets and seers. On the contrary, in common with their kindred races in Central Italy and with the Etruscans, they attached much importance to extraordinary appearances in nature—*prodigia*. They endeavoured to learn the future, especially in war, by consulting the entrails of victims; they laid great stress upon favourable or unfavourable *omina*, and in times of danger and difficulty were accustomed to consult the Sibylline books, which they had received from the Greeks: but the mode of divination, which was peculiar to them and essentially national, consisted in those signs included under the name of *auspicia*. The observation of the auspices was, according to the unanimous testimony of the ancient writers, more ancient even than Rome itself, which is constantly represented as founded under the sanction of the auspices, and the use of them is therefore associated with the Latins, or the earliest inhabitants of the city. There seems therefore no reason to assign to them an Etruscan origin, as many modern writers are inclined to do, while there are several facts pointing to an opposite conclusion. Cicero, who was himself an augur, in his work *de Divinatione*, constantly appeals to the striking difference between the auspicia and the Etruscan system of divination; and, while he frequently mentions other nations, which paid attention to the flight of birds as intimations of the divine will, he never once mentions this practice as in existence among the Etruscans (Cic. *de Div.* i. 41, 92. 93, ii. 35, 75; *de Nat. Deor.* ii. 4, 11). The belief, that the flight of birds gave some intimation of the will of the gods, seems to have been prevalent among many nations of antiquity, and was common to the Greeks, as well as the Romans; but it was only among the latter people that it was reduced to a complete system, governed by fixed rules, and handed down from generation to generation. In Greece, the oracles supplanted the birds, and the future was learnt from Apollo and other gods, rarely from Zeus, who possessed very few oracles in Greece. The contrary was the case at Rome: it was from Jupiter mainly that the future was learnt, and the birds were regarded as his messengers. (*Aves internuntiae Jovis*, Cic. *de Div.* ii. 34, 72; *Interpretes Jovis optimi maximi publici augures*, Cic. *de Leg.* ii. 8, 20); though other divinities, such as Tiberinus and some river-gods (Cic. *de Nat. Deor.* iii. 20, 52), and even the Manes (Festus, s. v. *Manes*), were invoked by the observer. When a whole series of gods was invoked, it was called *precatio maxima*. It must be remarked in general that the Roman auspices were essentially of a practical nature; they gave no information respecting the course of future events, they did not inform men *what was to happen* (Cic. *de Div.* ii. 33, 70), but simply taught them *whether they were to do or not to do the matter purposed*; they assigned no reason for the decision of Jupiter,—they simply announced, yes or no.

The science or system of the augurs (*disciplina* or *ius augurum*), of which they were the skilled interpreters (*periti prudentes*), bound to observe its rules (Cic. *de Legg.* ii. 8, 20), was in early times reduced to a documentary form (*libri augurum*), comprising, besides the minute formalities of the ceremonial to be observed, and no doubt the whole theoretical part of augural science, which appear to have been contained in what were called the *libri reconditi* (Cic. *de Dom.* 15, 39), also records (*commentarii*, Cic. *de Div.* ii. 18, 42; cf. Marquardt, *Röm. Staatsv.* iii. 288), which consisted of judgments (*responsa* or *decreta*, Cic. *de Dom.* 15, 40; *de Div.* ii. 35, 73), when any matter was referred by the senate to the college of augurs. Much interesting historical information was contained in these records. Further, the college of augurs, like other colleges, had lists (*fasti*) of its members (a specimen is given in *C. I. L.* vi. 1976). The secrecy of these documents was guarded by an oath tendered to the members of the college (Plut. *Quaest. Rom.* 99). But augural law, just as civil law, could not always remain a mystery; and the manuals, which it became necessary to draw up, were in course of time divulged, until the subject became a favourite one with the antiquarian writers of the last century of the republic. Thus Cicero, in his philosophical treatise on *Divinatio* in general, repeatedly draws his instances from the *disciplina* of the augurs.

The words *augurium* and *auspicium* came to be used in course of time to signify the observation of various kinds of signs. They were divided into five sorts: *ex caelo, ex avibus, ex tripudiis, ex quadrupedibus, ex diris* (Festus, s. v. *quinque genera*). Strictly speaking, the last three of these formed no part of the auspices.

These signs were either *impetrita* or *impetrativa*—that is, specified by the person who consulted the will of Jupiter when he began to take observations; or *oblativa*,—that is, not specified nor expected by him beforehand, and therefore so far unfavourable. The *auspicia ex diris* always belonged to the class of *oblativa*. The specification of the *impetrita* was called *legum dictio*. (Serv. *ad Aen.* ii. 702, iii. 89, vi. 190, xii. 246, 259; Plaut. *Asin.* ii. 1, 11.) A few words must be said on each of these five kinds of augury.

1. *Ex caelo.* This included the observation of the various kinds of thunder and lightning, and was regarded as the most important, *maximum auspicium*, especially in a clear sky. (Verg. *Aen.* ix. 630; Serv. *ad* Verg. *Aen.* ii. 693; Cic. *de Div.* ii. 18, 43, &c.; Festus, s. v. *Caelestia.*) In interpreting this, as well as other signs, the Italian, unlike the Greek, regarded those from the left as lucky, those from the right as unlucky; for while both regarded the east as the lucky side, the Italian faced south and the

Greek faced north. Lightning or thunder suspended the *comitia* for the day (Cic. *l. c.*; Dio Cass. xxxviii. 13); and as it remained a fixed principle with the Romans to repose trust in announcements touching the auspices made by those who had the right of taking them (cf. Liv. x. 40, 11; xxxviii. 48, 14; Plin. *H. N.* xxviii. § 17), when the belief in the auspices decayed, this mode of augury became a political engine for causing delay; further, as being the most important species of augury, it was retained as the one formally used on the occasion of a magistrate entering upon office (Cic. *de Div.* ii. 35, 73); and in Cicero's time and later the *caelestia* were the only *auspicia impetrativa* used in the city (Mommsen, *Röm. Staatsr.* i.² 78). The transition from the old system of augury to the new system, wherein only *caelestia* and *pullaria* were used, Kuntze (*Prol. zur Geschichte Roms*, p. 92) places in the Punic Wars, and supposes M. Marcellus, who was *optimus augur* (Cic. *de Div.* ii. 36, 77), to have been in a great measure instrumental in bringing this about.

2. *Ex avibus.* It was only a few birds which could give auguries among the Romans (Cic. *de Div.* ii. 36, 76). They were divided into two classes: *Oscines*, those which gave auguries by singing or their voice, and *Alites*, those which gave auguries by their flight (Festus, s. v. *Oscines*). To the former class belonged the raven (*corvus*) and the crow (*cornix*), the first of these giving a favourable omen (*auspicium ratum*) when it appeared on the right, the latter on the contrary, when it was seen on the left (Plaut. *Asin.* ii. 1, 12; Cic. *de Div.* i. 39, 85); likewise the owl (*noctua*, Festus, s. v. *Oscines*). To the *aves alites* belonged first of all the eagle (*aquila*), who is called preeminently the bird of Jupiter (*Jovis ales*), and next the vulture (*vultur*); and with these two the *avis sanqualis* (also called *ossifraga*, which was sacred to Sancus), the *immusulus*, and *buteo* are probably also to be classed. (Comp. Verg. *Aen.* i. 394; Liv. i. 7, 34, xli. 13; Festus, s. v. *sanqualis*; Plin. *H. N.* x. § 20.) Some birds were included both among the *oscines* and the *alites*: such were the *picus Martius* and *Feronius*, and the *parra* (Plin. *H. N.* x. § 40; Hor. *Carm.* iii. 27, 1, 15; Festus, s. v. *Oscinum tripudium*), which belonged to Vesta (Nonius, 518, 27). Some birds by their mere appearance foreboded ill, as the *bubo*, *spinturnix* (Plin. *H. N.* x. 34–37), and some again were birds of omen only to particular classes of events or people: *e.g.* the *aegithus* for weddings and agriculture (*ib.* x. 21), the swan for mariners, and the dove for kings (Serv. *ad Aen.* i. 393). These were the principal birds consulted in the auspices. There were considerable varieties of omen according to the note of the *oscines* or the place from which they uttered the note; and similarly among the *alites*, according to the nature of their flight, especially the height: hence the division of *praepetes* and *inferae* (Gell. vi. 6). Other peculiarities also of their appearance were ominous, such as tearing themselves (Festus, s. v. *Voisgram*; Stat. *Theb.* iii. 513). There were very great minutiae, such as the nine different notes of the owl (Plin. *H. N.* x. § 39), but they need not be touched upon. When the birds favoured an undertaking, they were said *addicere* or *admittere*, and were called *admissivae*. When unfavourable, they were said *abdicere*, and were called *alterae*, *arculae*, *clivinae*, *inebrae*, *remores* (see Festus, *s. vv.*), *clamatoriae*, *prohibitoriae* (Plin. *H. N.* x. § 37). The technical term for all the observations agreeing was *consensio* (Serv. *ad Aen.* iii. 60). It has been noticed that the Romans in their augury, unlike the Etruscans, did not let birds loose, but always waited for them to appear (Bouché-Leclercq, *ap.* D. and S. i. 555). This form of divination, to which the ancient Romans, like the other inhabitants of Central Italy, constantly had recourse, was cast into the shade by *haruspicina*, which was itself falling out of use in Cicero's days (*de Div.* i. 16, 28).

3. *Ex tripudiis.* These auspices were taken from the feeding of chickens, and were especially employed on military expeditions. It was the doctrine of the augurs that any bird could give a tripudium (Cic. *de Div.* ii. 35, 73); but it became the practice in later times to employ only chickens (*pulli*) for the purpose, owing to the simplicity of the signs afforded by them, and the greater rapidity and convenience by which such signs could be obtained. They are also called *auspicia pullaria* (Serv. *ad Aen.* vi. 198). It is not quite certain whether this kind of augury was used in civil concerns. There is no really clear instance to support the view that they were (Mommsen, *op. cit.* i.² 82, note 2), though Servius (*l. c.*) says, *Romani moris erat in comitiis agendis et in bellis gerendis pullaria captare auguria.* The chickens were kept in a cage, under care of a person called *pullarius*; and when the auspices were to be taken, the pullarius opened the cage and threw to the chickens pulse or a kind of soft cake. If they refused to come out or to eat, or uttered a cry (*occinerent*), or beat their wings, or flew away, the signs were considered unfavourable (Liv. x. 40, 4; Val. Max. i. 4, § 3). On the contrary, if they ate greedily, so that something fell from their mouth and struck the earth, it was called *tripudium solistimum* (*tripudium*, originally the triple beat of the foot in religious dances; *solistimum* = perfect. Fest. *s. v.* For ancient derivation, see Cic. *de Div.* ii. 34, 72), and was held to be a favourable sign. Two other kinds of *tripudia* are mentioned by Festus,—the *tripudium oscinum*, from the cry of birds, and *sonivium*, from the sound of the pulse falling to the ground: in what respects the latter differed from the *tripudium solistimum*, we are not informed. (Cic. *ad Fam.* vi. 6, 3; see also Festus, s. vv. *puls*, *tripudium*, *oscinum tripudium*.) The *pullarii* appear to have trenched on the functions of the augurs, being even employed *servare de caelo* for magistrates (Cic. *de Div.* ii. 35, 74; *ad Fam.* x. 12, 3). They could secure a favourable omen by starving the chickens or giving them crumbling food (Cic. *de Div.* ii. 35, 73; Festus, s. v. *puls*).

4. *Ex quadrupedibus.* Auguries could also be taken from four-footed animals and reptiles, and were called *pedestria auspicia*; but these formed no part of the original science of the augurs, and were never employed by them in taking auspices on behalf of the state, or in the exercise of their art properly so called. They must be looked upon simply as a mode of private divination, which was naturally brought under the notice of the augurs, and seems by them to have been reduced to a kind of system. Thus we are

told that when a fox, a wolf, a serpent, a horse, a dog, or any other kind of quadruped ran across a person's path or appeared in an unusual place, it formed an augury. (See, *e.g.* Hor. *Carm.* iii. 27.) The *juge auspicium* (*i.e.* cum junctum jumentum stercus facit) belonged to this class of auguries, which we generally meet with under the head of *oblativa* (Cic. *de Div.* ii. 36, 77; Fest. s. v. *juges auspicium*; Serv. *ad* Verg. *Aen.* iii. 537).

5. *Ex diris*, sc. *signis*. Under this head was included every kind of augury which does not fall under any of the four classes mentioned above, such as sneezing, stumbling, and any other accident or noise (*dirae obstrepentes*), however trifling, such as anything falling in the temple (*caduca auspicia*), which was held to break the *silentium* (Serv. *ad Aen.* iv. 453; Plin. *H. N.* viii. § 223). But such signs could only be considered as ill omens when in obvious connexion with the matter in hand, and if they were distinctly heard by the observer. Hence devices were adopted so that no ill-omened sound should be heard, such as blowing a trumpet during the sacrifice (Plin. *H. N.* xxviii. § 11). Whether certain signs were ill-omened or not was often referred to the *pontifices*, in later times to the Sibylline books or the *haruspices* (Mommsen, *op. cit.* i.² 84). There was an important augury of this kind connected with the army in early times, called *ex acuminibus*, from observation of the points of the weapons of the marshalled army; but it fell into disuse as early as the time of M. Marcellus in the Hannibalic War (Cic. *de Div.* ii. 36, 77; *de Nat. Deor.* ii. 3, 9). Again the comitia were postponed if anyone present was seized with an epileptic fit (hence called *morbus comitialis*). Under the head of *dirae* may also come what Festus calls *piacularia auspicia*, such as when the victim escaped from the altar or moaned when struck, or fell on some other part of the body than was right.

The ordinary manner of taking the auspices, properly so called (i.e. *ex caelo* and *ex avibus*), was as follows:—The person who was to take them first marked out with a wand [LITUUS], as he looked towards the south, a division in the heavens called *templum* or *tescum* (the latter term was applied to any rustic place sacred to a divinity, Varr. *L. L.* vii. 2, 82), within which he intended to make his observations between midnight and daybreak. For full details on the Roman *templum*, reference is made to TEMPLUM and to Nissen's special work *Das Templum*. The auspices had to be taken on the day of the business in question, and it was convenient that they should be taken before the business-day commenced. This special time was generally the one observed for taking the auspices in civil affairs; but of course on a campaign it could not be observed for taking the auspices necessary on the passing of a stream (*auspicia perennia*) and other military auspices. The station where he was to take the auspices was also separated (*effari loca*) by a solemn formula (*conceptis verbis*), which varied on different occasions, from the rest of the land, and was likewise called *templum* or *tescum*. He then proceeded to pitch his tent in it (*tabernaculum capere*), and this again was called *templum*, or more accurately *templum minus*; for *templum*, as Servius tells us (*ad Aen.* iv. 200), is applied not merely to a space which could be enclosed, but also to one actually enclosed. If for any reason the first tabernaculum was unfavourable, a second one was chosen: but if it likewise was unfavourable, the first was returned to (Serv. on *Aen.* ii. 178). There was one opening in the front part (*antica pars*) of the tent. This opening usually faced the south (Varr. *L. L.* vii. 7); though in the inauguration of persons and places it appears that the augur looked towards the east (Liv. i. 18, 6): cf. Nissen, *Das Templum*, p. 172, who considers the easterly aspect the more usual one. The buildings in which the senate met, such as the Curia Hostilia Pompeia or Julia, had likewise to be consecrated by the augurs and made into *templa*; for this term does not by any means apply to all the sacred buildings of the gods (Varr. *ap.* Gell. xiv. 7, 7): cf. Mommsen, *op. cit.* i.² 100, note 4. Within the walls of Rome, or, more properly speaking, within the pomoerium, there was no occasion to select a spot and pitch a tent on it, as there was a place on the Arx on the summit of the Capitoline hill, called *Auguraculum*, which had been consecrated once for all for this purpose (Festus, s. v. *Auguraculum*; comp. Liv. i. 18, 6; Cic. *de Off.* iii. 16, 66). In like manner there was in every Roman camp a place called *augurale* (Tac. *Ann.* ii. 13, xv. 30), which answered the same purpose; but on all other occasions a place had to be consecrated and a tent to be pitched, as, for instance, in the Campus Martius, when the Comitia Centuriata were to be held. The spot where the auspices were taken had always to be Roman land. From the point of view of the auspices there were five sorts of land—Roman, Gabine, foreign, hostile, and doubtful (Varr. *L. L.* v. 33). Accordingly, when it was necessary to take the auspices in any of the four latter kinds of land, a tract had to be considered as Roman and inaugurated as such (Serv. *ad Aen.* ii. 178; Dio Cass. xli. 43; Liv. xxvii. 29, 5). The person who was then taking the auspices proceeded to specify the signs for which he was watching (*legum dictio*, Serv. *ad Aen.* iii. 89), and the period of time during which he would watch, the most important moment at the end being called *tempestus* (= *supremum augurii tempus*, Varr. *L. L.* 7, § 51), and, seated (Serv. *ad Aen.* ix. 4; Plut. *Marc.* 5) in a chair, waited for the favourable signs to appear; but it was necessary during this time that there should be no interruption of any kind whatsoever (*silentium*), and hence the word *silentium* was used in a more extended sense to signify the absence of everything that was faulty. Though the watcher especially took note of what he perceived himself, yet he at times asked bystanders or others to assist him in watching for signs; and in later times it was usual to be satisfied with the assertion of the assistant that the required sign had been seen (Cic. *de Div.* ii. 34, 72; 35, 75). Those who were asked to assist in the augury (*in auspicio esse*) were sometimes augurs, but not necessarily so. The formula by which the request was made and the assent given is recorded by Cicero (*de Div.* ii. 34, 71. 72). But the magistrate was no more bound to pay attention to what these assistants reported, than

he was to obey the advice of his *consilium* (Mommsen, *op. cit.* i.² 102); still, according to ancient law, anyone who disobeyed a decree of the augurs was guilty of a capital offence (Cic. *de Leg.* ii. 8, 21; 12, 31). Everything which rendered the auspices invalid was called *vitium* (see Festus, s. v. *silentio surgere*), and hence we constantly read in Livy and other writers of *vitio* magistratus creati, *vitio* lex lata, &c. A euphemistic phrase was *causa est* (Serv. *ad Aen.* vii. 141; ix. 630). The watching for the auspices was called *spectio* or *servare de coelo*, the declaration of what was observed *nuntiatio* or *obnuntiatio* (*vide infra*). If the signs were unfavourable, the *nuntiatio* of the augur was expressed in the form *alio die*, by which the business in hand, whether the holding of the *comitia* or anything else, was entirely stopped (Cic. *de Leg.* ii. 12, 30). For ancient descriptions of the process, see Liv. i. 18; Stat. *Theb.* iii. 459 ff.; and Sabidius, *ap.* Mommsen, *op. cit.* i.² 81, note 5.

Having explained what the auspices were and how they were taken, we have now to determine who had the power of taking them. In the first place it is certain that in ancient times no one but a patrician could take the auspices, and that a plebeian had no power of doing so. The gods of the Roman state were the gods of the patricians alone, and it was consequently regarded as an act of profanation for any plebeian to attempt to interpret the will of these gods. Hence the possession of the auspices (*habere auspicia*) is one of the most distinguished prerogatives of the patricians; they are said to be *penes patres*, and are called *auspicia patrum*. It is closely connected with the possession of a *gens;* and accordingly there can be no doubt that *patres* means the whole body of patricians (see Liv. iv. 2, 5; 6, 2; vi. 41, 6; x. 8, 9; and Weissenborn, *ad loc.*). It would further appear that every patrician might take the auspices; but here a distinction is to be observed. It has already been remarked that in the most ancient times no transaction, whether private or public, was performed without consulting the auspices (*nisi auspicato, ne privatim quidem*, Cic. *de Div.* i. 16, 28; Val. Max. ii. 1, § 1); and hence arose the distinction of *auspicia privata* and *auspicia publica*. Of the *privata auspicia* we know little, but probably they were similar to the *publica*, as may be seen from the story about Attus Navius in Cicero (*de Div.* i. 17); cf. Mommsen, *op. cit.* i.² 85, note 4. One of the most frequent occasions on which the *auspicia privata* were taken, was in case of a marriage (Cic., Val. Max., *ll. cc.*); and hence after private auspices had become entirely disused, the Romans, in accordance with their usual love of preserving ancient forms, were accustomed in later times to employ *auspices* in marriage, who, however, acted only as friends of the bridegroom, to witness the payment of the dowry and to superintend the various rites of the marriage (Plaut. *Cas.* prol. 85; Suet. *Claud.* 26; Tac. *Ann.* xi. 27). The employment of the auspices at marriages was one great argument used by the patricians against *connubium* between themselves and the plebeians, as it would occasion, they urged, *perturbationem auspiciorum publicorum privatorumque* (Liv. iv. 2, 5). The possession of these private auspicia is expressed in another passage of Livy by *privatim auspicia habere* (Liv. vi. 41, 6). In taking these private auspices, it would appear that any patrician was employed who knew how to form *templa* and was acquainted with the art of augury, and was therefore called *auspex* or *augur:* it does not appear to have been necessary nor usual in such cases to have recourse to the public augurs, the members of the collegium, who are therefore frequently called *augures publici*, to distinguish them from the private augurs. (Cic. *de Leg.* ii. 8, 20; *ad Fam.* vi. 6, 6; Festus, s. v. *quinque genera.*) The case, however, was very different with respect to the *auspicia publica*, generally called *auspicia* simply, or those which concerned the state. The latter could only be taken by the persons who represented the state, and who acted as mediators between the gods and the state; for though all the patricians were eligible for taking the auspices, yet it was only the magistrates who were in actual possession of them. The magistrates were the mediators between the people and both god and man; hence their authority was represented in the fullest terms by *auspicium imperiumque* (Liv. xl. 52, 5); cf. Mommsen, *op. cit.* i.² 73. As long as there were any patrician magistrates, the auspices were exclusively in their hands (Cic. *Ep. ad Brut.* i. 5, 4); on their entrance upon office, they received the auspices (*accipiebant auspicia*, Cic. *de Div.* ii. 36, 76); while their office lasted, they were in possession of them (*habebant* or *erant eorum auspicia*, Gell. xiii. 15); and at the expiration of their office, they laid them down (*ponebant auspicia*, Cic. *de Nat. Deor.* ii. 3, 9). In case, however, there was no patrician magistrate, the auspices became vested in the whole body of the patricians, which was expressed by the words *auspicia ad patres redeunt* (Cic. *Ep. ad Brut.* i. 5, 4). This happened in the kingly period on the demise of a king, and the patricians then chose an interrex, who was therefore invested by them with the right of taking the auspices, and was thus enabled to mediate between the gods and the state in the election of a new king. In like manner in the republican period, when it was believed that there had been something faulty (*vitium*) in the auspices in the election of the consuls, and they were obliged in consequence to resign their office, the auspices returned to the whole body of the patricians, who had recourse to an *interregnum* for the renewal of the auspices, and for handing them over in a perfect state to the new magistrates. For this the technical expression is *renovare auspicia* (Liv. v. 31, 7; vi. 5, 6). This is to be distinguished from *repetere auspicia*, said of a general who had taken faulty omens before setting out, and had to return to Rome to renew them (Liv. viii. 30, 2, and Weissenborn), though this term is once applied (Liv. v. 17, 3) to what is more strictly *renovatio* (see Mommsen, *op. cit.* i.² 88, 96). If a magistrate was declared faultily elected owing to the auspices, he had to submit to the decree and resign (*vitio facti abdicarunt* is the regular formula), and they could not conduct the new elections, nor were they eligible themselves for re-election. There are numerous examples in Livy: *e.g.* vi. 38, 9; viii. 15, 6. In the case of the resignation of the tribunes in Liv. x. 47, 1, it is hard to know who could have elected the new tribunes, as the plebeians had nothing corresponding to the patrician interregnum (see Weiss. *ad loc.*). If the magistrate refused to resign, he could not be

forced to do so by the people, *e.g.* Flaminius in 223 B.C. (Plut. *Marc.* 4; Liv. xxi. 63, 7). But if a magistrate did refuse, he was liable to prosecution at the expiration of his office: "quique non paruerit capital esto," ran the old law (Cic. *de Leg.* ii. 8, 21). If a decree of the people had been vitiated by the auspices, it had to be abrogated by another decree of the people, introduced by a resolution of the senate in accordance with the judgment of the augurs; but the latter for the most part were deemed sufficient without the matter being brought before the people (see Cic. *de Leg.* ii. 12, 31; Mommsen, *op. cit.* i.^{2} 113, 114).

The distinction between the duties of the magistrates and the augurs in taking the auspices is one of the most difficult points connected with this subject, but perhaps a satisfactory solution of these difficulties may be found by taking an historical view of the question. We are told not only that the kings were in possession of the auspices, but that they themselves were acquainted with the art and practised it. Romulus is represented to have been the best of augurs, and from him all succeeding augurs received the chief mark of their office, the *lituus*, with which that king exercised his calling. (Cic. *de Div.* i. 2, 3; Liv. i. 10, 6.) He is further stated to have appointed three augurs, but only as his assistants in taking the auspices, a fact which is important to bear in mind. (Cic. *de Rep.* ii. 9, 16.) Their dignity gradually increased in consequence of their being employed at the inauguration of the kings, and also in consequence of their becoming the preservers and depositaries of the science of augury. Formed into a collegium, they handed down to their successors the various rules of the science, while the kings, and subsequently the magistrates of the republic, were liable to change. Their duties thus became twofold,—to assist the magistrates in taking the auspices, and to preserve a scientific knowledge of the art. They did not possess the right of consulting the auspices (*habere auspicia*) themselves, though they understood them better than the magistrates; the lightning and the birds were not sent to them, but to the magistrates; they discharged no independent functions either political or ecclesiastical, and are therefore described by Cicero as *privati* (*de Div.* i. 40, 89). As the augurs were therefore merely the assistants of the magistrates, they could not take the auspices without the latter, though the magistrates on the contrary could dispense with their assistance (cf. Mommsen, *Staatsr.* i.^{2} 102), as must frequently have happened in the appointment of a dictator by the consul on military expeditions at a distance from the city. At the same time it must be borne in mind that, as the augurs were the interpreters of the science, they possessed the right of declaring whether the auspices were valid or invalid, and that too whether they were present or not at the time of taking them; and whoever questioned their decision was liable to severe punishment (Cic. *de Leg.* ii. 8, 21). They thus possessed in reality a veto upon every important public transaction. It was this power which made the office an object of ambition to the most distinguished men at Rome, and which led Cicero, himself an augur, to describe it as the highest dignity in the state (*de Leg.* ii. 12, 31). The augurs frequently employed this power as a political engine to vitiate the election of persons unfavourable to the exclusive privileges of the patricians. (Liv. vi. 27; viii. 23.)

But although the augurs could declare that there was some fault in the auspices, yet, on the other hand, they could not, by virtue of their office, declare that any unfavourable sign had appeared to them, since it was not to them that the auspices were sent. Thus we are told that the augurs did not possess the *spectio*; that is, the right of taking the state-auspices. The difference between *habere auspicia* and *spectionem* appears to have been that the former was the right of observing the auspices in general, the latter the right as applied to a special case (Mommsen, *op. cit.* i.^{2} 86, note 2). When they were employed by the magistrates in taking the auspices, they possessed the right of the *nuntiatio*, and thus had the power, by the declaration of unfavourable signs (*obnuntiatio*, Donat. *ad* Ter. *Ad.* iv. 2, 9), to put a stop to all important public transactions (Cic. *de Leg.* ii. 12, 31). In this way we are able to understand the assertion of Cicero (*Phil.* ii. 32, 81), that the augurs possessed the *nuntiatio*, the consuls and the other *magistratus* both the *spectio* and *nuntiatio*; though it must, at the same time, be borne in mind that this right of *nuntiatio* only belonged to them in consequence of their being employed by the magistrates.

In course of time it was found desirable to limit and define the political incidents on which it was necessary to consult the auspices, as follows:—1. On the appointment of a magistrate, on the principle that the auspices must be consulted at the transmission of the auspices. This appears most clearly in the appointment of a dictator (*ave sinistra dictus populi magister esto*, Cic. *de Leg.* iii. 3, 9). The consul, *oriens nocte silentio*, as the full phrase ran (Liv. viii. 23, 5, and Weissenborn), nominated the dictator. The first-appointed interrex was not created *auspicato*, because there was no definite *individual* to inaugurate him; hence it was not customary for the first interrex to hold the comitia (Asconius in *Mil.* p. 43, Orelli). 2. At all *comitia* (Liv. v. 52, 15). Hence convenient *templa* were to be found at all the meeting-places, — the Vulcanal in the *Comitium*, the *Calabra Curia* and the *auguraculum* on the Capitol, for the *curiata* and *calata*; the *rostra* for the *tributa*, the *horti Scipionis* (if we are not to read *spicionis*, with O. Müller and Kuntze, p. 65, note 5) in the Campus Martius for the *centuriata*. It is probable, but not certain, that the auspices were consulted of necessity at *contiones*, and apparently an attempt was made after 339 B.C. to submit the *concilia plebis* to patrician control by this obligation (cf. Mommsen, *Röm. Staatsrecht*, i.^{2} p. 110). Meetings of the senate, at any rate when a *senatus consultum* was to be passed, were always held in a *templum*, but the obligation to take the auspices does not seem to have been maintained. 3. By a magistrate on assuming office (see below). 4. By an *imperator* on the morning of his departure with an army (Liv. xxi. 63, 9). By thus taking the auspices on the Capitol, he acquired a right to the *auspicia bellica* after crossing the *pomoerium*. The necessity of a military commander taking the auspices on the

Capitol rendered every military command a regular state-magistracy, and was thus, as Mommsen (*op. cit.* i.² 96) shows, a powerful barrier in preventing any new extraordinary military commands being appointed by the people.

There were also auspices at times taken before sittings of the senate (Varr. *ap.* Gell. xiv. 7, 9), before drawings of lots (Liv. xli. 18, 8), before founding colonies (Cic. *Rull.* ii. 12, 31), before a battle (Liv. xxxiv. 14, 1). A remarkable kind of military (Cic. *de Nat. Deor.* ii. 3, 9; *de Div.* ii. 36, 76) auspices were those used on crossing any running water (*auspicia perennia*); and generally if birds flew across running water a special act was required *ut perseveret augurium* (Serv. *ad Aen.* ix. 24). The auspices which had to be taken by magistrates after passing the pomoerium on their way to the Campus Martius were the *auspicia perennia*, caused by the little stream Petronia (see Festus, s. v. *Petronia amnis*). Mommsen (*op. cit.* i.² 93) sees the origin of the custom in Rome's position on the Tiber, so that the first step of war against the Etruscans would be the passing of the river. Kuntze (*op. cit.* p. 96) thinks that it was owing to the frequency of the *auspicia perennia* that the convenient and simple *auspicia pullaria* came to be the auspices used especially in military affairs. They are mentioned together in Cic. *de Div.* ii. 36, 77.

During the regal period the king was the depositary and fountain of the *auspicia*, and no conflict of authority could arise. But when the *auspicia*, together with the *imperium*, were committed to the two consuls, and later to the other magistrates, precautions against such a conflict became indispensable. For this purpose the auspices were graduated according to the *potestas*; and this graduation was effected, Mispoulet thinks (*Institutions politiques*, i. 73), by the Aelian and Fufian laws (see below), and a distinction was drawn between the *auspicia majora*, possessed by the magistrates with the imperium—consuls, consular tribunes, praetors, dictators, proconsuls, propraetors, and probably the *magister equitum*—as well as by censors, though the auspices of the latter apparently differed in some degree from those of the others (see Mommsen, *op. cit.* i.² 89), and the *auspicia minora*, possessed by quaestors and curule aediles. (Gell. xiii. 15.) According to Lange (*Röm. Alterth.* i. 295, 696; ii. 52, 444) the auspices were granted to the plebeian tribunes and aediles by the *lex Publilia Philonis* (B.C. 339), by which the plebeian concilia were brought under the influence of the auspicia—to the aediles the *minora*, while the tribunes claimed the powers of the *majora*. Sometimes priests, and especially the pontifex maximus, who held the *comitia calata*, had the right of taking the auspices (Mommsen, *op. cit.* i.² 89). Mommsen notices (p. 108) that the reason, why the auspices were so little heard of as a political weapon (the first positive example is in the consulship of Bibulus, B.C. 59, though they were used frequently before, Cic. *Vat.* 9, 23), is that in early party warfare the weapon used was *intercessio* (cf. Mommsen, *op. cit.* i.² 92). In case of collision the auspices of the higher magistrate prevailed over those of the lower: see the evidence given by Valerius Maximus (ii. 8, 2) in the controversy concerning the praetor Falto's claim to a triumph.

Again, the auspices, if derived from a superior magistrate for a special purpose, were called *auspicia aliena*. Thus the quaestors, until their office became a *magistratus* in 447, could only possess *auspicia aliena*, and after that date they still had to obtain the *auspicia maxima* in the same way from the consuls or praetors in order to summon the centuries to inquire into a capital charge (cf. Varr. *L. L.* vi. 91). A triumph could not be given to the possessor of *auspicia aliena*, but belonged to the magistrate from whom he derived them; in this point the triumph of Pompey as an *eques* in 81 B.C. was irregular.

On a campaign two commanders of equal rank possessed the *auspicia* on alternate days (Liv. xxii. 42, 8; xxviii. 9, 10), and it has been surmised that at Rome the consuls had the auspicia like the fasces, every alternate month. In case of collision of two consuls, both of whom had the auspices at the same time, the matter in question remained suspended, as was also the result of conflicting *intercessio* (Mommsen, *op. cit.* i.² 92).

But these precautions were not wholly successful, for they did not prevent two magistrates, although not equal in rank, from taking the auspices on the same day for different purposes, and it might happen that one of them observed a sign which was held *diem vitiare* (Cic. *Att.* iv. 9): as, for instance, the lightning or thunder which suspended the *comitia*. The announcement of such a sign by a *privatus* (*nuntiatio*) was sometimes attended to, especially if he were an augur, but the announcement by a magistratus (*obnuntiatio*) could not be neglected. To avoid this danger, the magistratus presiding over the *comitia* ordered *ne quis magistratus minor de caelo servare velit*. But it appears to have been impossible to enforce this command, which did not destroy the validity of an observation taken in disregard of it. Hence it was sought about 154 B.C. to limit the right of *obnuntiatio* by the *lex Aelia* and *lex Fufia*, which apparently only permitted a consul to suspend the *comitia curiata* presided over by his colleague or the pontifex maximus, and a tribune to exercise the right against consuls and censors, and *vice versâ*. (Suet. *Jul.* 20; Cic. *pro Domo*, 15, 39; *Har. Resp.* 23, 48; *Prov. Cons.* 19, 45; *Att.* ii. 12, 2; *pro Sest.* 37, 79; *Att.* iv. 3, 3, 4; *ad Q. Fr.* iii. 8, 2; *Phil.* ii. 38, 99; *Att.* iv. 9, 1; Dio Cass. xxxvii. 9.) Whether the consul and the praetor had the right of *obnuntiatio* against the tribune is a much disputed point, resting as it does on a single passage (Cic. *Sest.* 36, 78). Mommsen (*op. cit.* i.² 110) says Yes; but Mr. Reid (*ap.* Holden, *ad loc.*) cannot assent till a clearer example is adduced. The notice had to be given before the voting commenced (Cic. *Phil.* ii. 32, 82). The *obnuntiatio* was abolished by the *lex Clodia* (58 B.C.), but the legality of this law was called in question, and it was often violated.

As there was a distinction between the civil and the military *imperium*, so there was a distinction between *auspicia urbana* and *bellica*, although the augural science employed in each case was the same. *Auspicia urbana* were those auspices taken within the city for acts performed within the city; *auspicia bellica* (or *militaria*) were those employed by generals on a

campaign anywhere a mile outside the pomoerium. We have seen that magistrates had to perform *auspicia perennia* on crossing the pomoerium to transact business in the Campus Martius, which stood within the mile-radius. The whole collection of decrees bearing on the auspices required on crossing the pomoerium was called the *jus pomoerii*, and is cited by Cicero (*de Div.* ii. 35, 75) as a department of augural law. [POMOERIUM.]

As to the manner in which the magistrates received the auspices, there is no reason to suppose, as many modern writers have done, that they were conferred upon them in any special manner. It was the act of their election which made them the recipients of the auspices, since the comitia, in which they were appointed to their office, were held *auspicato*, and consequently their appointment was regarded as ratified by the gods. The auspices, therefore, passed immediately into their hands upon the abdication of their predecessors in office. There are two circumstances which have given rise to the opinion, that the magistrates received the auspices by some special act. The first is, that the new magistrate, immediately after the midnight on which his office began, was accustomed to observe the heavens in order to obtain a happy sign for the commencement of his duties (Dionys. ii. 6). But he did not do this in order to obtain the auspices; he already possessed them, and it was in virtue of his possession of them that he was able to observe the heavens. The second circumstance, to which we have been alluding, was the *inauguratio* of the kings on the Arx after their election in the *comitia* (Liv. i. 18). But this inauguration had reference simply to the priestly office of the king, and, therefore, did not take place in the case of the republican magistrates, though it continued in use in the appointment of the rex sacrorum and the other priests. The ceremony was performed on the Capitol at the *comitia calata* before the college of *pontifices*, with the assistance of an augur. (Varr. *L. L.* v. 47; Gell. xv. 27; Cic. *Phil.* ii. 43, 110.) There was a corresponding ceremony, *exauguratio*, performed when a priest laid down his office; otherwise he would have continued to possess the auspices. (Gell. vi. 7; Capitol. *M. Aurel.* 4.) For the inauguration and exauguration of places, see TEMPLUM. The augurs were also employed, probably on the summons of the *pontifex maximus*, to discover a favourable day for certain movable feasts, such as the *augurium Salutis*—viz. the annual sacrifice to the goddess Salus; the *augurium canarium* (i.e. the sacrifice of yellow dogs to the goddess Robigo); and in the case of lustration of the land (*sacerdotesque urbemque et agros vineta virgetaque et salutem populi auguranto*, Cic. *de Leg.* ii. 8, 21).

It remains to trace the history of the college of augurs. We have already seen that it was a common opinion in antiquity, that the augurship owed its origin to the first king of Rome, and it is accordingly stated, that a college of three augurs was appointed by Romulus (*ex singulis tribubus singulos cooptavit augures*), answering to the number of the early tribes,—the Ramnes, Tities, and Luceremes. This is the account of Cicero (*de Rep.* ii. 9, 16), who supposed Numa to have added two more (ii. 14, 26), without, however, stating in what way these latter corresponded to the tribes. Moreover, we are told that the Luceres were not incorporated in the city before the reign of Tarquin. On the other side stand two statements of Livy, the first (iv. 4, 2) that the first institution of augurs is to be attributed to Numa, seemingly on the theory that all the Roman religion was derived from the second king; the second (x. 6, 6, 7) that at the passing of the Ogulnian law the augurs were but four in number, which Livy himself, who recognised the principle of the number of augurs corresponding to that of the tribes, and so being three or a multiple of three, supposes to have been accidental. While it is admitted that augurs and augural science were in existence before the foundation of Rome, the view of Livy is now generally adopted (Lange, *Röm. Alterth.* i.[2] 334), that the foundation of the college is to be assigned to the period marked by the name of Numa. The question of the numbers of the college presents still greater difficulties. Mercklin (*Die Cooptation der Römer*, p. 96), following the view of Niebuhr and Ambrosch on the comparative insignificance of the Luceres, supposes that the latter were not represented, that the king himself was the third member of the original college, that Numa doubled the representation of the other two tribes, and that on the expulsion of the kings the number sank to four. Marquardt (*Röm. Staatsver.* iii. 383, cf. 232) and Willems (*Droit public romain*, 325) say, that the original number of the college was three, of whom the king was one, and that subsequently this number was doubled, as was the case with the Vestals. But Cicero says (*Rep.* ii. 9, 16) that Romulus chose as his fellows (*cooptavit*) one from each of the three (ii. 8, 14) tribes,—therefore there were four augurs; that Numa added two (ii. 14, 26), thus making six, which agrees with the number given by Livy (x. 6, 7) as the normal one at the time of the Ogulnian law (cf. Mommsen, *Roman Hist.* i. 178, Eng. Tr.; Lange, *Röm. Alt.* i. 290); and most probably after the expulsion of the kings the number of augurs found in existence was maintained, and it became the practice, as it had been the original theory (cf. Cic. *Rep.* ii. 9, 16, with Liv. *l. c.*), that an equal number should be chosen from each tribe. Lange (*op. cit.* p. 291) is of opinion that the increase to the original number cannot have been due to Numa, the founder of the college, but should be attributed to the time of Tarquinius Priscus, who chose Attus Navius to the augurate, from whose election the increased importance of the augurs is dated by Livy, i. 36, 6. Cicero (*Rep.* ii. 14, 26), in mentioning the addition to the college by Numa, says he made the increase *majoribus auspiciis inventis*.

The Ogulnian law (B.C. 300), which increased the number of pontiffs to eight, by the addition of four plebeians, and that of the augurs to nine by the addition of five plebeians, may be considered an era in Roman history. The religious distinction between the two orders, which had been so often insisted upon, was now at an end, and it was no longer possible to use the auspices as a political instrument against the plebeians. The number of nine augurs which this law fixed, lasted down to the dictatorship of Sulla, who increased them to fifteen, a multiple of the ori-

ginal three, probably with a reference to the early tribes. (Liv. *Epit.* 89.) A sixteenth member was added by Julius Caesar after his return from Egypt. (Dio Cass. xlii. 51.)

During the regal period the kings doubtless chose the augurs. After the expulsion of the kings they were chosen by co-optation, the first recorded instance being in B.C. 453 (Liv. iii. 32). They retained the right of co-optation until B.C. 103, the year of the Domitian law. By this law it was enacted that vacancies in the priestly colleges should be filled up from the nominees of the colleges by the *comitia sacerdotum*, i.e. seventeen out of the thirty-five tribes chosen by lot. (Cic. *de Leg. Agr.* ii. 7, 18; Vell. Pat. ii. 12; Suet. *Ner.* 2.) The Domitian law was repealed by Sulla B.C. 81 (Pseudo-Ascon. *in* Cic. *Div.* p. 102, ed. Orelli), but again restored B.C. 63, during the consulship of Cicero, by the tribune T. Atius Labienus, with the support of Caesar (Dio Cass. xxxvii. 37). The *lex Atia* provided that these *comitia* were to be held annually, between the consular and the praetorian elections, under the presidency of the consuls. It was a second time abrogated by Antony B.C. 44 (Dio Cass. xliv. 53); whether again restored by Hirtius and Pansa in their general annulment of the acts of Antony, seems uncertain. The emperor received from the people (A.D. 29) the right of appointing members of the sacerdotal colleges even in excess of the prescribed numbers, and the places were filled sometimes by the emperor, sometimes by *senatus consultum*, and sometimes by the co-optation of the college. After Tiberius ceased to summon the *comitia*, the importance of the augurs rapidly declined, and their liberty increased. Alexander Severus ordered that the imperial nominations should be scrutinised by the senate (Lampr. *Al. Sev.* 49, 2). After the reign of Diocletian the history of the college is difficult to trace. The last mention we have of augurs is in 390 A.D. (*C. I. L.* vi. 503).

The augurs were elected for life, and, even if capitally convicted, never lost their sacred character. (Plin. *Ep.* iv. 8, 1.) When a vacancy occurred, the candidate was nominated by two of the elder members of the college (Cic. *Phil.* ii. 2, 4), the electors were sworn, and the new member was then solemnly inaugurated (Cic. *Brut.* 1, 1). On such occasion there was always a splendid banquet given, at which all the augurs were expected to be present (Cic. *ad Fam.* vii. 26, 2; *ad Att.* xii. 13, 14, 15). The only distinction in the college was one of age; an elder augur always voted before a younger, even if the latter filled one of the higher offices in the state (Cic. *de Sen.* 18, 64). The head of the college was called *magister collegii*. It was expected that all the augurs should live on friendly terms with one another, and it was a rule that no one was to be elected to the office who was known to be an enemy to any of the college (Cic. *ad Fam.* iii. 10, 9). The augur who had inaugurated a younger member, was always to be regarded by the latter in the light of a parent (*in parentis eum loco colere*, Cic. *Brut.* 1, 1).

The procedure adopted to decide whether there was a *vitium* or not in any proceeding was as follows: The senate or one of the magistrates laid the matter before the college (*referre, deferre rem ad collegium*, Liv. xlv. 12, 10; Cic. *Phil.* ii. 34, 84). The college does not seem to have had the right of taking the initiative: the passages adduced by Mommsen (*Röm. Staatsr.* i. 112, note 2)—viz. Cic. *de Div.* ii. 35, 74; *de Nat. Deor.* ii. 4, 11; *Fam.* x. 12, 2—do not at all prove it. When the matter was laid before the college, the inquiry into it, a matter of ecclesiastical law, was conducted just as would have been a question of civil or criminal law: evidence was heard (Liv. viii. 23, 15), and judgment (*decretum*) delivered (*pronuntiaverunt*); cf. Liv. iv. 7, 3; xxiii. 31, 13. As partaking of the nature of a court, the college had attendants, *servi publici* (Orelli, 2649). We also find *monitor augurum* (Henzen, 5670), *viator augurum* (*C. I. L.* vi. 1847), *pullarii* (Orelli, 3509), and *calatores* (Suet. *de Gramm.* 12). The necessary expenses incurred by the college of augurs, as those incurred by the other colleges, were defrayed out of landed property which the augurs possessed on the Capitol (Oros. v. 18) and near Veii (Festus, s. v. *Obscum*); cf. *Grom. Vet.* 162, 28. The augurs, who were honorary officers, were not paid any salary by the state, but the *pullarii* were (Dionys. ii. 6); cf. Marq. *Röm. Staatsv.* ii. 78, 79. The privileges of the augurs were mainly those of the other priests, viz. special places at the games and festivals (Mommsen, *Röm. Staatsr.* i.² 390, note 5), freedom from military service and from certain civil duties (*Lex Colon. Genet.* lxii. and lxvii.); cf. Cic. *Ac. Pr.* ii. 38, 121. The duties they appear to have been exempted from were what were afterwards known as *munera personalia*, though they were not exempt from serving on juries (Cic. *Brut.* 31, 117). But they appear not to have been free from *munera patrimonii*, such as the payment of the *tributum* (Liv. xxxiii. 42, 4; cf. Mommsen, *Eph. Epigr.* iii. 100, 101). The daughters of augurs were exempted from liability to be chosen as Vestal Virgins (Gell. i. 12, 7). It appears that each place in the college of augurs bore the name of *decuria* (Henzen, 6021; Marq. *op. cit.* 225).

Augur, wearing the trabea. (Brit. Museum.)

The dress of the augurs, as of the other priests, was the *praetexta* (Cic. *Sest.* 69, 144, and Holden, *ad loc.*; *Att.* ii. 9, 2; *Fam.* ii. 16, 7; cf. Mommsen, *Röm. Staatsr.* i.² 406, note 3). Servius (*ad Aen.* vii. 612) indeed tells us that the augurs wore the *trabea*; but perhaps this military costume was only worn by augurs when in attendance on the military commander (cf. Mommsen, *op. cit.* i.² 414, note 6). They also carried in their hand the *lituus* or curved wand. [LITUUS.] On the coins of the Romans who filled the office of augur, we constantly find the *lituus*, and along with it, not unfrequently, the *capis*, an earthen vessel which was used by them in sacrifices (Liv. x. 7, 10; Varr. *L. L.* v. 121). The first cut on the next page, representing a coin of Q. Cornificius, who fought against the triumvirs in

Africa, bears on the obverse the head of Ammon, and on the reverse an augur, holding a lituus,

Coin of Cornificius, representing on the reverse an Augur, holding the lituus.

and crowned by Juno. Both the lituus and the capis are seen in the second cut, representing a coin of Lentulus.

Coin of Lentulus, representing on the reverse the lituus and capis.

The science of augury had greatly declined in the time of Cicero; and although he frequently deplores its neglect in his *de Divinatione*, yet neither he nor any of the educated classes appears to have had any faith in it. What a farce it had become a few years later is evident from the statement of Dionysius (ii. 6), who informs us, that a new magistrate, who took the auspices upon the first day of his office, was accustomed to have an augur at his side, who told him that lightning had appeared on his left, which was regarded as a good omen; and although nothing of the kind had happened, this declaration was considered sufficient. (See also Cic. *Phil.* ii. 32.) Kuntze (p. 91) sums up the development of augury by showing that the taker of the auspices at first watched (the *oblativa*), then prayed (the *impetrativa*), then demanded and compelled the augury (as in the *pullaria auspicia*), and finally invented.

Our knowledge of augury as practised by the other Italian peoples is fragmentary, but in the Eugubine tables (still preserved at Gubbio) we have some most interesting remnants of the ritual of the Umbrian augurs, probably between the fourth and the second century B.C., showing striking resemblances to the Roman. The fame of the Marsi as augurs was widespread, but unenviable (Enn. *ap.* Cic. *de Div.* i. 58, 132). The augural science of the Sabines was preserved at Rome by the *Sodales Titii* (Varr. *L. L.* v. 85). Among the Latins Gabii had the honour of being the traditional source of the augury of Romulus and Rome. (Dionys. i. 84; Plut. *Rom.* 6; Preller, *Röm. Myth.* p. 106.) The Sorani on Mount Soracte are mentioned as augurs by Cic. (*de Div.* i. 47). When Rome became mistress of Italy, collegiate bodies of augurs, in imitation of the Roman, were established in many Italian cities (Plut. *Caes.* 47; Lucan. vii. 192; Orelli, 2287–8; Orelli-Henzen, 5777); also in the provinces. In the colony of Urso in Spain (*Lex Col. Genet.* lxvii. lxviii.) they were elected by the comitia, yet the phrase is still *lectus cooptatusve*; and it is to be noticed that conviction for a criminal offence deprived the augur of his office. Augurs also are found in the Album of Thamugas (Marq. *op. cit.* i. 192). For numerous other examples, see Henzen, Index, p. 49.

On the whole subject of augury amongst the Romans see Mascov, *de Jure Auspicii apud Romanos*, Lips. 1721; Werther, *de Augurüs Romanis*, Lemgo, 1835; Creuzer, *Symbolik*, vol. ii. p. 935, &c.; Müller, *Etrusker*, vol. ii. p. 110, &c.; Hartung, *Die Religion der Römer*, vol. i. p. 98, &c.; Göttling, *Geschichte der Röm. Staatsverf.* p. 198, &c.; Rubino, *Röm. Verfassung*, p. 34, &c.; Rein, art. *Augures* in Pauly's *Realencyclopädie*; Preller, *Römische Mythologie*, 109–111, ed. 1858; Nissen, *Das Templum*, chap. i.; Mommsen, *Römisches Staatsrecht*, i.² 73–114; Marquardt, *Römische Staatsverwaltung*, vi. 381–393; Lange, *Römische Alterthümer*, i. 286–298(=i.³ 330–345); Walter, *Geschichte des römischen Rechts*, §§ 151, 152; Madvig, *Die Verfassung und Verwaltung des römischen Staates*, ii. 633–643; Mispoulet, *Les Institutions politiques des Romains*, i. 73, ii. 416–423; Willems, *Le Droit public romain*, 239–242, 324–326; Kuntze, *Prolegomena zur Geschichte Roms*, 61–102; Bouché-Leclercq, art. *Augur* and *Auspicia* in Daremberg and Saglio's *Dict. des Antiquités*, and *Histoire de la divination dans l'antiquité*. [W. S.] [J. H. F.] [L. C. P.]

AUGURA'CULUM. [AUGUR, p. 251 b; ARX.]

AUGURA'LE. [AUGUR, p. 251 b.]

AUGUSTA'LES (sc. *ludi*, also called *Augustalia*, sc. *certamina*, *ludicra*; and by the Greek writers and in Greek inscriptions, **Σεβαστά**, **Σεβάσμια**, **Αὐγουστάλια**) were games celebrated in honour of Augustus, at Rome and in other parts of the Roman empire. At Rome two festivals were known under this name.

I. On Sept. 23, the birthday of Augustus, which after the battle of Actium was kept as a holiday, it was customary from B.C. 13 onwards for games to be held in the circus (Dio Cass. liv. 26, 34). These were at first voluntarily given by the praetor, but from B.C. 8 they were regularly established (*id.* lv. 6). In A.D. 14 the charge was transferred to the consuls, and by these they continued to be celebrated under the empire. (Henzen, *Act. Fr. Arval.* p. 51.)

During the lifetime of Augustus the *equites* had been accustomed of their own accord to celebrate his birthday with a festival of two days (*biduo*, Suet. *Aug.* 57); and in most of the provinces (the exceptions were apparently in the West) games were held in almost every town at intervals of four years in his honour (*quinquennales ludi*, ib.). In one passage Dio, or perhaps his epitomator Xiphilinus, has confused the two festivals of the birthday of Augustus and the Augustalia proper (lvi. 29); but elsewhere (liv. 34, lvi. 46) he clearly distinguishes them, as do also the calendars (cf. *C. I. L.*, pp. 402, 404, with Mommsen's notes).

II. The *Augustalia* proper were held for ten days (Oct. 3–12). These were instituted in B.C. 19 when Augustus returned to Rome after settling the provinces (cf. Kal. Amit., Oct. 12, *Ara Fort(unae) reduci constit(uta)*), but the duration and character of the festival were settled only in B.C. 11 by a *senatus consultum* (Dio Cass. liv. 34). In A.D. 14 the festival was assigned at their own request to the tribunes of the commons, but shortly afterwards transferred to

the *praetor peregrinus* (Tac. *Ann.* i. 15, 54). In Italy many towns observed as a holiday the anniversary of the day on which he had first visited them (Suet. *Aug.* 59).

The augustales or augustalia at Neapolis (Naples) were celebrated with great splendour. They were instituted in the lifetime of Augustus (Suet. *Aug.* 98), and were celebrated every four years. According to Strabo (v. p. 246), who speaks of these games without mentioning their name, they rivalled the most magnificent of the Grecian festivals. They consisted of gymnastic and musical contests, and lasted for several days. At these games the Emperor Claudius brought forward a Greek comedy, and received the prize. (Suet. *Claud.* 11; compare Dio Cass. lx. 6.)

Augustalia (Σεβαστὰ) were also celebrated at Alexandria, as appears from an inscription in Gruter (316, 2); and in this city there was a magnificent temple to Augustus (Σεβαστεῖον, *Augustale*). We find mention of augustalia in numerous other places, as Pergamus, Nicomedia, &c. [W. S.] [A. S. W.]

AUGUSTALES, the name of two classes of priests, one at Rome and the other in the municipia, frequently mentioned in inscriptions.

I. The *Augustales* at Rome, properly called *sodales Augustales*, which is the name they always bear in inscriptions, were an order of priests (*Augustalium sacerdotium*) instituted by Tiberius to attend to the worship of Augustus and the Julia gens. On this occasion they were chosen by lot from among the principal persons in Rome, and were twenty-one in number; Tiberius, Drusus, Claudius, and Germanicus, as members of the imperial family, were added as supernumeraries (Tac. *Ann.* i. 54). They were also called *sacerdotes Augustales* (id. *Ann.* ii. 83); and sometimes simply *Augustales* (id. *Hist.* ii. 95). The number was subsequently increased, but never exceeded twenty-eight. The form of election seems also to have been modified, as inscriptions show that in later times extraordinary, and probably also ordinary members were created by a senatus consultum following an imperial rescript (*C. I. L.* vi. 1985–2000; Dessau, in *Ephem. Epigraph.* iii. 208; cf. Mommsen, *Staatsr.* ii. 1055, n. 1). That there were priestesses of Augustus as well as priests appears from an inscription in Gruter (320, 10): this practice probably took its origin from the appointment of Livia, by a decree of the senate, to be priestess to her deceased husband. Even before the emperor's death we find that *flamines* and *sacerdotes* had been appointed to attend to his worship; but we have the express statements of Suetonius and Dio Cassius that this worship was confined to the provinces, and was not practised in Rome, or in any part of Italy, during the lifetime of Augustus (Tac. *Ann.* i. 10; Suet. *Aug.* 52; Dio Cass. li. 20). In this respect Augustus showed himself more moderate than the dictator Julius, who among other divine honours accepted M. Antonius as his *flamen* and *lupercus* (Cic. *Phil.* ii. 43, 110; xiii. 19, 41; Suet. *Jul.* 76). Similar priests were appointed in honour of other deified emperors: thus we find in inscriptions sodales Augustales Claudiales, Flaviales (after Vespasian), Flaviales Titiales or simply Titiales (Titus; in this case the most admired emperor of the gens gave his name to the gentile priesthood, rather than the gentile name itself, Dessau, *l. c.*); Hadrianales, Antoniniani (Ant. Pius), Aureliani, perhaps also called Marciani (M. Aurelius). The last instance is that of the sodales Alexandriani after Alexander Severus (Lampr. *Al. Sev.* 63). A man's place in these priestly colleges was called his *decuria* (Mommsen, *Ephem. Epigr.* iii. 75, note 1, who however adds a caution against extending this analogy to other cases where it cannot be proved). The imperial *sodales* were under three *magistri* changed annually (Orelli-Henzen, 6046, with Henzen's note); and were taken indiscriminately from patricians and plebeians (Dessau, *l. c.* p. 218 n.). Each of these *sodalitates* had likewise a *flamen* or sacrificing priest; we find frequent mention in inscriptions of flamines Augustales and flamines Divorum; but the precise degree of connexion between the *flamines* and the *sodales* has been disputed. The most probable opinion is that of Dessau, in accordance with which Marquardt has now corrected his former views. A member of the sodales Augustales was sometimes a flamen also (Orelli, *Inscr.* 2366, 2368); but the *flamines* were not, as such, members of the *collegium* or *sodalitas*. The flamines Augustales were necessarily patricians, and were most likely nominated, like the three great *flamines*, by the emperor as Pontifex Maximus; the *sodales*, as already stated, were under no such restriction. For further details on the imperial *flamines*, see FLAMEN. (H. Dessau, *de sodalibus et flaminibus Augustalibus*, Berlin, 1877, and in *Ephem. Epigr.* iii. 205 ff.; Mommsen-Marquardt, vi. (iii.), pp. 449–455.)

II. The *Augustales* in the municipia are scarcely mentioned in ancient literature, but the constant growth of epigraphic material throws increasing light upon their organisation. There is no doubt that (1) they were, as a rule, *libertini*, though *ingenui Augustales* are sometimes mentioned in inscriptions; that (2) they formed, in conjunction with the *seviri*, whose precise relation to them remains to be discussed, an intermediate class (*ordo*) between the municipal senators (*decuriones*) and plebs (*municipes*); and that (3) they and the *seviri* alike had for their object the worship of Augustus, with which succeeding emperors came to be associated. They cannot have been, as was formerly supposed, instituted in the municipia in imitation of the Augustales of Tiberius at Rome, just described; they appear in the lifetime of Augustus, the others only after his death: the social status of their members is in striking contrast with that of the sodales (Tac. *Ann.* i. 54; see above); and while the more dignified priesthood honoured only consecrated emperors, those we are now considering descended to the cultus of the living, who perhaps in the end were never deified at all (*e.g.* Nero, *C. I. L.* 3429). Another view, based on the scholiasts of Horace (Porphyr. and Acron, *ad* Hor. *Sat.* ii. 3, 281), was that they were a class of priests selected by Augustus from the *libertini* to attend to the worship of the Lares, which that emperor set up in places where two or more ways met [COMPITALIA]. This was held by Orelli (*Inscr.* ii. p. 197) and Egger (*Append.* ii. p. 384 ff.), but Henzen showed (*Zeitschr. für Alterthumsw.*, 1848, p. 193) from the fuller evidence of inscriptions that the *magistri Augustales* and *magistri Larum Augustorum* were dis-

tinct from the *Augustales* properly so called and the *seviri Augustales* (see especially Orelli-Henzen, 6062, 6093, 7115). The same evidence allows us to trace the worship of Augustus in his lifetime to private persons, provincial towns, and existing priestly colleges, especially those of Mercury: hence the allusion in Horace (*Od.* i. 2, 41–4). The six principal members of the college were called *seviri*, but the distinction between these and other Augustales is not always clear. The evidence of the inscriptions leads us to the following conclusions. In the municipia of Southern Italy, including parts of Samnium and Campania, the intermediate class are called Augustales, but no *seviri* are mentioned, except at Rhegium and Puteoli. They have officers of their own,—a *curator*, *quinquennales*, and *quaestores*. In the provinces of Gallia Narbonensis and Lugdunensis, we find *seviri* only, without Augustales; the *seviri* as annual officers, three equites and three freedmen, in an important inscription at Narbonne (Orelli, 2489). In most cities of Central Italy both *seviri* and Augustales occur; and this is pronounced by Henzen and Marquardt the most regular type of the institution. In this case the *seviri* appear to have served for a year, providing sacrifices at their own expense, and afterwards to have become life-members of the *ordo* under the name of Augustales. In particular places we read of *sexviri seniores* and *juniores*. Nor was the number six invariable, as in some rare cases there are *triumviri Augustales* and *octoviri Augustales*. Under later emperors the institution spread throughout the empire, and one object of it was probably to open a career of honour elsewhere to the *libertini*, who were purposely kept down at Rome (Marquardt, pp. 204–5). There was a property qualification required, which is not stated, but must have been considerable: besides the sacrifices, they had to pay a fine on admission (*summa honoraria*) and give games and other treats to the people. These admission fees went into the chest of the municipality, not into a corporate fund of their own; they were thus an *ordo*, not a *collegium*. In return they had the distinction of the *praetexta* while in office, and might also be buried in it; that of the *bisellium*, with a place of honour in the theatre; and were accompanied on state occasions by two lictors bearing fasces (ib. 206–7). We are reminded of some of the incidents of municipal dignity in modern times. (Egger, *Examen critique des Historiens anciens de la Vie et du Règne d'Auguste*, Paris, 1844, Appendix II. p. 357 ff.; Zumpt, *de Augustalibus et Seviris Augustalibus Commentatio Epigraphica*, Berol. 1846; Henzen, in *Zeitschr. für Alterthumsw.*, 1848, Nos. 25–27 and 37–40; J. Schmidt, *de Seviris Augustalibus*, Halle, 1878; O. Hirschfeld, in *Zeitschr. für die österreichischen Gymnasien*, 1878, p. 292 ff.; and especially Marquardt, iv. (i.) pp. 197–208, ed. 2 (1881). [W. W.]

AUGUSTUS, a name bestowed upon Octavianus by the senate and the Roman people, Jan. 16, B.C. 27. This date is established by the Fasti Praenestini (in *C. I. L.* i. 384) and Censorinus (*de Die Natali*, 21, § 8; cf. Mommsen, *Res gestae d. Aug.* p. 149). Octavian took the name in accordance with a senatus consultum moved by Munatius Plancus (Vell. Pat. ii. 91; Censorin. *l. c.*). It was a word used in connexion with religion, and designated a person as sacred and worthy of worship: hence the Greek writers translate it by Σεβαστός (Ov. *Fast.* i. 607; Dio Cass. liii. 16, 18; Suet. *Aug.* 7; Vell. Pat. ii. 91; Flor. iv. 12; Censorin. 22; Veget. *de Re Mil.* ii. 5). It was not an official title, but a complimentary surname, like Africanus or Pius; and is hence called by Suetonius *nomen hereditarium* (*Tib.* 26); *i.e.* practically inheritable, not legally inherited (Mommsen, *Staatsr.* ii. 749 n.). It was, however, borne not only by Tiberius and the other emperors connected with the family of Augustus, but was likewise adopted by all succeeding emperors, as if descended, either by birth or adoption, from the founder of the empire ("in ejus nomen velut quadam adoptione aut jure hereditario succedere," Lampr. *Al. Sev.* 10). It was not usually assumed until it had been formally decreed by the senate (Tac. *Hist.* i. 47; Lampr. *Al. Sev.* 1; Vopisc. *Prob.* 12); and Vitellius at first refused it (Tac. *Hist.* ii. 62). From the time of Domitian, the imperial style and title began regularly with *Imperator Caesar* as *praenomina*, and ended with Augustus, thus: Imp. Caes. T. Flavius Domitianus Aug.; though sometimes another name comes after Augustus, as in T. Aelius Hadrianus Antoninus Aug. *Pius*. The name of Augusta was frequently bestowed upon females of the imperial family, the first instance of which occurs in the case of Livia, who, upon her adoption into the Julia gens on the death of Augustus, and by the provisions of his will, became Julia Augusta (Tac. *Ann.* i. 8). But *Augustus* belonged exclusively to the reigning emperor till the middle of the second century, when Marcus Aurelius and L. Verus both received this surname (Spartian. *Ael. Verus*, 5; *M. Ant. Phil.* 7). From this time we frequently find princes of the imperial family, adoptive sons, &c. honoured with this title (Amm. Marc. xxvii. 7). All such were regarded as participators in the imperial power, though of course the one who received the title first was looked upon as the head of the empire. When there were two Augusti, we find on coins and inscriptions AVGG; and when three, AVGGG. In the fourfold division of the empire under Diocletian, the two senior emperors were styled *Augusti*, the two junior *Caesares*. From the time of Probus the title became *perpetuus Augustus*, and from Philippus or Claudius Gothicus *semper Augustus*, the latter of which titles was borne by the so-called Roman emperors in Germany. (Eckhel, vi. 88, viii. 354 ff.; Mommsen-Marquardt, ii. 731; Preller, *Mythol.* 773 ff.) [W. S.] [W. W.]

AULA (αὐλή), an open yard, or court. In the Homeric house the αὐλὴ served the purpose of a farm-yard, and was surrounded with farm-buildings and rooms for the men-servants of the house. In the later Greek house it was a kind of quadrangle surrounded with a colonnade, into which the rooms of the house opened, and was used as a place for exercise and recreation. (Rumpf, *De aedibus Homericis*; A. Winckler, *Die Wohnhäuser der Hellenen.*) For further particulars, see DOMUS. [J. H. O.]

AULAEUM, usually in the plural AULAEA (ἡ αὐλαία), a curtain, carpet, or hanging, mostly of the heavier and richer sort (τὸ μέγα καὶ ποικίλον παραπέτασμα, Cosmas Indicopl. *Topog. Chr.*

p. 197). The name was especially applied to the tapestry worked with human and animal figures, which was early introduced from the East (Theophr. *Char.* 21, *αὐλαίαν ἔχουσαν Πέρσας ἐνυφασμένους*: Verg. *Georg.* iii. 25; Ovid. *Met.* iii. 111 ff.). The word *αὐλαία* is good Greek, as is shown by Theophr. *l. c.*; Hyperid. *fr.* 165 ed. Turic. = 142 Blass, *οἱ ἐννέα ἄρχοντες εἱστιῶντο ἐν τῇ στοᾷ, περιφραξάμενοι τι μέρος αὐτῆς αὐλαίᾳ*: Menand. *fr.* 720 Meineke, *στυππεῖον, ἐλέφαντ', οἶνον, αὐλαίαν, μύρον*: and the notion of Servius, that *aulaeum* was *ab aula Attali regis*, betrays the ignorance of a late grammarian (*ad Georg. l. c.*). He was perhaps misled by the line of Propertius, *Porticus aulaeis nobilis Attalicis* (ii. 32, 12 = iii. 24, 12); where, of course, the meaning is simply "rich enough for Attalus" (cf. Hor. *Od.* i. 1, 12).

Such hangings were extensively used (*a*) in temples, to veil the statue of the divinity (Pausan. v. 12, § 4); (*b*) in houses, either as coverings over doors, or as substitutes for doors, as window curtains, or again to decorate the walls of rooms, especially the *triclinium* or dining-room (Hor. *Sat.* ii. 8, 54); (*c*) on the outside of houses, to close in the verandahs, balconies, or open galleries [DOMUS]; (*d*) to stretch over colonnades, and thus form a tent (Hyperid. *l. c.*; Propert. *l. c.*). See further references under VELUM; and for the use of the curtain in theatres, SIPARIUM and THEATRUM. One or two disputed points may here be noticed.

As is well known, the curtain in the Roman theatre was not drawn up as in our own, but disappeared underneath the stage: the slit which contained the roller for this purpose, between the stage (*proscenium*) and the *scena*, is plainly seen in the smaller of the two theatres at Pompeii. Hence *aulaea premuntur*, "the curtain is let down," when the acting begins (Hor. *Ep.* ii. 1, 189); *aulaeum tollitur*, "the play is ended" (Cic. *pro Cael.* 27, § 65, and Ov. *Met. l. c.*). It has commonly been assumed, as by Donaldson (*Theatre of the Greeks*, ed. 7, p. 240), that the Greek custom was the same; but, according to Godfrey Hermann (*Leipz. Lit. Zeit.* 1818, p. 1906) and Böttiger (*Kl. Schr.* i. 402), it is doubtful whether the curtain was used in Greek theatres at all. The classical passages, cited in full above, in no way connect *αὐλαία* with the theatre; the grammarians who do so (Pollux, iv. 122; Bekk. *Anecd.* 83, 7; 463, 14; *αὐλαία τὸ τῆς σκηνῆς παραπέτασμα*: Hesych., Suid.) of course prove nothing as to the earlier period. The remains of genuine Greek theatres are in general too scanty to throw any light on this question; the best preserved, that of Aspendus, has certainly been modernised in the time of the Roman Caesars. Becker, who shares these doubts, observes further that the Roman usage may perhaps not be as old as the time of Plautus, judging from the concluding lines of his *Casina* and *Cistellaria*, spoken by the entire company (*grex, caterva*). (W. A. Becker, *ap.* Pauly, i.[2] s. v. *Aulaeum*; cf. Wieseler, *Theatergebäude* u. s. w., Göttingen, 1851.)

Another common but probably erroneous opinion is that the word *aulaea* is applied in Latin poetry to the coverlets and draperies of couches in the *triclinium* or elsewhere (*περιστρώματα, stragulum, stragula vestis, toralia*). Of the passages relied on to prove this point, *cenae sine aulaeis et ostro* (Hor. *Od.* iii. 29, 15) is explained by Orellius with reference to *Sat.* ii. 8, 54, where there is no question as to the meaning of *aulaea* (for the distinction between *aulaea* and *ostrum*, cf. Böttiger, *Kl. Schrift.* i. 424, *ap.* Orell.); and in Verg. *Aen.* i. 697 Conington has rightly reverted to the explanation of Servius and the older commentators, rejecting that of Heyne and most moderns as "without authority." (See two illustrations of wall-hangings under CENA.) [W. W.]

AURES. [ARATRUM.]

AUREUS. Of the use of gold for coins among the Greeks, an account is given under PONDERA and AURUM, *infra*. But the term aureus was applied particularly to the Roman gold coins. Concerning the issue of these pieces at various periods of Roman history, sufficient details are given under AS, pp. 207, 208. [P. G.]

AURI'GA. [CIRCUS.]

AURUM. Gold, from its malleability and the circumstance that it is found lying in lumps, was one of the earliest of metals used by man, and among the most primitive resources of civilization. This was suspected by the ancients, who make the earliest age of the world's history an age of gold. In the Heroic age, we find that gold was put to a great variety of uses. Homer speaks of the houses of Menelaus and Alcinous as full of silver and gold; the armour of Glaucus was of gold (*Il.* vi. 236), so were the handmaids of Hephaestus (*Il.* xviii. 417), and the doves on Nestor's cup (*Il.* xi. 632). So in the decoration of the shield of Achilles, the chest of Cypselus, and other works of art, much gold was employed. And that this plenty of gold was not a mere figment of the poet, we know from the best testimony, that of graves. At Mycenae, which is in Homer called *πολύχρυσος*, Dr. Schliemann has dug up a prodigious quantity of gold, cups and jugs and masks and ornaments of all sorts. The graves of the Crimea (though these are of later date) also yield abundance of gold; the corpses which are discovered in them being covered from head to foot with gold, beaten into the shape of animals, rosettes, and designs of all kinds. The use of gold as a concomitant of luxury for personal decoration was associated specially by the Greeks with the wealthy nations of Asia Minor, such as the Lydians and Phrygians, from which notion arose the story of Midas the Phrygian, who turned everything he touched into gold, and the belief that the wealth of the Pelopid princes of Southern Greece was brought by them from their native Phrygia. In the use of gold, the wealthy Ionians of Asia Minor copied these neighbours, even binding their hair with it, in which custom the Athenians are said to have followed them (Thuc. i. 6).

There can be no question that to the smiths of early time gold must have been the metal which gave most scope for the artistic faculty. Its extreme softness and malleability enabled even workmen who had no more elaborate tools than a hammer and nails, to work it into any given shape. All the vessels of Mycenae are thus hammered out and joined into shape by nails, and the earliest statues of the gods were produced by the same method, which was called by the ancients *σφυρηλατεῖν*. They did indeed, sometimes, instead of

welding two surfaces of gold together, unite them by a solder of borax (Schliemann's *Mycenae*, p. 231), but practically this process was unusual. Casting in hollow moulds belongs to a later period.

In the preparation of gold, the ancients used only the simplest processes of melting and refining. When gold occurred mixed with silver [ELECTRUM], they frequently did not separate the silver, but treated the mixed as a simple metal.

Asia was the source of gold, from the days when the Argonauts sailed to Colchis in search of the golden fleece, to the days when Alexander and his captains seized and dispersed the enormous hoards, laid up during many generations by the Babylonian kings and their Persian successors. Arrian and Diodorus give us accounts which might well seem fabulous of the quantities of gold seized in the great cities of Asia. According to Diodorus (xvii. 71) in the city of Persepolis alone, Alexander captured a treasure in gold and silver of 120,000 talents. The wealth in gold of Croesus is testified by his gift to Delphi (Herod. i. 50) of above 100 solid bricks of the metal. A private individual, Pythius, in the reign of Xerxes, possessed three millions of gold Darics (Herod. vii. 27). The sources whence the gold of Asia was drawn were various: India was one of the chief, the north part of that country paying tribute to the Persian king. In Arabia also abundant gold was found and freely exported (Strabo, xvi. 3, 4). Lydia supplied great quantities of river-gold, both pure and mixed with silver [ELECTRUM]. But the richest source of all in the opinion of the ancients was the country of the Arimaspi, where the gold was guarded by griffins, and with difficulty won from them by the hardy natives. Most modern writers suppose that the reality which gave rise to this fable was the gold mines of the Caucasus, whence gold penetrated through the country of the Scythians to Persia. A similar story was told or invented in regard to the Indian gold (Herod. iii. 102), namely, that it was found in a country infested by huge ants (*μύρμηκες*), from whose pursuit men could only escape when riding on swift camels. The motive of these stories for deterring adventurers is very manifest.

The gold mines of Europe were also important. The Carthaginians, and after them the Romans, obtained their main supply from Spain, in the rivers of which country was a rich deposit of gold, notably in the Tagus. Both in Gaul and in Spain, at the time of the Roman conquests, whole districts were covered with rich auriferous deposits, yielding nuggets to the inhabitants on the application of the simplest systems of washing. In the provinces of Asturia and Lusitania, according to Pliny (*H. N.* xxxiii. § 78), the workmen went through the laborious process of undermining whole hills by their excavations, and then turning on rivers to wash the fallen earth and separate the particles of metal. Gold was also found in the Italian Padus, in the Hebrus in Thrace, and other rivers. Polybius states (xxxiv. 10) that in his time great quantities of gold were found on the surface of the ground in Pannonia. In Greece proper gold was found in small quantities in the islands of Siphnos and Thasos, and in larger quantities in the mountains of Thrace. These last, however, seem not to have yielded their full supply until they fell into the hands of Philip of Macedon, who procured from them, it is said, 1000 talents a year (Diod. xvi. 8),—in fact such large stocks of gold as to alter completely the degree of its rarity in Greece. In earlier days the metal had been decidedly rare in Hellas and Sicily. When the Laconians wished to procure gold to gild a votive statue of Apollo, they had to apply to Croesus for it (Herod. i. 69), and Hiero I. of Syracuse had much difficulty in procuring gold for a votive offering to Delphi of a gold Victory and tripod (Athen. vi. p. 232). But in course of commerce this poverty disappeared, and gold was poured into Greece in still increasing quantities, until the overflowings of Macedonian wealth made it comparatively common. It was then again used as in pre-historic days for the vessels and ornaments of the rich. It also became a custom for cities to bestow crowns of gold of great weight and value upon their benefactors, and even sometimes to set up their statues in gold. The horns of oxen offered in sacrifice were gilt, both in Greece and Rome.

Diodorus informs us (iii. 12) that in Upper Egypt, on the confines of Aethiopia, were gold mines which were worked from the time of the early kings of Egypt onwards for the benefit of the state. But here the gold was not found as elsewhere on the surface of the ground, but extracted from the heart of the mountains by a number of miserable slaves. Diodorus describes the process, which appears to be that of extracting gold from quartz. The stone, he says, which contained the metal was softened by fire, and then detached in masses by wedges of iron. These masses were brayed in stone mortars and ground to the fineness of sand. Finally, the gold was detached by washing, the workmen aiding the process with their hands and with fine sponges. The metal was purified by being placed, together with a certain quantity of lead, salt, tin and bran, in jars hermetically sealed, and exposed for five days to the heat of a fire, after which time the foreign substances were found to have evaporated.

In his 33rd book, Pliny traces the history of the use of gold in Rome from earliest times. He says (c. 5) that when the Gauls sacked the city, no more than 1000 pounds' weight of gold could be found in it for ransom. The stock of gold in the treasury had increased seven years before the Third Punic War to 17,410 pounds; and after the successful termination of that war, the metal came into commoner use for decoration, as for covering ceilings and walls, as well as for vessels. The custom of wearing gold rings was so late in Rome, that even Marius wore one of iron. The great influx of the metal and its use for all purposes of luxury dated in Rome as in Greece from the time of Oriental conquest. For ancient testimonies as to gold mines see Sabatier, *Production de l'or, de l'argent et du cuivre chez les anciens.*

Gold as coin.—In many parts of the East and in Egypt, gold wedges and rings of fixed weight passed as currency before the invention of coins properly so called. The earliest gold coins, which however belong to a later date than the Lydian and Milesian electrum, were issued by Phocaea [PONDERA]. For a long period,

beginning with the reign of Darius Hystaspis, the gold coinage of the world consisted almost exclusively of the Persian Darics (*q. v.*), which not only circulated throughout Asia, but came over to Europe in large quantities, and were laid up in the treasuries of Greek cities. About B.C. 400, Syracuse and other Sicilian cities began to issue small coins of gold, but the earliest Greek coinage of any importance in this metal was that of Philip of Macedon. The gold pieces of Philip and Alexander were issued in enormous quantities, both during the lives and after the deaths of those monarchs. The Philippi circulated in Hellas, Italy, and the West, where they became the prototypes of the abundant gold coinages of Gaul and Britain (Evans, *Coinage of the ancient Britons*). The Alexandri, on the other hand, succeeded the Darics in Asia, and continued for many years to furnish the bulk of the gold circulation of the Seleucid and Ptolemaic kingdoms. Contemporary, however, with them, during the life of Alexander, were issues of gold by Athens, Rhodes, Cius, Panticapaeum, and other wealthy cities, which minted in their own names; and after the death of Alexander these coins gradually gave way to the gold money issued by the Macedonian kings of the East, especially the very wealthy Ptolemaic princes.

Aristophanes appears to speak of an issue of gold money at Athens, about the year B.C. 407 (*Ran.* 719). We say "appears," because it is not impossible that the poet may be using the term *χρυσίον* generally for "money," and here may even apply it to copper coin. But it is probable that the gold coins of Athens which have come down to us, which are numerous and of all denominations, belong to a later period, not earlier than the middle of the 4th century. At Rome gold was used in making payments as early as the 4th century B.C., but it was kept only in bars, the adulteration of which was punished by a law of Sulla. Gold coin proper was first issued at Rome in B.C. 217, but never in Republican times, except on the occasion of military expeditions. (Mommsen, *Gesch. des Röm. Münzw.* pp. 400–408.)

The Greeks, when they speak of *χρυσίον*, quite as often mean coin of electrum (*q. v.*) as of pure gold: which is intended, must in each case be judged by the context. Gold coin among the ancients, unless intended to pass as electrum, was usually very pure. The gold pieces of Alexander and Philip are almost without alloy; and Augustus, in his monetary reforms, fixed the margin of alloy, under severe penalties, at ·002. It is only among barbarous peoples that we find gold, the true measure of value in nearly all countries, debased. Thus in Gaul gold rapidly deteriorated, as it was copied from tribe to tribe, and the kings of Bosphorus, who continued in Roman times to issue their own gold, continually debased it until it was finally no better than copper gilt. (Lenormant, *La Monnaie dans l'Antiquité*, i. pp. 187–205.) [P. G.]

AURUM CORONA'RIUM. When a general in a Roman province had obtained a victory, it was the custom for the cities in his own provinces, and for those from the neighbouring states, to send golden crowns to him, which were carried before him in his triumph at Rome. (Liv. xxxviii. 37, xxxix. 7; Festus, s. v. *Triumphales Coronae.*) This practice appears to have been borrowed from the Greeks; for Chares related, in his history of Alexander (*ap.* Athen. ii. p. 539 a), that after the conquest of Persia, crowns were sent to Alexander, which amounted to the weight of 10,500 talents. The number of crowns which were sent to a Roman general was sometimes very great. Cn. Manlius had 200 crowns carried before him in the triumph which he obtained on account of his conquest of the Gauls in Asia (Liv. xxxix. 7). In the time of Cicero, it appears to have been usual for the cities of the provinces, instead of sending crowns on occasion of a victory, to pay money, which was called *aurum coronarium* (Cic. *Leg. Agr.* ii. 22, § 59; Gell. v. 6; Monum. Ancyr.). This offering, which was at first voluntary, came to be regarded as a regular tribute, and seems to have been sometimes exacted by the governors of the provinces, even when no victory had been gained. By a law of Julius Caesar (Cic. *in Pis.* 37, § 90), it was provided that the aurum coronarium should not be given unless a triumph was decreed; but under the emperors it was presented on many other occasions, as, for instance, on the adoption of Antoninus Pius (Capitolin. *Anton. Pius*, c. 4).

Later, the aurum coronarium became a complimentary present to the emperor on stated occasions, such as his accession, happy events in the imperial family, *rebus prospere gestis, indulgentiarum laetitia*, or, lastly, *amore proprio* (*Cod. Theod.* xii. 13, 4). The "feudal incidents" and "benevolences" of more modern times may have been connected with, and are certainly not without analogy to, these Roman customs. In the impoverishment of the empire this burden, among others, fell exclusively upon the *decuriones, curiales*, or municipal senators, whose onerous dignity was made the pretext of many exactions (*id.* xii. 13, 1–3; xii. 12, 15). The payment was excused by Alexander Severus (Lampr. *Al. Sev.* 32), and by Julian (Amm. Marc. xxv. 4; Cod. Theod. xii. 13, 1), but levied more stringently than ever by Valentinian and Theodosius (Cod. x. 74). [W. S.] [W. W.]

AURUM LUSTRA'LE was a tax imposed by Constantine, according to Zosimus (ii. 38), upon all merchants and traders, which was payable at every lustrum, or every four years, and not at every five, as might have been expected from the original length of the lustrum. This tax was also called *auri et argenti collatio* or *praestatio*, and thus in Greek *ἡ συντέλεια ἡ τοῦ χρυσαργύρου.* (*Cod.* 11, tit. 1; *Cod. Theod.* 13, tit. 1; Orelli-Henzen, *Inscr.* 6507.) A somewhat similar tax was the *aurum negotiatorium*, first mentioned under Caligula, which, however, went to the support of the *aerarium*, or public treasury, not the imperial *fiscus* (Suet. *Cal.* 40, 41). It does not appear to have been permanent, and is perhaps the same as the duty repealed by Nero on the petition of the trading classes (Tac. *Ann.* xiii. 51). In the confused narrative of the Augustan historian, it is mentioned first as imposed under Alexander Severus, then excused together with the aurum coronarium (Lampr. *Al. Sev.* cc. 24, 32). [W. S.] [W. W.]

AURUM VICESIMA'RIUM. [AERARIUM, p. 37 b.]

AUSPEX. [AUGUR.]

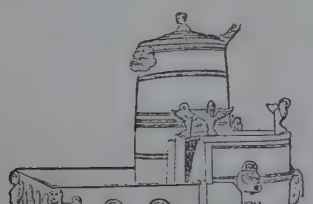
AUSPICIUM. [AUGUR.]

AUTHEN'TICA. [NOVELLAE.]

AUTHEPSA (*αὐθέψης*), or "self-boiler," was a vessel used for heating water or keeping it hot. As is well known, both hot and cold water were served by the attendants at well-appointed Roman tables (*calidae gelidaeque minister*, Juv. v. 63, with Mayor's note). For this purpose vessels were used which cannot have differed much in construction from our modern tea-urns (Böttiger, *Sabina*, ii. 30), and like them might be made of costly materials and in artistic designs (*authepsa illa, quam tanto pretio nuper mercatus est*, Cic. *pro Rosc. Amer.* 46, § 133; *authepsas argenteas*, Lamprid. *Heliog.* 19). Many ingenious contrivances for economical and portable cooking have been found at Pompeii and Herculaneum, and are now in the Museo

Authepsa. (From the Naples Museum.)

Nazionale (formerly Borbonico) at Naples. It is probable, however, that the authepsa, unlike the *aënum* and *caccabus*, was not used for cook-



Authepsa. (From the Naples Museum.)

ing; and it is rather to be identified with a utensil from the same collection (*Mus. Borbon.* vol. iii. pl. 63) in the first cut above. This vessel is in bronze, and of very tasteful workmanship: the cylinder in the centre was filled with charcoal, and has a grating which allowed the air to enter and the ashes to escape. The second cut, from *Mus. Borbon.* vol. v. pl. 44, shows another of more elaborate construction. The Russian samovar is likewise explained to mean "self-boiler," and appears to be little different from the authepsa. [W. S.] [W. W.]

AUTOMACHEIN. [BEBAIOSEOS DIKÉ.]

AUTOMOL'IAS GRAPHE' (*αὐτομολίας γραφή*), the accusation of persons charged with having deserted and gone over to the enemy (Pollux, vi. 151). There are no speeches extant upon this subject; it seems clear, however, that the punishment was death (Ulpian, on Demosth. *de F. L.* p. 380, § 126; Petitus, *Leg. Att.* p. 674). Meier makes it a military offence tried by a jury of soldiers under the presidency of the generals (*Att. Proc.* p. 365), like those enumerated under ASTRATEIAS GRAPHÉ; but this is probably true only of those inscribed on the *κατάλογος*, or list for service. Persons who left the city in times of danger without any intention of going over to the enemy were tried by the Areiopagus as traitors (Lycurg. *c. Leocr.*, § 52); and that civilians guilty of actual *αὐτομολία* were brought before the same court is more likely than that they could be indicted before a military tribunal.

Actors, whose exemption from military service has been noticed under ATELEIA, habitually enjoyed a free pass in time of war, and thus were found useful when it was desired to open indirect negotiations; *e.g.*, Aristodemus was so employed between Philip and the Athenians, B.C. 347 (*Argum.* ad Dem. *F. L.* p. 335 *init.*; Grote, ch. lxxxix.). To check the desertion of slaves in war-time, their master's power of punishing them was restricted (Aristoph. *Nub.* 6, 7). [J. S. M.] [W. W.]

AUTON'OMI (*αὐτόνομοι*), the name given by the Greeks to those states which were governed by their own laws, and were not subject to any foreign power (Thuc. v. 18, 27; Xen. *Hell.* v. 1, § 31). This was the proper meaning of the word; but, in the days of the Athenian maritime empire, it was applied to those of the subject-allies who were merely controlled in their foreign policy, and required to furnish a contingent of ships, but not otherwise interfered with. At the time of the Sicilian expedition, the Chians and Methymnaeans seem to have been the only members of the confederacy who retained this amount of freedom; as *νεῶν παροκωχῇ αὐτόνομοι* they are distinguished from the payers of tribute (*φορά*), the badge of the *ὑπήκοοι*, and from the really independent allies (*πάνυ ἐλευθέρως ξυμμαχοῦντας*, Thuc. vi. 85, § 2). Before the revolt of 428 B.C. the Mitylenaeans had enjoyed the same privileges; and the language of Grote in describing their political state may be taken as a sufficient account of this form of autonomy: "Lesbos, like Chios, was their ally upon an equal footing, still remaining under those conditions which had been at first common to all the members of the confederacy of Delos. Mitylene paid no tribute to Athens: it retained its walls, its large naval force, and its extensive landed possessions on the opposite Asiatic continent: its government was oligarchical, administering all

internal affairs without reference to Athens. Its obligations as an ally were, that in case of war it was held bound to furnish armed ships; whether in determinate number or not, we do not know. It would undoubtedly be restrained from making war upon Tenedos, or any other subject-ally of Athens; and its government or its citizens would probably be held liable to answer before the Athenian dicasteries, in case of any complaint of injury from the government or citizens of Tenedos or of any other ally of Athens; these latter being themselves also accountable before the same tribunals under like complaints from Mitylene. That city was thus in practice all but independent . . ." (*Hist. Gr.* ch. I. *init.*) It should be added that, while the tributary allies were compelled to bring their criminal causes to Athens, the autonomous allies were not. The changed condition of the Mitylenaeans after the suppression of the revolt is illustrated by the speech of Antiphon *On the Murder of Herodes*, which belongs to the subsequent period; the prisoner and the prosecutors are alike residents in Mitylene, but the trial takes place at Athens.

The same two characteristics—the retention of their own *leges* and *judicia*—mark the *liberae civitates* under the Roman dominion, of whose designation *αὐτόνομοι* was the Greek rendering. Thus Cicero writes of the beneficial effects of his own humane provincial government: *Omnes, suis legibus et judiciis usae, αὐτονομίαν adeptae, revixerunt* (*ad Att.* vi. 2). In another letter, however, he mildly ridicules the fancied independence of this class of subjects: *Graeci vero exultant quod peregrinis* (i.e. *suis, non Romanis*, Ern.) *judicibus utuntur. Nugatoribus quidem, inquies. Quid refert? tamen se αὐτονομίαν adeptos putant* (*ad Att.* vi. 1, § 15). This self-government was regarded as a great privilege and mark of honour; and the cities which enjoyed it recorded the fact upon their coins, medals, and inscriptions. We find, for instance, on coins of Antioch ΑΝΤΙΟΧΕΩΝ ΜΗΤΡΟΠΟΛ. ΑΥΤΟΝΟΜΟΥ, on those of Halicarnassus ΑΛΙΚΑΡΝΑCCΕΩΝ ΑΥΤΟΝΟΜΩΝ, and so of many other cities. In numismatics, "autonomous" medals are those which bear no sign of subjection in the head of an emperor or provincial governor. There are many such belonging to cities which never were really autonomous, and to Roman colonies. (On this branch of the subject, see *Essai sur les médailles autonomes romaines de l'époque impériale*, by the Duc de Blacas, in the *Revue numism.*, 1862, pp. 197–234, 387–390; on Greek autonomy in general, Hermann, *Staatsalterth.* § 41, 1; Schiffer, *Die Autonomie bei den alten Griechen*, a gymnasial programme, Münster, 1862.) [W. S.] [W. W.]

AUXILIA'RES. [Socii.]

AVIA'RIUM. [Agricultura, pp. 78, 80.]

AVUL'SIO. [Confusio.]

AXAMENTA. [Salii.]

AXI'NE. [Securis.]

AXIS. [Currus.]

AX'ONES (*ἄξονες*), also called *κύρβεις*, wooden tablets painted white, and made to turn on an upright axis, on which were written the laws of Solon. According to some writers, the *κύρβεις* contained the public and religious, the *ἄξονες* the private laws; according to others, the *κύρβεις* had three sides, and the *ἄξονες* four. But at Athens, at all events, they were almost certainly identical, according to the statement of Aristotle (*ap.* Plut. *Sol.* 25). The grammarians, indeed, insist on the difference; but the opinion of most modern scholars is in agreement with that already expressed in the former editions of this work. The phrase *ἐκ τῶν κύρβεων θύειν* in Lysias (Or. 30, *c. Nicom.* § 17) has been relied upon by the advocates of the distinction. But the law of murder must have been a public and religious law: and this we find was *ἐν τῷ ἄξονι* (Lex ap. Dem. *c. Aristocr.* p. 629, § 28: read *ἐν τῷ ἀ ἄξονι, i.e. πρώτῳ ἄξονι*, with Cobet, *Var. Lect.* p. 123; the *ἄξονες* being always mentioned in the plural).

The words *τρίγωνοι* and *τετράγωνοι*, used of the *ἄξονες* and *κύρβεις*, have been wrongly explained by some authorities, both ancient and modern, as applying to the separate tablets, and not to the whole contrivance (*κατασκεύασμα*). The gloss in Timaeus has *Κύρβεις· στηλὴ τρίγωνος πυραμοειδὴς νόμους ἔχουσα περὶ θεῶν* (so also Bekk. *Anecd.* p. 274, *τρίγωνοι, πυραμίδι ὅμοιοι*). This pyramidal shape is accepted by Planck (*ap.* Pauly i.² *s. v. ἄξονες*), and Liddell and Scott (ed. 7, *s. v. κύρβεις*). But apart from its unsuitableness for exhibiting writings, the clear account of Aristophanes of Byzantium (in *Etym. M.* p. 547; cf. Ruhnken on Timaeus, *s. v. κύρβεις*) leaves no doubt that the boards were rectangular, and formed, as Caillemer puts it, a prism (not pyramid) of three or four sides.

The *ἄξονες* were at first kept in the Acropolis, but were afterwards placed, at the suggestion of Ephialtes, in the agora for all to read. Some fragments of them were preserved in the prytaneium in the time of Plutarch (*l. c.*; cf. Paus. i. 18, 3). (Schol. *ad* Aristoph. *Av.* 1354; Schol. *ad* Apoll. Rhod. iv. 280; Anaximenes *ap.* Harpocrat. *s. v. ὁ κάτωθεν νόμος*: *Etym. M.* p. 547; Suid. *s. v.*; Hermann, *Staatsalterth.* § 107, 1; Schömann, *Antiq.* i. 329, n., E. T.; Preller, on *Polemonis Periegetae fragm.* pp. 87–91 [the fragment itself in Müller, *Fr. Hist.* iii. 138 a].) [W. S.] [W. W.]

B.

BABYLO'NICUM (usually in plural), a Babylonian coverlet, placed upon couches (Lucr. iv. 1029; Fest. p. 298, Müller) and horses (Dig. 34, tit. 2, s. 25, § 3), sometimes used as a garment (*amictus aureo Babylonico*, Publ. Syr. *ap.* Petron. 55), though Ulpian (Dig. *l. c.*) denies that it should be classed as a dress (*non puto vestis esse*), was much prized by the Romans for its brilliant colour (Lucr. *l. c.*) and embroidery (Mart. viii. 28, 17). [W. S.]

BACCHANA'LIA, the name under which the festivals of Dionysus or Bacchus were known at Rome. The circumstances of the introduction of these rites at Rome are given in detail by Livy, xxxix. 8–19 (cf. Val. Max. i. 3, 3, and vi. 3, 7). According to his account, a Greek priest of no education or position brought into Etruria the secret nightly celebration of this worship. It was not only accompanied by all manner of licentious excesses, but was also made the occasion for planning the most revolting crimes, perjury, forgery, false accusations, poisoning, and assassination. From Etruria the

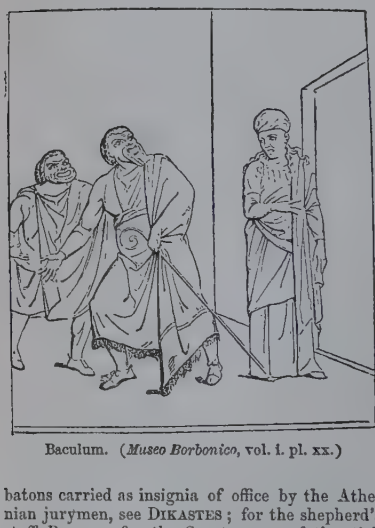
contagion spread to Rome. If Livy's narrative is to be trusted, at first the rites were comparatively innocent. Women only were initiated, and that by day, three times in the year, and the priesthood was held by matrons in turn. It is quite possible that in this statement Livy has in view the worship of Stimula or Simila, an early Italian deity, afterwards identified with Semele, whence Ovid (*Fast.* vi. 503–515) regards her rites as of a Bacchanalian character. Possibly Virgil is thinking of the same, when (*Aen.* vii. 385) he speaks of the Bacchic rites as existing in Italy in the time of Aeneas. In any case it is hardly conceivable that the corrupt Etruscan cult should have so much changed its character in passing into Rome, as Livy's account would require us to believe. He goes on to say (c. 13) how a certain Pacullia Annia, a Campanian priestess, claiming to be acting under the inspiration of the gods, changed the whole character of the worship. She was the first to admit men, by initiating her own sons; she altered the time of celebration from the day to the night; and held initiations five times every month instead of three times a year. The promiscuous admission of men and women and the licence of night opened the way to all manner of debauchery and crime. The most horrible immoralities were practised; the wildest frenzy indulged in. Men flung themselves about as if possessed, and uttered frantic prophecies; women dressed as Bacchanals, with dishevelled locks, ran down to the Tiber, and plunged into the water torches, which, composed of a mixture of sulphur and lime, were not extinguished in the waves. The initiated were a vast number, —"alter jam prope populus," as Livy puts it,— including many of high birth, both men and women. To secure the complete subjugation of the votaries, a rule was made that none should be admitted who were not under twenty years of age, a time at which the judgment is weak and the passions strong. For some time, although the existence of these rites was generally known, not only by report, but also by the clanging of cymbals and the howlings of the devotees by night (*ib.* c. 15), their real nature was not suspected. But in B.C. 186 the lewd and criminal character of the meetings was brought to the knowledge of the consuls. P. Aebutius, the orphan of a Roman knight, had been left by the death of his guardians to the charge of his mother Duronia and his stepfather Sempronius Rutilus. The latter had embezzled his property, and in order to escape punishment desired either to make away with the youth, or to get him entirely into his power. Duronia, who was entirely devoted to her husband, determined to avail herself of the Bacchanalia for the corruption or destruction of her son. She informed him that at a time when he was sick she had vowed that he should be initiated into the Bacchic rites, if he recovered, and that now was the time to discharge the vow. Aebutius, taking the matter lightly, mentioned it to a freedwoman, Hispala Fecenia, with whom he had a *liaison;* but she, in the utmost terror and distress, warned him of the dangers that he was incurring: she, when still a slave, had accompanied her mistress to the orgies, and had seen the vile practices of the votaries. Aebutius, returning to his mother, refused to be initiated, without disclosing his reasons. She in a fury drove him from the house. He took refuge with his father's sister, and at her advice laid the whole facts of the case before the consuls. Hispala was induced by them to confess all that she knew; the senate was consulted; and full powers given to the consuls to investigate the matter. Prompt measures were taken to secure evidence, and to prevent the escape of the guilty. The inquiry led to the belief that more than 7000 men and women were implicated in the affair. Those who were merely initiated, and had taken the oath binding them to every kind of crime and lewdness, were punished with imprisonment; those against whom actual guilt was found—and these, we are told, were the majority—received capital punishment. The women for the most part were handed over to their relations, or to those who were responsible for them, for private execution; the rest were put to death in public. One of the most ancient and precious records of the old Latin language preserved to us is the bronze tablet containing the letter in which the consuls communicated to the magistrates *in agro Teurano* (Tirioli, in the country of the Bruttii) part (as Mommsen thinks) of the decree of the senate passed on this occasion (cp. Mommsen, *C. I. L.* i. 196; Ritschl, *P. L. M. E.* tab. xviii.); doubtless it is only a specimen of many which *mutatis mutandis* were sent throughout Italy. The Bacchanalia are rigidly prohibited: if any one, Roman, Latin or ally, considers himself under a religious obligation *bacanal habere*, he can only do so by obtaining permission from the *praetor urbanus*, confirmed by a vote of the senate in which not less than 100 have taken part. No priest, president, or common purse is allowed, nor any kind of common vow. Not more than two men or three women (five in all) should celebrate the rites, except by special permission. These regulations were carried out with unflinching rigour, apparently not without the use of military force (Cic. *de Leg.* ii. 15, 37); but it was some years before the Bacchanalian rites were completely extinguished in Southern Italy (Liv. xxxix. 41, xl. 19). It has been supposed, but probably not with justice (cf. Preller, *Röm. Myth.* p. 718), that a fragment of Varro's satires preserved by Nonius, p. 112, points to a subsequent revival of these rites at Rome. Otherwise we have no further trace of them in literature or history. The LIBERALIA were of an entirely different character. [A. S. W.]

BACCHOS (Βάκχος), a kind of Thyrsus. [THYRSUS.] [W. S.]

BACULUM (*βακτηρία, ῥάβδος, σκῆπτρον, σκυτάλη*: in the poets, *βάκτρον* and *σκίπων*. The Homeric word is *σκῆπτρον*).

Carrying a stick was as common a practice in Greece as it is with us (Lysias, *pro Inval.* 12; Plat. *Protag.* p. 310 A; Aristoph. *Plut.* 272, *Eccl.* 150, 509; *Nub.* 541); and on Greek vases and sculptures we see sticks of all forms and patterns. The straight form with an ornament at the head, called the *Περσικὴ βακτηρία* (Hesych. *s. v.*; *Etym. M.* 185, 56; cf. Herod. i. 195), was the form affected by dandies at Athens in the time of Aristophanes (Aristoph. *ap.* Poll. x. 173, *βακτηρία δὲ περσὶς ἀντὶ καμπύλης*); while the large crook form (*καμπύλη*) was on the stage carried by old men and rustics (Poll. iv. 119), as in the illustration given next page.

The club form (*σκυτάλη*, Moeris, Suidas, Phot. *s. v. σκυτάλη· βακτηρία ἀκροπαχὴς*) was in vogue in the ruder states of Greece, such as Sicyon, where the lowest class of the community was called "the Club carriers" (*κορυνηφόροι*), but especially at Sparta, and became the rage at Athens among the *Λακωνισταὶ* (Aristoph. *Av.* 1283), while in later times it was affected by Cynic philosophers (Lucian, *Vit. Auct.* 8). The crutch, too, is often seen on ancient monuments (cf. Paus. x. 30, 1, *σκήπτρῳ τε ὑπὸ τὴν ἀριστέραν μασχάλην ἐρειδόμενος*). (For the sticks or batons carried as insignia of office by the Athenian jurymen, see DIKASTES; for the shepherd's staff, PEDUM; for the Spartan use of the stick in secret correspondence, SKYTALE; for the herald's staff, CADUCEUS.)



Baculum. (*Museo Borbonico*, vol. i. pl. xx.)

In Rome, on the other hand, the use of walking sticks was unknown. On the monuments we only see sticks in the hands of aged or infirm persons, or held as symbols of office. (See SCEPTRUM, CENTURIO.) [W. M. L.]

BAE'TYLUS (*Βαίτυλος*). [See *Dict. of Gr. and Rom. Biogr. and Myth.*, s. v.]

BA'JULUS (*ἀχθοφόρος*), a porter, anyone employed to carry burdens, whether a freeman or a slave. (Gell. v. 3, § 1; Fest. p. 35; Plaut. *Poen.* v. 6, 17; Cic. *de Or.* ii. 10, 40, *Par.* iii. 2; cf. Dig. 50, 16, 235.) The name was also given to a letter-carrier. (Symmach. *Ep.* iii. 34, v. 7; Sidon. *Ep.* iv. 7; Hieron. *Ep.* 6 *ad Julian.* 1; Cod. Theod. 2, 27, 1, § 2.) The bearers at funerals, properly called *vespillones*, sometimes had the name of bajuli. ("Vespillones dicti sunt bajuli," Fulg. *Expos. Serm.* p. 558; Amm. xiv. 7, § 17; Sidon. *Ep.* iii. 12.) [W. S.]

BAKTERIA (*βακτηρία*). [BACULUM.]

BALANTION. [CRUMENA.]

BA'LATRO, a professional jester, buffoon, or parasite (Hor. *Sat.* i. 2, 2); in *Sat.* ii. 8, 21 the word is used as a proper name—Servilius Balatro). In spite of the difference of quantity, *bălătro* is probably connected with *bala-re* (to bleat like a sheep, and hence) to speak sillily. It is doubtless akin to *blatero*, a chatterer (Gell. i. 15). Balatrones were paid for their jests, and the tables of the wealthy were generally open to them for the sake of the amusement they afforded. [A. S. W.]

BALLE'TYS (*Βαλλητύς*). [ELEUSINIA.]

BALLISTA. [TORMENTUM.]

BA'LNEAE, *Balneae*, *Balneum*, *Balineum*, *Thermae* (*ἀσάμινθος*, *βαλανεῖον*, *λοετρόν*, *λουτρόν*).

GREEK BATHS.—Bathing was a practice familiar to the Greeks of both sexes from the earliest times, both in fresh water and salt, and in the natural warm springs, as well as vessels artificially heated. Thus Nausicaa, daughter of Alcinous, king of Phaeacia, goes out with her attendants to wash her clothes; and after the task is done, she bathes herself in the river. (*Od.* vi. 58, 65.) Ulysses, who is conducted to the same spot, strips and takes a bath, whilst Nausicaa and her servants stand aside. (*Od.* vi. 210–224.) Europa also bathes in the river Anaurus (Mosch. *Id.* ii. 31), and Helen and her companions in the Eurotas (Theocr. *Id.* vii. 22). Warm springs were also resorted to for the purpose of bathing. The *Ἡράκλεια λουτρὰ* shown by Hephaestus or Athena to Hercules are celebrated by the poets. Pindar speaks of the hot baths of the nymphs—*θερμὰ Νυμφᾶν λουτρὰ* (*Olymp.* xii. 27), and Homer (*Il.* xxii. 149) celebrates one of the streams of the Scamander for its warm temperature. Bathing in rivers or the sea (*ψυχρολουτεῖν*) was always common for the young (cf. Caryst. Perg. *ap.* Athen. i. 24 c). Not to know how to read and to swim were proverbial marks of the ignoramus (*Paroem.* ed. Gaisf., D. vi. 56). A plunge in the Eurotas always sufficed for the Lacedaemonians (Schol. on Thuc. ii. 36). There appears to have been a swimming bath (*κολυμβήθρα*) at Athens in the time of Plato (*Rep.* 453 D).

The artificial warm bath was taken in a vessel called *ἀσάμινθος* by Homer, and *ἔμβασις* by Athenaeus (i. 25 c, e). It was no doubt of wood or marble, as the epithet *εὔξεστος* is applied to it (*Od.* iv. 48), and in the case of Menelaus' Egyptian presents (*Od.* iv. 128) it was of silver. It would appear from the description of the bath administered to Ulysses in the palace of Circe, that this vessel did not contain water itself, but was only used for the bather to sit in while the warm water was poured over him, which was heated in a large caldron or tripod, under which the fire was placed, and when sufficiently warmed was taken out in other vessels and poured over the head and shoulders of the person who sat in the *ἀσάμινθος*. (*Od.* x. 359–365.) The bath was usually thus administered by a handmaiden (*Il.* xiv. 6; *Od.* iv. 49, vi. 210), or even a daughter (*Od.* iii. 464), or the mistress of the house (*Od.* iv. 252; v. 263; x. 450): unless we hold with Mr. Gladstone (*Studies on Homer*, iii. 513–516) that the maidens gave the men in each case the means of washing themselves; for which he compares such expressions as "feeding the poor," and refers especially to *Od.* vi. 210, 218–220, compared with vii. 296. Where cleanliness merely was the object sought, cold bathing was adopted, which was considered as most bracing to the nerves (Athen. *l. c.*); but after violent bodily exertion or fatigue warm water was made use of, in order to refresh the

body and relax the over-tension of the muscles. (*Id. ib.*; comp. Hom. *Il.* x. 576; *Od.* iv. 48, *et alibi.*) Hesiod (*Op.* 754) protests against men elaborately cleaning (*φαιδρύνεσθαι*) their bodies with female baths, *i.e.* those of high temperature—which shows that this luxury had begun in his day; and in Homer's time constant indulgence in the warm bath was considered as a mark of luxury and effeminacy (*Od.* viii. 249).

The use of the warm bath was preceded by bathing in cold water (*Il.* x. 576). The later custom of plunging into cold water after the warm bath mentioned by Aristeides (vol. i. *Orat.* 2, *Sacr. Serm.* p. 515), who wrote in the second century of our era, was no doubt borrowed from the Romans. [See p. 268.]

After bathing, both sexes anointed themselves with oil, in order that the skin might not be left harsh and rough, especially after warm water. (*Od.* vi. 96; Athen. *l. c.*; Plin. *H. N.* xiii. §§ 4–17; see also *Il.* xiv. 172, xxiii. 186.) The use of precious unguents (*μύρα*) was unknown at that early period. In the Heroic ages, as well as later times, refreshments were usually taken after the bath. (*Od.* vi. 97.)

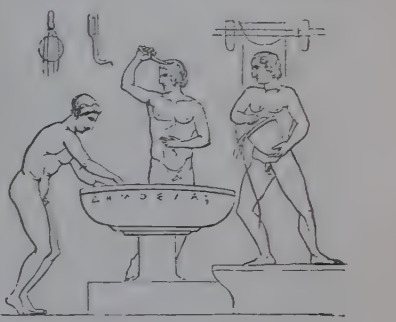
At Athens the frequent use of the public baths was regarded by strict moralists in the time of Socrates and Demosthenes as a mark of luxury and effeminacy: thus it is a sign of demoralization on the part of a ship's crew. (Demosth. *c. Polycl.* p. 1217, § 35.) Accordingly Phocion was said to have never bathed in a public bath (*ἐν βαλανείῳ δημοσιεύοντι*, Plut. *Phoc.* 4), and Socrates to have made use of it very seldom (Plato, *Symp.* p. 174 A). It was, however, only the warm baths (*βαλανεῖα*, called by Homer *θερμὰ λουτρά*) to which objection was made, and which in ancient times were not allowed to be built within the city (Athen. i. p. 18 b): for the Greeks did not at all approve of people being dirty (*ἀπαράτιλτος, αὐχμηρός, ῥυπαρός*); but cleanliness, they thought, should be attained by cold water. The estimation in which such baths were held is expressed in the following lines of Hermippus (*ap.* Athen. *l. c.*):—

> Μὰ τὸν Δί', οὐ μέντοι μεθύειν τὸν ἄνδρα χρὴ
> τὸν ἀγαθὸν, οὐδὲ θερμολουτεῖν, ἃ σὺ ποιεῖς.

In the Clouds of Aristophanes the *δίκαιος λόγος* warns the young man to abstain from the baths (*βαλανείων ἀπέχεσθαι*, l. 991), which passage, compared with ll. 1045–54, shows that warm baths are intended by the word *βαλανεῖα*. Plato (*Leg.* vi. p. 761 C) would confine the use of warm baths to old men. (Cf. Plut. *de San. tuend.* 17; *Symp.* 8.) But the frequent and open mention of baths in the time subsequent to the Peloponnesian War (*e.g.* in Theophrastus, *Char.* 4, 8, 9, 19, 27) shows that they were an everyday feature of Greek life.

The baths (*βαλανεῖα*) were either public (*δημόσια, δημοσιεύοντα*) or private (*ἴδια, ἰδιωτικά*). The former were the property of the state, but the latter were built by private individuals. Such private baths are mentioned by Plutarch (*Demetr.* 24) and Isaeus (*Or.* 5 [*Dicaeog.*], §§ 22–24), who speaks of one which was sold for 3000 drachmae (*Or.* 6 [*Philoct.*], § 33). Baths of this kind were probably mostly intended for the exclusive use of the persons to whom they belonged. (Xen. *Rep. Ath.* ii. 10.) There appears to have been a small, almost nominal, charge for the use of the public baths (cf. Aristoph. *Nub.* 853). Thus in the inscription of Andania (i. 107) the price is fixed at 2 chalki = ⅓ obol. At Phaselis it was probably not much higher; though something more seems to have been demanded from strangers (Ath. viii. 351 f). In the time of Lucian, who calls the fee *ἐπίλουτρον* (*Lexiph.* 2), it was two obols.

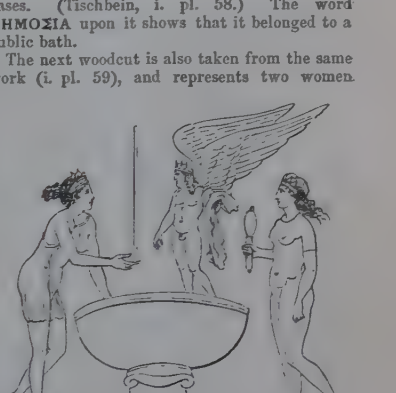
We know very little of the baths of the Athenians during the republican period; for the account of Lucian in his Hippias relates to baths constructed after the Roman model. On ancient vases, on which persons are represented bathing, we seldom find anything corresponding to a modern bath in which persons can stand or sit; but there is always a round or oval basin (*λουτήρ* or *λουτήριον*), resting on a stand (*ὑπόστατον*), by the side of which those who are bathing are represented standing undressed and washing themselves, as is seen in the following woodcut taken from Sir W. Hamilton's



Public Basin for Men. (From a Greek Vase.)

vases. (Tischbein, i. pl. 58.) The word ΔΗΜΟΣΙΑ upon it shows that it belonged to a public bath.

The next woodcut is also taken from the same work (i. pl. 59), and represents two women



Basin for Women. (From a Greek Vase.)

bathing. The one on the right hand is entirely naked, and holds a looking-glass in her right

hand; the one on the left wears only a short kind of ἐχέσαρκον χιτώνιον, of which we have no other instance. Eros is represented hovering over the bathing vessel.

But besides the λουτῆρες and λουτήρια there were also vessels for bathing, large enough for persons to sit in, which, as stated above, are called ἀσάμινθοι by Homer and πύελοι or μάκτραι by the later Greeks (Schol. *ad* Aristoph. *Equit.* 1055; Hesych. *s. v.* Πύελος: Pollux, vii. 166, 168). The λουτὴρ thus, as we shall see, corresponded to the Roman *labrum*; the πύελος to the *solium* or *alveus*.

In the baths there was also a kind of sudorific or vapour bath called πυρία or πυριατήριον, which is mentioned as early as the time of Herodotus (iv. 75). (Compare Pollux, vii. 168; Athen. v. p. 207 f, xii. p. 519 e; Plut. *Cim.* 1.) Becker (*Charikles*, Scene viii. note 23) holds that in Greece generally, as at Sybaris (Athen. xii. p. 519), the bathers sat in separate tub-like compartments; but Marquardt (*Privatleben*, p. 282) and Göll (*Charikles*, iii. 105) show, by a comparison of Timarchus (*ap.* Athen. xi. p. 501 e) and Alciphr. *Ep.* i. 23, with Vitruvius, v. 11. 5, that this ξηρὸς θόλος (Alexand. Aphrod. *Probl.* i. 41) was the same as the *concamerata sudatio* or *laconicum* of the Romans, for which see below, p. 277. This seems to have been not simply or even principally a Spartan usage (for warm baths were very rarely allowed at Sparta; see Plut. *Lycurg.* 16), but common to the Greek race (Ἑλληνικὴ πυρίη, Herod. iv. 75), and not, as in early Rome, a luxury or form of medical treatment. Among the chambers of the Greek bathing establishment was the ἀλειπτήριον, Lat. *unctorium* (Alexis, *ap.* Poll. vii. 166; Theophr. *de Sudore*, 28). Lucian (*Hipp.* p. 73) speaks of the ἀποδυτήριον with its ἱματιοφυλακοῦντες (*capsarii*); but as they seem to be unknown to Aristotle (*Probl.* xxix. 14), they were probably introduced from Rome. Hence Aristotle tells us that those who stole clothes from the baths (ἱματιοκλέπται or λωποδύται, Diog. Laert. vi. 52; Athen. iii. p. 97 e) were punishable with death. (Cf. Demosth. *c. Conon.* p. 1256, § 1; *c. Timocr.* p. 736, § 114.) As the baths most frequently adjoined the gymnasia and palaestra (cf., for example, the baths at Anticyra, Paus. x. 36, 9), one of the rooms of these latter buildings served the purpose of undressing-room (Xen. *Rep. Ath.* ii. 10). About these rooms the τριβαλλοὶ used to loaf, looking out for an invitation. We hear of wrestling (Theophr. *Char.* 27) and playing the cottabos (Diog. Laert. vi. 46), besides a great deal of conversation going on in the baths. To sing there was considered the part of a boor (Theophr. *Char.* 4).

Either the bath or simple anointing of the body generally formed part of the business of dressing for dinner (Xen. *Symp.* 1, 7). Hence we find the bath spoken of as ὁδὸς ἐπὶ τροφὴν (or τρυφήν), Artemid. *Oneir.* 61. It was generally taken shortly before the δεῖπνον or principal meal of the day. Epictetus (*Diss.* i. 1, 29) and Alciphr. (*Ep.* iii. 60) mention noon as the hour; while voluptuaries bathed repeatedly (Menander, *ap.* Athen. iv. 166; Simonides, *ap.* Aelian, *H. A.* xvi. 24). It was the practice to take first a warm or vapour, and afterwards a cold bath (Plut. *de primo frig.* 10; Paus. ii. 34, § 2), though in the time of Homer the cold bath appears to have been taken first and the warm afterwards. The cold water was usually poured on the back or shoulders of the bathers by the βαλανεὺς or his assistants, who are called παραχύται. (Plat. *Rep.* i. p. 344 D; Lucian, *Demosth. Encom.* p. 503; Plut. *de Invid.* 6, *Apophth. Lac.* 49.) The vessel from which the water was poured was called ὑδρία: there is mention also of the ἀρύταινα, which must have been much smaller. (Aristoph. *Equit.* 1091, 1094; Theophr. *Char.* 9.) In the first of the cuts on p. 267 a παραχύτης is represented with one of these vessels in his hands. Roulez (*Choix de Vases peints du Musée de Leyde*, pl. xix. 1) gives us a vase painting of a bath in a palaestra where two shower baths descend on men from spouts shaped like panthers' heads, and Panofka (*Bilder antiken Lebens*, pl.

Shower Baths for Women. (From a Greek Vase.)

xviii. 9) shows us a bath for women similarly arranged, while an unpublished vase painting in the Louvre represents a κολυμβήθρα or swimming bath for women.

Swimming Bath for Women. (From a Greek Vase.)

These two last-mentioned paintings would incline us to the conclusion that bathing establishments for women existed among the Greeks, whether belonging to the state or maintained by private enterprise, and Göll reads the inscription on the women's λουτὴρ in Tischbein, iv. 40, as δημόσια, while we are told that Phryne did not use the public baths (Athen. xiii. p. 590), and we learn from Varro (*L. L.* ix. 68) that the earliest Greek *balneum* in Rome contained a department for women.

The persons who bathed probably brought with them strigils, oil, and towels, or had them carried by a slave (ληκυθοφόρος, Poll. iii. 154; ξυστρολήκυθος, Hesych.). The strigil, which was called by the Greeks στλεγγὶς or ξύστρα,

was usually made of iron, but sometimes also of other materials. (Plut. *Inst. Lac.* 32; Aelian, *V. H.* xii. 29; Aristoph. *Thesm.* 556.) One of the figures in the cut on p. 267 is represented with a strigil in his hand; several strigils are figured on p. 279. Pollux says (x. 181), "The cloth which is worn by women round their loins when taking the bath, or by the men who bathe them, is called ὥα λουτρίς." The Greeks also used different materials for cleansing or washing themselves in the bath, to which the general name of *ῥύμμα* was given, and which were supplied by the *βαλανεύς*. (Aristoph. *Lysistr.* 377.) This *ῥύμμα* usually consisted of a lye made of lime or wood-ashes (*κονία*), of nitrum, and of fuller's earth (*γῆ κιμωλία*, Aristoph. *Ran.* 710 and Schol.; Plat. *Rep.* iv. p. 430 A).

Among the Greeks a person was always bathed at birth, marriage, and after death [FUNUS]; whence it is said of the Dardanians, an Illyrian people, that they bathe only thrice in their lives,—at birth, marriage, and after death. (Nicol. Damasc. *ap.* Stob. *Flor.* v. 51.) The water in which the bride was bathed (*λουτρὸν νυμφικόν*, Aristoph. *Lysistr.* 378) at Athens, was taken from the fountain of Kallirrhoë, which was called from the time of Peisistratus Ἐννεάκρουνος. (Thucyd. ii. 15.) Compare Pollux, iii. 43; Harpocrat. *s. v.* Λουτροφόρος, who says that the water was fetched by a boy, who was the nearest relation, and that this boy was called *λουτροφόρος*. He also states that water was fetched in the same way to bathe the bodies of those who had died unmarried, and that on the monuments of such a boy was represented holding a water-vessel (*ὑδρία*). Pollux (*l. c.*), however, states that it was a female who fetched the water on such occasions, and Demosthenes (*c. Leochar.* p. 1089, § 30; compare p. 1086, § 18) speaks of ἡ λουτροφόρος on the monument of a person who had died unmarried. In remains of ancient art we find girls represented as *λουτροφόροι*, but never boys. (Brönsted, *Brief Description of thirty-two ancient Greek Vases*, pl. 27; cf. Becker-Göll, *Charikles*, iii. 364–6.)

The natural warm springs (θερμὰ or Ἡράκλεια λουτρά) were not only esteemed as sacred to Heracles, but also considered highly medicinal (Aristot. *Probl.* xxiv. 19). The hot springs of Aedepsus in Euboea were famed for their healing properties, as also was a cold spring which flowed for a time (Athen. iii. p. 73). In later times it became a great resort for pleasure as well as health, especially in the spring (Plut. *Symp.* iv. 4; *Frat. Amor.* 17). Many other springs are mentioned by Pausanias (*e.g.* vi. 22, 4; vii. 5, 5; viii. 41, 4).

The best account of the Greek baths is given by Becker-Göll, *Charikles*, vol. i. p. 199; iii. pp. 98–113. [W. S.] [L. C. P.]

ROMAN BATHS.—The words *balneae*, *balineae*, *balneum*, *balineum*, *thermae*, are all commonly translated by our general term bath or baths; but in the writings of the earlier and better authors they are used with discrimination. *Balneum* or *balineum*, which is derived from the Greek *βαλανεῖον* (Varr. *L. L.* ix. 68), signifies, in its primary sense, a bath or bathing-vessel, such as most persons of any consequence amongst the Romans possessed in their own houses (Cic. *ad Att.* ii. 3), and hence the chamber which contained the bath (Cic. *ad Fam.* xiv. 20), which is also the proper translation of the word *balnearium*. The diminutive *balneolum* is adopted by Seneca (*Ep.* 86, § 3) to designate the bath-room of Scipio, in the villa at Liternum, and is expressly used to characterise the modesty of republican manners as compared with the luxury of his own times. But when the baths of private individuals became more sumptuous, and comprised many rooms, instead of the one small chamber described by Seneca, the plural *balnea* or *balinea* was adopted, which still, in correct language, had reference only to the baths of private persons. Thus Cicero terms the baths at the villa of his brother Quintus (*ad Q. Frat.* iii. 1, § 1) *balnearia*. *Balneae* and *balineae*, which according to Varro (*L. L.* viii. 25, ix. 41; Charisius, i. 12) have no singular number,* were the public baths. Thus Cicero (*pro Cael.* 25, 62) speaks of *balneas Senias*, *balneas publicas*, and *in vestibulo balnearum* (*ib.* 26), and Aulus Gellius (iii. 1; x. 3) of *balneas Sitias*. But this accuracy of diction is neglected by many of the subsequent writers, and even in the time of the republic *balneum* was used for a public bath (*C. I. L.* 1263); but particularly by the poets, amongst whom *balnea* is not uncommonly used in the plural number to signify the public baths, since the word *balneae* could not be introduced in an hexameter verse. Pliny also, in the same sentence, makes use of the neuter plural *balnea* for a public, and of *balneum* for a private bath. (*Ep.* ii. 17, § 26.) *Thermae* (*θέρμαι*, hot springs) meant properly warm springs, or baths of warm water; but came to be applied to those magnificent edifices which grew up under the empire, in place of the simple *balneae* of the republic, and which comprised within their range of buildings all the appurtenances belonging to the Greek gymnasia, as well as a regular establishment appropriated for bathing. (Juv. *Sat.* vii. 233.) Writers, however, use these terms without distinction. Thus the baths erected by Claudius Etruscus, the freedman of the Emperor Claudius, are styled by Statius (*Silv.* i. 5, 13) *balnea*, and by Martial (vi. 42) *Etrusci thermulae*.

The Romans, in the earlier periods of their history, used the bath but seldom, and only for health and cleanliness, not as a luxury. Thus we learn from Seneca (*Ep.* 86, § 12) that the ancient Romans washed their legs and arms daily, and bathed their whole body once a week. (Cf. Cat. *ap.* Non. 108, s. v. *Ephippium*; Colum. *R. R.* i. 6, § 20.) The room set apart for this purpose was called *lavatrina* or *latrina*, and was placed near the kitchen, so that warm water might be easily procured. (Varr. *L. L.* v. 118; ix. 68.)

It is not recorded at what precise period the use of the warm bath was first introduced amongst the Romans; but we learn from Seneca (*l. c.*) that Scipio had a warm bath in his villa at Liternum; which, however, was of the simplest kind, consisting of a single chamber, just sufficient for the necessary purposes, and without any pretensions to luxury. It was "small

* *Balnea* is, however, used in the singular to designate a private bath in an inscription quoted by Reinesius. (*Inscr.* xi. 115.)

and dark," he says (§ 3), "after the manner of the ancients." Seneca also describes the public baths of former times as *obscura et gregali tectorio inducta;* and while their arrangements were of the simplest kind, aediles of noble birth did not disdain to look after them personally (§ 9). These were baths of warm *water;* but the practice of heating an apartment with warm air by a hollow underneath the floor, so as to produce a hot-air bath, is stated by Valerius Maximus (ix. 1, § 1) and by Pliny (*H. N.* ix. § 168) to have been invented by Sergius Orata, who lived in the age of L. Crassus, the orator, before the Marsic war. The expression used by Valerius Maximus is *balnea pensilia*, and by Pliny *balineas pensiles*, which is differently explained by different commentators; but a glance at the plan, inserted on p. 278, will be sufficient in order to comprehend the manner in which the flooring of the chambers was *suspended* over the hollow cells of the hypocaust, called by Vitruvius *suspensura calduriorum* (v. 11), so as to leave no doubt as to the precise meaning of the invention, which is more fully exemplified in the following passage of Ausonius (*Mosell.* 337):—

"Quid (memorem) quae sulfurea substructa crepidine fumant
Balnea, ferventi cum Mulciber haustus operto
Volvit anhelatas tectoria per cava flammas,
Inclusum glomerans aestu exspirante vaporem?"

In the time of Cicero, though young people used in summer to bathe in the Tiber (*Cael.* 15, 36), yet the use of baths, both public and private, of warm water and hot air, had become general (*ad Q. Frat.* iii. 1); and we learn from one of his orations that there were already baths (*balneas Senias*) at Rome which were open to the public upon payment of a small sum (*pro Cael.* 25, 61). Besides public baths, others were built by private speculators, who either worked them themselves or leased them out. Sometimes even the state leased out the public baths under certain conditions (*e.g.* see the Lex Metalli Vipascensis in *Eph. Epigr.* iii. p. 166, which makes stipulations with the *conductor balinei* touching certain people to be admitted free, hours of opening and shutting, height of water, &c.). The lessee or worker of a bath (*balneator*) appears to have stood very low in social estimation (Juv. vii. 4; Dig. 3, 2, 4, 2). Examples of private baths in Cicero's time are the *balneae Pallacinae* (*Rosc. Am.* 7, 18), and the *balneae Seniae* already mentioned. Martial in his time says (ii 14, 11):

"Nec Fortunati spernit nec balnea Fausti
Nec Grylli tenebras Aeoliumque Lupi."

"The Baths of Daphne," owned by Phoebus (Schol. on Juv. vii. 233), is a name like "The Aeolium" of Lupus. Jordan has collected a vast number of the names of the baths from the Regionarii, and they appear to be nearly all called after the possessor, though we find one of Mercurius and one of Diana (*Forma Urbis Romae*, p. 43). There were baths, of course, in the country, and they professed to be quite up to city style: *e.g.* an inscription has "In praediis Aureliae Faustinianae balineus. Lavatur more urbico, et omnis humanitas praestatur" (Marini, *Atti de' Fratelli Arvali*, p. 532, where a similar profession of a *balneator* is to be found, "omnia commoda praestantur"). A signboard, in Orelli 4326, of the Thermae of M. Crassus, offers salt and fresh water baths. These baths, which were worked by private individuals, appear to have been called *balnea meritoria* (Plin. *Ep.* ii. 17, 26), and money was often invested in them (Dig. 7, 4, 12). Agrippa added 170 baths to those which existed already in Rome. In the time of Constantine there were no less than 856 (Jordan, *l. c.*) in the city; and the Regionarii actually reckon 952 (Becker-Göll, *Gallus*, iii. 140).

In the earlier ages of Roman history a much greater delicacy was observed with respect to bathing, even amongst the men, than was usual among the Greeks; for, according to Valerius Maximus (ii. 1, § 7), it was deemed indecent for a father to bathe in company with his own son after he had attained the age of puberty, or a son-in-law with his father-in-law. (Comp. Cic. *de Off.* i. 35, § 129; *de Orat.* ii. 55, 224; Plut. *Cat. maj.* 20.) But virtue passed away as wealth increased; and when the thermae came into use, not only did the men bathe together in numbers, but even men and women stripped and bathed promiscuously in the same bath. It is true, however, that the public establishments generally contained separate baths for both sexes adjoining each other (Vitruv. v. 10; Varr. *L. L.* ix. 68), as will be seen to have been the case at the baths of Pompeii. Aulus Gellius (x. 3) relates a story of a consul's wife who took a whim to bathe at Teanum (Teano), a small provincial town of Campania, in the men's baths (*balneis virilibus*); probably, because in a small town, the female department, like that at Pompeii, was more confined and less convenient than that assigned to the men; and an order was consequently given to the Quaestor, M. Marius, to turn the men out. In the Lex Metalli Vipascensis the women have the use of the bath from daybreak till the seventh hour; the men from the eighth hour till the second hour of the night. If at Rome there were separate establishments for the women, men at any rate appear to have been able to get into them, and they were a possible place for assignations ("celent furtivos balnea tuta viros," Ov. *Ars Am.* iii. 639);—a passage which further shows that there were small private chambers with baths in them, such as we find in the Stabian baths at Pompeii (marked *c* in Overbeck's plan, Fig. 123, p. 193; cf. p. 206). But whether the men and women were allowed to use each other's chambers indiscriminately, or some of the public establishments had only one common set of baths for both, the custom prevailed under the empire of men and women bathing indiscriminately together. (Plin. *H. N.* xxxiii. § 153.) This custom was forbidden by Hadrian (Spart. *Hadr.* c. 18), and by M. Aurelius Antoninus (Capitolin. *Anton.* c. 23); and Alexander Severus prohibited any baths, common to both sexes (*balnea mixta*), from being opened in Rome (Lamprid. *Alex. Sev.* c. 24). Although the practice was not adopted by women of respectability ("Signum est adulterae lavari cum viris," Quint. *Inst.* v. 9, § 14), yet this legislation was not permanently effective, and even the censures of the Fathers of the Christian Church and the canons of Councils did not avail to

suppress it. (Clem. Alex. *Paed.* iii. 5, p. 272; Cypr. *de Virg. Habitu*, p. 179; *Const. Apost.* i. 6 and 9; Council of Laodicea (A.D. 320), *Can.* 30, renewed by Council of Constantinople (A.D. 692), *ap.* Mansi.) Justinian (*Cod.* v. 15, 11, § 2) recognises it as a ground of divorce, *si forte uxor ita luxuriosa est, ut commune lavacrum cum viris libidinis causa habere audeat.*

When the public baths (*balneae*) were first instituted, they were only for the lower orders, who alone bathed in public; the people of wealth, as well as those who formed the equestrian and senatorian orders, used private baths in their own houses. But as early even as the time of Julius Caesar we find no less a personage than the mother of Augustus making use of the public establishments (Suet. *Aug.* 94); and in process of time even the emperors themselves bathed in public with the meanest of the people. (Spart. *Hadr.* c. 17.)

The baths were opened at sunrise, and closed at sunset (Lampr. *Alex. Sev.* 24). The many lamps found in the baths at Pompeii were used for lighting the rooms and the dark passages, according to Nissen, *Pomp. Stud.* 135, and do not necessarily imply night-bathing. But, in the time of Alexander Severus, it would appear that the baths were kept open after nightfall. (Lampr. *Alex. Sev.* l. c.) The allusion in Juvenal (*balnea nocte subit*, *Sat.* vi. 419) probably refers to private baths.

The price of a bath (*balneaticum*) was a quadrans, the smallest piece of coined money, from the age of Cicero downwards (Cic. *pro Cael.* 26, 62; Hor. *Sat.* i. 3, 137; Juv. *Sat.* vi. 447), which was paid to the keeper of the bath (*balneator*); and hence it is termed by Cicero, in the oration just cited, *quadrantaria permutatio*, and by Seneca (*Ep.* 86, § 9) *res quadrantaria*. Children below a certain age were admitted free. (Juv. *Sat.* ii. 152.)

The passage of Juvenal (vi. 447), which has been quoted to show that women paid no fee, should be taken to imply that they paid a higher price than men. So by the Lex Metalli Vipascensis, which has been already referred to, the men pay half an *as*, the women an *as*. (Cf. Dio Cass. xlix. 43.) Faustus Sulla gave the people the use of the baths and oil on the day of his father's funeral (Dio Cass. xxxvii. 51), and Augustus on his return from Germany gave them baths and barbers for a day (*ib.* liv. 25). Agrippa opened the baths gratuitously to both men and women for a year (*ib.* xlix. 43), and afterwards gave the people his *thermae ὥστε προῖκα αὐτοὺς λοῦσθαι* (*ib.* liv. 29). Such munificence was repeated by emperors and also by private individuals (Dig. 32, 35, 3; Henzen, 3325, 3326, 6962).

Strangers, also, and foreigners were admitted to some of the baths, if not to all, without payment, as we learn from an inscription found at Rome, and quoted by Pitiscus (*Lex Antiq.*):

L. OCTAVIO. L. F. CAM.
RUFO. TRIB. MIL. . . . . .
QUI LAVATIONEM GRATUITAM MUNICIPIBUS INCOLIS
HOSPITIBUS ET ADVENTORIBUS.

Compare the inscription at Naples (*C. I. L.* v. 376). We also find free bathing given to an individual and his family as a reward of merit: thus a soldier gets that privilege at Nemausus (Orelli, 3579).

The baths were closed when any serious public misfortune happened, just as we should close our theatres (Fabr. *Descr. Urb. Rom.* c. 18); and Suetonius says that the Emperor Caligula made it a capital offence to indulge in the luxury of bathing upon any religious holiday (*ib.*). They were originally placed under the superintendence of the aediles, whose business it was to keep them in repair, and to see that they were kept clean and of a proper temperature (*ib.*; Sen. *Ep.* 86). In the provinces the same duty seems to have devolved upon the quaestor, as may be inferred from the passage already quoted from Aulus Gellius (x. 3).

The time usually assigned by the Romans for taking the bath was the eighth hour, or shortly afterwards. (Mart. x. 48, xi. 52.) Before that time none but invalids were allowed to bathe in public. (Lamprid. *Alex. Sev.* 24.) Vitruvius reckons the hours best adapted for bathing to be from mid-day until about sunset (v. 10). Spurinna took his bath at the ninth hour in summer, and at the eighth in winter (Plin. *Ep.* iii. 1, 8); and Martial speaks of taking a bath, when business had been pressing, at the tenth hour, and even later (iii. 36; x. 70).

When the water was ready, and the baths prepared, notice was given by the sound of a bell—*aes thermarum*. (Mart. xiv. 163.) One of these bells, with the inscription FIRMI BALNEATORIS, was found in the Thermae Diocletianae, in the year 1548, and came into the possession of the learned Fulvius Ursinus. (*Append. ad* Ciaccon. *de Triclin.*) A sun-dial was found in the new baths at Pompeii, and Lucian (*Hipp.* 8) places in the baths a sun-dial and a water-clock with apparently some method of striking the hours attached.

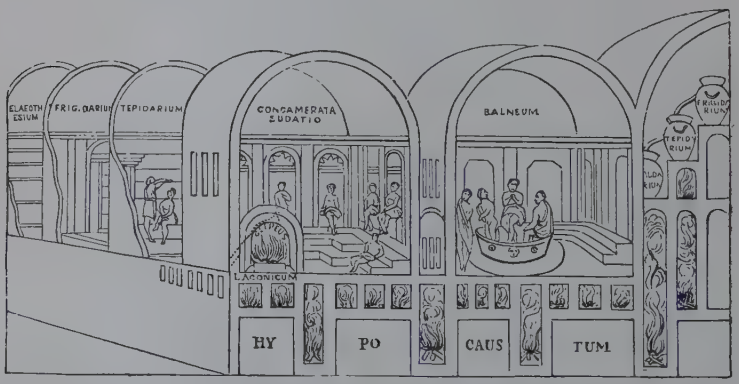
Whilst the bath was used for health merely or cleanliness, a single one was considered sufficient at a time, and that only when requisite. But the luxuries of the empire knew no such bounds, and the daily bath was sometimes repeated as many as seven and eight times in succession — the number which the Emperor Commodus indulged himself with. (Lamprid. *Comm.* 11.) Gordian bathed four or five times a day in summer, and twice in winter; the Emperor Gallienus six or seven times in summer, and twice or thrice in winter. (Capitolin. *Gord.* 6; Trebell. Poll. *Gall.* c. 17.) Commodus also took his meals in the bath (Lamprid. *l. c.*); a custom which was not confined to a dissolute emperor alone. (Cf. Mart. xii. 19.)

It was the usual and constant habit of the Romans to take the bath after exercise, and previously to their principal meal (*cena*); but the debauchees of the empire bathed after eating as well as before, in order to promote digestion, and so to acquire a new appetite for fresh delicacies. Nero is related to have indulged in this practice. (Suet. *Nero*, 27; comp. Juv. *Sat.* i. 142.) This practice of carrying off the effects of gluttony by artificial means of inducing perspiration, which had taken the place of the hard labour and exercise of sterner times, was severely condemned, and sometimes proved fatal. (Columella, i. praef. § 15; Juv. i. 143; Pers. iii. 93; Sen. *Ep.* 15, 3; 86, 10; and especially Plin. *H. N.* xiv. § 139, and xxix. § 26, where he mentions as one

of the causes of the ruined morals of the nation, *balineae ardentes quibus persuasere in corporibus cibos coqui.*)

Here at the outset a word must be said on the notorious illustration of a Roman bath given below. It is said to have been found in and to represent the Thermae of Titus at Rome. Long ago, however, Canina suspected its authenticity. He could not, he said, find it in the baths, nor was there any trustworthy evidence of its having been discovered previously; and further its exceedingly close following of Vitruvius made it look very like an illustration of that author. The fact is that the picture was drawn by Giovanni Antonio Rusconi, an architect, in 1553, to serve as a plan to help the description of Roman baths as given by Johannes Antonius Siccus Cremensis, *De balneis compendium ex Hippocrate et Galeno.* In the preface to this treatise the picture is merely called a "figura antiqui balinei." J. Rhodius in his edition of Scribonius Largus (1655) says (p. 103), "balnearum formam Ioannis Antonii Sicci Cremensis diligentia vulgatam inspicere iuvabit." It first appears as claiming to be a picture of the Baths of Titus in a work called *Raccolta di statue antiche e moderne data in luce da de Rossi illustrata di P. A. Maffei* (1704), who was an officer of the Papal guard and quite different from F. S. Maffei the scholar. From this work it got into Montfaucon, *Ant. expl.* iii. 2, pl. 122, and hence unfortunately obtained general acceptance. Its unauthenticity is now accepted by nearly all scholars, by Marquardt, Saglio, Overbeck, Göll, Guhl and Koner, &c. For a full account of the history of this drawing, the reader is referred to Marquardt, *Privatleben der Römer*, pp. 270–1, from whom its history as given above is taken.

The picture indicates in its way the chief rooms of a Roman bath. There was the *elaeothesium*, where the oil was kept, and where the bathers were frequently anointed. Next the *frigidarium* or cold room, which generally had a cold bath in it, and which frequently served as an undressing room (*apodyterium*), though large establishments had a separate apartment for undressing in. Beside the *frigidarium* was the warm room (*tepidarium*), which led into the hot



Roman Baths. (Nominally from the Thermae of Titus, but a modern representation of Roman baths.)

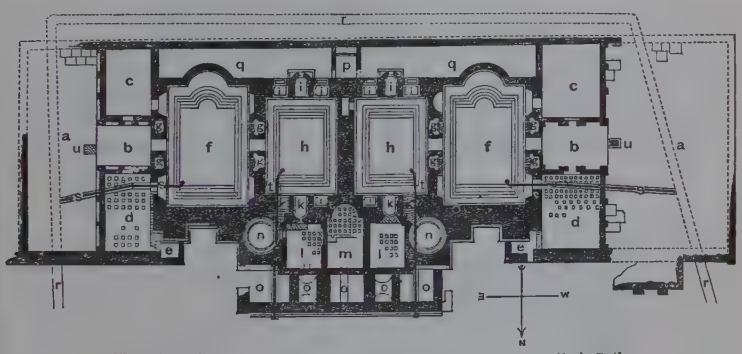
room (*concamerata sudatio*, though generally called *caldarium*), or sweating room, heated both by the hypocaust below and by an oven called, according to the picture, *laconicum*, which could be closed or opened by a brass cover called *clipeus*. Also, over the hypocaust, in another room appears in the picture the hot bath; and in a third room three coppers (*ahena*) for cold, tepid, and warm water. The errors of this illustration will appear quite plain after we have described in detail the various rooms of the baths according to the actual remains of such buildings.

The Romans did not content themselves with a single bath of hot or cold water; but they went through a course of baths in succession, in which the agency of air as well as water was applied. It is difficult to ascertain the precise order in which the course was usually taken, if indeed there was any general practice beyond the whim of the individual. Under medical treatment, the succession would, of course, be regulated by the nature of the disease for which a cure was sought, and would vary also according to the different practice of different physicians. It is certain, however, that it was a general practice to close the pores, and brace the body after the excessive perspiration of the vapour bath, either by anointing or by pouring cold water over the head, or by plunging at once into the *piscina*, or into a river. (Auson. *Mosell.* 341.) Musa, the physician of Augustus, is said to have introduced this practice (Plin. *H. N.* xxv. § 77; cf. Hor. *Epist.* i. 15, 4), which became quite the fashion, in consequence of the benefit which the emperor derived from it, though Dio Cass. (liii. 30) accuses Musa of having artfully caused the death of Marcellus by an improper application of the same treatment. In other cases it was considered conducive to health to pour warm water over the head before the vapour bath, and cold water immediately after it; and at other times, warm, tepid, and cold water baths were taken in succession.

The two physicians Galen and Celsus differ in some respects as to the order in which the baths should be taken; the former recommending

first the hot air of the *laconicum* (ἀέρι θερμῷ), next the bath of warm water (ὕδωρ θερμόν), afterwards the cold, and finally to be well rubbed (Galen, *de Methodo Medendi*, x. 10, pp. 708, 709, ed. Kühn); whilst the latter recommends his patients first to sweat for a short time in the tepid chamber (*tepidarium*), without undressing; then to proceed into the thermal chamber (*caldarium*), and after having gone through a regular course of perspiration there, not to descend into the warm bath (*solium*), but to pour a quantity of warm water over the head, then tepid, and finally cold; afterwards to be scraped with the strigil (*perfricari*), and finally rubbed dry and anointed. (Cels. *de Med.* i. 4.) Such, in all probability, was the usual habit of the Romans when the bath was resorted to as a daily source of pleasure, and not for any particular medical treatment; the more so, as it resembles in many respects the system of bathing still in practice amongst the Orientals, who, as Sir W. Gell remarks, "succeeded by conquest to the luxuries of the enervated Greeks and Romans." (Gell's *Pompeii*, vol. i. p. 86, ed. 1832.)

Having thus detailed from classical authorities the general habits of the Romans in connexion with their system of bathing, it now remains to examine and explain the internal arrangements of the structures which contained their baths; which will serve as a practical commentary upon all that has been said. Indeed there are more ample and better materials for acquiring a thorough insight into Roman manners in this one particular, than for any other of the usages connected with their domestic habits. The principal ancient authorities are Vitruvius (v. 10), Lucian (Ἱππίας ἢ βαλανεῖον, a detailed description of a set of baths erected by an architect named Hippias), Pliny the Younger, in the two letters describing his villas (ii. 17, v. 6), Statius (*Balneum Etrusci, Silv.* i. 5), Martial



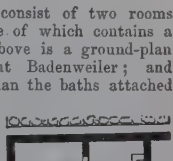
Plan of the Roman Baths at Badenweiler.

EXPLANATION.

a. Forecourt, *atrium*.
b. Central hall, *vestibulum*.
c. Undressing-room, *apodyterium*.
d. Anointing-room, *unctorium*.
e. Stokehole, *praefurnium*.
f. Cold bath, *frigidarium*.
g. Douche baths.
h. Warm bath, *tepidarium*.
i. Private baths, *solia*.
k. Passages for communication.
l. Hot baths, *caldaria*.
m. Hot-air bath, *laconicum*.
n. Reservoirs for cold and perhaps warm ablution.
o. Coal or wood store-rooms.
p. Closets?
q. Attendants' rooms.
r. Underground exit drains.
s. Leaden exit pipe.
t. Exit pipe.
u. Altar of *Diana abnoba*.

(vi. 42, and other epigrams), Seneca (*Epist.* 51, 56, 86), and Sidonius Apollinaris (*Epist.* ii. 2).

But it would be almost hopeless to attempt to arrange the information obtained from these writers, were it not for the help afforded us by the extensive ruins of ancient baths,—such as the *Thermae* of Titus, Caracalla, and Diocletian; the *Thermae* of Pompeii excavated in 1854–8, and numerous public and private baths throughout the whole extent of the Roman empire, the most important of which are referred to in the list of authorities at the end of this article; but above all the public baths (*balneae*) of Pompeii, which were excavated in 1824–5. Before elucidating the Roman system of bathing by means of a detailed description of these baths, we give ground-plans of baths attached to private houses, and first of the baths of "the house of Livia" on the Palatine, which exhibits great simplicity when compared with private baths at Pompeii, which must have been built before A.D. 79. They consist of two rooms about 16 ft. square, one of which contains a stove. The cut given above is a ground-plan of the Roman baths at Badenweiler; and though less elaborate than the baths attached to some Pompeian private houses, it is interesting from its compactness and the arrangement of the women's and men's baths. A full account of them is given by Dr. Heinrich Leibnitz, *Die römischen Bäder bei Badenweiler*, Leipzig, 1860.

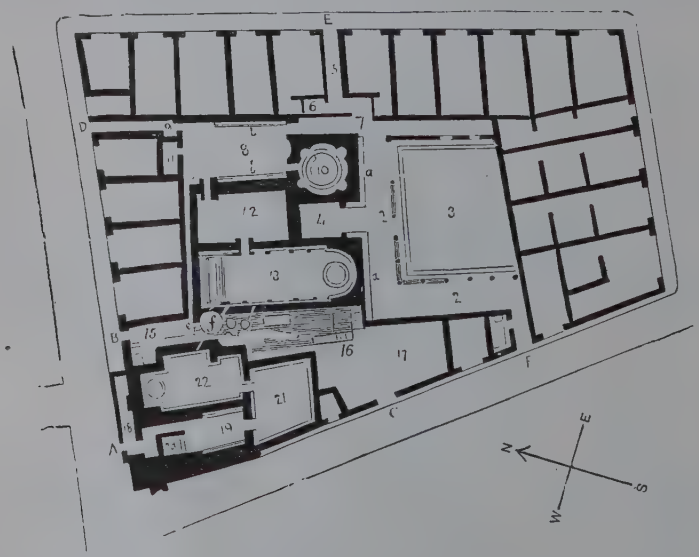


Bath in house of Livia. (From Daremberg and Saglio.)

The *balneae* adjoining the Forum at Pompeii, generally called the old baths, were found to be a complete set, constructed in all their important parts upon

rules very similar to those laid down by Vitruvius, and in such good preservation that many of the chambers were complete, even to the ceilings. The woodcut below represents the ground-plan of these baths, which are nearly surrounded on three sides by houses and shops, thus forming what the Romans termed an *insula*.

The whole building, which comprises a double set of baths, has six different entrances from the street, one of which, A, gives admission to the smaller set only, which are supposed to have been appropriated to the women, and five others to the male department; of which two, B and C, communicate directly with the furnaces, and the other three, D, E, F, with the bathing apartments, of which F, the nearest to the forum, was the principal one; the other two, D and E, being on different sides of the building, served for the convenience of those who lived on the north and east sides of the city. To have a variety of entrances (*ἐξόδοις πολλαῖς τεθυρωμένον*) is one of the qualities enumerated by Lucian as necessary to a well-constructed set of baths (*Hippias*, 8). Passing through the principal entrance, F, which is removed from the street by a narrow footway surrounding the *insula* (the outer kerb of which is marked upon the plan by the thin line drawn round it), and after descending three steps, the bather finds upon his left hand a small chamber (1), which contained a convenience (*latrina*), and proceeds into a covered portico (2), which ran round three sides of an open court—*atrium* (3), which was 68 feet long and 53 feet broad; and these together formed the vestibule of the baths —*vestibulum balnearum* (Cic. *pro Cael.* 26), in which the servants belonging to the establish-

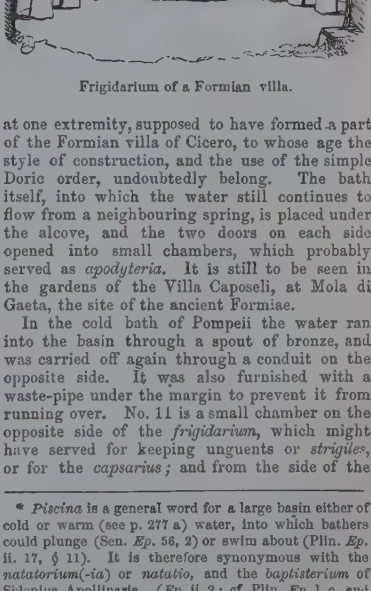


Plan of the Old Baths at Pompeii.

ment, as well as the attendants of the bathers, waited. There are seats for their accommodation placed underneath the portico (*a*, *a*). This *atrium* was the exercise ground for the young men, or perhaps served as a promenade for visitors to the baths. It answers exactly to the first compartment described by Lucian (*l. c.* 5). Within this court the keeper of the baths (*balneator*), who exacted the *quadrans* paid by each visitor, was also stationed; and the box for holding the money was found in it. The room (4), which runs back from the portico, might have been appropriated to him; but most probably it was an *oecus* or *exedra*, for the convenience of the better classes whilst awaiting the return of their acquaintances from the interior, in which case it will correspond with the chambers mentioned by Lucian (*l. c.* 5), adjoining to the servants' waiting-place (*ἐν ἀριστερᾷ δὲ τῶν ἐς τρυφὴν παρεσκευασμένων οἰκημάτων*). In this court likewise, as being the most public place, advertisements for the theatre, or other announcements of general interest, were posted up, one of which, announcing a gladiatorial show, still remains. At the two sides of the entrance to it were stone seats (*scholae*). (5) Is the corridor which conducts from the entrance E, into the same vestibule. (6) A small cell of similar use to the corresponding one in the opposite corridor (1). (7) A passage of communication which leads into the chamber (8), the *apodyterium* (*spoliarium*, perhaps in this sense Isidor. *Gloss.* p. 488), a room for undressing; and which is also accessible from the street by the door D, through the corridor (9), in which a small niche is observable, which probably served for the station of another *balneator*, who collected the money from those entering from the north street. In this room, which was 38 feet long and 22 feet broad, all the visitors must

have met before entering into the interior of the baths; and its locality, as well as other characteristic features in its fittings up, leave no room to doubt that it served as an undressing room. It does not appear that any general rule of construction was followed by the architects of antiquity, with regard to the locality and temperature best adapted for an *apodyterium*. The word is not mentioned by Vitruvius, nor expressly by Lucian; but he says enough for us to infer that it belonged to the *frigidarium* in the baths of Hippias (*l. c.* p. 71): "After quitting the last apartment there are a sufficient number of chambers for the bathers to undress, in the centre of which is an *oecus* containing three baths of cold water." Pliny the Younger says that the *apodyterium* at one of his own villas adjoined the *frigidarium* (*Ep.* v. 6, § 25); but it is plain from a passage already quoted, that the *apodyterium* was a warm apartment in the baths belonging to the villa of Cicero's brother, Quintus (*ussa in alterum apodyterii angulum promovi*), to which temperature Celsus also assigns it. In the thermae at Rome the hot and cold departments had probably each a separate *apodyterium* attached to it; or if not, the ground-plan was so arranged that one *apodyterium* would be contiguous to and serve for both, or either; but where space and means were circumscribed, as in the little city of Pompeii, it is more reasonable to conclude that the *frigidarium* served as an *apodyterium* for those who confined themselves to cold bathing, and the *tepidarium* for those who commenced their ablutions in the warm apartments. The bathers were expected to take off their garments in the *apodyterium*, it not being permitted to enter into the interior unless naked (Cic. *pro Cael.* 26, 62). They were then delivered to a class of slaves, called *capsarii* (from *capsa*, the small case in which children carried their books to school), whose duty it was to take charge of them, and to whom the room (11) may have been assigned. These men were notorious for dishonesty, and leagued with all the thieves of the city, so that they connived at the robberies they were placed there to prevent. Hence the expression of Catullus—*O furum optume balneariorum!* (*Carm.* xxxiii. 1); and Trachilo in the *Rudens* of Plautus (ii. 33, 51) complains bitterly of their roguery, which, in the capital, was carried to such an excess that very severe laws were enacted against them, as we find in a special title of the Digest (47, 17), *De Furibus Balneariis*.

To return into the chamber itself—it is vaulted and spacious, with stone seats along two sides of the wall (*b*, *b*), and a step for the feet below, slightly raised from the floor (*pulvinus et gradus*, Vitruv. v. 10). Holes can still be seen in the walls, which might have served for pegs on which the garments were hung when taken off. It was lighted by a window closed with glass, and ornamented with stucco mouldings and painted yellow. A sectional drawing of this interior is given in Sir W. Gell's *Pompeii*. There are no less than six doors to this chamber: one led to the entrance E, another to the entrance D, a third to the small room (11), a fourth to the furnaces, a fifth to the tepid apartment, and the sixth opened upon the *frigidarium*, the room which had the cold bath (10), named indifferently by the ancient authors, *natatio*, *natatorium*, *piscina*,* *baptisterium*, *puteus*, λουτρόν. The bath, which is coated with white marble, is 13 feet 8 inches in diameter, and about 3 feet 9 inches deep, and has two marble steps to facilitate the descent into it, and a seat surrounding it at the depth of 10 inches from the bottom. It is probable that many persons contented themselves with the cold bath only, instead of going through the severe course of perspiration in the warm apartments; and it is said that at one period cold baths were in such request that scarcely any others were used. (Gell's *Pompeii*, *l. c.*) There is a platform or ambulatory (*schola*, Vitruv. v. 10) round the bath, also of marble, and four niches of the same material disposed at regular intervals round the walls, with seats. The ceiling is vaulted, and the chamber lighted by an opening towards the south-west. A drawing of this room is given on p. 279. The annexed woodcut represents a *frigidarium* with its cold bath (*puteus*, Plin. *Ep.*. v. 6, § 25)



Frigidarium of a Formian villa.

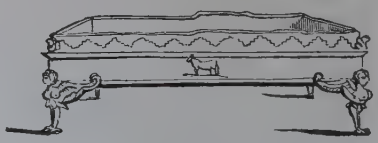
at one extremity, supposed to have formed a part of the Formian villa of Cicero, to whose age the style of construction, and the use of the simple Doric order, undoubtedly belong. The bath itself, into which the water still continues to flow from a neighbouring spring, is placed under the alcove, and the two doors on each side opened into small chambers, which probably served as *apodyteria*. It is still to be seen in the gardens of the Villa Caposeli, at Mola di Gaeta, the site of the ancient Formiae.

In the cold bath of Pompeii the water ran into the basin through a spout of bronze, and was carried off again through a conduit on the opposite side. It was also furnished with a waste-pipe under the margin to prevent it from running over. No. 11 is a small chamber on the opposite side of the *frigidarium*, which might have served for keeping unguents or *strigiles*, or for the *capsarius*; and from the side of the

* *Piscina* is a general word for a large basin either of cold or warm (see p. 277 a) water, into which bathers could plunge (Sen. *Ep.* 56, 2) or swim about (Plin. *Ep.* ii. 17, § 11). It is therefore synonymous with the *natatorium*(*-ia*) or *natatio*, and the *baptisterium* of Sidonius Apollinaris. (*Ep.* ii. 2; cf. Plin. *Ep.* l. c. and v. 6, § 25.)

frigidarium, the bather, who intended to go through the process of warm bathing and sudation, entered into (12) the *tepidarium*.

This *tepidarium*, 33 feet long by 18 feet broad, did not contain water either at Pompeii or at the baths of Hippias, but was merely heated with warm air of an agreeable temperature in order to prepare the body for the great heat of the vapour and warm baths, and, upon returning, to obviate the danger of a too sudden transition to the open air. In the baths at Pompeii this chamber served likewise as an *apodyterium* for those who took the warm bath; for which purpose the fittings up are evidently adapted, the walls being divided into a number of separate compartments or recesses for receiving the garments when taken off, by a series of figures of the kind called *Atlantes* or *Telamones*, which project from the walls, and support a rich cornice above them. One of these divisions, with the *Telamones*, is represented in the article ATLANTES. Three bronze benches were also found in the room, which was heated as well by its contiguity to the hypocaust of the adjoining chamber, as by a brazier of bronze



Brazier of the Old Baths at Pompeii.

(*foculus*), in which the charcoal ashes were still remaining when the excavation was made. Sitting and perspiring beside such a brazier was called *ad flammam sudare* (Suet. *Aug.* 82). A representation of it is given in the above woodcut. Its whole length was 7 feet, and

Tepidarium of Old Baths of Pompeii. (From Gell.)

its breadth 2 feet 6 inches. The benches contained the inscription M. NIGIDIVS VACCVLA P.S. (*pecunia sua*). No doubt, from the representation of the cow on the brazier, this latter was also a gift of the same man.

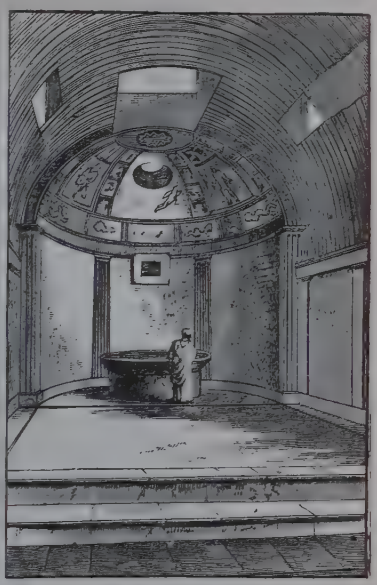
The *tepidarium* is generally the most highly ornamented room in baths. It was merely a room to sit in and be anointed in. The water-bath which appears in the Stabian baths at Pompeii is quite an exception (see Becker-Göll, *Gallus*, iii. 132–4). In the old baths at Pompeii the floor is mosaic, the arched ceiling adorned with stucco and painting on a coloured ground, the walls red. The light is from a window at the south side, below which is a niche for a lamp. An illustration of the room taken from Gell, plate 29, is given above.

In addition to this service there can be little doubt that this apartment was used as a depository for unguents and a room for anointing (ἀλειπτήριον, *unctorium*, *elaecthesium*), the proper place for which is represented by Lucian (*l. c.*) as adjoining to the *tepidarium*, and by Pliny (*Ep.* ii. 17, § 11) as adjoining to the hypocaust; and for which purpose some of the niches between the *Telamones* seem to be peculiarly adapted. In the larger establishments a separate chamber was allotted to these purposes; but as there is no other spot within the circuit of the Pompeian baths which could be applied in the same manner, we may safely conclude that the inhabitants of this city were anointed in the *tepidarium* (cf. Celsus, i. 4); which service was performed by slaves called *unctores* and *aliptae*. [ALIPTAE.] Anointing sometimes took place before going into the hot bath (Celsus, *l. c.*), sometimes after the cold bath, just before putting on the clothes, in order to stop perspiration (Galen, x. 479). In some baths we find a special room, the *destrictarium* or *unctorium*,

used for anointing (Plin. *Epist.* ii. 17, § 11). For this purpose the common people used oil, sometimes scented; but the more wealthy classes indulged in the greatest extravagance with regard to their perfumes and unguents. These they either procured from the *elaeothesium* of the baths, or brought with them in small glass bottles (*ampullae olearíae*), hundreds of which have been discovered in different excavations made in various parts of Italy. [AMPULLA.] The fifteenth book of Athenaeus contains an ample treatise upon the numerous kinds of ointments used by the Romans; which subject is also fully treated by Pliny (*H. N.* xiii.).

Caligula is mentioned by Suetonius (*Cal.* 37) as having invented a new luxury in the use of the bath, by perfuming the water, whether hot or cold, by an infusion of precious odours, or, as Pliny states (*H. N.* xiii. § 22), by anointing the walls with valuable unguents; a practice, he adds, which was adopted by one of the slaves of Nero, that the luxury might not be confined to royalty (*ne principale videatur hoc bonum*).

From this apartment, a door which closed by its own weight, to prevent the admission of cooler air, opened into No. 13, the *caldarium*, 53 feet long, 17½ feet broad. Its mosaic floor was suspended over the hypocaust. The wall was not lined with flues, but was hollow, forming as it were one large flue for the heated air. This was effected by a lining of bricks with projections (*tegulae mammatae*) of about four inches, strongly connected with the outer wall by cramps of iron. The room has at its south side the quadrangular *alveus* (Auct. *ad Her.* iv. 10; Cic. *Cael.* 28, 67) or *solium* (Lucr. vi. 800; Cat. *R. R.* 10, 4; Cels. i. 3 and 4; Liv. xliv. 6; Suet. *Aug.* 82) or *calida piscina* (Plin. *Ep.* ii. 17, § 11; Suet. *Ner.* 27); and at the north side, which ended in a dome-roofed semicircle, a round *labrum* (Cic. *Fam.* xiv. 20; Vitruv. v. 10, 4), like the Greek basin figured on p. 267. Into the *alveus*, called in Greek πύελος or θερμὴ δεξαμενή (Galen, x. 473, 536), or κολυμβήθρα θερμοῦ ὕδατος (Dio Cass. lv. 7), the bather descended from the platform (*schola*; cf. Petron. 92) by a step to which ascent was made from the floor of the *caldarium* by two steps. The *alveus* was 16½ feet long, 5½ broad, and 2 deep. Ten people could be in it together. Sometimes the *alveus* was sunk below the level of the room, sometimes raised above it. Both occur in the baths at Badenweiler. The *labrum* at the other end is a circular tub made of marble, 7½ feet in diameter, 8 inches deep, raised 3½ feet from the ground on a solid support of lava. It has an inscription round it (Orelli, 3277), which declares that it cost HS. 5250. It was used for holding cold water, for pouring over the head before the bather quitted the hot room. In the splendid baths of Etruscus there was a constant stream of water from silver pipes into a silver *labrum*, whence the water, in wonder at its beauty, says the poet (Stat. *Silv.* i. 5, 48), was loth to depart. Elsewhere we hear of baths having silver *alvei* or *solia* (Plin. *H. N.* xxxiii. § 152). Owing to the great heat of the *caldarium*, there was not much ornamentation in this room at Pompeii, and no painting. Any ornamentation there was, was in the dome over the *labrum*. There are four windows, arranged with no regard to symmetry. Below the opening in the dome is a hollow for the lamp. The woodcut taken from Gell (plate 31) represents the end of the room which contained the *labrum*.

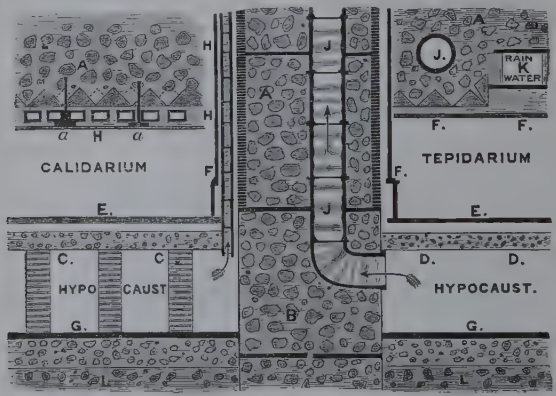


Caldarium of Old Baths at Pompeii. (From Gell.)

Strictly speaking, there was no *laconicum* (*assa*, Cic. *Q. Fr.* iii. 1, 2; *sudatorium*, Senec. *Ep.* li. 6; ξηρὸν βαλανεῖον, Galen, vi. 228) in the old baths at Pompeii. When a *laconicum* did occur, it was quite separate from the *caldarium*, and raised to a higher temperature. It was merely a sweating-room, and had no bath. It was a circular apartment with a dome-shaped ceiling; ξηρὸς θόλος it is called by Alexander of Aphrodisias. The diameter of such a room, Vitruvius says (v. 10), should be equal to the height as far as the beginning of the dome; and in the middle of the dome there should be an opening which could be closed or opened partially or entirely by a brass cover or shield (*clipeus*), worked by chains from below (cf. Timarchus, *ap.* Athen. p. 501 f, who calls the cover ὀμφαλός). The term *laconicum* appears to have arisen in Italy; for the Greeks, as we saw, called such a sweating bath Ἑλληνικὴ πυρίη (Herod. iv. 75). According to Dio Cassius (liii. 27), "Agrippa first introduced the Laconian sweating-bath; for the gymnasium is a Laconian institution, and the Spartans seemed especially in former times to have stripped and anointed themselves with oil" (cf. Thuc. i. 6). The first statement cannot be accurate, as we hear of a *laconicum* as early as 70 B.C. in an inscription from the Stabian baths at Pompeii (*C. I. L.* i. 1251), and at Cicero's villa at Puteoli in 55 B.C. (Cic. *Att.* iv. 10). But it is quite possible that the hot room got the name of *laconicum* from the notoriety of the Laconian practice of anointing, which would of course be most conveniently done in a room

of fairly high temperature. When the name originated, the highest temperature used was nothing very considerable; but as the use of baths increased, the heat of the hottest rooms increased also (cf. Senec. *Ep.* 86, 10), and the name *laconicum* appears to have continued to be applied to the hottest rooms, though the anointing was no longer performed there, but in the milder temperature of the *tepidarium*. There is no *laconicum* proper, as has been said, in the old baths at Pompeii; but as the hottest room is the *caldarium*, we may if we like, with Nissen (*op. cit.* 156), apply that term to this latter apartment, but we must apply it to the whole room, and not merely to the niche for the *labrum*. The view that the *laconicum* was a little arched oven in the *caldarium* which was in direct communication with the hypocaust, and which had an aperture with a moveable covering (*clipeus*), through which the heat of the *caldarium* could be regulated—this view, which is derived from the supposed plan of the Baths of Titus, vanishes by the proved unauthenticity of that illustration.

Here a word must be said on the *suspensurae*, or hanging floors above the *hypocaustum*. (Vitruv. v. 10; Plin. *Ep.* ii. 17, § 23; Stat. *Silv.* i. 5, 59; Dig. 17, 1, 16.) On this subject we cannot do better than quote the words of Mr. Middleton (*Ancient Rome*, p. 334), who thus explains the system of heating used in the *Thermae* of Caracalla at Rome: "Vitruvius's description of the hypocausts or hollow floors used for heating the hot rooms (*calidaria*) agrees closely with many existing examples. The lower floor was to be laid with 2 feet tiles (*tegulae bipedales*) over a bed of concrete: on this, all over the area of the room, rows of short pillars (*pilae*) were built to



Method of heating the Baths in the Thermae of Caracalla. (From Middleton.)

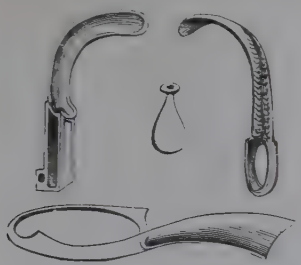
AA. Concrete wall faced with brick.
B. Lower part of wall with no brick facing.
CC. *Suspensura*, or upper floor of hypocaust, supported by pillars.
DD. Another floor, with support only at the edges.
EE. Marble flooring.
FF. Marble plinth and wall lining.
GG. Under-floor of hypocaust, paved with large tiles.
HH. Horizontal and vertical sections of the flue tiles, which line the walls of the Caldarium.
aa. Iron holdfasts.
JJ. Socket-jointed flue-pipe of Tepidarium.
K. Rain-water pipe.
LL. Vaults of crypt, made of pumice-stone concrete.

support the upper or 'hanging floor' (*suspensura*). These *pilae* were to be 2 feet high [in the baths of Caracalla they are from 2½ to 2¾ feet high, p. 367], made of *tegulae bessales*, or tiles 8 inches square, set, not in mortar, but with clay in the joints: in existing examples these clay joints have been baked into brick by the action of the fire" (rather "hot air," for there was not a fire in the *hypocaustum*, but in the *hypocausis*). The passages from the furnace to the hypocaust and the flues in the walls appear to have been called *cuniculi* ("per quos vapor trahitur in balneariis," Dig. 43, 21, 3, 6; "fornacis cuniculus," Plin. *H. N.* ix. 134).

After having gone through the regular course of perspiration, the Romans made use of instruments called *strigiles* (or *strigles*, Juv. *Sat.* iii. 263), to scrape off the perspiration, much in the same way as we are accustomed to scrape the sweat off a horse with a piece of iron hoop, after he has run a heat, or comes in from violent exercise. The strigil was also used by the Greeks, who called it *stlengis* (στλεγγίς, Plat. *Hipp. Min.* 368 C) or *xystra* (Luc. *Lexiph.* 5); and the Greek instrument is represented in the annexed cut. These instruments, some specimens of which are also represented in the cut on p. 279, and many of which have been discovered amongst the ruins of the various baths of antiquity, were made of bone, bronze, iron, and silver; all corresponding in form with the epithet of Martial, "*curvo* distringere ferro" (*Epig.* xiv. 51). The poorer classes were obliged to scrape themselves, but the more wealthy took their slaves to the baths for the purpose; a fact which is elucidated by a curious story related by Spartianus (*Hadrian.* c. 17).

Strigil. (From a Statue in the Vatican.)

The strigil was by no means a blunt instrument, consequently its edge was softened by the application of oil, which was dropped upon it from a small vessel called *guttus*,* which had a



Strigils. (Found in Roman baths.)

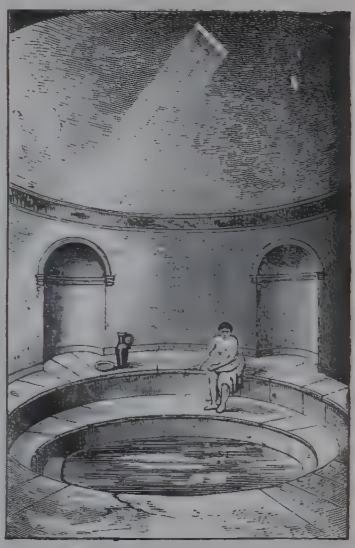
narrow neck, so as to discharge its contents drop by drop, from whence the name is taken. A representation of a *guttus* is given in the preceding woodcut; a strigil and guttus together are represented below, and also in the figure on p. 117. Augustus is related to have suffered from an over-violent use of the strigil. (Suet. *Aug.* 80.) Invalids and persons of a delicate habit made use of sponges, which Pliny says answered for towels as well as strigils. They were finally dried with towels (*lintea*), and anointed. (Juv. *Sat.* iii. 262; Apuleius, *Met.* i. 23; Plin. *H. N.* xxxi. § 125 ff.)

Strigil and Guttus. (From a Relief at Athens.)

The common people were supplied with these necessaries in the baths,—*omnia commoda praestantur*, as we saw above; but the more wealthy carried their own with them (Pers. *Sat.* v. 126).

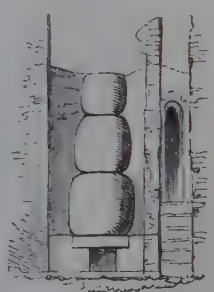
After the operation of scraping and rubbing dry, they retired into, or remained in, the *tepidarium* until they thought it prudent to encounter the open air. But it does not appear to have been customary to bathe in the water, when there was any, either of the *tepidarium* or *frigidarium*; the temperature only of the atmosphere in these two chambers being of consequence to break the sudden change from the extreme of heat to cold.

Returning now back into the *frigidarium* (8), which, according to the directions of Vitruvius (v. 11), has a passage (14) communicating with the mouth of the furnace (*e*), which is also seen under the boilers in the cut opposite, called *praefurnium* (Vitruv. v. 10), or *propnigeum* (Plin. *Ep.* ii. 17, § 11); and passing down that passage, we reach the chamber (15) into which the *praefurnium* projects, and which has also an entrance from the street at B. It was appropriated to the use of those who had charge of the fires (*fornacatores*). There are two staircases in it; one of which leads to the roof of the baths, and the other to the coppers which contained the water. Of these there were three: one of which contained the hot water—*caldarium* (*sc. vas*, or *ahenum*); the second the tepid—*tepidarium*; and the last the cold—*frigidarium*. The



Frigidarium of the Old Baths at Pompeii. (From Gell.)

warm water was introduced into the warm bath by means of a conduit-pipe, marked on the plan, and conducted through the wall. Underneath the *caldarium* was placed the circular furnace (*f*) (*furnus*, Hor. *Ep.* i. 11, 12), over 7 feet in diameter, which served to heat the water and give out streams of warm air into the hollow cells of the *hypocaustum*. It passed from the furnace under the first and last of the caldrons by two flues, which are marked upon the plan. The copper containing hot water was placed immediately over the furnace; and, as the water was drawn out from thence, it was supplied from the next, the *tepidarium*, which was raised a little higher and stood a little way off from the furnace. It was already considerably heated from its contiguity to the furnace and the hypocaust below it, so that it supplied the deficiency of the former without materially diminishing its temperature; and the vacuum in this last



Boiler, *miliarium*. (From Pompeii.)

* It was also called *alabastrum*, *ampulla*, *λήκυθος*, *μυροθήκιον*, *ἐλαιοφόρον*. (Ruperti, *ad* Juv. *Sat.* iii. 262.) [AMPULLA.]

was again filled up from the farthest removed, which contained the cold water received directly from the square reservoir seen behind them,—a principle which has at length been introduced into the modern bathing establishments, where its efficacy, both in saving time and expense, is fully acknowledged. The boilers themselves no longer remain, but the impressions which they have left in the mortar in which they were imbedded are clearly visible, and enable us to ascertain their respective positions and dimensions, the first of which, the *caldarium*, is represented in the above cut. Such coppers or boilers appear to have been called *miliaria*, from similarity of shape to a milestone (Pallad. v. 8, i. 40).

Behind the coppers there is another corridor (16), leading into the court or *atrium* (17) appropriated to the servants of the bath, and which has also the convenience of an immediate communication with the street by the door at C.

We now proceed to the adjoining set of baths, which were assigned to the women. The entrance is by the door A, which conducts into a small vestibule (18), and thence into the *apodyterium* (19), which, like the one in the men's bath, has a seat (*pulvinus*, *gradus*) on either side built up against the wall. This opens upon a cold bath (20), answering to the *natatio* of the other set, but of much smaller dimensions, and probably similar to the one denominated by Pliny (*l. c.*) *puteus*. There are four steps on the inside to descend into it. Opposite to the door of entrance into the *apodyterium* is another doorway which leads to the *tepidarium* (21), which also communicates with the thermal chamber (22), on one side of which is a warm bath in a square recess, and at the further extremity the *labrum*. The floor of this chamber is suspended, and its walls perforated for flues, like the corresponding one in the men's baths. It is to be specially noticed that the *tepidarium* in the women's baths had no brazier, but had a hanging or suspended floor. Suspending the floor of a *tepidarium* was a proceeding subsequent apparently to Vitruvius's time; so that this, among many other reasons which are enumerated by Nissen (*op. cit.* chap. v.), proves that the women's baths were a subsequent addition.

True, the comparative smallness and inferiority of the fittings-up in this suite of baths has induced some Italian antiquaries to throw a doubt upon the fact of their being assigned to the women; and amongst these the Abbate Iorio (*Plan de Pompeii*) ingeniously suggests that they were an old set of baths, to which the larger ones were subsequently added when they became too small for the increasing wealth and population of the city. But their greater carelessness of structure is an actual proof of later date in a building at Pompeii (see Nissen, *l. c.*). And the story, already quoted, of the consul's wife who turned the men out of their baths at Teanum for her convenience, seems sufficiently to negative such a supposition; and to prove that the inhabitants of ancient Italy, if not more selfish, were certainly less gallant than their successors. In addition to this, Vitruvius expressly enjoins that the baths of the men and women, though separate, should be contiguous to each other, in order that they might be supplied from the same boilers and hypocaust (v. 10); directions which are here fulfilled to the letter, as a glance at the plan will demonstrate.

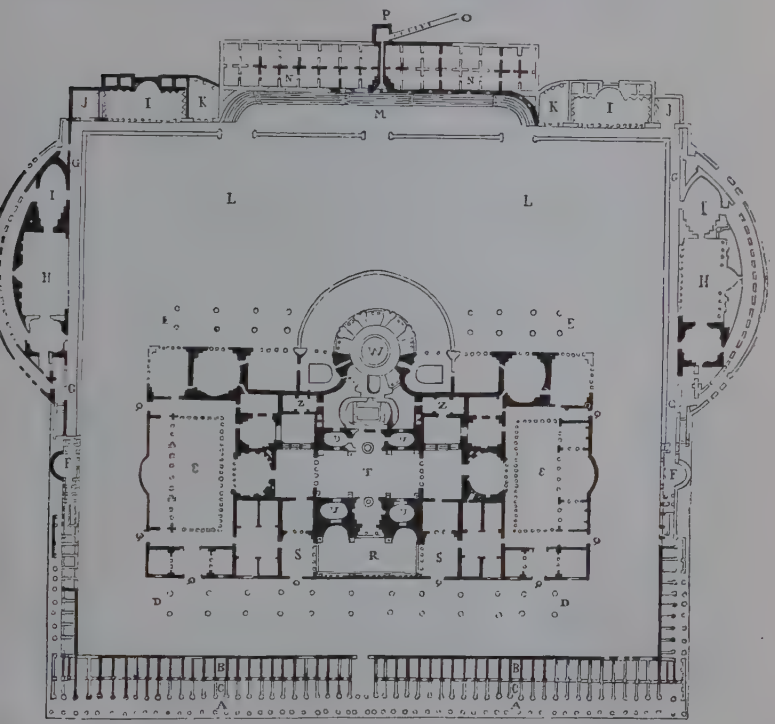
Besides the public baths at Pompeii, there are several very interesting baths of two or three chambers in private houses, which reproduce in a smaller scale many of the peculiarities of the larger baths. Such are to be found in the villa of M. Nonius (Overbeck, *op. cit.* 247–8), Casa del Fauno (310), the three-storied house (323), the Villa Suburbana (326), and especially the Casa del Laberinto (305).

Notwithstanding the ample account which has been given of the plans and usages respecting baths in general, something yet remains to be said about that particular class denominated *Thermae*; of which establishments the baths in fact constituted only a small part. The *thermae*, properly speaking, were a Roman adaptation of the Greek *gymnasium* [GYMNASIUM], or *palaestra*, as described by Vitruvius (v. 11): both of which contained a system of baths in conjunction with conveniences for athletic games and youthful sports; *exedrae* in which the rhetoricians declaimed, poets recited, and philosophers lectured; as well as porticoes and vestibules for the idle, and libraries for the learned. They were decorated with the finest objects of art, both in painting and sculpture, covered with precious marbles, and adorned with fountains and shaded walks and plantations, like the groves of the Academy. It may be said that they began and ended with the empire, for it was not until the time of Augustus that these magnificent structures were commenced. M. Agrippa is the first who afforded these luxuries to his countrymen, by bequeathing to them the *thermae* and gardens which he had erected in the Campus Martius. (Dio Cass. liv. 29; Plin. *H. N.* xxxvi. § 189.) Recent excavations (1882) have brought to light magnificent remains of these baths, but a careful examination goes far to disprove the belief long entertained that the Pantheon was originally designed to be a part of Agrippa's *thermae*, probably a colossal *laconicum*. But it was originally a separate structure; and though the *thermae* extended to it subsequently, yet no passage was ever broken through. Besides, the Pantheon has no trace of a hypocaust. It was consecrated as a temple to Mars, Venus, and other ancestors of the Gens Julia, probably immediately after its completion in 27 B.C.: see Dio Cass. lxiii. 27. (Middleton, *Rome*, p. 337.) It appears from a passage in Sidonius Apollinaris (*Carm.* xxiii. 495), that the whole of these buildings, together with the adjacent Thermae Neronianae, remained entire in the year 466 A.D. The example set by Agrippa was followed by Nero, and afterwards by Titus; the ruins of whose *thermae* are still visible, covering a vast extent, partly under ground and partly above the Esquiline Hill.* *Thermae* were also erected by Trajan, Caracalla, Diocletian, and Constantine: besides several which were constructed by private individuals, P. Victor enumerates sixteen, and Panvinius (*Urb. Rom. Descript.* p. 106) has added four more. There are still ample remains of the *thermae* of Caracalla and Diocletian.

* The celebrated group of Laocoon and his sons, now in the Vatican, were found in the ruins of the *thermae* of Titus.

Although the custom of seeking the favour of the people by grants of free bathing might lead to the surmise that no fee was exacted from bathers in the imperial *thermae*, yet it is certain that we find in the literature descriptive of life at Rome constant references to the charge of a *quadrans*, and none to free bathing. Most, if not all, of the other regulations previously detailed as relating to the economy of the baths, apply equally to the *thermae;* but it is to these establishments especially that the dissolute conduct of the emperors, and other luxurious indulgences of the people in general, detailed in the compositions of the satirists and later writers, must be considered to refer.

Although considerable remains of the Roman *thermae* are still visible, yet, from the very ruinous state in which they are found, we are far from being able to arrive at the same accurate knowledge of their component parts, and the usages to which they were applied, as has been done with respect to the *balneae;* or indeed to discover a satisfactory mode of reconciling their constructive details with the description which Vitruvius has left of the baths appertaining to a Greek *palaestra*, or to the description given by



Plan of the Thermae of Caracalla.

Lucian of the baths of Hippias. All, indeed, is doubt and guess-work; the learned men who have pretended to give an account of their contents differing in almost all the essential particulars from one another. And yet the great similarity in the ground-plan of the three which still remain—namely, those of Titus, Caracalla, and Diocletian—cannot fail to convince even a superficial observer that they were all constructed upon a similar plan. Not, however, to dismiss the subject without enabling our readers to form something like a general idea of these enormous edifices, which, for their extent and magnificence, have been likened to provinces—(*in modum provinciarum exstructae*, Amm. Marc. xvi. 6)—a ground-plan is given of the *thermae* of Caracalla, which are the best preserved amongst those remaining, and which were perhaps more splendid than all the rest, though those of Diocletian were more extensive. Those apartments of which the use is ascertained, even with the appearance of probability, are alone marked and explained. But for most of these explanations there cannot be claimed more than a bare probability. The dark parts represent the remains still visible; the open lines are restorations.

A, Portico fronting the street made by Caracalla when he constructed his *thermae*.—B and C, small chambers—D, D, and E, E, the

porticoes. (Vitruv. v. 11.)—F, F, *Exedrae*, in which there were seats for the philosophers to hold their conversations. (Vitruv. *l. c.*; Cic. *de Orat.* iii. 5, 17.)—G, *Hypaethrae*, passages open to the air: "*Hypaethrae ambulationes* quas Graeci περιδρόμιδας, nostri xystos appellant." (Vitruv. *l. c.*)—H, H, Stadia in the palaestra—*quadrata sive oblonga* (Vitruv. *l. c.*), if they were not like I, I, which were possibly academies where public lectures were delivered.—J, J, and K, K, Rooms appropriated to the servants of the baths (*balneatores*). In the latter are staircases for ascending to the principal reservoir. The spaces between J and K, marked I, I, were probably like I, I, below, lecture rooms or libraries.—L, Space occupied by walks and shrubberies—*ambulationes inter platanones.* (Vitruv. *l. c.*)—M, The arena or stadium in which the youth performed their exercises, with seats for the spectators (Vitruv. *l. c.*), called the *theatridium.*—N, N, Reservoirs, with upper stories, sectional elevations of which are given in the two woodcuts on p. 283.—O, Aqueduct which supplied the baths.—P, The cistern or *piscina.* This external range of buildings occupies one mile in circuit.

We now come to the arrangement of the interior, for which it is very difficult to assign satisfactory destinations. Q represents the principal entrances, of which there were eight.—R, the *natatio, piscina*, or cold-water bath, to which the direct entrance from the portico is by a vestibule on either side marked S, and which is surrounded by a set of chambers which served

Tepidarium of the Thermae of Caracalla, restored. (From Middleton.)

most probably as rooms for undressing (*apodyteria*), anointing (*unctuaria*), and stations for the *capsarii.* Those nearest to the peristyle were perhaps the *conisteria*, where the powder was kept which the wrestlers used in order to obtain a firmer grasp upon their adversaries:—

> "Ille cavis hausto spargit me pulvere palmis,
> Inque vicem fulvae tactu flavescit arenae."
>
> Ovid, *Met.* ix. 35.

(See also Salmas. *ad* Tertull. *Pall.* p. 217; and Mercurialis, *de Art. Gymn.* i. 8.) The inferior quality of the ornaments which these apartments have had, and the staircases in two of them, afford evidence that they were occupied by menials. T is considered to be the *tepidarium*, with four warm baths (U, U, U, U) taken out of its four angles, and two *labra* on its two flanks. There are steps for descending into the baths, in one of which traces of the conduit are still manifest. Thus it would appear that the centre part of this apartment served as a *tepidarium*, having a *balneum* or *calda lavatio* in four of its corners. The centre part, like that also of the preceding apartment, is supported by eight immense columns. This *tepidarium* was a splendid room, 170 feet long by 82 feet wide. It is restored in the above cut from existing indications. "It had a groined roof springing from immense columns of granite and porphyry, each surmounted by a short piece of entablature, which merely returns round the capital of the column in the debased fashion of the second and third centuries. The smaller columns on each side were set in front of the recesses containing the warm baths." (Middleton, p. 361.)

The apartments beyond this, which are too much dilapidated to be restored with any degree of certainty, contained of course the *laconicum* and sudatories, for which the round chamber W and its appurtenances seem to be adapted, and which are also contiguous to the reservoirs, Z, Z. (Vitruv. v. 11.)

ϵ, ϵ probably comprised the *ephebia*, or places where the youth were taught their exercises, with the appurtenances belonging to them, such as the *sphaeristerium* and *corycaeum*. The first of these takes its name from the game at ball, so much in favour with the Romans, at which Martial's friend was playing when the bell sounded to announce that the water was ready (Mart. xiv. 163). The latter is derived from κώρυκος, a sack (Hesych. *s. v.*), which was filled with bran and olive husks for the young, and sand for the more robust, and then suspended at a certain height, and swung backwards and forwards by the players. (Aulis, *de Gymn. Const.* p. 9; Antill. *ap.* Oribas. *Coll. Med.* 6.)

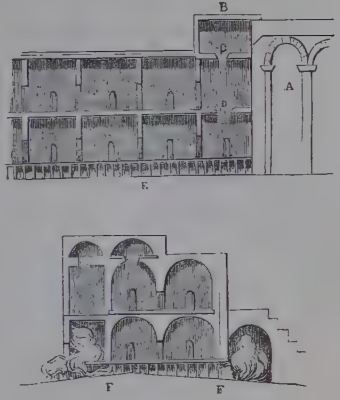
The chambers also on the other side, which are not marked, probably served for the exercises of the palaestra in bad weather. (Vitruv. v. 11.)

These baths contained an upper story, of which nothing remains beyond what is just sufficient to indicate the fact. They have been mentioned and eulogized by several of the Latin authors. (Spartian. *Caracall.* c. 9; Lamprid. *Heliogab.* c. 17, *Alex. Sever.* c. 25; Eutropius, viii. 11; Olymp. *apud* Phot. p. 114, ed. Aug. Vindel. 1601.) For a full account of the noble proportions and elaborate ornamentation of the several rooms, the reader is referred to Middleton, *l. c.*, 356–369.

It will be observed that there is no part of the bathing department separated from the rest which could be assigned for the use of the women exclusively. From this it must be inferred either that both sexes always bathed together promiscuously in the *thermae*, or that the women were excluded altogether from these establishments, and only admitted to the *balneae*.

It remains to explain the manner in which the immense body of water required for the supply of a set of baths in the *thermae* was heated, which has been performed very satisfactorily by Piranesi and Cameron, as may be seen by a reference to the two subjoined sections of the *castellum aquaeductus* and *piscina* belonging to the *thermae* of Caracalla.

A, Arches of the aqueduct which conveyed the water into the *piscina* B, from whence it flowed into the upper range of cells through the aperture at C, and thence again descended into the lower ones by the aperture at D, which were placed immediately over the hypocaust E; the praefurnion of which is seen in the transverse section, at F in the lower cut. There were thirty-two of these cells arranged in two rows over the hypocaust, sixteen on each side, and all communicating with each other; and over these a similar number similarly arranged, which communicated with those below by the aperture at D. The parting walls between these cells were likewise perforated with flues, which served to diffuse the heat all around the whole body of water. When the water was sufficiently warm, it was turned on to the baths through pipes conducted likewise through flues in order to prevent the loss of temperature during the passage, and the vacuum was supplied by tepid water from the range above, which was replenished from the piscina.



Piscina and Castellum of the Aquaeductus of the Thermae of Caracalla.

Of the *thermae* of Diocletian, built on the Quirinal hill, the largest edifice of the imperial period, which accommodated 3200 bathers, twice as many as those of Caracalla, commenced in A.D. 302 by Maximian in honour of his colleague Diocletian, and dedicated in 305 A.D., we have extensive remains, which, like those of the *thermae* of Titus, include the *cavea* of a theatre, while the *tepidarium* was made by Michel Angelo into the church of S. Maria degli Angeli, about 1565. "Even now this *tepidarium* forms one of the most imposing interiors in the world; it is about 300 feet long by 92 wide, vaulted in three bays with simple quadripartite groining, which springs from eight monolithic columns of Egyptian granite about 50 feet high and 5 feet in diameter" (Middleton, *op. cit.* 371). The vestibule of the church was the *laconicum* of the baths: it is a circular domed hall, which originally had a circular opening in the centre of the dome.

Remains of the *thermae* of Constantine, built only a few years after those of Diocletian, existed in the sixteenth century (see Palladio, plate xiv.), but have been mostly cleared away to obtain sites for Italian palaces.

The most important works on the subject are—Baccius, *de thermis veterum* (Graevii *Thes.* xii. pp. 279–379); Ferrarius, *de balneis* (Polnei *Thes.* iii. 297–310); Montfaucon, *Antiq. expl.* iii. pp. 201–12; Palladio, *Le Terme dei Romani*, ed. Scamozzi; Cameron, *The Baths of the Romans*; Stieglitz, *Archaeologie der Baukunst*, iii. pp. 241–76; Hirt, *Geschichte der Baukunst*, iii. pp. 233–36; Canina, *L'architettura Romana*, i. ch. ix.; Bussemaker et Daremberg, *Œuvres d'Oribase*, ii. 865–75; Bechi in *Mus. Borbonico*, ii. 49–52; Gell, *Pompeiana*, chapters vi., vii.; Saglio, *Dict. des Antiquités*, i. 648–664; Guhl and Koner, *Das Leben der Griechen und Römer*, ed. 1876, especially pp. 491–503, 655–660; Over-

beck, *Pompeii*, 174–190 for the old baths, 190–207 for the Stabian baths; Nissen, *Pompeianische Studien*, chaps. v., vi., vii.; Becker's *Gallus*, ed. Göll, iii. 104–57; Marquardt, *Privatleben der Römer*, i. 262–88, who gives in the notes to p. 269 references to descriptions of the most interesting remains of ancient baths now extant; J. H. Middleton, *Ancient Rome in* 1885, ch. xi., who gives the results of the latest excavations and valuable information as regards the materials used in the building and other architectural peculiarities of the great Roman *thermae*. [A. R.] [J. H. F.] [L. C. P.]

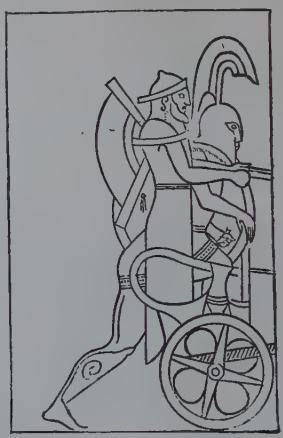
BAL'TEUS, in the plural *baltea* (τελαμών, ἀορτήρ), a belt, is sometimes used in poetry to denote a woman's girdle (Ovid, *Met.* ix. 189; Lucan, ii. 362; Mart. xiv. 207), but more properly in the following senses:—

1. A shoulder-belt, and most frequently the sword-belt. Among the Greeks, as the sword commonly hung beside the left hip, its belt was supported by the right shoulder, and passed obliquely over the breast, as is seen in the cameo here introduced from the Florentine Museum. We

Balteus. (Florentine Museum.)

also read in Homer of broad belts (*Il.* v. 796) used to support the shield; for as Herodotus tells us (i. 171), until the Carians invented the ὄχανον or shield-holder, all who made use of shields managed them by means of leather belts, which they passed round the neck and the left shoulder. Thus the sword-belt and the shield-belt crossed over the breast. (*Il.* xiv. 404–6.) The shield-belt is occasionally represented on ancient vases, as in the figure in the next column of a charioteer from Gerhard, *Vasenbilder*, pl. ccviii. Belts were generally made of leather, and the belts of the Homeric heroes are ornamented with silver and gold (*Il.* xi. 31; xviii. 480, 597), which were sometimes wrought with elaborate devices (*Il.* xi. 38) or representations of scenes (*Od.* xi. 609–14). These may have been embossed on a plate of the metal, or embroidered on some fabric [CAELATURA]. (Cf. Verg. *Aen.* x. 495–500.) Belts were also employed to support the quiver or the γωρυτός [PHARETRA]. (Cf. Verg. *Aen.* v. 312–4; Nemes. *Cyneg.* 91.)

The Romans either attached their swords to the *cingulum*, or suspended them by a *balteus*, which sometimes passed from the right shoulder to the left side (Caes. *B. G.* v. 44), but more usually from the left shoulder to the right side [ARMA, fig. p. 190], as may be regularly observed in the military figures on the public monuments of



Balteus. (From Gerhard's *Vasenbilder*, pl. ccviii.)

imperial times. This arrangement was no doubt convenient enough for the short Spanish sword, but the long sword in use down to the end of the Second Punic War must surely have been worn on the left side in order to be easily drawn with the right hand. Figures on tombs, however, usually wear the sword attached to the *cingulum*. [CINGULUM.] The Roman sword-belts, like the Greek, were often richly ornamented, even with precious metals, in the form of *bullae* or more elaborate devices: thus we read (Tac. *Hist.* i. 57) of common soldiers having belts adorned with silver. The belts of the emperors were so magnificent that they were entrusted to a distinct officer—the *balteārius*—who had charge of them in the imperial palace. Hadrian was considered remarkably unostentatious because he did not wear a golden *balteus*; that of Gallienus was adorned with jewels. (Treb. Poll. *Gallien.* 16; Spart. *Hadr.* 10.)

The *balteus* was of course used for other than military purposes, for instance to support the lyre, as may be seen in statues of Apollo Citharoedus, or to carry amulets.

2. A belt or collar (μασχαλιστήρ, προστερνίδιον, προστηθίδιον), passing round a horse's neck and breast, used partly as a protection and partly as an ornament, especially for chariot-horses. It was often adorned with the same elaborateness and richness as the soldier's sword-belt, especially with *phalerae* and *tintinnabula*. See illustrations under these articles and *Museo Bresciano*, i. pl. liii. (Xen. *Hippica*, xii.; Poll. v. 16, 100.)

Claudian (*Ep.* xx.) uses *balteus* to express a horse's girth: so μασχαλιστήρ (Herod. i. 215).

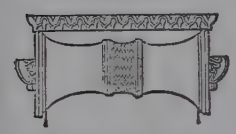
3. The belt on the celestial globe representing

the sun's course, on which the signs of the zodiac are depicted (Manilius, i. 679; iii. 334), as in the accompanying woodcut, from a painting at Pompeii.

Balteus, the signs of the Zodiac. (From a painting at Pompeii.)

4. The *praecinctio* (διάζωμα) in the theatre [AMPHITHEATRUM, THEATRUM]. (Calpurn. vii. 47; Tertull. *Spect.* 3.)

5. In architecture of the Ionic style, a band, often covered with sculptured ornament, which encircles the *pulvinus* or "bolster" of the capital, and thus relieves it from the side view. (Vitr. iii. 5, 7.) It was not always used by the Greek architects, but is found regularly in Roman buildings of this style. The accompanying illustration is from the temple of Athene Polias. A similar ornament sometimes is used to divide the *pulvinus* of altars and sarcophagi. [J. H. F.]



Balteus of an Ionic Capital. (Temple of Athene Polias.)

BAPTAE (Βαπταί), a society founded by Alcibiades in honour of Cotytto, the Thracian Cybele, so called from the purification connected with initiation. Eupolis satirized its licentious revels in his comedy, the *Baptae*. Cf. Juv. ii. 92:

> "Talia secreta coluerunt orgia taeda
> Cecropiam soliti Baptae lassare Cotytto."

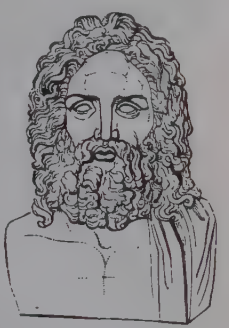
And see Foucart, *Des associations religieuses chez les Grecs*, pp. 57–60. [W. M. L.]

BAPTISTE'RIUM. [BALNEAE, p. 275.]

BARATHRON (βάραθρον, ὄρυγμα) was a deep pit at Athens into which criminals, and the dead bodies of executed criminals, were cast. (Plat. *Rep.* iv. p. 439 E; Plut. *Themist.* 22; Xen. *Hell.* i. 7, 20.) It was situated in the demus Κειριάδαι (Bekker, *Anecd.* p. 219), probably a N.W. suburb of Athens. (Hanriot, *Recherches sur la topographie des dèmes de l'Attique*, pp. 15, 17.) It is mentioned as early as the Persian wars, and continued to be employed as a mode of punishment in the time of the orators. The executioner was called ὁ ἐπὶ τῷ ὀρύγματι. (Schol. *ad* Aristoph. *Plut.* 431; Harpocrat. *s. vv.*; Herod. vii. 133; Xen. *Hell.* i. 7, 21; Lycurg. *c. Leocrat.* § 121; Dinarch. *c. Dem.* § 62.) It corresponded to the Spartan Ceadas. [CEADAS.] [W. S.] [W. M. L.]

BARBA. I. GREEK (πώγων, γένειον, ὑπήνη). Of these, γένειον, properly "chin," is the earliest word, for πώγων is not found in Homer, and ὑπήνη only in the epithet of πρῶτον ὑπηνήτης, a youth with his first beard. (*Il.* xxiv. 348; *Od.* x. 279.) Μύσταξ is the moustache; πάππος the hair on the nether lip; χνόος or ἴουλος the first down. Ὑπήνη is sometimes restricted to the hair about the upper and lower lips, that is to the μύσταξ and the πάππος combined; γένειον to the beard proper, the hair on the chin. (Cf. Poll. ii. 80, x. 120.) There is no special word for the whiskers.

The beard was regarded by the Greeks, like other ancient nations, as a type of manhood, which it was a disgrace to be without; while in the Homeric times it had even that sanctity which it had among the Jews, a common form of entreaty being to touch the beard of the person addressed. (Hom. *Il.* viii. 371.) The different modes of wearing the beard are seen in the statues of gods, of which the head of the Olympian Zeus is the most striking. It was only shaven in sign of mourning, although in this case it was often not shaven, but left untrimmed; and a smooth face was sneered at as a sign of effeminacy. (Aristoph. *Thesm.* 218; Athen. xiii. p. 565 a.) The Spartans punished cowards (τρέσαντες) by shaving off part of their beards (Plut. *Ages.* 30), just as Hanun



Head of Olympian Zeus. (Visconti, *Mus. Pio Clem.*, vol. vi., tav. 1.)

Etruscans, with pointed beards. (Dennis, *Etruria*, i. p. 262.)

treated the ambassadors of David (2 Sam. x. 4). From the earliest times, however, it seems to have been customary to shave the moustache; and on the most ancient vases men are represented with the space round either lip clear, and with a pointed beard, as in the above figures from a painted tile in an Etruscan tomb, representing two grey-headed men in conversation.

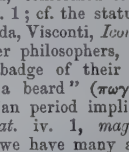
There was a curious custom at Sparta, which may have existed from very early times, that the Ephors on assuming office issued an edict to the citizens "to shave the moustache and obey the laws" (*κείρεσθαι τὸν μύστακα καὶ προσέχειν τοῖς νόμοις*, Plut. *Cleom.* 9); although the Spartans were in general derided for their carelessness in the treatment of their hair (Aristoph. *Vesp.* 476; *Lysist.* 1022). For to leave the beard and whiskers untrimmed was with the Greeks as much a sign of boorishness as to shave them entirely was a sign of effeminacy; and we hear of various styles of trimming them, one of which, the "wedge beard" (*σφηνοπώγων*), was used on the stage for masks of attendants and old men (*θεράποντες* and *πρεσβῦται ὑποδύστροποι*, Poll. iv. 137, 145).

In the time of Alexander the Great the custom of smooth shaving was introduced (Chrysippus *ap.* Athen. xiii. p. 565 a, *τὸ ξύρεσθαι τὸν πώγωνα κατ' Ἀλέξανδρον προῆκται, τῶν προτέρων οὐ χρωμένων αὐτῷ*), and spread from the Macedonians (whose kings are represented on coins, &c. with smooth faces) throughout the whole Greek world. Laws were passed against it without effect at Rhodes and Byzantium (Ath. *l. c.*); and even Aristotle, we are told, conformed to the new custom (Diog. Laert. v. 1; cf. the statue of Aristotle in the Palazzo Spada, Visconti, *Iconogr.* i. pl. 20), unlike the other philosophers, who retained the beard as a badge of their profession. A "man with a beard" (*πωγωνοτρόφος*) after the Macedonian period implies a philosopher (cf. Pers. *Sat.* iv. 1, *magister barbatus*, of Socrates), and we have many allusions to this custom of the later philosophers in such proverbs as "the beard does not make the sage" (*πωγωνοτροφία φιλόσοφον οὐ ποιεῖ*, Plut. *de Is. et Osir.* 3: cf. *ἐκ πώγωνος σοφός*, Dio Chrys. lxxii. 2). [W. M. L.]

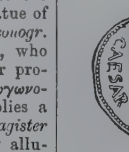
II. ROMAN. The Romans in early times wore the beard uncut, as we learn from the insult offered by the Gaul to M. Papirius (Liv. v. 41), and from Cicero (*pro Cael.* 14; cf. Sen. *Nat. Q.* i. 17, 7; Hor. *Od.* ii. 15, 11; Tibull. ii. 1, 34; Ov. *Fast.* ii. 30; Verg. *Aen.* vi. 809); and, according to Varro (*de Re Rust.* ii. 11) and Pliny (vii. § 211), the Roman beards were not shaven till B.C. 300, when P. Ticinius Menas brought over a barber from Sicily; and Pliny adds, that the first Roman who was shaved (*rasus*) every day was Scipio Africanus. (Cf. Gell. iii. 4.) His custom, however, was soon followed, and shaving became a regular thing. The lower orders, then as now, were not always able to do the same, and hence the jeers of Martial (vii. 95, xii. 59). In the later times of the republic there were many *juvenes* who shaved the beard only partially, and trimmed it, so as to give it an ornamental form; to them the terms *bene barbati* (Cic. *Catil.* ii. 10) and *barbatuli* (Cic. *ad Att.* i. 14, 16; *pro Cael.* 14) are applied.

In the general way in Rome at this time, a long beard (*barba promissa*, Liv. xxvii. 34) was considered a mark of slovenliness and squalor. The censors, L. Veturius and P. Licinius, compelled M. Livius, who had been banished, on his restoration to the city, to be shaved, and to lay aside his dirty appearance (*tonderi et squalorem deponere*), and then, but not till then, to come into the senate, &c. (Liv. xxvii. 34.) The first time of shaving was regarded as the beginning of manhood, and the day on which this took place was celebrated as a festival. (Juv. *Sat.* iii. 186.) There was no particular time fixed for this to be done. Usually, however, it was when the young Roman assumed the toga virilis (Suet. *Calig.* 10). Augustus did it in his twenty-fourth year; Caligula in his twentieth. The hair cut off on such occasions was consecrated to some god. Thus Nero put his up in a gold box, set with pearls, and dedicated it to Jupiter Capitolinus. (Suet. *Ner.* 12.)

With the Emperor Hadrian the beard began to revive. (Dio Cass. lxviii. 15.) Plutarch says that the emperor wore it to hide some scars on his face. The practice afterwards became common, and till the time of Constantine the Great the emperors appear in busts and coins with beards; but Constantine and his successors to the end of the 6th century, with the exception of Julian, are represented as beardless. The contrast between the custom of the early emperors and those of Hadrian and his successors as to the beard is seen in the annexed coins. The Romans, unlike the Greeks, let their



Coin of Augustus.



Coin of Hadrian.
(British Museum.)

beards grow in time of mourning; so Augustus did (Suet. *Aug.* 23) for the death of Julius Caesar, and the time when he had it shaved off he made a season of festivity. (Dio Cass. xlviii. 34; cf. Cic. *in Verr.* ii. 12.) Other occasions of mourning on which the beard was allowed to grow were, appearance as a *reus*, condemnation, or some public calamity. (Liv. vi. 16, xxvii. 34; Mart. ii. 36, 3; Ulp. in Dig. 47, 10, 15, § 27; Suet. *Jul.* 67, *Oct.* 23; Caes. *B. G.* v. 24; Plut. *Cat. min.* 53, *Anton.* 18.) Tacitus (*Germ.* c. 3) says that the Chatti let their hair and beard grow, and would not have them cut till they had slain an enemy. For an account of barbers, see TONSOR. (Becker-Göll, *Gallus*, iii. p. 237, foll.) [J. H. F.] [W. S.]

BAR'BITOS. [LYRA.]

BARDOCUCULLUS. [CUCULLUS.]

BARIS (*βᾶρις*), a boat used on the Nile to transport merchandise, and also at funerals to convey the corpse across the river. It was, like the modern Nile boats, made of the *ἀκάνθη* (*Mimosa Nilotica*, modern Arab. *sont*); was flat-bottomed, and of such light draught that it could only sail up stream with a strong breeze, and had usually only one rudder. The *baris* was often of many thousand talents' burden. Herodotus describes (ii. 96) the manner of its construction and navigation, in which, as we learn from Egyptian paintings, both sails and oars were employed. (See Rawlinson's *Herodotus*, *l. c.* and ii. 41, 197; Diodor. i. 96.) The poets use the word to signify an Egyptian (Aesch. *Suppl.* 815, 858; Propert. iv. 11, 44) or generally

an Oriental boat or ship. (Aesch. *Pers.* 555; Eur. *Iph. A.* 297.)

Baris. (From Rawlinson's *Herodotus.*)

In the Septuagint the word is used in the sense of a tower or palace. (Ps. xliv. 9; Dan. viii. 1.) [J. H. F.]

BAS'ANOS (*βάσανος*). [TORMENTUM.]

BASCAN'IA (*βασκανία*). [FASCINUM.]

BASCAUDA, a word borrowed, like our English *basket*, from the ancient British language (Welsh *basged*, Cornish *basced*), and mentioned by Martial, xiv. 99, as an acceptable *xenium*, imported from Britain, and by Juvenal, xii. 46, among a number of valuable articles of plate. The Scholiast on the latter passage explains *bascaudae* as "vasa ubi calices lavabantur vel cacabus;" but it seems better to take the word in Martial as a basket, whose neatness made it a suitable present, and in Juvenal also as a silver basket in imitation of the barbarian workmanship. [J. Y.] [J. H. F.]

BASILEIA (*βασίλεια*), a festival with games open to all Greeks, held at Lebadea in Boeotia, in honour of Zeus Basileus. Diodorus (xv. 53) tells us it was instituted at the command of an oracle of Trophonius after the battle of Leuctra, 371 B.C. (See Foucart, *Revue Archéol.* 1875, i. p. 110.) [W. M. L.]

BAS'ILEUS (*βασιλεύς*). [REX; ARCHON.]

BASIL'ICA (also *regia*, Stat. *Silv.* i. 1, 30; Suet. *Aug.* 31; in the Greek writers who speak of the Roman *basilicae*, *στοὰ βασιλική* or *στοά*), a building which served as a court of law and an exchange, or place of meeting for merchants and men of business. The two uses are so mixed up together that it is not always easy to say which was the principal. Thus the basilica at Fanum, of which Vitruvius (v. 1, 6–10) himself was the architect, was entirely devoted to business, and the courts were held in a small building attached to it—the temple of Augustus. A basilica then was an adjunct to the market-place, affording shelter and comparative freedom from interruption. Its special architectural peculiarities were division into nave and aisles, and clerestory lighting. Phylander (*Comment. in Vitruv.*) derives the term from *βασιλεύς*, in reference to early times, when the king was judge; but those who hold that the Roman basilica was of Athenian origin derive the word from the title of the *ἄρχων βασιλεύς*, whose court was called *ἡ βασίλειος στοά*, or *ἡ τοῦ βασιλέως στοά*. (Paus. i. 3, 1; Demosth. i. *Aristog.* p. 776, § 23.) The plan of this building is unknown to us, nor are we acquainted with that of the court of the Hellanodicae in the old *agora* of Elis. (Paus. vi. 24, 3.) The evidence then for tracing the Roman basilica from the Athenian *στοὰ βασίλειος* lies simply in the resemblance of the names, which is not complete; while the adjective *basilicus* was not unknown to the Latin tongue of the age when the first basilica was built at Rome. (Plaut. *Capt.* iv. 2, 31; *Trin.* iv. 3, 23.) M. Viollet le Duc (*Lectures on Architecture*, i. 147, Eng. trans.) thinks the word came from Asia, that this kind of building originated with the successors of Alexander, and that it was probably their *Divan*, the place where they administered justice. He sees (p. 154) as differences between the Greek basilicas (such as those at Thoricus and Paestum) and the Roman ones, (1) the Greek basilicas were not closed with side walls, the Romans were,—which is, however, a very disputed point (see below); (2) the Greek had not a place for the tribunal which appears in all Roman basilicas.

The first edifice of this description was not erected until B.C. 184 (Liv. xxxix. 44, 7); for it is expressly stated by the historian, that there were no basilicas at the time of the fire which destroyed so many buildings in the Forum, during the consulate of Marcellus and Laevinus, B.C. 210. (Liv. xxvi. 27, 3.) It was situated in the forum adjoining the Curia, and was denominated Basilica Porcia, in commemoration of its founder, M. Porcius Cato. This basilica was destroyed by the fire at Clodius' funeral, 52 B.C. (Ascon. *Arg. ad* Cic. *pro Mil.* § 8.) Besides this, there were twenty others, erected at different periods, within the city of Rome (Pitisc. *Lex. Ant.*, s. v. *Basilica*), of which the following are the most frequently alluded to by the ancient authors:—1. *Basilica Sempronia*, constructed by Titus Sempronius, B.C. 171 (Liv. xliv. 16); and supposed, by Donati and Nardini, to have been between the Vicus Tuscus and the Velabrum. 2. *Basilica Opimia*, which was above the Comitium, built 155 B.C. (Varro, *L. L.* v. 156; Cic. *Sest.* 67, 140.) 3. *Basilica Pauli Aemilii*, or *Basilica Aemilia*, called also *Regia Pauli* by Statius (*l. c.*). Cicero (*ad Att.* iv. 16, 14) mentions two basilicas of this name, of which one was built, and the other only restored, by Paulus Aemilius. The original basilica called *Aemilia et Fulvia* (Varro, *L. L.* vi. 4) had been built in 179 B.C. by the censors M. Fulvius and M. Aemilius Lepidus. It stood behind the bankers' offices on the north-east side of the Forum (Liv. xl. 51, 4). Both these edifices were in the Forum, and one was celebrated for its open peristyle of Phrygian columns. A representation of this one is given below from a coin of the Aemilia gens. (Dio Cass. xlix. 42; Plin. *H. N.* xxxvi. § 102; Appian, *B. C.* ii. 26; Plut. *Caes.* 29.) The position of these two basilicas has given rise to much controversy, a brief account of which is given in the *Dict. of Biog.* vol. ii. p. 766. 4. *Basilica Pompeii*, called also *regia* (Suet. *Aug.* 31), near the theatre of Pompey. 5. *Basilica Julia*, erected by Julius Caesar, in the Forum, and opposite to the Basilica Aemilia. (Suet. *Calig.* 37.) The *Basilica Julia* was begun and almost finished by Julius Caesar, afterwards completed by Augustus; shortly after, however, it was burnt down, was restored by Augustus on a larger scale, and then bore the title of his two sons, Caius and Lucius (*Mon. Ancyr.* iv. 12, and Mommsen, p. 85). "It was a large double *porticus* with two tiers of columns one over the

other: open on three sides, and having a range of rooms two or three stories high on the south-west side. . . . The large central space appears to have been without a roof, as the space is too great to admit of one" (J. H. Middleton, *Ancient Rome in* 1885, pp. 171–2, where see particulars as to the materials it was built of). We learn from Quintilian (xii. 5, 6) that all four companies of the *centumviri* sometimes met at once in the Basilica Julia. 6. The *Basilica Flavia* is the best preserved example of that special form of classical basilica which is supposed to have been the model of the Christian churches. It is rectangular, ending in a semicircular apse. It has a nave and two narrow aisles formed by five Corinthian columns decorated with metal ornaments; over these columns an entablature and upper gallery. The gallery was approached by steps starting from the colonnade. The apse was screened off from the nave by *cancelli*, as was the chancel in the Christian churches. The emperor's judgment-seat was in the apse (Middleton, *op. cit.* p. 121). 7. *Basilica Ulpia*, or *Trajani*, in the forum of Trajan. 8. *Basilica Constantini*, also called the Basilica of Maxentius, as it was begun by him, erected by the Emperor Constantine, supposed to be the ruin now remaining on the Via Sacra, near the temple of Rome and Venus, and commonly called the Temple of Peace. Of all these magnificent edifices nothing now remains beyond the ground-plan of the *Basilica Julia*, and the ground-plan, with the bases and some portion of the columns and superstructure, of the others. The basilica at Pompeii is in better preservation; the external walls, ranges of columns, and tribunal of the judges being still tolerably perfect on the ground-floor.

Basilica Ulpia. (From medal in British Museum.)

The forum, or, where there was more than one, the one which was in the most frequented and central part of the city, was always selected for the site of a basilica; and hence it is that the classic writers not unfrequently use the terms *forum* and *basilica* synonymously, as in the passage of Claudian (*de Sexto Cons. Honor.* 645): "Desuetaque cingit Regius auratis fora fascibus Ulpia lictor," where the forum is not meant, but the basilica which was in it, and which was surrounded by the lictors who stood in the forum. (Pitisc. *Lex. Ant.* l. c.; Nard. *Rom. Ant.* v. 9.)

Vitruvius (v. 1) directs that the most sheltered part of the forum should be selected for the site of a basilica, in order that during winter the business men may resort thither without suffering from the inclemency of the weather. It is hard to decide whether the basilicas were closed or not. For the latter view it is urged that we hear of people passing through a basilica (Plin. *Ep.* ii. 14, 8), that there is no trace of front walls whatsoever in the Basilica Ulpia, that the passage of Vitruvius quoted above points to an open building, and that the Basilica Aemilia, if we can trust the annexed representation (Cohen, *Monnaies de la République romaine*, pl. 1, *gens Aemilia*, No. 8), was open. On the other hand, we hear of *parietes* in the basilica at Fanum (Vitruv. vi. 1, 6; cf. Quint. x. 5, 18; Henzen, 6591), a very strong argument. Most probably it was a development on the early open form when the porticoes came to be bounded on the open side by a wall, the central space enclosed by the three porticoes being left open; and it thus formed a transition step between the open colonnade and the completely roofed-in building.

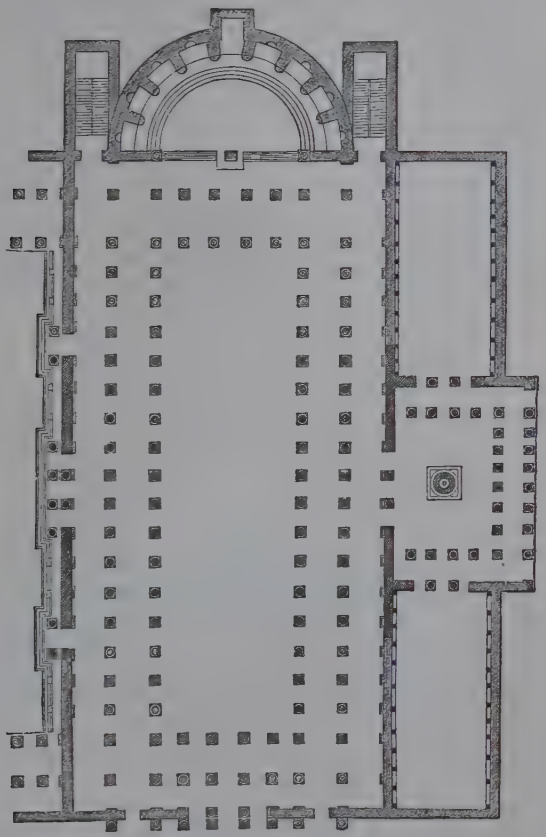
Basilica Aemilia. (From medal in British Museum.)

The ground-plan of all these buildings is rectangular, and their width not more than half nor less than one-third of the length (Vitruv. *l. c.*); but if the area on which the edifice was to be raised was not proportionally long, small chambers (*chalcidica*) were cut off from one of the ends (Vitruv. *l. c.*), which serve as offices for the judges or merchants. This area was divided into three parts, consisting of a central nave (*media porticus*) and two side aisles, each separated from the centre by a single row of columns—a mode of construction particularly adapted to buildings intended for the reception of a large concourse of people. At one end of the centre aisle was the tribunal of the judge, in form either rectangular or circular, and sometimes cut off from the length of the grand nave (as is seen in the annexed plan of the basilica at Pompeii, which also affords an example of the chambers of the judices, or chalcidica, above mentioned), or otherwise thrown out from the hinder wall of the building, like the tribune of some of the most ancient churches in Rome, and then called the hemicycle. But the Basilica Ulpia and that of Constantine deserve a special notice, as the former is the finest specimen of the basilica with wooden roof, and the latter of the vaulted class; besides, they are widely different as to their style of structure, and so are important in the development of Roman architecture.

Plan of Basilica at Pompeii. Scale 100 ft. to 1 in. (From Fergusson.)

The *Basilica Ulpia* was a rectangle about 370 feet long by 180 broad. It has a nave 87 feet wide, and four aisles, each 23 feet 4 inches wide, divided by four rows of columns, each column being 35 feet high. Above the side aisles was a gallery, the roof of which was

supported by an upper row of columns, and from these columns sprang the arches of the nave. This roof, 120 feet high, was of wood, and was richly adorned with gilt plates. At one end, not at both, was a semicircular apse, the back part raised and approached by steps: in the centre of this platform was the raised seat of the presiding magistrate, and on the steps were places for the judges or others engaged in the special business in hand (cf. Plin. *Ep.* vi. 33). On the north-west side of the basilica were two large libraries, one for Greek and the other for Latin MSS. It must be observed that in the fragment of the Capitoline plan on which a part of the ground-plan of this basilica is represented, the apse is marked LIBERTATIS. So we have seen in the basilica at Fanum a temple of Augustus was attached to the basilica, and was used as a court of justice. For further details see Middleton, *op. cit.* 270–271, and his plan, p. 272; also Viollet le Duc, *op. cit.* i. 154, who finds (p. 155) the key

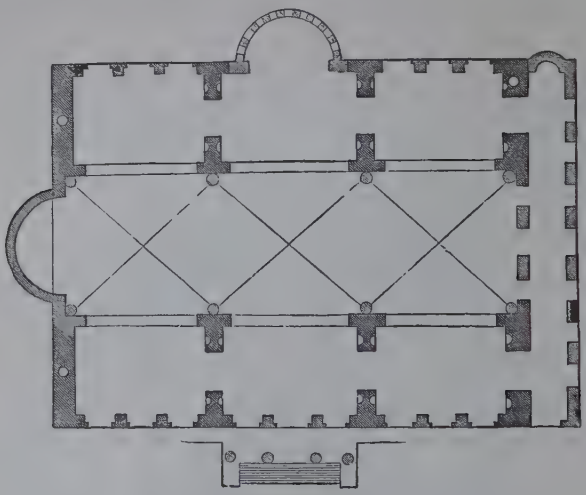


Plan of Trajan's Basilica at Rome. Scale, 100 ft. to 1 in. The part shaded darker is all that is uncovered. (From Fergusson.)

to such buildings in those Persian palaces, all of which exhibit in one of the sides of the courts, surrounded by porticoes, a hemicycle of large relative dimension covered by a vault in the form of a quarter sphere. For a ground-plan of the Basilica Ulpia see the preceding cut, taken from Fergusson (*Hist. of Architecture*, 1874, fig. 198).

The *Basilica of Constantine* (or of Maxentius, for it was he who commenced it), commonly called the Temple of Peace, was 195 feet broad by 270 feet long. The centre aisle was 83 feet wide, and the height 120 feet. "In this building," says Mr. Fergusson (*op. cit.* i. 318–20), "no pillars were used, with the exception of eight great columns in front of the piers, employed merely as ornaments or as vaulting shafts were in Gothic cathedrals, to support in appearance, though not in construction, the springing of the vaults. The side aisles were roofed with three great arches, each 72 feet in span, and the centre by an immense intersecting vault in three

compartments. The form will be understood from the annexed sections, one taken longitudinally, the other across the building. As will be seen from them all, the thrusts are



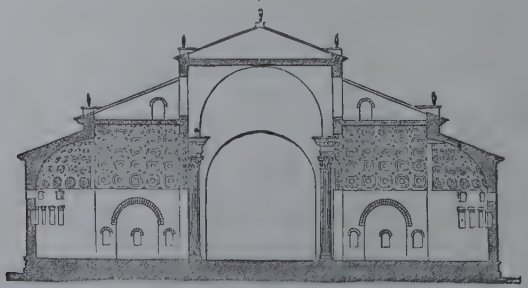
Plan of Basilica of Maxentius. Scale, 100 ft. to 1 in. (From Fergusson.)

collected to a point, and a buttress placed there to receive them; indeed almost all the peculiarities afterwards found in Gothic vaults are here employed on a far grander and more

Longitudinal Section of Basilica of Maxentius. Scale, 100 ft. to 1 in. (From Fergusson.)

gigantic scale than the Gothic architects ever attempted."

The transition between these two styles of buildings may be seen in the Practorium at



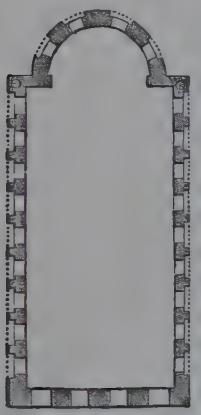
Transverse Section of Basilica of Maxentius. Scale, 100 ft. to 1 in. (From Fergusson.)

Mousmieh (De Vogüé, *Syrie Centrale*, Pl. 7), built about 165 A.D. The aisles are arched longitudinally, the nave arched transversely. The arches of the nave and aisles are coupled

and supported by Corinthian columns, four on each side. The basilica at Chaqqa (Pl. 16), which De Vogüé considers the most complete type of the ancient basilica, has the aisles arched longitudinally and transversely, the different thrusts meeting in a buttress, which is very strong. The basilica at Tafkha, which is practically similar to the foregoing, is a Christian building of the 5th cent. at latest, and in it we can trace, says De Vogüé (p. 57), the transition from the Christian basilica to the Christian church. Another good example of the transitional style is the basilica of Soueideh (Pl. 19).

The next important basilica at Rome which was built after that of Constantine (or Maxentius) was Constantine's St. Peter's. But it was a Christian church; and for an account of this and subsequent basilican churches the reader is referred to Smith's *Dictionary of Christian Antiquities*, art. *Church*.

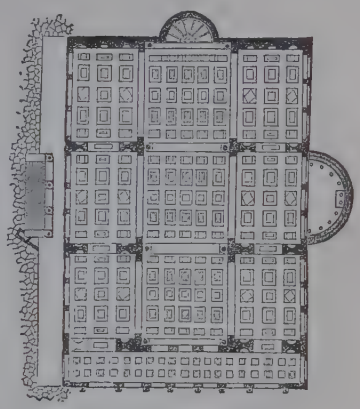
As to the provincial basilicas of the Romans, few remain, as most were converted into churches, and afterwards modified; but that of Trèves survives. As the annexed cut shows, it was a little more than twice as long as broad (85 feet broad). The walls were 100 feet high, with two rows of windows; but whether there was a gallery between them is not certain. The semicircular apse was 60 feet in diameter, and raised above the level of the rest of the floor of the building (Fergusson, *op. cit.* i. 321). The basilica at Pompeii is elaborately discussed by Overbeck (*Pompeii*, pp. 121–127). It was built about 93 B.C. It most probably had a gallery, and was almost certainly not roofed in the centre. It is highly noticeable that the place for the tribunal is rectangular, and not a semicircular apse. The basilica at Fanum, built and described by Vitruvius (v. 1, 6–10), is fully treated of, with beautiful illustrations, by M. Viollet le Duc (*op. cit.* i. 150 foll.); and the basilica of Otricoli is slightly touched on by Guhl and Koner (fig. 426, ed. 4, 1876), who give a plan of it from Hirt (*Geschichte der Baukunst*, Taf. 11, fig. 12).



Plan of the Basilica at Trèves. Scale, 100 ft. to 1 in. (From Fergusson.)

The coin of Lepidus, figured p. 288, gives indications of a sloping external roof. The more magnificent basilicas, at any rate, were decorated both in the interior and the exterior with statues and other works of art, and marbles and precious materials. (Gell. xiii. 24, 1; Plin. *H. N.* xxxv. § 13; Cic. *Att.* iv. 16, 14; Tac. *Ann.* iii. 72; Donaldson, *Archit. Numism.* 66, p. 152.)

Basilicas did not always agree with Vitruvius' ideal; his own structure at Fanum, which he describes (v. 1, 6–10), shows some variations from it. Again, the nave of the *Basilica Julia* was surrounded on all sides by a double arcaded corridor, and the arcades were supported by solid piers of masonry with pilasters; the basilicas of Praeneste and Aquinum show only a single nave. The basilica of Constantine presents great peculiarities, both in its extremely



Ground-plan of the Basilica of Constantine.

ponderous vaulted roof, of which a considerable portion is still standing, and in its general plan, which, as may be seen from the accompanying woodcut, consists of a nave and two aisles, all three being divided into three bays; besides, the apse at the head of the nave is a lateral one, which has been supposed, like the openings opposite to it, to date from the time when the basilica was applied to Christian uses.

The name of *basilica* was in course of time applied to other public halls of all sorts, such as those attached to temples, theatres, or baths (Plin. *Ep.* x. 33, 3; Orelli, 3696; Henzen, 1626); also to halls of audience in palaces and villas, like that of which ruins exist on the Palatine and the three in the villa of the Gordiani on the *via Praenestina*, which were each 100 ft. long (Capit. *Gord.* 32, 3); and, lastly, to any large covered building, even to a riding school (*basilica equestris exercitatoria: Bulletin de l'Académie des Inscriptions*, 1869, p. 280). There are still existing some remains of the private basilica of Domitian which Plutarch (*Poplic.* 15) mentions as being so splendid; from these remains we can gather that it was a rectangular building with a semicircular apse at one of its extremities, very similar in shape to the basilica at Trèves, but of smaller dimensions.

The internal tribune was probably the original construction, when the basilica was simply used as a court of justice; but when those spacious halls were erected for the convenience of traders as well as loungers, then the semicircular and external tribune was adopted, in order that the noise and confusion in the basilica might not interrupt the proceedings of the magistrates. (Vitruv. *l. c.*) In the centre of this tribune was placed the curule chair of the praetor and seats for the judices, who sometimes amounted to the number of 180 (Plin. *Ep.* vi. 33, 3), and the advo-

cates; and round the sides of the hemicycle, called the wings (*cornua*), were seats for persons of distinction, and for the parties engaged in the proceedings. It was in the wing of the tribune that Tiberius sat to overawe the judgment at the trial of Granius Marcellus. (Tacit. *Ann.* i. 75.) The two side aisles, as has been said, were separated from the centre one by a row of columns, behind each of which was placed a square pier or pilaster (*parastata*, Vitruv. *l. c.*), which supported the flooring of an upper portico, similar to the gallery of a modern church. The upper gallery was in like manner decorated with columns of smaller dimensions than those below; and these served to support the roof, and were connected with one another by a parapet-wall or balustrade (*pluteus*, Vitruv. *l. c.*), which served as a defence against the danger of falling over, and screened the crowd of loiterers above (*subbasilicani*, Plaut. *Capt.* iv. 2, 35) from the people of business in the area below. (Vitruv. *l. c.*) This gallery reached entirely round the inside of the building, and was frequented by women as well as men, the women on one side and the men on the other, who went to hear and see what was going on. (Plin. *l. c.*) The staircase which led to the upper portico can be recognised in the Flavian basilica (Middleton, *op. cit.* p. 121); it is similarly situated in the basilica of Constantine: but what is supposed to be the staircase in the Pompeian basilica is really not so (Overbeck, *op. cit.* 124). The whole area of these magnificent structures was covered in with three separate ceilings, of the kind called *testudinatum*, like a tortoise-shell; in technical language now denominated *coved*, an expression used to distinguish a ceiling which has the general appearance of a vault, the central part of which is, however, flat, while the margins incline by a cylindrical shell from each of the four sides of the central square to the side walls; in which form the ancients imagined a resemblance to the shell of a tortoise.

From the description which has been given, it will be evident how much these edifices were adapted in their general form and construction to the uses of a Christian church; to which purpose many of them were, in fact, converted in the time of Constantine. Hence the later writers of the Empire apply the term *basilica* to all churches built after the model just described; and such were the earliest edifices dedicated to Christian worship, which, with their original designation, continue to this day, being still called at Rome *basiliche*. It is generally supposed that the origin of the Christian church is the Roman basilica. But the earliest type of the Christian church was a courtyard with a house for prayer at the end. Such virtually are some of the earliest Christian basilicas, as San Clemente and Constantine's St. Peter's. In fact it is rather the Roman *house* than the Roman forensic basilica that is the original type of the church. See this view advocated in an interesting article by M. Salomon Reinach in the *Bulletin de Correspondance hellénique*, Avril, 1886, pp. 334–5, and compare also J. P. Richter, *Der Ursprung der abendländischen Kirchengebäude*, 1878, who appears to find the original of the meeting-places in the *oeci* of the private houses. In a highly-important work, *From Schola to Cathedral*, 1886, by Prof. Baldwin Brown, of the University of Edinburgh, it is urged that the early Christian church was a schola enlarged, not a basilica simplified. The true germ, he says (pp. 196–7, cf. p. 129), of the Christian church was an oblong interior terminated by an apse. The Pagan basilica had not essentially the apse (pp. 123 foll.), though it is found in the basilica of Maxentius, and, as we saw, in others also. Prof. Kraus of Freiburg (in the *Reulencyklopädie der christlichen Alterthümer*) shows that the forensic basilica had no one determinate shape,—it had sometimes an apse and sometimes not; but the Christian basilica, keeping to the form of the crypt, had always an apse, and was always entered from the side opposite the apse. It has been by some supposed that the basilicas in private houses (cf. Vitruv. vi. 8, 2) which had a semicircular tribunal were the originals of the churches, but they cannot have been sufficiently numerous, as Professor Brown points out (p. 127), to have influenced the form of the churches. See too his discussion in Appendix, Note 1, "The Pagan Basilica and the Christian Church," directed against Dr. Konrad Lange, of Halle (*Haus und Halle*, 1885), who upholds the old theory of the acquisition of Pagan basilicas by the Christians in the age of Constantine.

A Christian basilica consisted of four principal parts:—1. **Πρόναος**, the vestibule of entrance. 2. **Ναῦς**, *navis*, and sometimes *gremium*, the nave or centre aisle, which was divided from the two side ones by a row of columns on each of its sides. Here the people assembled for the purposes of worship. 3. **Ἄμβων** (from **ἀναβαίνειν**, to ascend), *chorus* (the choir), and *suggestum*, a part of the lower extremity of the nave raised above the general level of the floor by a flight of steps. 4. **Ἱερατεῖον**, **ἱερὸν βῆμα**, *sanctuarium*, which answered to the tribune of the ancient basilica. In the centre of this sanctuary was placed the high altar, under a tabernacle or canopy, such as still remains in the basilica of St. John Lateran, at Rome, at which the priest officiated with his face turned towards the people. Around this altar, and in the wings of the sanctuarium, were seats for the assistant clergy, with an elevated chair for the bishop at the bottom of the circle in the centre. (See, besides the books cited in the text, *Theatr. Basil. Pisan.* cura Joseph. Marl. Canon. iii. p. 8; Ciamp. *Vet. Men.* i. ii. *et De Sacr. Ed.*; Stieglitz, *Archäol. d. Baukunst*, vol. iii. pp. 19, &c.; Hirt, *Lehre d. Gebäude*, pp. 180, &c.; Bunsen, *Die Basiliken des christlichen Roms*, Munich, 1844; Zestermann, *Antike und christl. Basiliken*, Leipzig, 1847; Weingärtner, *Ursprung und Entwickelung des christlichen Kirchengebäudes*, Leipzig, 1858; Guhl and Koner, *Das Leben der Griechen und Römer*, ed. 4, pp. 508–514, Berlin, 1876; H. Jordan, *Forma urbis Romae*, iv., Berlin, 1874.) [J. H. F.] [L. C. P.]

BASIL'ICA, the Greek code of *Roman law*. About A.D. 876, the Emperor Basil, the Macedonian, commenced this work, which was completed by his son Leo, the philosopher, who reigned from A.D. 886 to 911. Before the reign of Basil, there had been several Greek translations of the Pandects, the Code, and the Institutes; but there was no authorised Greek version of them. The numerous Constitutions of Justi-

nian's successors, and the contradictory interpretations of the jurists, were a further reason for publishing a revised Greek text under the imperial authority. This great work was called Ἀνακάθαρσις τῶν παλαιῶν νόμων, τὸ ἑξηκοντάβιβλον, ὁ βασιλικός (νόμος) and τὰ βασιλικά. It was revised by the order of Constantine Porphyrogennitus, about A.D. 945. The Basilica comprised the Institutes, Pandects, Code, the Novellae, and the imperial Constitutions subsequent to the time of Justinian, in sixty books, which are subdivided into titles. For the Institutes the paraphrase of Theophilus was used; for the Digest the πλάτος of Stephanus, and the commentary of Cyrillus and of an anonymous author; for the Code the κατὰ πόδας of Thalelaeus and the work of Theodorus; and for the Novellae, except the 168, the Summae of Theodorus, Athanasius, and Philoxenus. The publication of this authorised body of law in the Greek language led to the gradual disuse of the original compilations of Justinian in the East. But the Roman law was thus more firmly established in Eastern Europe and Western Asia, where it has maintained itself among the Greek population to the present day.

The arrangement of the matter in the Basilica is as follows:—All the matter relating to a given subject is selected from the Corpus Juris; the extracts from the Pandect are placed first under each title, then the constitutions of the Code, and next in order the provisions contained in the Institutes and the Novellae, which confirm or complete the provisions of the Pandect. The Basilica does not include all that the Corpus Juris contains; but it preserves numerous fragments of the opinions of ancient jurists, and of imperial constitutions, which are not in the Corpus Juris.

The Basilica were published, with a Latin version, by Fabrot, Paris, 1647, seven vols. folio. Fabrot published only thirty-six books complete, and six others incomplete: the other books were made up from an extract from the Basilica and the Scholiasts. Four of the deficient books were afterwards found in MS., and published by Gerhard Meerman, with a translation by M. Otto Reitz, in the fifth volume of his *Thesaurus Juris Civilis et Canonici*; and they were also published separately in London, in 1765, folio, as a supplement to Fabrot's edition. The work, however, is still incomplete, not less than 17 out of the 60 books having been lost, and others mutilated. The best edition is that of C. W. E. Heimbach, Leipzig, 1833–51, 5 vols. 4to, with a *Supplementum editionis Basilicorum Heimbachianae* by C. E. Zachariä von Lingenthal, Leipzig, 1846.

(Heimbach, *de Basilicorum Origine, Fontibus, &c.*, Leipzig, 1825; A. F. Rudorff, *Röm. Rechtsgeschichte*, i. § 127, pp. 355–359.)

[W. S.] [W. W.]

BASILINDA (βασιλίνδα), a children's game, wherein one is appointed by lot king, and has his playmates as soldiers or servants to obey him (Poll. ix. 110; Hesych. *s. v.*). It was by an incident in connexion with this game that the parentage of Cyrus the Elder was discovered (Herod. i. 114; Justin. i. 5). By Suetonius (*Nero*, 35) it is called *ducatus et imperia ludere*. We have evidence that in the game of ball called ἀπόρραξις (*i.e.* trying how often one can keep knocking a ball up against a wall, or against the ground), he who kept it up most times was called βασιλεύς, and he could give what orders he pleased to the defeated player, who was called ὄνος (cf. Plat. *Theaet.* 146 A; Hor. *Epist.* i. 1, 59; Grasberger, *Erziehung und Unterricht*, i. 53–55, 92).

[L. C. P.]

BASILIUM (βασίλειον, βασίλεια), a tall headdress peculiar to kings of Egypt and to the Egyptian goddess Isis. (Diod. Sic. i. 47; Plut. *de Is. et Osir.* 19 (ii. 358); Schol. in Aristoph. *Plut.* 926; *C. Inscr. Lat.* ii. 3386; Orelli, 2510.)

Isis with Basilium. (Wilkinson, *Ancient Egyptians*, iii. p. 233.)

[W. M. L.]

BAS'SARA, BAS'SARIS (βασσάρα, κασσάρα), meant originally a fox (Tzetz. *ad* Lycophr. 771; cf. βασσάριον in Herod. iv. 192). In the Egyptian hieroglyphics, the fox is called *wasar*, Coptic *hasor* (Schwartz, *Das alte Aegypten*, 971); and Egyptian priests are found represented in

Bassara, dress of a Bacchante. (From a Greek vase in the British Museum.)

what seem to be fox-skins, when officiating (Rosellini, vol. ii. plate lxiv.; Lepsius, *Denkmäler*, ii. 112, 128). Accordingly, the word probably came from Egypt, was carried by Phoenician

merchants to Cyrene (Hesych. *s. v. βάσσαρις*), and hence to Lydia and Thrace (Tzetz. *ad* Lycophr. 771, 1343), where it appears as the dress of the Bacchanals. It is described as variegated, and reaching down to the feet (Bekk. *Anecd.* 222, 26; cf. Aesch. *Frag. Edon.*; Poll. ix. 59): but Lenormant supposes that the term *βασσάρα* was applied to the long robe as fastened in with a fox-skin, wound round the upper part of the body, and that the whole costume got its name from the fox-skin fastening. Bassareus was a name given to the Lydian Dionysus, but there is no genuine Hellenic example of a fox in connexion with Dionysus as it appears on Lydian coins. The name *βασσάρα* was also given to a kind of shoe (*Etym. Magn.* s. v.) worn by the Lydian Bassareus and made of fox-skin, as that of the Greek Dionysus was of fawn-skin. (See Lenormant in D. and S.; S. Reinisch in Pauly, and Schultz in Roscher's *Ausführl. Lexikon der griech. und röm. Mythologie*, s. v.) [L. C. P.]

BASTAGA'RII. The word *bastaga* (connected with *βαστάζειν*) in Low Latin was applied to the duty of transport of goods, belonging either to the state or to the emperor, from one part of the empire to another (Ducange, *s. v.*). The carriers were called bastagarii; they formed a corporation, and, like most functionaries of their time, they could not desert their special branch of duty (Cod. Theod. x. 20, 11). In an emergency in 368 A.D. they are assigned every tenth (or fifth, according to the Justinian Code, xi. 8, 4) draught animal to supply anew their stock of beasts of burden (Cod. Theod. x. 20, 4). From the Notitia Dignitatum (*Occ.* xi. 78–85) we learn that there were four transports a year from the East to Italy and back again (adopting Seeck's admirable addition *Italicianae*). The praepositi of such bastagae, who belonged to the class of cohortales (Cod. Theod. xii. 58, 3), had the duty of seeing to the loading and unloading of the transports (see Böcking *ad loc.* ii. 365 ff.). Of the transports in question, one praepositus superintended the unloading of the first from the East to Italy, and the loading of the fourth from Italy to the East; another the unloading of the second from the East to Italy, and the loading of the third from Italy to the East, and so on. For these praepositi were stationed in Italy, and so under the control of the Comes Sacrarum Largitionum of the West. We also hear (*Occ.* xii. 28, 29) of a bastaga rei privatae Orientalis inferioris (*i.e.* according to Böcking, ii. 391, that which came by the Mare Inferum), and bastaga privatarum Galliarum under the Comes rerum privatarum. (Besides Böcking and Seeck on the Notitia, see also L. Bouchard, *Étude sur l'administration des finances de l'Empire romain dans les derniers temps de son existence*, pp. 296–298, who, however, does not give sufficient evidence for his statements.) [L. C. P.]

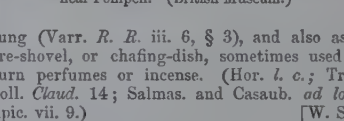
BASTERNA, a kind of litter (*lectica*) in which women were carried in the time of the Roman emperors. It appears to have resembled the lectica [LECTICA] very closely; and the only difference apparently was, that the lectica was carried by slaves and the basterna by two mules, one before and one behind (Pallad. vii. 2, 3; *Anth. Lat.* iii. 183, where we learn that it was gilded; see also Joh. Chrys. *Hom. ad Ep. in Rom.* xi.; Lamprid. *Heliog.* 21), and that the sides might be left open or closed (cf. Amm. Marc. xiv. 6, 16). It was driven by a *basternarius*

Basterna, a Mule Palanquin. (Ginzrot, plate lxvi. fig. 1.)

(Symm. *Ep.* vi. 15; Ginzrot, *Die Wägen d. Alt.* ii. p. 208). [W. S.]

BATIACA (Ritschl, Plaut. *Stich.* v. 3, 11, for MSS. *Batioli*; *βατιακή*, dim. *βατιάκιον*, Philem. *Cher.* 1), a drinking vessel of silver (Athen. xi. 480 a, cf. 484 c; Isid. *Gloss.* p. 5), brass or gold (Arist. *Mirab.* 49), of a costly nature (Plaut. *l. c.*). [J. H. F.]

BATILLUM (*batillum* or *vatillum*, Hor. *Sat.* i. 5, 36), a shovel with a short handle, made of iron (Plin. *H. N.* xxxiii. § 127, xxxiv. § 112), used for various purposes, such as collecting



Batillum, bronze shovel found at Torre dell' Annunziata near Pompeii. (British Museum.)

dung (Varr. *R. R.* iii. 6, § 3), and also as a fire-shovel, or chafing-dish, sometimes used to burn perfumes or incense. (Hor. *l. c.*; Treb. Poll. *Claud.* 14; Salmas. and Casaub. *ad loc.*; Apic. vii. 9.) [W. S.]

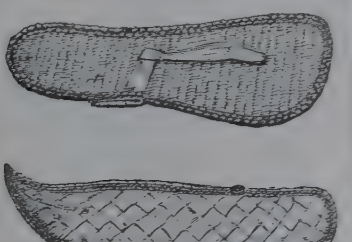
BAU'CALIS (*βαύκαλις*, *βαυκάλη*, also *καύκαλις*), a large vessel for cooling wine in (*Anth. Pal.* xi. 244, 4), made at Alexandria (Athen. xi. 784 c), like the *ψυκτήρ*, except that it was probably larger, and supported, according to Hermann-Blümner (*Privatalt.* 234, note 6), on four wheels (*τετράκυκλος*, Athen. *l. c.*), if we are not to suppose with Krause (*Angeiologie*, 366) that the *κύκλοι* are raised rings which divided the vessel into four compartments. Philostorgius (i. 4) says it was made of earthenware (*ἄγκος ὀστράκινον*). It was perhaps sometimes made of glass; at least Athenaeus, in immediate connexion with his description, speaks of the elaborate glass-working at Alexandria, which imitated every kind of clay. Brass seems to have been an unusual material for the vessel to be made of (*Anth. Pal.* l. c.).

Βαυκάλιον appears to have been a smaller vessel of the kind. [L. C. P.]

BAU'CIDES (*βαυκίδες*), a kind of costly shoe of a saffron colour (Poll. vii. 99), worn exclusively by women. It was also called *βαυκίδιον*. Kock on Aristophanes (*Frag.* 342) quotes Aspasius (on Aristot. *Eth.* 58 a) to the effect that it was an Ionian shoe worn especially by the Ionian women. It is mentioned also by Alexis (*Frag.* 98, 7, Kock). [L. C. P.]

BAX'EAE or BAXAE, sandals made of vegetable leaves, twigs, or fibres. According to Isidore (*Orig.* xix. 33), this kind of sandal was

worn on the stage by comic, whilst the cothurnus was appropriate to tragic actors. When, therefore, one of the characters in Plautus (*Men.* ii. 3, 40) says, "Qui extergentur baxeae?" we may suppose him to point to the sandals on his feet. Philosophers also wore sandals of this description, at least in the time of Tertullian (*Pall.* 4) and Apuleius (*Met.* ii. 28, xi. 8; *Flor.* 9), and probably for the sake of simplicity and cheapness. Isidore adds, that baxeae were made of willow (*ex salice*), and that they were also called *calones*. From numerous specimens of them discovered in the catacombs, we perceive that the Egyptians made them of palm-leaves and papyrus. (Wilkinson, *Ancient Egyptians*, vol. ii. p. 336.) They are sometimes observable on the feet of Egyptian statues. According to Herodotus, sandals of papyrus (*ὑποδήματα βύβλινα*, ii. 37) were a part of the required and characteristic dress of the Egyptian priests. We may presume that he intended his words to include not only sandals made, strictly speaking, of papyrus, but those also in which the leaves of the date-palm were an ingredient, and of which Apuleius makes distinct mention ("pedes palmeis baxeis indutum," *Met.* ii. 8.) The accompanying woodcut shows two sandals exactly answering to this



Baxeae or Sandals. (British Museum.)

description, from the collection in the British Museum. The upper one was worn on the right foot. It has a loop on the right side for fastening the band which went across the instep. This band, together with the ligature connected with it, which was inserted between the great and the second toe, is made of the stem of the papyrus, undivided and unwrought. The lower figure shows a sandal in which the portions of the palm-leaf are interlaced with great neatness and regularity, the sewing and binding being effected by fibres of papyrus. The three holes may be observed for the passage of the band and ligature already mentioned. Tertullian speaks of gilded *baxae* (*Idol.* 8), and possibly of purple ones (*Pall.* 4; but the passage is corrupt). [J. Y.] [J. H. F.]

BEBAIO'SEOS DIKE' (*Βεβαιώσεως δίκη*), an action to compel the vendor to make a good title, was had recourse to in the following cases:—

1. To compel specific performance of the contract, when the vendor, after receiving the *ἀρραβών* or deposit, gets a more advantageous offer from another quarter, or otherwise repents of his bargain. (Harpocrat. *s. v. ἐνίοτε καὶ ἀρραβῶνος μόνου δοθέντος, εἶτα ἀμφισβητήσαντος τοῦ πεπρακότος, ἐλάγχανε τὴν τῆς βεβαιώσεως δίκην ὁ τὸν ἀρραβῶνα δοὺς τῷ λαβόντι.*)

2. When the right or possession of the purchaser was impugned or disturbed by a third person. A claimant under these circumstances, unless the present owner were inclined to fight the battle himself (*αὐτομαχεῖν*), was referred to the vendor as the proper defendant in the cause (*ἀνάγειν ἐπὶ τὸν πράτῆρα*, Poll. viii. 34). The latter was then bound to make good the title (*βεβαιοῦν*); or if he refused, the action in question was the legal remedy against him.

3. If the third party so claiming had established his right, and been by the decision of the dicasts put in legal possession of the property, whether movable or otherwise, the ejected purchaser was entitled to sue for reimbursement (*τὴν τιμὴν καὶ τὴν ζημίαν*, the actual price *plus* compensation for loss and inconvenience) from the vendor by this action (Pollux, viii. 6). The intricate case in the speech of Demosthenes against Pantaenetus has sometimes been referred to this head, but seems hardly to belong to it. The provision in Plato's Laws (xii. 954 A) probably represents the actual law of Athens: "He who sells for another who sells unlawfully, or is not able to make good the loss, shall himself be responsible; the agent and the principal shall be equally liable."

It has been conjectured that there was also a *βεβαιώσεως δίκη* when the purchaser of confiscated property (*δημόπρατα*) was disturbed in his possession by a claimant; the defendant in that case being the Prytanis of the Poletae who had carried out the decree of sale (*Att. Process*, p. 574). But it was a well-known axiom in Athenian law that sales by the state gave an indefeasible (or, as we should say, a parliamentary) title (Demosth. *c. Timocr.* p. 717, § 54, with Wayte's note; Pollux, viii. 99; Hesych. *s. v. ἐν λευκώματι*). The only evidence to the contrary is a doubtful reading (*πέπρακε* for *πέπραχε*) in Demosth. *c. Pantaen.* p. 972, § 19; and the notion of Meier and Schömann has not found favour among recent scholars (Müller, *ap.* Pauly; Caillemer, *ap.* D. and S.).

The *βεβαιώσεως δίκη*, like most civil actions, came before the tribunal of the Thesmothetae (K. F. Hermann, *Privatalterth.*, § 65, n. 15–18). [J. S. M.] [W. W.]

BEMA (*βῆμα*), the platform from which the orators spoke in the Athenian *ἐκκλησία*, is described under ECCLESIA. [W. S.]

BENDIDEIA (*Βενδίδεια*), a festival celebrated in the port town of Peiraeeus in honour of Bendis, a Thracian divinity, whose worship seems to have been introduced into Attica about the time of Socrates, B.C. 429, for Plato (*de Re Publ.* init.) introduces Socrates giving an opinion on the Bendideia, and saying that it was then celebrated for the first time. It was celebrated on the 20th, or, according to others, on the 19th of Thargelion. (Schol. *ad* Plat. *Repub.* i. p. 354; Proclus, *ad* Plat. *Tim.* pp. 9–27.) The festival resembled, in its character, those celebrated in honour of Dionysus (Strab. x. p. 470), though Plato (*l. c.* p. 354) mentions only feasting; but the principal solemnities seem to have consisted in a procession held by the Thracians settled in Peiraeeus, and another held by the Peiraeans themselves, which, according to Plato (*de Re Publ.* init.), were held with great decorum and

propriety, and a torch-race on horseback in the evening. The Athenians identified Bendis with their own Artemis (Hesych. *s. v.* **Βένδις**), but the temple of Bendis (**Βενδίδειον**) at Peiraeeus was near that of Artemis, whence it is clear that the two divinities were distinct. (Xenoph. *Hellen.* ii. 4, § 11; comp. Liv. xxxviii. 41; Ruhnken, *ad Tim. Gloss.* p. 62; Clinton, *F. H.* vol. ii. p. 402, 3rd edit.) [L. S.]

BENEFICIUM ABSTINENDI. [HERES.]

BENEFIC'IUM, BENEFICIA'RIUS. The word *beneficium* is of frequent occurrence in the Roman law, in the sense of some special privilege or favour granted by the praetor or the emperor to a class of persons on some special ground of equity: e. g. *beneficium abstinendi*, *beneficium divisionis ex epistola Hadriani*, *beneficium competentiae*, *beneficium aetatis*, *beneficium inventarii*. But the word was also used in other senses, and the meaning of the term in feudal law, where it is equivalent to feodum or fief (see below), is clearly derivable from the signification of the term among the Romans of the later republican and earlier imperial times. In the time of Cicero it was usual for a general, or a governor of a province, to report to the treasury the names of those under his command who had done good service to the state: those whose names were entered in such report were said *in beneficiis ad aerarium deferri* (Cic. *pro Arch.* c. 5, *ad Fam.* v. 20, and the note of Manutius). It was required by a Lex Julia that the names should be given in within thirty days after the accounts of the general or governor. *In beneficiis* in these passages may mean that the persons so reported were considered as persons who had deserved well of the state, and so the word *beneficium* may have reference to the services of the individuals; but as the object for which their services were reported was the benefit of the individuals, it seems that the term had reference to the gratuity in the form of money or presents given for such services. The honours and offices of the Roman state, in the republican period, were called the *beneficia* of the populus Romanus.

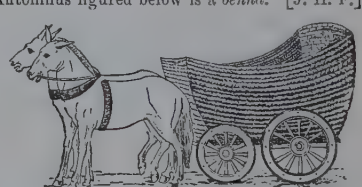
Beneficium also signified any promotion conferred on or grant made to soldiers, who were thence called *beneficiarii*: this term was a common one, as we see from inscriptions in Gruter (li. 4, cxxx. 5), in some of which the word *beneficiarius* is represented by the two letters B. F. In this sense we must understand the passage of Caesar (*de Bell. Civ.* ii. 18) when he speaks of the *magna beneficia* and the *magnae clientelae* of Pompeius in Citerior Spain. Beneficiarius is also used by Caesar (*de Bell. Civ.* i. 75) to express the person who had received a beneficium. It does not, however, appear from these passages, what the beneficium actually was. It might be any kind of honour, or special exemption from service (*de Bell. Civ.* iii. 88; Sueton. *Tib.* 12; Vegetius, *de Re Militari*, ii. 7).

Beneficiarius is opposed by Festus (*s. v.*) to *munifex*, in the sense of one who is released from military service, as opposed to one who is bound to do military service.

Grants of land and other things made by the Roman emperors were called *beneficia*, and were entered in a book called *Liber Beneficiorum* (Hyginus, *de Limitibus Constit.* p. 193, Goes.). The secretary or clerk who kept this book was called *a commentariis beneficiorum*, as appears from an inscription in Gruter (dlxxviii. 1).

It was the practice of the kings and leaders of the tribes which took possession of the western provinces of the Roman empire to grant lands to their nobles to be held generally for life on condition of special personal service. Lands so granted were called *beneficia*. From about the end of the 9th century, when *beneficia* became hereditary and subject to subinfeudation, they were also called *feoda* or feuds (*Feud.* lib. 2, tit. 1), the two words being used indifferently to denote the same condition of landed property. (Guizot, *Histoire de la Civilisation en France*, vol. iii. p. 247.) The beneficiarius is he who has a beneficium. Grants made for the purpose of endowing churches were called *beneficia*: hence the word benefice came to be applied to an ecclesiastical preferment. (Ducange, *Gloss.*) [G. L.] [E. A. W.]

BENNA, a carriage (Festus, *s. v.*: "Benna lingua Gallica genus vehiculi appellatur, unde vocantur combennones eadem benna sedentes." Cf. Cato, *R. R.* 23, 2). As a waggon of basket-work is still called *benna* in Italian, *benne* in South German, and *banne* in Belgium, it is conjectured that the vehicle from the column of Antoninus figured below is a *benna*. [J. H. F.]



Benna. (From the Column of Antoninus.)

BES. [AS.]

BESA or **BESSA** (*βήσα*, Eustath. on *Od.* i. 1405 b, 16; *βήσσα*, Athen. xi. 784 b; *βησίον*),

Besa or Bessa, an Alexandrine vessel, having the image of the god Bes. (Birch's *Ancient Pottery.*)

an Alexandrine vessel used both for drinking from and also for holding perfumes in, of the

shape of a flask, broad at the bottom and gradually getting narrower towards the top (Ath. *l. c.*); similar to the ἀλάβαστρον (Schol. on Aristoph. *Ach.* 1048, compared with 1050) or the βομβύλιος, which Suidas defines by βησίον. In *Anth. Pal.* Appendix 30, 3, Dindorf and Jacobs understand βήσαν as the name of a dancer, but Ussing does not see any reason to refuse to take it as a goblet *propter salientem inde liquorem*. The vessel is Egyptian, so called from having the features of the god Bes modelled on it, and we may see the shape of it in Birch (*Ancient Pottery*, p. 29). (See also Ussing, *De nominibus vasorum Graecorum*, p. 62; Krause, *Angeiologie*, 379, 380, 407, 408.) [L. C. P.]

BESTIA'RII (θηριομάχοι), persons who fought with wild beasts in the games of the circus. They were either persons who fought for the sake of pay (*auctoramentum*), and who were allowed arms, or they were criminals, who were usually permitted to have no means of defence against the wild beasts. (Cic. *pro Sest.* 64; Sen. *de Benef.* ii. 19, *Ep.* 70. 17; Tertull. *Apol.* 9.) The former class, who were more correctly called *venatores*, and of whom there were great numbers in the latter days of the republic and under the empire, are always spoken of as distinct from and inferior to the gladiators, who fought with one another. (Cic. *in Vatin.* 17; *ad Qu. Fr.* ii. 6, § 5.) There were schools in Rome for their training (*scholae bestiarum* or *bestiariorum*, Tertull. *Apol.* 35). Such were called *ludi matutini*, from the fact that in the public games the combats with beasts always preceded the fights of the gladiators. (Cf. Friedländer, *Sittengesch.* vol. ii.[3], pp. 366 ff.) [W. S.] [A. S. W.]

BIAIΩN DIKE' (βιαίων δίκη). This action might be brought in any case of brutal violence (Harpocrat.; cf. Plato, *Leg.* ix. p. 879 B, βίαιον τὸ τῆς αἰκίας πᾶν γένος); and we learn from Demosthenes (*c. Pantaen.* p. 976, § 33) that it came under the jurisdiction of the Forty. It was, however, in practice mainly restricted to two cases: the illegal and forcible seizure of property of any kind, but especially of slaves; and the rape, or abduction with a view to rape, of a free person of either sex. Under the former head came the irregular rescue of slaves from their masters. (Lys. *c. Pancleon.* § 12; Exairesεos Diké.) According to Plutarch (*Solon*, 23), the law prescribed that ravishers should pay a fine of 100 drachmas; but other accounts merely state generally that the convict was mulcted in a sum equal to twice that at which the damages were laid (διπλῆν τὴν βλάβην ὀφείλειν, Lys. *de Caede Eratosth.* § 32; Dem. *c. Mid.* p. 528, §§ 44, 45; Harpocrat.): the plaintiff in such case receiving one-half of the fine; and the state, as a party mediately injured, the other. To reconcile these accounts Meier (*Att. Proc.* p. 545) supposes the rape to have been estimated by law at 100 drachmas, and that the plaintiff fixed the damages in reference to other injuries simultaneous with, or consequent upon, the perpetration of the main offence. Demosthenes lays down the rule that all such acts of violence are not merely civil injuries, but crimes against society (πάνθ' ὅσα τις βιαζόμενος πράττει, κοινὰ τἀδικήματα, *c. Mid. l. c.*); and it seems clear that the βιαίων δίκη, like the kindred actions αἰκίας and ὕβρεως, might be taken up by a third party as a γραφὴ or public prosecution, provided that no private suit had been instituted. With respect to aggressions upon property, the action βιαίων is to be distinguished from ἐξούλης, in that the former implies the employment of actual violence, the latter merely such detention of property as amounted to violence in the contemplation of law (Meier, *Att. Proc.* p. 546), as for instance the nonpayment of damages, and the like, to the successful litigant after an award in his favour by a court of justice. (Dem. *c. Mid.* p. 540, § 8.) [J. S. M.] [W. W.]

BIB'ASIS (βίβασις). [Saltatio.]

BIBLIOPO'LA. [Liber.]

BIBLIOTHE'CA (βιβλιοθήκη). I. Greek. The large libraries of the Assyrian and Egyptian monarchs were unknown to the Greeks till the time of the Ptolemies. We do indeed hear of a library formed by Peisistratus (Aul. Gell. vi. 17; Athen. i. p. 3), which Aulus Gellius calls "the first public library;" of another by Polycrates, the tyrant of Samos (Athen. i. p. 3); and of private collectors we hear of Nicocrates of Cyprus (Athen. i. p. 3), Euclid the Archon (Athen. i. p. 3), Euripides (Athen. i. p. 3), Euthydemus (Xen. *Memor.* iv. 2), and Aristotle (Strabo, xiii. 1; Athen. i. p. 3). (See Aristotle in *Dict. of Biog.*) But it was the Macedonian rulers of Alexandria who first created a public library on a large scale. Ptolemy Philadelphus collected books from all parts of Greece and Asia, the larger number of which he deposited in the Mouseion (or Museum), a building in the Bruchium quarter of Alexandria, and the rest in the Serapeion. Zenodotus was the first librarian, after him Callimachus (who made a catalogue called the Πίνακες), then Eratosthenes, then Apollonius, then Aristophanes. The number of volumes in the two libraries seems to have been between 500,000 and 600,000 (Tzetzes, *Schol. in Aristoph.*; Aul. Gell. vi. 17; Sen. *de Tranq. An.* 9; Josephus, *Ant. Jud.* xii. 2). Books in foreign languages were brought to Alexandria and translated for the purpose of being put in the library, and the Septuagint version is said to have been made in this way. Galen tells us that the autograph original copies of Aeschylus, Sophocles, and Euripides were procured for the library.

This priceless collection suffered considerably in the siege of Alexandria by Julius Caesar, in the destruction of the Bruchium quarter by Aurelian 273 A.D., and by the edict of Theodosius for the destruction of the Serapeion 389 A.D., until it was finally destroyed by the Arabs, 640 A.D. (See Gibbon, c. 51.)

(On the Alexandrian Library, see Ritschl, *Die Alexandrinischen Bibliotheken; Opusc. Phil.* i.; Parthey, *Das Alexandrinische Museum;* Birt, *Das Antike Buchwesen.*)

A rival library to that at Alexandria was started by the kings of Pergamus, but was transported to Egypt by Antony, who made a present of its 200,000 volumes to Cleopatra (Plut. *Anton.* 58. On the library of Pergamus, see Wegener, *De Aula Attalica*). By the 2nd or 1st cent. B.C. there seem to have been libraries in most Greek towns. (Egger, *Callimaque et l'origine de la bibliographie;* cf. Polyb. xii. 27.) [W. M. L.]

II. Roman. The first public library in Rome

was that founded by Asinius Pollio (Plin. *H. N.* vii. 30; Isid. *Orig.* vi. 5), and was in the atrium Libertatis on Mount Aventine. Julius Caesar had projected a grand Greek and Latin library, and had commissioned Varro to take measures for the establishment of it; but the scheme was prevented by his death. (Suet. *Jul.* 44.) The library of Pollio was followed by that of Augustus, in the temple of Apollo on the Mount Palatine (Suet. *Aug.* 29; Dio Cass. liii. 1), and another, Bibliothecae Octavianae (so called from Augustus's sister Octavia), forming part of the Porticus Octavia. (Dio Cass. xlix. 43; Plut. *Marcell.* 30.) There were also libraries on the Capitol (Suet. *Dom.* 20), in the temple of Peace founded by Vespasian (Gell. v. 21, xvi. 8), in the palace of Tiberius (Gell. xiii. 18), besides the Ulpian library (so called after its founder, Trajan), which was the most famous (Gell. xi. 17; Dio Cass. lxviii. 16). This library was attached by Diocletian, as an ornament, to his *thermae*. (Vopisc. *Prob.* 2.)

Private collections of books were made at Rome soon after the Second Punic War, sometimes from the spoils of Grecian or Eastern conquest. Thus Aemilius Paulus brought to Rome the library of Perseus, king of Macedonia; Sulla, that of Apellicon of Teos; Lucullus, the extensive one of the kings of Pontus, to which he gave the public free access. (Plut. *Aem. Paul.* 28; *Sulla*, 26; *Lucull.* 42; Isid. *Or.* vi. 5, 1.) The zeal of Cicero, Atticus, Varro, and others in increasing their libraries is well known. (Cic. *ad Att.* i. 7, 10, iv. 5; *ad Quint. Fr.* iii. 4; Gell. iii. 10.) Serenus Sammonicus possessed a library of 62,000 books. (Cap. *Gord.* 18.) Towards the end of the republic it became, in fact, the fashion to have a room elegantly furnished as a library, and reserved for that purpose. (Cp. Vitruv. vi. 7.) However ignorant or unstudious a person might be, it was fashionable to appear learned by having a library, though he might never even read the titles of the books. Seneca (*de Tranq. An.* 9) condemns the rage for mere book-collecting, and rallies those who were more pleased with the outside than the inside. Lucian wrote a separate piece to expose this common folly (*πρὸς ἀπαίδευτον καὶ πολλὰ βιβλία ὠνούμενον*).

We read of provincial libraries at Milan and Comum (Plin. *Ep.* i. 8, iv. 13; Orelli, *Inscr.* 1172), Tibur (Gell. ix. 14), and Patrae (Id. xviii. 9).

A library generally had an eastern aspect (Vitruv. vi. 7). In Herculaneum a library fully furnished was discovered. Round the walls it had cases containing the books in rolls [LIBER]; a rectangular case occupied the centre of the room: these cases were numbered. It was a very small room,—so small that a person by stretching out his arms could touch both sides of it; yet it contained 1700 rolls. The cases were called either *armaria* [ARMARIUM] (Plin. *Ep.* ii. 17; Vopisc. *Tacit.* 8), or *loculamenta* (Seneca, *de Tranq. An.* 9), or *foruli* (Juv. *Sat.* iii. 219), or *nidi* (Mart. i. 118, 15; 17, 5). Asinius Pollio had set the fashion in his public library of adorning the room with the portraits and busts of celebrated men, as well as statues of Minerva and the Muses. This example was soon followed in the private libraries of the rich. The *librarii a bibliotheca* or *bibliothecarii*, who had charge of the libraries, were usually slaves or freedmen. (Orell. 40, 41; Frontin. and M. Aurel. *Ep.* iv. 5; Isid. *Gloss.*; Juv. iii. 219; Plin. *Ep.* iii. 7, iv. 28; *H. N.* xxxv. 2; Cic. *ad Fam.* vii. 23; Suet. *Tib.* 70; Mart. ix. *Ep. ad Turan.*; Lipsius, *De Bibliothecis Syntagma*, in Opera, vol. iii.; Becker, *Gallus*, ed. Göll, ii. 418–24; Séraud, *Les Livres dans l'Antiquité*, ch. 10; Bernhardy, *Röm. Litter.* p. 65.) [A. A.] [J. H. F.]

BICLIN'IUM. [TRICLINIUM.]

BICOS (*βῖκος*), an earthen vessel in common use among the Greeks. (Pollux, vi. 14, vii. 162, x. 73.) Hesychius (*s. v.*) defines it as a *στάμνος* with handles. It was used for holding wine (Herod. i. 194; Xen. *Anab.* i. 9, § 25), and salted meat and fish. (Athen. iii. p. 116 f.) [W. S.]

BIDENS. [RASTRUM.]

BIDENTAL, an erection on a spot where lightning had fallen. The name is derived from the sacrifice of a young sheep (*bidens*) by the *haruspices* at the place. Sometimes, from the resemblance of the structure to the mouth of a well, it was called *puteal*, as in the case of the *puteal Libonis* or *Scribonianum* at the eastern end of the Forum Romanum (Hor. *Ep.* i. 19, 18; *Sat.* ii. 6, 35; Pers. iv. 49), and another in the Comitium (Cic. *de Div.* i. 17; Liv. i. 36, &c.). [PUTEAL.] When lightning had struck a spot, it was held necessary *condere fulgur*, either *publice* or *privatim*, according to the nature of the place. If a man had been killed by the lightning, it was not lawful to burn the corpse, but he was buried on the spot. (Plin. *N. H.* ii. § 145.) Everything which had been scorched or scattered by the lightning was solemnly collected by the pontiff (who was at a later date assisted by the *haruspices*) and piled up with a low muttered prayer. (Schol. on Juv. vi. 587; cf. Lucan, i. 607; Acron. on Hor. *A. P.* 471.) A *bidens* was offered, and a small enclosure, neither paved nor covered, was built around the heap, and was further surrounded by an exterior wall, bearing the legend *fulgur conditum*. Many inscriptions of this kind are still extant, and at Pompeii a bidental has been discovered, of which the outer protection is formed by eight Doric columns. (Mazois, *Ruines de Pompéi*, t. iv., pl. ii. iii.) It was not allowed to tread this *locus religiosus*, or even to look into it. (Schol. Pers. v. 27; Ammian. xxiii. 5.)

From Horace (*A. P.* 471) it appears to have been believed that a person who was guilty of profaning a bidental would be punished by the gods with frenzy. (Cf. Marquardt, *Röm. Staatsverw.* iii. 252–3.) [A. S. W.]

BIDIAEI (*βιδιαῖοι*), called in inscriptions *βίδεοι* or *βίδυοι*, were magistrates in Sparta whose business was to inspect the gymnastic exercises. Their house of meeting (*ἀρχεῖον*) was in the market-place. (Paus. iii. 11, § 2.) They were either five (Paus. *l. c.*) or six in number (*C. I. G.*, Nos. 1270, 1271, 1364), and had a president who is called in inscriptions *πρέσβυς βιδέων*. (*C. I. G.* i. p. 611.) Böckh conjectures that *βίδεοι* or *βίδυοι* is the Laconian form for *ἴδυοι* or *Fίδυοι*, and signifies witnesses and judges among the youth. (Comp. Müller, *Dorians*, iii. 7, § 8.) Valckenaer (*ad* Herod. vi. 57) supposed that the bidiaei were the same as the *νομοφύλακες*: but the inscriptions given by Boeckh show that the bidiaei and *νομοφύλακες* were two separate classes of officers. The

annually elected heads of a priesthood of Helen and the Dioscuri at Sparta were also called βιδιαῖοι (Le Bas et Foucart, *Inscr. du Peloponnèse*, No. 163A): they may have been identical with the preceding. [W. S.] [W. W.]

BIGA or BIGAE. [CURRUS.]

BIGAMIA. [MATRIMONIUM.]

BIGATI, sc. nummi, the Roman denarii which had a two-horsed chariot (biga) as type. (Plin. xxxiii. § 46; Festus, p. 98.) [AS, p. 205.] [P. G.]

BIKOS. [BICOS.]

BILIX. [TELA.]

BIPA'LIUM. [PALA.]

BIPENNIS. [SECURIS.]

BIRE'MIS. [NAVIS.]

BIRRUS (βίρρος), or BURRUS, a cloak or cape furnished with a hood; a heavy, coarse garment for use in bad weather. (Burmann, *Anth. Lat.* ii. p. 407; Cod. Theod. xiv. 10, 1.) Its material was stiff (*birrum rigentem—fluentem lacernam*, Sulp. Sev. *Dial.* i. 14), with a long nap —usually wool, sometimes beaver (Claud. *Epigr.* 42). The word is used as a synonym of *lacerna* (Schol. *ad* Pers. i. 54), of *cucullus* (Schol. *ad* Juv. viii. 145), of *sagum* (Dioclet. *Edict.* xvi. 11, ed. Waddington; Vopisc. *Gallien.* 6, *Carin.* 20, with note of Salmasius). Waddington (*l. c.*) prefers to regard it as a word of barbarous origin, rather than to suppose that it is connected with πυρρός (Festus, *s. v.*; Marquardt, *Privatleben*, p. 550), on account of the red colour of the wool. The spelling *byrrus* is rare in MSS. In Diocletian's Edict (*l. c.*) we read of βίρροι made not of coarse materials, but of the more costly Laodicean and Nervian wools. [W. S.] [J. H. F.]

BISE'LLIUM. [SELLA.]

BISSEXTUM. [CALENDARIUM.]

BLABES DIKE' (βλάβης δίκη). This action was available in all cases in which one person had sustained a loss by the conduct of another; and from the instances that are extant, it seems that whether the injury originated in a fault of omission or commission, or impaired the actual fortune of the plaintiff or his prospective advantage, the action would lie, and might be maintained, against the defendant. The two great classes into which βλάβαι may be divided are the ἔνθεσμοι and the ἄθεσμοι,—terms found in the grammarians only, not in classical writers. The first of these will include all causes arising from the non-fulfilment of a contract to which a penal bond was annexed, and those in which the law specified the penalty to be paid by the defendant upon conviction; the second, all injuries of property which the law did not specify *nominatim*, but generally directed to be punished by a fine equal to twice the estimated damage, if the offence was intentional; if otherwise, by a bare compensation. (Meier, *Att. Proc.* p. 186, &c., p. 475, &c.; Dem. *c. Mid.* p. 528, § 43.) The declaration of the plaintiff seems always to have begun with the words Ἔβλαψέ με, then came the name of the defendant, and next a description of the injury, as οὐκ ἀποδιδοὺς ἐμοὶ τὸ ἀργύριον in Demosthenes (*pro Phorm.* p. 950, § 20; cf. *in Pantaen.* p. 973, § 22).

It is of course impossible to enumerate all the particular cases upon which this action would arise; but the following may be specified. Callippus brings an action βλάβης against the banker Pasion, for breach of contract in paying over the balance of a deceased depositor, Lycon, to one Cephisiades; Lycon having, as the plaintiff alleges, stipulated on making the deposit that it was to be paid to Callippus only. In a later action against the son of Pasion, Apollodorus, he claims as a creditor of Pasion's estate: the latter is a δίκη ἀργυρίου, not βλάβης (Demosth. *c. Callipp.* p. 1240, § 14). Hence Caillemer argues (*9me Etude*, pp. 30, 31), with good reason, that the δίκη βλάβης did not, as such, form a part of the law of debtor and creditor. On the other hand, Nausimachus and Xenopeithes, who had brought an action ἐπιτροπῆς against their guardian Aristaechmus, and had compromised it for three talents, re-open the question after his death, and bring a δίκη βλάβης against his sons (Demosth. *Or.* 38). This can only mean that a claim against the estate of Aristaechmus, too vague in its character for a δίκη χρέους, sheltered itself under the convenient generality of a δίκη βλάβης. Supposititious testimony given in the name of another, thereby rendering such person liable to an action ψευδομαρτυριῶν, was again a βλάβη at Attic law (Demosth. *c. Aphob.* iii. p. 849, §§ 15, 16). In the speech of Demosthenes πρὸς Βοιωτὸν περὶ τοῦ ὀνόματος, the plaintiff Mantitheus treats as a βλάβη the inconvenience caused by his half-brother, Boeotus, assuming his name. Again, the liability of an owner for the acts of his slave or his domestic animal came under this head; as in the old law of Solon quoted by Lysias οἰκῆος καὶ δούλης βλάβην ὀφείλειν (*c. Thomnest.* i. § 19; cf. Plato, *Leg.* xi. 936 C, D); and the speech of Lysias περὶ τοῦ κυνὸς, quoted by Harpocration (*s. v.* καρκίνος).

The proper court was determined by the subject of litigation. A βλάβη in the market, like the damage done by Philocleon to the cake-woman's basket (Aristoph. *Vesp.* 1407), would come before the Agoranomi; dangerous buildings, before the Astynomi; commercial and mining cases, as a rule, before the Thesmothetae; those arising out of the law of inheritance, before the Archon Eponymus. [J. S. M.] [W. W.]

BLATTA. [PURPURA.]

BLAUTAE. [CALCEUS, p. 332 b.]

BOA'GOS (βοαγός). The boys (seven to eighteen years) at Sparta after their seventh year were taken by the state and trained for its service. They were divided into sections, called βοῦαι. The leader of such a section who was an εἴρην (*i. e.* between twenty and thirty years; those between eighteen and twenty were called μελλείρενες) was called βουαγὸς or βουαγόρ (Plut. *Lycurg.* 17; Xen. *Rep. Lac.* ii. 11). Hesychius (*s. v.* βοαγόρ) calls him a παῖς; but he uses παῖς in a broad sense, comprising all not fully developed men (*i.e.* under thirty years). As not being a fully developed man, the βοαγὸς was not recognised as a magistrate. But in the inscriptions which date from the times of the Roman empire the βοαγοὶ are full-grown men. This is to be explained by the fact that in those times it was merely a complimentary or honorary title given to distinguished men, and held with the ephoralty and other magistracies (*C. I. G.* 1241, col. 1; 1245, &c.), which of course would have been impossible in the old days when the ephors had plenty to do as such. Sometimes a man is βουαγὸς and holds no other magistracy (*C. I. G.* 1250). Cf. Boeckh, *C. I. G.*

i. p. 612; G. Gilbert, *Handbuch der griechischen Staatsalterthümer* (1881), i. 67–8. [L. C. P.]

BOEDROMIA (*βοηδρόμια*), a festival celebrated at Athens on the seventh day of the month of Boëdromion, in honour of Apollo Boëdromios. (Müller, *Dor.* ii. 8, § 5.) The name Boëdromios, by which Apollo was called in Boeotia and other parts of Greece (Paus. ix. 17, § 1; Callimach. *Hymn. Apoll.* 69), seems to indicate that by this festival he was honoured as a martial god, who either by his actual presence or by his oracles afforded assistance in the dangers of war. The origin of the festival is, however, traced by different authors to different events in Grecian story. Plutarch (*Thes.* 27) says that Theseus, in his war against the Amazons, did not give battle till after he had offered a sacrifice to Phobos; and that, in commemoration of the successful battle which took place in the month of Boëdromion, the Athenians, down to his own time, continued to celebrate the festival of the Boëdromia. According to Suidas, the *Etymol. Magn.* and Euripides (*Ion.* 59), the festival derived its name and origin from the circumstance that when, in the reign of Erechtheus, the Athenians were attacked by Eumolpos, Xuthos or (according to Philochorus in Harpocration, *s. v.*) his son Ion came to their assistance, and procured them the victory. Respecting the particulars of this festival, nothing is known except that sacrifices were offered to Artemis. (Comp. Spanheim, *ad* Callim. *Hymn. in Apoll.* 69.) [L. S.]

BOEOTARCHES (Βοιωτάρχης, or Βοιώταρχος). It is proposed under this head to give a brief account of the Boeotian constitution as well as of the Boeotarchs.

The Boeotians in ancient times occupied Arne in Thessaly. (Thuc. i. 12.) Sixty years after the taking of Troy they were expelled by the Thessalians, and settled in the country then called Cadmeis, but afterwards Boeotia (the *ἀποδασμὸς* being introduced by Thucydides in order to reconcile the Homeric account, *Il.* ii. 494 foll., with the tradition as to the time of their migration into Boeotia). The leader of the Boeotians was king Opheltas (Plut. *Cim.* 1); a later king Xanthus fell in single combat with Melanthus (Harp. *s. v.* Ἀπατούρια). From Thuc. iii. 61 it would seem that these kings ruled the whole country from Thebes. Later on the country was divided into several states, containing each a principal city with its *ξυντελεῖς* (cf. Thuc. iv. 76, Χαιρώνειαν—ἣ ἐς Ὀρχομενὸν—*ξυντελεῖ*) or *ξύμμοροι* (cf. Thuc. iv. 93, Θηβαῖοι καὶ οἱ *ξύμμοροι* αὐτοῖς, i.e. "those who inhabited the same *μοῖρα* or division of Boeotia with the Thebans, as, *e.g.*, the Parasopii, Therapnenses, Peteonii: Strab. ix. 2, 24. 26," Arnold *ad* Thuc. *l. c.*) living around it. The number and names of these independent states are differently given by different writers on the subject; we know, however, for certain that they formed a confederacy called the Boeotian League, with Thebes at its head, and Freeman is of opinion that the political union grew out of an older Amphictyony (Pausan. ix. 34, 1). Common sanctuaries were the temple of the Itonian Athene near Coronea, where the Pamboeotia were celebrated, and the temple of Poseidon in Onchestus (Strab. ix. 2, 23. 33). Thucydides (iv. 93) mentions seven independent states: Thebes, Haliartus, Coronea, Copae, Thespiae, Tanagra, and Orchomenus; and we learn from inscriptions that, at one time or other, the following belonged to the same class: Anthedon, Lebadea, Hyettus, Acraephia, Chorsia (or Korsia, Demosth. *F. L.* § 141, etc.), Thisbe, Chaeronea. O. Müller (*Orchom.* p. 403) supposes there were originally fourteen free states. Probably the number differed at different times; some Boeotian towns seceded from the league, as Eleutherae (Pausan. i. 38, 8), Plataea (Herod. vi. 108, in B.C. 519, according to Clinton, whilst Grote, iv. 94 n., fixes the date after the expulsion of Hippias; it joined the league again a few years previous to B.C. 372), Orchomenus in B.C. 395 (Xen. *Hell.* iii. 5, 6), Oropus (Pausan. i. 34, 1; Xen. *Hellen.* vii. 4, 1; Demades, i. 9, and Hyp. *pro Eux.* c. 16; Diod. Sic. xiii. 56); or non-Boeotian towns joined the league, *e.g.* Larymna (Pausan. ix. 23, 7, *ἑκουσίως μετετάξαντο ἐς Βοιωτούς*), etc.; or we find Boeotian towns changing their status within the league, gaining independence: thus Acraephia belonged at one time to Thebes (Pausan. ix. 23, 5, *εἶναι ἐξ ἀρχῆς μοῖραν τῆς Θηβαΐδος*); as to Chaeronea cf. Thuc. iv. 76, and Pausan. ix. 3, 6; other towns were destroyed by Thebes, as Plataea, Orchomenus, Thespiae, Coronea. The dependent towns, or districts, were not immediately connected with the national confederacy, but with the neighbouring chief city, as Cynoscephalae was with Thebes (Boeckh on Pindar. ii. 2, p. 13). In fact, "they were obliged to furnish troops and money, to make up the contingent furnished by the state to which they belonged, to the general confederacy" (Arnold *ad* Thuc. iv. 76). Freeman, however, is of opinion that *ξυντελεῖν* implies a greater degree of freedom on the part of these dependent places than Arnold allows (cf. also Vischer, *Kl. Schr.* i. p. 341, 4). Freeman divides the history of the league into three periods: the first extends to the dissolution of the league at the peace of Antalcidas, B.C. 387; the second includes the short but brilliant period of Theban greatness down to the conquest of Thebes by Philip (B.C. 338) and its destruction by Alexander, B.C. 387–334 (the league was nominally revived: Diod. xv. 80, *κοινὴ σύνοδος τῶν* Βοιωτῶν: cf. 83, but was practically only another name for bondage to Thebes, Xen. *Hell.* vi. 1, 1, v. 4, 63); the third from the destruction of Thebes by Alexander and its restoration by Cassander, B.C. 316 (Thebes becoming again the head of the league: Liv. xxxi. 1, "Boeotiae caput," but with powers very inferior to those she formerly possessed), down to the final dissolution of the league by Quintus Marcius Philippus, B.C. 171. Mommsen (*Röm. Gesch.* i. p. 740) fixes the legal dissolution of the league in B.C. 146, and infers from Pausanias (vii. 16, 9, 10) that it was revived soon afterwards (*καὶ συνέδριά τε κατὰ ἔθνος ἀποδιδόασιν* [*οἱ* Ρωμαῖοι] *ἑκάστοις τὰ ἀρχαῖα*, etc.). Certain it is that some kind of confederation lasted down to a late period of the Roman Empire: the Boeotians retained two votes in the Amphictyonic council after the reforms of Augustus (Aeschin. ii. § 116, and Pausan. ix. 8, 3); they sent Epaminondas of Acraephia as ambassador to the emperor Caligula *ὑπὲρ τοῦ ἔθνους* Βοιωτῶν (Keil, *Sylloge Inscr. Boeot.* p. 116; cf. *C. I. G.*, 1625, l. 30, *τὸ κοινὸν* Παμβοιωτῶν *συνέδριον*); and from an inscription of the reign of Marcus Aurelius (Henzen, *Ann.*

dell' Inst. di Corresp. Archeol., 1866, p. 139 foll.), we learn that a citizen of Chaeronea had been three times Boeotarch (ὁ Βοιωτάρχης τὸ γ΄).

Each of the principal towns seems to have had its βουλή (Xen. *Hell.* v. 2. 29) and δῆμος. It is true, as Freeman points out, the passage in question merely speaks of a Theban βουλή, and that during the time (B.C. 382) when the confederation was in abeyance, yet he admits that Boeckh was justified by analogy in his supposition; he adds that he is "not clear about the existence of popular assemblies in the Boeotian cities during the first period" (yet there are traces of such: see Herod. v. 79, ἀλίην ποιησάμενοι: Xen. *Hell.* iii. 5. 8, τότε ἅπασα ἡ πόλις ἀπεψηφίσατο μὴ συστρατεύειν αὐτοῖς, sc. the Lacedaemonians). In his opinion, during nearly the whole of the first period, the government of each particular city was oligarchic, as the federal government was oligarchic; for the supreme power of the league was vested in the four senates (Thuc. v. 38, αἵπερ ἅπαν τὸ κῦρος ἔχουσιν), of the constitution of which we know nothing. Tittmann (p. 695), Kortüm (p. 86), and Freeman consider it most probable that they represented four districts; they must, however, have been assembled in one place, since Thucydides uses also βουλὴ for them all. In the second period, after democracy was introduced at Thebes, Thebes practically became sovereign (Isocr. xiv. 8. 35); there was no longer a Boeotian confederacy, but rather a Theban state, in which other cities were compelled to merge themselves against their will. In formal documents constitutional federal language was employed (κοινὴ σύνοδος τῶν Βοιωτῶν, Diod. xv. 80; xvi. 85), but in reality the Boeotian assembly simply sat to register Theban edicts in the name of the league (τὸ πλῆθος or ὁ δῆμος, Diod. xv. 72, 78, 79). In the third period (the date of the reconstitution of the league does not seem certain, but in B.C. 323 the Boeotians are spoken of as a political whole, Hyper. *Or. fun.* 6, 16), Orchomenus was for a time the head of the league (B.C. 294, Polyaen. iv. 7, 11), but Thebes was again "Boeotiae caput" in B.C. 197 (Liv. xxxi. 1): the supreme power was vested in a federal assembly, in which, as we may gather from an expression of Livy (*l. c.* c. 2), each of the confederate cities had a distinct vote (Freeman): ὁ δῆμος conferred προξενία (πρόξενον εἶμεν Βοιωτῶν, Larfeld, *Syll. Inscr. Boeot.* No. 316 = *C. I. G.* 1565, No. 317), elected στρατηγοί (Polyb. xx. 6), etc.

Each city had one or several archons (cf. the inscr. quoted above from the 1st century after Christ, and *C. I. G.* 1625, l. 41); their period of office was a year (*C. I. G.* 1569a, iii. 40, ὁ ἐνιαυτὸς ὁ μετὰ Θύναρχον ἄρχοντα Ἐρχομενίους; Rangabé, *Antiq. Hellen.* 1005; hence the archon is called ἐπώνυμος). We know nothing of their power and duties. The Theban archon was chosen by lot, and kept a sacred spear of office always by him (Plut. *de gen. Socr.* 31; see Plut. *Arist.* 21, on the Plataean archon). The main powers of the state were in the hands of the polemarchs, the "maximi magistratus" of Corn. Nep. *Pelop.* ii. 2; they did not command forces, but they could imprison (Xen. *Hell.* v. 2, 30); they directed the levies of troops (*C. I G.* 1573, etc.); they seem also to have been concerned with finances (*C. I. G.* 1569, 1570), and to have been entrusted with the carrying out of decrees of the senate and people (Keil, p. 132, δεδογμένον εἶναι τοῖς τε συνέδροις καὶ τῷ δήμῳ, τοὺς πολεμάρχους τοὺς ἐπὶ Καφι[σοτίμου?] ἄρχοντος [ἐπαινέσαι], etc.; Meier, *d. Privatschiedrichter*, etc, p. 49, l. 27, ἀναγράψαι τ[ε τοὺς] ἀστογυολ? where Lebas, *Voyage archéol. en Grèce*, No. 35, reads ἀναγραψάντων δὲ τοὶ πολέμα[ρχοι]). Their period of service was a year; their number was three (not six, as Boeckh thought; cf. E. Curtius in *Rhein. Mus.* 1843, p. 110), see *C. I. G.* 1573, etc.; only two are mentioned for Thebes by Xen. *Hell.* v. 2, 25. The γραμματεὺς to the polemarchs under the empire (*C. I. G.* 1573, γραμματίδδοντος τῦς πολεμάρχυς) was probably of higher rank than the one mentioned by Xen. *Hell.* v. 4, 2; Plut. *Pelop.* 7, *de gen. Socr.* 4. Of other magistrates we find mentioned ὕπαρχοι and ἱλάρχαι (*C. I. G.* 1575, 1588; Rang. 1313; *C. I. G.* 1588, 1576), commanding the cavalry; a ναύαρχος (Rang. *l. c.*); κατόπται, who assisted the polemarchs in financial matters and audited magistrates' accounts (*C. I. G.* 1569, 1570); συνήγοροι and σούνδικοι (Keil, p. 13); ταμίαι, with their president ὁ ταμίας ὁ προάρχων (*C. I. G.* 1570, ὁ τ. ὁ π. προσθέτω τὸ ἐλλεῖπον καὶ ἀπολογισάσθω πρὸς κατόπτας). The popular assembly at Thebes is called ἀλία by Herod. v. 79, ἐκκλησία by Demosth. *de Cor.* § 213, and Plut. *Pelop.* 12; see also Pausan. ix. 1. 5, ἠπίσταντο (the Plataeans) τοὺς Θηβαίους ὡς πανδημεὶ καὶ ἅμα ἐπὶ πλεῖστον εἰώθεσαν βουλεύεσθαι, παρεφύλασσον τὰς ἐκκλησίας αὐτῶν, etc. The murderers of Euphron (B.C. 367) were put upon their trial before the βουλὴ at Thebes (Xen. *Hell.* vii. 3, 5–12); οἱ δικάζειν λαχόντες are mentioned by Pausan. ix. 14. 7, in connexion with the trial of Epameinondas. Besides the archons of the separate states, there was an archon of the confederacy. This archon, the nominal chief of the league, was not necessarily a Theban, as Boeckh supposed: cf. Keil, p. 69, ἄρχοντος Βοιωτοῖς Φιλοκόμω [Ἀντ]ι[γενε]ΐδω Θε[ι]σπιε[ῖος], and Lolling (*Mittheil. d. d. Arch. Inst. in Athen*, iii. p. 87), Εὐμείλω ἄρχοντος Ἐπικυδείω Κορωνέως; he was re-eligible after his year's service, for in some inscriptions of Hyettus we find the same federal archon, but different polemarchs. His name was affixed to all alliances and compacts which concerned the whole confederacy (*C. I. G.* 1565, τοῦ δεῖνα ἄρχοντος: 1570, ἄρχοντος ἐν κοινῷ Βοιωτῶν, or, as above, with the addition of his father's name and that of the town of which he was a citizen), and also to the lists of conscripts of the individual states, the name of the federal archon preceding that of the local archon: thus *C. I. G.* 1573, Κτεισίαο ἄρχοντος Βοιώτυς, Ἐρχομενίυς δὲ Καραΐχω. The real power was in the hands of the Boeotarchs, as representatives of the several Boeotian cities; it is true, their determinations required the ratification of the four senates (Thuc. v. 38). They were the supreme military commanders, but we also find them discharging the functions of an executive in various matters. In fact, they are represented by Thucydides as forming an alliance with foreign states; as receiving ambassadors on their return home; as negotiating with envoys from other countries, and as acting as the representatives of the whole league, although, to their great surprise, the βουλὴ refused to sanction the measures they had resolved on (cf. also Aeschin.

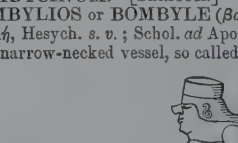
iii. 149, 151; Polyaen. iv. 7–11). Another instance in which the Boeotarchs appear as executive is their interference with Agesilaus on his embarking from Aulis for Asia (B.C. 396), when they prevented him from offering sacrifice as he wished (Plut. *Ages.* 6; Xen. *Hell.* iii. 4, 4). Still the principal duty of the Boeotarchs was of a military nature (hence they are sometimes called *στρατηγοί*, Plut. *Reg. et imp. Apophth.* p. 194 B; *Pelop.* 29, 31, &c.): thus they led into the field the troops of their respective states; and when at home they took whatever measures were requisite to forward the military operations of the league, or of their own state. For example, we read of one of the Theban Boeotarchs ordering the Thebans to come in arms to the ecclesia for the purpose of being ready to attack Plataea (Pausan. ix. 1. 6). The exact number of Boeotarchs is a disputed point; we know that the Thebans elected two (Thuc. ii. 2; iv. 91, etc.), and Boeckh explains the second Theban Boeotarch to have been the representative of some town formerly a member of the league, but afterwards merged in Thebes (on one occasion, *i.e.* after the return of the exiles with Pelopidas, B.C. 379, we read of there being three at Thebes, Plut. *Pelop.* 13); and it is generally supposed that each of the other cities elected one. Boeckh, however, whom Grote (ii. p. 296) follows, is of opinion that in the second period of the league the number of Boeotarchs was fixed, and that two or three of the smaller cities chose one Boeotarch in turn. Mention is made of eleven Boeotarchs in connexion with the battle of Delium (B.C. 424) by Thucydides (iv. 91, cf. Schol. on ii. 2; so Boeckh, Arnold, etc.; others make out thirteen; Von Wilamowitz-Möllendorff in *Hermes*, viii. p. 440, proposes to read *ἑπτά* for *ἕνδεκα*, since in chap. 93 seven independent states are mentioned). At the time of the battle of Leuctra (B.C. 371) we find seven Boeotarchs mentioned (Diod. Sic. xv. 52, 53; Pausan. ix. 13. 6, 7), and the same number in *C. I. G.* 1565, 1593, and in the inscr. quoted above (Lolling, etc.), if *ἀφεδριατεύοντες* is only another name for Boeotarchs (so Boeckh, *C. I. G.* p. 729 a; Schoemann, *Jus publ.* 408, n. 37; whilst C. W. Müller sees in them the members or committees of the four senates, and G. Gilbert, ii. p. 56, a commission specially appointed to procure the tripods in question). Correspondingly there were seven federal officers of the cavalry, as we learn from the account of the hipparch Pompidas (see Von Wilamowitz-Möllendorff, *l. c.* pp. 431–441. Thuc. iv. 72; Polyb. xx. 5, mention the hipparch *τῶν Βοιωτῶν*). No conclusion as to the number of Boeotarchs can be drawn from Liv. xlii. 43 ("ut duodecim, qui *privati* coetum et concilium habuissent"), or from Pausan. x. 20. 3, where we read of four, since on that particular expedition probably only that number were sent. The Boeotarchs, when engaged in military service, formed a council of war, the decisions of which were determined by a majority of votes (Thuc. iv. 91; Diod. Sic. xv. 53, 62; Pausan. ix. 13, 6, 7), and "it may be doubted whether the words *ἡγεμονίας οὔσης αὐτοῦ* in the passage of Thucydides imply that the supreme command was always vested in a Theban Boeotarch, or whether it was merely the turn of Pagondas to command that particular day" (Freeman). Their period of service was a year, beginning about the winter solstice (Plut. *Pelop.* 24, 25), and whoever continued in office longer than his time was punishable with death, both at Thebes and in other cities (Plut. *l. c.*; Pausan. ix. 14. 5; Corn. Nep. *Epam.* 7). Epameinondas, with Pelopidas and the other Boeotarchs, did so on their invasion of Laconia (B.C. 369), but their eminent services saved them; in fact, the judges did not even come to a vote respecting the former. At the expiration of the year a Boeotarch was eligible to office a second time, and Pelopidas was re-elected without interruption from B.C. 378 to his death (Diod. Sic. xv. 81). From the case of Epameinondas and Pelopidas, who were brought before Theban judges for transgression of the law which limited the time of office, we may conclude that each Boeotarch was responsible to his own state alone. From Polyb. xx. 6; xxiii. 2, Freeman (cf. Gilbert, p. 55, n. 3) concludes that in the third period there was a single general at the head of the league, as at the head of other leagues, by whose side the Boeotarchs continued, "their office now answering pretty well to that of the Achaean Demiourgoi or Ministers." Other officials of the league are mentioned in *C. I. G.* 1593: cf. Rangabé, 1217, a *γραμματεύς*, a *θεοπρόπεων*, and a *μαντευόμενος*.

(Klütz, *de foedere Boeotico*, 1821; Kortüm, *Zur Gesch. hellen. Staatsverfassungen*, pp. 83–89, 1821; Tittmann, *Darstellung d. griech. Staatsverf.* p. 375 foll., and p. 693 foll., 1822; Boeckh, *C. I. G.* i. p. 726 foll.; Freeman, *Hist. of Federal Governm.* p. 154 foll.; C. W. Müller in Pauly's *Realencykl.* s. v.; C. Fr. Hermann, *Staatsalterth.* § 179 foll.; E. Preuss, *Quaest. Boeot.* 1879; E. Caillemer *ap.* Daremberg and Saglio; G. Gilbert, *Handb. d. griech. Staatsalt.* ii. pp. 45–93.) [R. W.] [H. H.]

BOIAE (*κλοιός*), a collar of wood or iron put on the neck of slaves or criminals as a punishment (Plaut. *As.* iii. 2, 5; *Capt.* iv. 2, 109; *Trudent. Praef. Psych.* 34; Jerome, *v. in Hierem.* 27; Isid. *Orig.* v. 27, 12). The Greek *κλοιός*, usually of wood, sometimes of iron (Babr. 99, 6), was: 1. A collar on the neck of a mischievous dog (Aristoph. *Vesp.* 897; Xen. *Hell.* ii. 4, 41). 2. A form of pillory (Xen. *Hell.* iii. 3, 11; Eur. *Cycl.* 235; Luc. *Tox.* 32). 3. An ornamental collar of gold (Eur. *Cycl.* 184). [J. H. F.]

BOMBYCINUM. [SERICUM.]

BOMBYLIOS or BOMBYLE (*βομβυλιός* or *βομβυλή*, Hesych. *s. v.*; Schol. *ad* Apoll. Rhod. ii. 569), a narrow-necked vessel, so called, according



Bombylios. (Dennis, *Etruria*, 1. p. cxxv.)

to the grammarians, from the gurgling sound caused by the flow of the liquid from it, like the buzzing sound made by humble-bees (*βομβυλιοί*). (Bekker, *Anecd.* p. 220; Phavorin., Erotian., Suid. *s. v.*; Athen. xi. p. 784; cf. BESA.) [W. S.]

BOMONI'KES (*βωμονίκης*). The Spartan youths, in remembrance of an old religious ceremony, used to be scourged at the altar of Artemis Orthia or Orthosia, a custom maintained even in the days of Pausanias (iii. 16, § 11). He who held out longest under the scourging was *βωμονίκης*. It was esteemed a great honour (*ἐν τοῖς μάλιστα ἐπιδοξός ἐστι*, Plut. *Inst. Lac.* 239, 32), and is mentioned as such in inscriptions (*C. I. G.* 1364). [L. C. P.]

BONA. The word *bona* is sometimes used to express the whole of a man's property (Paulus, *Recept. Sentent.* v. 6, 16; Dig. 37, tit. 1, s. 3; 50, tit. 16, s. 49); and in the phrases *bonorum emptio, cessio, possessio*, the word *bona* has this meaning. It expresses all that concerns a man's proprietary position, whether as owner, possessor, creditor or debtor. Thus the word *bona* is simply the property as an object; it does not express the nature of the relation between it and the person who has the ownership or enjoyment of it, any more than the words "all that I have," "all that I am worth," "all my property" in English show the legal relation of a man to that which he thus describes.

In some places the word *bona* is used to signify a man's assets, *i.e.* his property after the deduction of that which he owes. It is also used for separate portions of a man's property, as in the phrase *actio vi bonorum raptorum*.

The legal expression *in bonis*, as opposed to *dominium* or Quiritary ownership, means that property is held under a praetorian or equitable, and not under a civil or legal title. The distinction is explained in the following passage of Gaius (ii. 40):—"Among foreigners (*peregrini*) there is only one kind of ownership (*dominium*), so that a man is either the owner of a thing or he is not. And this was formerly the case among the Roman people; for a man was either owner *ex jure Quiritium*, or not owner at all. But afterwards the ownership was divided, so that now one man may be the owner of a thing according to strict law (*dominus ex jure Quiritium*), and at the same time another may be entitled to the beneficial ownership of it (*in bonis habere*). For instance, if I do not convey to you a *res mancipi*, either by the form of *mancipatio* or of *in jure cessio*, but simply deliver it to you, you acquire the praetorian title to the thing, but it will remain mine *ex jure Quiritium*, until possession gives you a civil title by usucapion. For when the usucapion is once complete, from that time it begins to be yours absolutely (*pleno jure*); that is, it is yours both *in bonis* and also yours *ex jure Quiritium*, just as if it had been mancipated to you, or transferred to you by *in jure cessio*."

From this passage it appears that the ownership of certain kinds of things, called *res mancipi* [MANCIPIUM], could only be transferred from one person to another with certain formalities. But if it was clearly the intention of the owner to transfer the ownership, and the necessary forms only were wanting, the purchaser was protected in the beneficial enjoyment of the thing by the praetor, though the transferor remained legally the owner until the usucapion was completed, notwithstanding he had parted with the thing. Only those who were capable of acquiring the legal ownership could thus become beneficial owners; any personal incapacity which prevented Quiritary ownership being acquired also stood in the way of bonitary ownership.

Quiritary ownership originally and properly signified that ownership of a thing which was recognised by the law; it did not express a compound but a simple notion, which was that of absolute ownership. But when it was once established that one man might have the Quiritary ownership, and another the sole right to the enjoyment of the same thing, the complete notion of Quiritary ownership became a notion compounded of the strict legal notion of ownership and that of the right to enjoy, as united in the same person. And as a man might have both the Quiritary ownership and the right to the enjoyment of a thing, so one might have the Quiritary ownership only, and another might have the enjoyment of it only. This bare ownership was sometimes expressed by the same terms (*ex jure Quiritium*) as that ownership which was complete, but sometimes it was appropriately called *nudum jus Quiritium*. (Gaius, iii. 100.)

The praetor protected the owner *in bonis* by allowing the plea that the thing in question had been sold and delivered (*exceptio rei venditae et traditae*), or the plea of fraud (*exceptio doli*), to be a good defence against an action (*vindicatio*) brought on the bare civil title. The owner *in bonis* had also the benefit of the *actio Publiciana*, which was a praetorian action *in rem* based on the feigned assumption that the plaintiff had acquired the thing claimed by usucapion. (Gaius, iv. 36.) The Quiritary owner might meet this action by the plea that he was civil owner (*exceptio dominii*); but if the plaintiff was owner *in bonis*, he could make such plea of Quiritary ownership ineffectual by putting in the counterplea of fraud (*replicatio doli*). Thus, although the praetor could not give Quiritary ownership, he fully protected a man in the beneficial ownership.

The historical origin of this double ownership is unknown; there is no trace of it in the writings of Cicero. It was instituted, as the account of Gaius shows, in order to avoid the necessity of complying with the conveyancing formalities required by the civil law. Theophilus (*in Paraph.* ad § 4, s. 1–5) thus describes this division of ownership: "*Ἐστιν φυσικὴ δεσποτεία καὶ ἔννομος δεσποτεία, καὶ ἡ μὲν φυσικὴ λέγεται* in bonis, *καὶ ὁ δεσπότης βονιτάριος, ἡ δὲ ἔννομος λέγεται* jure Quiritium, *τουτέστιν ἐκ τοῦ δικαίου τῶν κυϊριτῶν, ὁ δὲ δεσπότης* jure Quiritario." Hence have been derived the expressions *dominium Quiritarium* and *bonitarium*, which are commonly used. The rights of the bonitary owner were almost the same as those which belonged to a complete Quiritary owner, but in some respects they were more limited.

Thus the bonitary owner could not leave a legacy under the form *per vindicationem* (Gaius, ii. 196); he could not by manumission make a slave *civis Romanus*, but only *Latinus* (Gaius, i. 167), or by manumitting a female slave acquire the *tutela legitima* over her (Gaius, i. 167): but the bonitary owner alone had the *potestas* over a slave and the right of manumission. If the bonitary owner abandoned his right, the Quiritary ownership became complete. There were other ways in which a person might acquire a mere praetorian title besides the case of double ownership mentioned by Gaius in the

passage cited. Thus the successor to an inheritance under the praetor's edict (*bonorum possessor*), and the purchaser of a debtor's estate (*bonorum emptor*) under the praetor's order (*addictio*), were not Quiritary, but only bonitary owners of property assigned to them. Gaius, iii. 80: "Neque bonorum possessorum neque bonorum emtorum res pleno jure fiunt, sed in bonis efficiuntur, ex jure Quiritium autem ita demum acquiruntur si usuceperunt."

Justinian (in c. un. *de nudo jure Quirit.* vii. 25) put an end to the distinction between Quiritary and bonitary ownership: "Antiquae subtilitatis ludibrium per hanc decisionem expellentes, nullam esse differentiam patimur inter dominos, apud quos vel nudum ex jure Quiritium nomen vel tantum in bonis reperitur." The formal conveyances by *mancipium* and *in jure cessio* had previously become obsolete. (Unterholzner, in *Rhein. Mus.* i. 129; Zimmern, in *Rhein. Mus.* 3, § 311; Mayer, in *der Zeitsch. für Gesch. Rechtsw.* viii. 1; Fabricius, *de dupl. ap. Rom. dom.*; Leist, *Bonorum Possessio*; Puchta, *Cursus der Inst.* ii. 235.) [G. L.] [E. A. W.]

BONA CADUCA. *Caducum* literally signifies "that which falls;" thus *glans caduca*, according to Gaius (Dig. 50, tit. 16, s. 30), is the mast which falls from a tree.

Caducum, in its general sense, might be anything without an owner, or what the person entitled to neglected to take (Cic. *de Or.* iii. 31; *Phil.* x. 5); but the strict legal sense of *caducum*, and *bona caduca* is that stated by Ulpian (*Fragm.* tit. xvii. *de caducis*), which is as follows:—

If a thing is left by will to a person, so that he might take it by the *jus civile*, but from some cause does not take it, that thing is called *caducum*, as if it had fallen from him; for instance, if a legacy was left to an unmarried person, or a *Latinus Junianus*, and the unmarried person did not within a hundred days obey the law (*i.e.* by marrying), or if within the same time the *Latinus* did not obtain the *Jus Quiritium*, or if a *heres ex parte* or a legatee died or became a *peregrinus* before the opening of the will, the thing was *caducum*.

Caducum, or lapse of a devise, implies that a valid devise has been made, which the devisee is unable or unwilling to take: thus *caduca* are opposed to devises which are void, *ex quae pro non scriptis habentur*.

Caducum further implies that the will of which the lapsed devise is a part has come into operation. Strictly speaking, a devise which failed in the testator's lifetime was not *caducum*; it was, however, treated like a *caducum*, and so said to be *in causa caduci*. (Cod. vi. 51, 2; cf. *Code Civil*, art. 1039.)

Either a share of an inheritance or a particular *legatum* might become *caducum*. The law alluded to in the passage of Ulpian cited above is the Lex Julia et Papia Poppaea. This law, which was passed in the time of Augustus (A.D. 9), had the double object of encouraging marriages and enriching the treasury—*aerarium* (Tac. *Ann.* iii. 25), and contained with reference to these two objects a great number of provisions. Martial (v. 75) alludes to a person who married in order to comply with the law.

The Lex Papia altered the law relating to the devolution of *caduca*. Under the previous law (*jus antiquum*) a portion of an inheritance which lapsed accrued to the entire inheritance, and so belonged to the *coheredes*; a *legatum* which lapsed accrued to *collegatarii* in certain cases, otherwise the *heres* was freed from the obligation of paying it.

By the Lex Papia, only parents or descendants of the testator to whom he had left his inheritance were allowed to retain their rights to *caduca* under the old law. If no claim was made by a parent or descendant of the testator, the right to *caduca* was given by the Lex Papia in the first place to such *heredes* or *legatarii* mentioned in the will as had children (*jus patrum*), *heredes* being preferred to *legatarii*, except that *collegatarii* with children had certain rights of priority over other devisees. In default of any such claimants, the right of claiming *caduca* was given to the *aerarium*. By a constitution of the Emperor Antoninus Caracalla, *caduca* were appropriated in all cases to the *fiscus*. (Ulpian, xvii. 2.) The Constitution of Caracalla probably abolished the *jus patrum*, but it did not take away the rights of parents and descendants of the testator under the old law.

He who took a *caducum* took it subject to the charges with which it was burthened (Ulpian, xvii. 3, "caduca cum suo onere fiunt"): thus an *hereditas caduca* was subject to the bequests of freedom of legacies, and of *fideicommissa* with which it was charged.

The law of *caducity* was no doubt unpopular; and we are told that many legal devices were employed by lawyers for the purpose of preventing its application. Testators were in the habit of making substitutions in order to provide against lapses (*ne fiant caduci*, Cod. vi. 51, 1). In the time of Constantine, both the *caelebs* or unmarried and the *orbus* or childless person (who was under a limited incapacity) obtained the full legal capacity of taking the inheritance (Cod. viii. 58). The effect of these and other changes in the law was greatly to diminish the importance of *caduca* as a source of imperial revenue. Justinian (Cod. vi. 51, *de caducis tollendis*) entirely abolished the *leges caducariae* and re-established the *jus antiquum*, though with some modifications. (Juv. *Sat.* ix. 88; Gaius, i. 150, ii. 207, iii. 144, 286; Ulp. *Frag.* tit. xvii., Cod. vi. 51; Rudorff, *Zeitsch. für Gesch. Rechtswissenschaft*, vi. 6; Francke, *Beiträge*; Baumeister, *Das Anwachsungsrecht*; Mayer, *Anwachsungsrecht*; Danz, *Lehrbuch*, ii. 71, 81; Puchta, *Inst.* iii. § 326.) As to the *Dos caduca*, see Dos. [G. L.] [E. A. W.]

BONA FIDES. This term frequently occurs in the Latin writers, and particularly in the Roman jurists. It implies such conduct as may be expected from men of fair dealing, and so is constantly opposed to *mala fides*, *fraus*, and *dolus malus*. It is necessary to explain some of the technical phrases in which the term *bona fides* occurs.

Actions containing a clause in their formula by which the *judex* was authorised to decide the case according to *bona fides* were called *bonae fidei judicia* or *actiones*. The addition to the formula of such words as "quantum aequius melius" or "ex fide bona" (Cic. *Top.* 17; *de Off.* iii. 15, 17) showed that the action belonged to this class. The effect of the addition was to give the *judex* the freest latitude in dealing with

the case, and so to take equitable considerations into account (Gaius, iv. 62).

In actions arising from strictly unilateral obligations, in which the point at issue was narrowly defined, the powers of the *judex* were strictly limited. Such actions are called *actiones stricti juris*, and are contrasted with *actiones bonae fidei*. (Savigny, *System*, v. §§ 218–220, and *Beilage*, xiii.; Bethmann-Hollweg, ii. 275–286.)

Bonae fidei possessio is the possession of a person who has acquired a thing from another under a title which he believes to be a good one, or which he has no reason for supposing to be defective.

It was a necessary condition for acquiring a title to property by usucapion that the possession should have begun in good faith. (Gaius, ii. 43; *Inst.* ii. 6, pr.) In certain exceptional cases, however, mentioned by Gaius, title by usucapion was allowed, although this condition was absent (Gaius, ii. §§ 52, 60, 61); but these exceptions subsequently disappeared.

A thing which was *furtiva* or *vi possessa*, or the *res mancipi* of a female who was in the *tutela* of her *agnati*, unless it was conveyed under the *auctoritas* of her tutor, was not subject to usucapion, and therefore in these cases the presence or absence of *bona fides* was immaterial. (Gaius, ii. 45–50; Cic. *ad Att.* i. 5, *pro Flacc.* c. 34.)

The praetor allowed the *bonae fidei possessor* the benefit of the *actio Publiciana in rem*.

A *bonae fidei possessor* was not liable to the owner for *fructus* which were no longer in existence, or which had been alienated by him; whereas the *malae fidei possessor* was liable under all circumstances for *fructus*, which he had derived from the thing in his possession.

[G. L.] [E. A. W.]

BONA RAPTA. [FURTUM.]

BONA VACAN'TIA were the property which a person left at his death without having disposed of it by will and without leaving any *heres ab intestato*. Such property was open to occupancy; and so long as the rules of civil law existed by themselves, such occupancy may not have been uncommon, but the *bonorum possessio* of the praetor, by opening the succession to classes of persons excluded at civil law, was a means of preventing such title by occupancy from arising. It does not appear that the state originally claimed the property of a person who died without *heredes*. The claim of the state to such property seems to have been first established by the Lex Julia caducaria (Gaius, ii. 150; Ulp. xxviii. 7). [BONA CADUCA.] The state—that is, in the earlier periods the *aerarium*, and afterwards the *fiscus*—did not take such property as *heres*, although succeeding *per universitatem*. Being, however, *loco heredis*, it was bound to pay *fideicommissa* charged on the estate by the deceased. The *fiscus* could not make good its claim as against a person who had possessed *bona vacantia* for four years (*praescriptio quadriennii*). Certain persons in a privileged position were allowed to claim *bona vacantia* before the *fiscus*. Thus, in the case of a soldier dying without *heredes*, the legion to which he belonged had priority. Various corporate bodies had a like preference in respect to *bona caduca* of a member of the corporation. (Cod. x. 10; Vangerow, *Pandekten*, ii. § 564.) [G. L.] [E. A. W.]

BONAM CO'PIAM JURA'RE, to take an oath to one's competence or solvency, is a phrase which occurs in a passage of Varro (*de Ling. Lat.* vii. 105) and also in the Lex Julia municipalis. The passage in Varro states that there was a provision of a certain law by which all those *qui bonam copiam jurarent* were released so as to be no longer *nexi*. Owing to the corrupt state of the text in this passage, it cannot be clearly ascertained what law is referred to. According to Bethmann-Hollweg (*Civil-Prozess*, § 113), the Lex Plaetoria is meant, which he supposes to have contained a temporary provision whereby those who were *nexi* at the time of its passing were released if they complied with the condition prescribed. Others think that the Lex Poetelia is the law in question (Liv. viii. 28; Cic. *de Rep.* ii. 33, 34).

In the Lex Julia municipalis or Tabula Heraclienses we find that anyone "queive . . . . in jure abjuraverit, bonamve copiam juravit juraverit," is included in the class of *infames*.

Thus, according to this law, a person *qui bonam copiam juravit* incurred to some extent the penalty of insolvency. This seems to show that such an oath was taken by a debtor when in default. It may have been allowed when a debtor was granted an extension of time for payment, or it may have reference to a composition with creditors. A debtor "qui bonam copiam juravit" would escape imprisonment; a benefit extended by the Lex Julia to all those who made *cessio bonorum*.

The phrase *bonam copiam ejurare* is used by Cicero (*ad Fam.* ix. 16; cf. Festus, *Epit. v. ejuratio*), and is usually interpreted to mean the taking of an oath by a debtor to the fact of his insolvency. Mommsen restores the text in the above passage of the Lex Julia and reads "queive in jure *bonam copiam abjuravit*," &c., thus identifying *bonam copiam abjurare* with *bonam copiam ejurare*. But perhaps *abjurare* in this passage simply means to perjure, and has no connexion with *bonam copiam*. It has been suggested that *ejurare* in the phrase *bonam copiam ejurare* is used in an intensive sense for *jurare* (cf. Cic. *de Or.* ii. 70, § 285; *Verr.* iii. 60, § 137; Nonius, p. 105, *ejurare = valde jurare*), so that *bonam copiam ejurare* is equivalent to *bonam copiam jurare*. (Huschke, *Nexum*; Dirksen, *Civilist. Abhandlung*, p. 107; Marezoll, *Frag. Tabul. Heracl.* 1816, iv. 142; Bethmann-Hollweg, *Civil-Prozess*, ii. § 113.) [E. A. W.]

BONO'RUM CES'SIO, CES'SIO BONO'RUM. As will be seen by reference to the article BONAM COPIAM JURARE, the principle of relieving insolvent debtors, who fulfilled certain conditions, from liability to imprisonment, was recognised to some extent under the republic. Julius Caesar, when consul, B.C. 48, as a temporary measure of relief in time of distress, owing to the Civil war, discharged debtors who made over their property to their creditors from their debts. (Caes. *de Bell. Civ.* iii. 1; cf. Poste's Gaius, p. 347, 2nd ed.)

Cessio bonorum was introduced by a Lex Julia, probably one of the leges Juliae of Augustus. This law allowed an insolvent debtor to make a voluntary assignment of his property to his creditors. By making such assignment, the debtor obtained three advantages. — 1. He escaped imprisonment. 2. He did not become *infamis*. 3. In respect to property acquired

subsequently to the assignment, he had the *beneficium competentiae* when sued by his old creditors: *i.e.* he could retain sufficient for his bare maintenance. He had not this right against creditors who had become so subsequent to the act of assignment. The property assigned by the debtor was sold by the process of *bonorum emptio* [BONORUM EMPTIO], the proceeds being distributed among the creditors. It is to be noticed that the assignment did not operate as a discharge, after acquired property being liable, subject to the limitation explained above. The benefit of the Lex Julia was extended by imperial constitutions to the provinces. There is no evidence to show that the benefit of the lex was limited to poor debtors, as has sometimes been supposed. (Bethmann-Hollweg, *Civil-Prozess*, ii. § 114; Gaius, iii. § 78; Rubr. *Cod. Th.* iv. 20; *Cod. Just.* vii. 71; Dig. 42, 3.) [E. A. W.]

BONO'RUM COLLA'TIO, COLLA'TIO BONO'RUM. By the rules of the civil law, emancipated children had no rights to the inheritance of their father, since they had become strangers to his family. But, in course of time, the praetor granted to emancipated children the privilege of equal succession with those who remained in the power of the father at the time of his death. This favour was granted to emancipated children only on condition that they should bring into one common stock, to be distributed with their father's estate, whatever property they had at the time of the father's death, and which would have been acquired for the father in case they had still remained in his power. This was called *collatio bonorum*. Thus emancipated children were not allowed to retain the advantage which their proprietary independence had given them over unemancipated children, and at the same time to share in the paternal succession. Property which would have been *peculium castrense* or *quasi-castrense* in the case of a *filius familias* was not subject to *collatio*, because it would not have belonged to the father if the child had remained under his power. (Dig. 37, tit. 6; Cod. vi. 20; Windscheid, *Pandekten*, iii. § 609.) [E. A. W.]

BONO'RUM EMPTIO ET EMPTOR. The early form of execution for debt, termed *manus injectio*, was personal, not real; *i.e.* it was directed against a debtor's person, not against his property: if the creditors acquired the property of their debtor under this execution, they only acquired it as accessory to his person. [MANUS INJECTIO; NEXUM.] Subsequently a complete process of real execution was established through the instrumentality of the praetor, which is known as *bonorum emptio* or *bonorum venditio*, the institution of which may have been a consequence of the Lex Poetelia Papiria (B.C. 326). It is not to be supposed that the Lex Poetelia exempted the person of the debtor from arrest, and only made his property liable, as has been inferred by some writers from the words of Livy (viii. 28), "pecuniae creditae bona debitoris non corpus obnoxium esset," since we find the liability to personal arrest continuing as the ordinary form of execution. There was now, however, a direct execution against the property, and the debtor was no longer liable to be sold *trans Tiberim*, or to be put to death.

There is not sufficient evidence to show whether creditors were obliged to make an election between the personal execution of the civil law and the real execution of the praetorian, or whether both remedies could be used concurrently. It is thought that the praetor derived his conception of *bonorum emptio* from the procedure used by the treasury in seizing the property of proscribed persons, criminals, and public debtors, by which the property confiscated was sold and assigned by the state as an entirety, being commonly purchased by speculators called *sectores*. [SECTIO.] Similarly the *bonorum emptor* succeeded, under the order of the praetor, to the debtor's estate *per universitatem*, and this although the debtor suffered no *capitis deminutio*. Gaius, who gives an account of the Bonorum Emptio process (iii. 78–80, iv. 35), states that it *is said* to have been introduced by the Practor P. Rutilius. It is uncertain who is the praetor referred to, but it is generally supposed that P. Rutilius Rufus, consul B.C. 105, is the person meant. Perhaps the praetor, in the first instance, put creditors into possession of their debtor's property, for the purpose of sale, when the debtor absconded or was absent, and so not amenable to the civil law execution, and that subsequently he made the remedy general. Gaius tells us (iii. 78) that, in the case of a living person, his property was liable to be sold if he concealed himself for the purpose of defrauding his creditors, and was not defended in his absence; or if he made a *bonorum cessio* according to the Julian law; or if he failed to satisfy a judgment debt within the prescribed period. In the case of a dead person, his property was sold when it was ascertained that there was neither *heres* nor *bonorum possessor*, nor any other legal successor.

There were different stages in the proceedings for conducting the execution.

First the praetor, on the application of the creditors, authorised them to take possession of the debtor's property, and to give notice (*proscriptio*) of its sale. This explains the expression in Livy (ii. 24), "ne quis militis, donec in castris esset, bona possideret aut venderet." The creditors were said "in possessionem rerum debitoris mitti:" sometimes a single debtor obtained possession. If the circumstances made it advisable, the praetor appointed a *curator bonorum* to administer the property. It was necessary that thirty days should elapse from the issuing of the first order in the case of a living person, and fifteen days in the case of a deceased person, before further proceedings could be taken. This period gave the debtor or other persons acting on his behalf the opportunity of putting a stop to the sale by satisfying the debt, or proving that the claim was not well founded. It also gave other creditors time for putting in their claims.

At the end of this period the second stage in the proceedings commenced. The creditors now, under a second order of the praetor, met in order to elect a *magister bonorum*, whose duty it was to carry out the sale in the interest of the creditors. (Cic. *ad Att.* i. 9, vi. 1; *pro Quint.* 15, § 50.) The debtor, upon this stage in the proceedings being reached, became *infamis*. The sale itself was the final stage in the proceedings. It took place after an interval of ten days from

the meeting of creditors in the case of a living person, and of five days if the debtor was dead, the conditions of sale having been duly advertised. The property was sold by auction under the praetor's order to the highest bidder (*bonorum emptor*). The property was sold in one lot as an entirety (*universitas*). The purchaser obtained by the sale only a praetorian title: the property was his *in bonis*, until he acquired the Quiritarian ownership by usucapion. Consequently the actions which the purchaser could bring and which could be brought against him were praetorian actions (*actiones utiles*), not actions at law (*actiones directae*). In the last period of Roman law the property of a debtor was not sold as an entirety in the way we have described, but in separate lots. This latter form of execution was called *distractio bonorum*. Roman law provided means by which an impecunious debtor could avoid personal arrest. [BONAM COPIAM JURARE; BONORUM CESSIO.] (Gaius, iii. 77; iv. 35, 65, 111; Dig. 42, 4, 5; Huschke, *Nexum*, §§ 160, 181, 234; Keller, *Civil-Prozess*, §§ 83–85; Bethmann-Hollweg, *Civil-Prozess*, ii. 667–685; Dernburg, *Emptio bonorum*; Puchta, *Inst.* § 179.) [E. A. W.]

BONO'RUM POSSES'SIO is the technical term for the succession which the praetor gave to the inheritance of a deceased person. He who received the *bonorum possessio* did not thereby become *heres* or civil successor, for his title depended on the praetor's authority, and the praetor could not make a *heres*. Thus, when the *bonorum possessio* became established, there were two titles under which an inheritance might be claimed,—the one resting on civil law (*hereditas*), the other on the praetor's edict (*bonorum possessio*). The praetor gave *bonorum possessio* to those who had a civil title to the inheritance, and also to those who had no civil title. The reason why persons who could claim the inheritance at civil law sometimes chose to ask for the *bonorum possessio* was that they thereby acquired the benefit of the *interdictum quorum bonorum*, which was limited to cases of *bonorum possessio*. By giving *bonorum possessio* to persons who had no civil title to the inheritance, the praetor instituted a new system of succession which differed from that of the civil law. It is important to understand the relation in which the civil and praetorian titles stood to one another.

The grant of *bonorum possessio* did not necessarily imply that the *bonorum possessor* would be protected against one who had a valid civil title, for the *bonorum possessio* was given either *cum re* or *sine re*. It was given *cum re* when the person to whom it was given could not be deprived of the property by anyone claiming under a superior title. It was given *sine re* when another person could assert his claim to the inheritance by the *jus civile*, and so make the praetorian title ineffectual. As a rule, when the civil and praetorian titles were opposed to one another, the civil title was the stronger, *i.e.* the *bonorum possessio* was *sine re*; but in some cases the *bonorum possessor* was protected, i.e. *cum re*, against one who had a good civil title.

The praetor expressed in his edict the general rules which he followed in giving *bonorum possessio* (*bonorum possessio edictalis*), but *bonorum possessio* was sometimes granted to meet the circumstances of particular cases after a special inquiry (*causae cognitio*) had been held (*bonorum possessio decretalis*).

The *bonorum possessio* was promised by the edict, 1. *Contra tabulas*. 2. *Secundum tabulas*. 3. *Intestati*.

1. *Bonorum possessio contra tabulas*, i.e. in opposition to the will of the deceased, was instituted for the benefit of emancipated children. According to *jus civile*, an emancipated son had no claim to the inheritance of his father; but if he was omitted in his father's will, or not expressly exheredated, the praetor's edict gave him the *bonorum possessio* on condition that he would bring into hotchpot (*bonorum collatio*), with his brethren who continued in the parent's power, whatever property he had at the time of the parent's death. The effect of this *bonorum possessio* was to give *emancipati* the succession in the place of the *heredes* instituted in the will, but the will was not in other respects invalidated. The *sui heredes* who were instituted in the will were also allowed the *bonorum possessio*, and succeeded jointly with the *emancipati* who had been passed over. If a freedman made a will without leaving his patron as much as one-half of his property, the patron obtained the *bonorum possessio* of one-half, unless the freedman appointed his own children as his successors. It is to be noticed that this *bonorum possessio* is *cum re* against a person who had a valid civil title.

2. *Bonorum possessio secundum tabulas*. By this *bonorum possessio* the praetor gave effect to wills which were invalid at civil law. In order to obtain *bonorum possessio secundum tabulas*, it was necessary that the will should be sealed by seven witnesses, that the testator should have had *testamenti factio* at the time of his death, that the persons instituted in the will should be capable of succeeding at civil law, and that no claim should have been made against the will (*contra tabulas*). By this *bonorum possessio* the praetor gave effect to wills which had not been executed in the form requisite for making a civil will: thus he dispensed with the cumbrous form of mancipation. He also supported wills which had become invalid on some technical grounds. The *bonorum possessor secundum tabulas* had not a good title against the *heres* until the Emperor M. Aurelius protected him against the civil action by which the inheritance was claimed. (Gaius, ii. 119, 120.)

3. *Bonorum possessio intestati*. In the case of intestacy there were seven classes of persons who might claim the *bonorum possessio*, each in his order, upon there being no claim of a higher class. The three first classes or orders were: 1. *Unde liberi*. 2. *Unde legitimi*. 3. *Unde proximi cognati*.

1. *Bonorum possessio unde liberi*. The praetor admitted in this first order *sui heredes* and those who would have been *sui heredes* if they had not been emancipated. The *emancipati* were required to make *collatio bonorum*. An *emancipatus* admitted in this order was *bonorum possessor cum re*, as against a person who had the civil title: *e.g.*, A. dies intestate, leaving an emancipated son and a brother his nearest *agnati*; the brother is civil heir, but the emancipated son, as *bonorum possessor*, excludes him.

2. *Bonorum possessio unde legitimi.* All persons who had a civil title to the inheritance were admitted in this order. Thus, the praetor in granting the *bonorum possessio intestati* preferred those who had a civil title to those who had no civil title, except in the case of *emancipati.*

3. *Bonorum possessio unde proximi cognati.* Blood relations were admitted in this order according to proximity of relationship. If the nearest in degree did not claim, the next in proximity was entitled to succeed (*successio graduum*). Cognates further removed than the sixth degree of proximity could not claim, except in the case of *sobrino natus*, who was in the seventh degree.

The terms for the four remaining orders are: *Tum quem ex familia—Patronus patrona, liberi et parentes patroni patronaeve—Unde vir et uxor—Unde cognati manumissoris.*

These orders, with the exception of that *unde vir et uxor*, are exclusively concerned with the succession to the property of freedmen, or of persons manumitted from the state of *mancipium.*

The *bonorum possessio unde vir et uxor* gave reciprocal rights of succession to the husband and wife.

Bonorum possessores acquired possession of property belonging to the inheritance by means of the *interdictum quorum bonorum* (Dig. 43, 2; Cod. viii. 2). The praetor gave *bonorum possessores* the same actions, and allowed the same actions to be brought against them, as they would have been able to maintain or would have been subject to, if they had been *heredes.* Such actions were not *actiones directae*, because not founded on a civil title, but *actiones utiles.* A fictitious clause was inserted in the formulae of such actions by which the *judex* was directed to decide the case on the assumption that the *bonorum possessor* was *heres.* The *bonorum possessor* was said "ficto se herede agere" (Gaius, iv. 34). In the later period of Roman law the civil action by which the *heres* asserted his right to the inheritance was also given to *bonorum possessores* ("possessoria hereditatis petitio," Dig. 5, 5). The *bonorum possessor* only acquired a bonitary, not a civil title to the property which belonged to the inheritance, until by usucapion his property was converted into Quiritarian ownership.

In order to become *bonorum possessor* it was necessary that an application should be made to the magistrate ("agnitio, admissio, petitio bonorum possessionis"). Parents and children might make their claim within a year from the time of their being able to do so; others were only allowed a hundred days. On the failure of a party to make his claim, the right devolved on those next in succession.

The history of the origin and development of the praetorian succession cannot be clearly traced. It is probable that the praetor first gave *bonorum possessio* for the benefit of the civil heir ("juris civilis confirmandi gratia"); that he then used it for the purpose of supplementing the civil law ("juris civilis supplendi gratia"), in case there was no civil heir; and, lastly, in some cases gave it in opposition to the civil law ("juris civilis corrigendi gratia"). Justinian, by his 115th and 118th Novellae, established a uniform system of inheritance, and by so doing almost entirely abolished the *bonorum possessio.* (Gaius, iii. 25–38, iv. 34; Ulp. *Fragm.* tit. 28, 29; Dig. 37, 1–5; 38, 6; Fabricius, *Ursprung und Entwicklung der bonorum possessio*, &c., 1837; Vangerow, *Pandekten*, ii. §§ 398–400; Puchta, *Inst.* 316–320.) [E. A. W.]

BONO'RUM RAPTO'RUM ACTIO. [Furtum.]

BONO'RUM SECTIO. [Actio.]

BOO'NAE (*βοῶναι*), persons in Athens who purchased oxen for the public sacrifices and feast. They are spoken of by Demosthenes (*c. Meid.* p. 570, § 171) in conjunction with the *ἱεροποιοὶ* and those who presided over the mysteries, and are ranked by Libanius (*Declam.* 8) with the *στιτῶναι*, generals, and ambassadors (cf. Harpocrat. *s. v.*). They were elected by the Ecclesia (Boeckh, *P. E.*, p. 216). We often find mention of them on inscriptions as paying into the treasury the money received for the hides of sacrificed animals (*δερματικόν*. See Rangabé, *Antiq. Hellén.* No. 842; *C. Inscr. Gr.* 157). [W. S.] [W. M. L.]

BOREASMI or BOREASMUS (*βορεασμοί* or *βορεασμός*), a festival celebrated by the Athenians in honour of Boreas (Hesych. *s. v.*), which, as Herodotus (vii. 189) seems to think, was instituted during the Persian war, when the Athenians, being commanded by an oracle to invoke their *γαμβρὸς ἐπίκουρος*, prayed to Boreas. The fleet of Xerxes was soon afterwards destroyed by a north wind, near Cape Sepias, and the grateful Athenians erected to his honour a temple on the banks of the Ilissus. But considering that Boreas was intimately connected with the early history of Attica, since he is said to have carried off and married Oreithyia, daughter of Erechtheus (Herod. *l. c.*; Paus. i. 19, § 6), and that he was familiar to them under the name of *brother-in-law*, we have reason to suppose that even previous to the Persian wars certain honours were paid to him, which were perhaps only revived and increased after the event recorded by Herodotus. The festival, however, does not seem ever to have had any great celebrity; for Plato (*Phaedr.* p. 229) represents Phaedrus as unacquainted even with the site of the temple of Boreas. Particulars of this festival are not known, except that it was celebrated with banquets.

Pausanias (viii. 36, § 4) mentions a festival celebrated with annual sacrifices at Megalopolis in honour of Boreas, who was thought to have been their deliverer from the Lacedaemonians. (Comp. Aelian, *V. H.* xii. 61.)

Aelian (*l. c.*) says that the Thurians also offered an annual sacrifice to Boreas, because he had destroyed the fleet with which Dionysius of Syracuse attacked them; and adds the curious remark, that a decree was made which bestowed upon him the right of citizenship, and assigned to him a house and a piece of land. This, however, is perhaps merely another way of expressing the fact, that the Thurians adopted the worship of Boreas, and dedicated to him a temple, with a piece of land. [L. S.]

BOU'KOLOI (*βούκολοι*), members of a religious college at Pergamum during the Roman empire, engaged in celebrating the mysteries of Dionysus *καθηγήμων*. There appear to have

been colleges of a similar name throughout Ionia and Pontus (Lucian, *de Salt.* 79; cf. *C. I. G.* 2052). The chief was called ἀρχιβούκολος (cf. *C. I. L.* vi. 504, 510, *archibucculus dei Liberi*); and a memorial raised by a college to its chief is to be found in *Hermes*, vii. 39, with a commentary by G. Curtius. Certain members of the college appear therein to have been called σειλήνιοι, since the worship of Silenus was closely connected with that of Dionysus, and Silenus had a special grove in Pergamum (Paus. vi. 24, § 8). As might be expected, seeing that the ceremonial largely consisted of religious dancing (Lucian, *l. c.*), there appear among them a χορηγὸς and ὑμνοδιδάσκαλοι, the latter corresponding to the ὑμνῳδὸς we find in an inscription of the mysteries at Smyrna (*C. I. G.* 3160). See P. Foucart, *Les Associations religieuses chez les Grecs*, pp. 114-116. [L. C. P.]

BOULÉ (βουλή), a deliberative assembly or council. In the Heroic age, represented to us by the Homeric poems, the despotism of royalty is tempered by the βουλὴ or council of chiefs and the ἀγορὰ or general assembly of freemen. These two institutions, however, "are exhibited in the monuments of the legendary age as opportunities for advising the king, and media for promulgating his intentions to the people, rather than as restraints upon his authority" (Grote, i. 461, where see the Homeric βουλὴ further described, and cf. AGORA 1).

In the free republics of historic times the βουλὴ assumed more of an executive character; it was the name of an "administrative committee" (*Verwaltungsausschuss*, Westermann *ap.* Pauly; cf. Hermann, *Staatsalterth.* § 125). This was especially the case among the Ionic race; the Dorian states, like Sparta and Crete, preferred the terms γερουσία, γέροντες, retaining, as is well known, the kingship of the Heroic age in a modified form [GEROUSIA, COSMI]. In Athens, at least from the time of Solon, there were two councils, the AREIOPAGUS (*q. v.*) and that called by Grote the "probouleutic or preconsidering senate." It is of the latter council that the following article treats.

The first question that meets us is whether this body was first constituted by Solon or modified from one already existing. The direct authority of the ancients on points like this is of much less weight than their casual admissions; the orators in particular, and the grammarians who followed them, ascribed promiscuously to Solon all Athenian institutions whether earlier or later than his time, from the immemorial sanctity of the Areiopagus to the democratic changes of Cleisthenes or even of Pericles. As has been seen under AREIOPAGUS, the best authorities (Grote, Meier, Schömann) regard that council as the legitimate descendant of the Homeric βουλὴ or council of old men (γέροντες); and, however shorn of its power in later times, it always enjoyed honorary precedence as ἡ ἄνω βουλὴ over that we are now considering, ἡ κάτω βουλή. There are indications, however, of the existence of more than one council in pre-Solonian Athens. Herodotus (v. 71) tells us that in the time of Cylon (B.C. 620) Athens was under the direction of the presidents of the Naucraries (ναυκραρίαι), the number of which was forty-eight, twelve out of each of the four tribes. Moreover, we read of the case of the Alcmaeonidae being referred to an aristocratical tribunal of 300 persons, and that Isagoras, the leader of the aristocratic party at Athens, endeavoured to suppress the council, or βουλή, which Cleisthenes had raised to 500 in number, and to vest the government in the hands of 300 of his own party (Herod. v. 72; Plut. *Sol.* 12). The reappearance of the number 300, as Thirlwall remarks (*H. G.* ii. 41), can hardly have been a merely casual coincidence. It has been ingeniously conjectured by a recent writer that, under the government of the Eupatrids, there was a senate of 300 composed of 75 members from each of the four tribes, 25 from each of the phratries; and that Solon, wishing to give some political power to the unprivileged citizens, while retaining the preponderance of the aristocracy, added a fourth hundred of non-Eupatrid members, 25 from each tribe (Lange, *Die Epheten und der Areopag vor Solon*, 1874, p. 25 ff.). Hence, it is argued, the reactionists under Isagoras proposed to restore, in place of the Cleisthenean 500, not the Solonian 400, but the pre-Solonian 300. On the other hand, both Grote and Schömann tacitly assume that the second council originated with Solon. However this may be, it is admitted that Solon made the number of his βουλὴ 400, taking the members from the first three classes, 100 from each of the four tribes; and that its function with reference to the public assembly (ἐκκλησία) was also his work—to prepare matters for its discussion, to convoke and superintend its meetings, and to ensure the execution of its decrees (Grote, *H. G.* ii. 322; Schömann, *Antiq.* p. 331, E. T.). The question whether the βουλευταὶ or senators were from the first appointed by lot as in after-times, may be regarded as practically decided in the negative by the consensus of scholars from Bishop Thirlwall downwards (Grote, Schömann *l. c.* in correction of his former view in the *Assemblies*, Westermann *ap.* Pauly, Caillemer *ap.* D. and S.). As the moderate and conservative nature of Solon's reforms is better understood, it is acknowledged that the κύαμος or lot formed no part of any of his institutions; and Plutarch expressly states that he designed the second council, no less than the Areiopagus, as an "anchor of the state," using moreover the word ἐπιλεξάμενος to express the mode of appointment (*Sol.* 19). An election by open voting, where the influence of the Eupatrids would be felt, may be assumed as most in accordance with Solon's views. On the tribes being remodelled by Cleisthenes (B.C. 510), and raised to ten in number, the council also was increased to 500, fifty being taken from each of the ten tribes. It is to this period, and not to any earlier one, that the introduction of the lot must be referred; in the appointment of magistrates it is probable that this change dates from the more sweeping reforms of Pericles and Ephialtes. Cleisthenes, himself an Alcmaeonid by birth, was by no means an advanced democrat, and under his constitution the office of βουλευτής, though not technically an ἀρχὴ or magistracy, was confined to the three first Solonian classes; that of archon being further limited to the Pentacosiomedimni or first class. All these restrictions were swept away by the law of Aristides about 477, and every office became open to every citizen (Grote, iv. 32; Schömann,

Antiq. p. 339; cf. ARCHON). The senators thus appointed were required to submit to a scrutiny or δοκιμασία, in which they gave evidence of being genuine citizens (γνήσιοι ἐξ ἀμφοῖν), of never having lost their civic rights by ἀτιμία, and also of being above 30 years of age. At the casting of lots two persons were selected for each post, the second as a reserve man in case the first should be rejected on the scrutiny: to draw the second lot was ἐπιλαχεῖν (Harpocrat.). After passing the δοκιμασία they took an oath of office (ὅρκος βουλευτικός), of which only a few phrases have been preserved. Among these are τὰ βέλτιστα βουλεύσειν τῷ δήμῳ τῷ Ἀθηναίων ([Demosth.] *c. Neaer.* p. 1346, § 4; cf. Lys. *Or.* 31 (Philon), § 1); and οὐδὲ δήσω Ἀθηναίων οὐδένα (Demosth. *c. Timocr.* p. 745, § 144, cf. § 147). They remained in office for a year, and sat probably every day except on some religious festivals, when they were "discharged from attendance" (ὄντων Κρονίων καὶ διὰ ταῦτ' ἀφειμένης τῆς βουλῆς, Demosth. *op. cit.* p. 708, § 26). A purely secular holiday seems to have been unknown. Boeckh, in estimating the probable cost of the senators' pay (μισθὸς βουλευτικὸς) to the state, assumes about 300 sittings in the year (*P. E.* p. 232). This payment was at the rate of a drachma for each day on which they sat. The date of its introduction has been disputed, but it may safely be referred to the same period as the payment of the popular assembly and the dicasts, *i.e.* the age of Pericles. During their sittings they wore a wreath of myrtle, which, as a religious emblem, would have to be laid aside when blood was to be shed (ἡ βουλὴ . . . περιελομένη τοὺς στεφάνους ἀπέκτεινε, Lycurg. *c. Leocr.* § 122). In the theatre, at festivals, and in the public assembly, they had a place of honour (προεδρία), and for their year of office they were exempt from military service (cf. ATELEIA). If a senator were accused of a crime, he might be suspended by his colleagues during the investigation. The ballot for his removal was called ἐκφυλλοφορία, because the voting in it was taken with leaves of olive instead of with voting tablets or pebbles. If acquitted on the trial, he was reinstated; if convicted, the expulsion was not only made absolute, but the senate was entitled, and in some cases expected, to inflict punishment on its own account in addition to that awarded by the dicastery (Harpocrat. *s. v.* ἐκφυλλοφορῆσαι: Aeschin. *Timarch.* §§ 111, 112; Schömann, *Assemblies*, p. 230, *Antiq.* p. 373). At the end of the year the whole body had to pass the examination called εὔθυναι, at once an audit of accounts and an inquiry into its general conduct in office: and if the result was satisfactory, the people decreed them a golden crown as the equivalent of a modern "vote of thanks;" the crown, which was of no great value, together with the decree, being then preserved in a shrine as a consecrated offering. The laws specified certain cases in which the crown was to be refused; for instance, if the senate had failed to insure the building of a certain number of new triremes. The speech of Demosthenes *against Androtion* is a γραφὴ παρανόμων for the alleged illegal bestowing of this compliment when it had not been earned; Aeschines (*Timarch.* l. c.) mentions an instance in which it was actually refused.

This senate of 500 was divided according to tribes into ten sections of fifty each, and these served in an order of succession, determined by lot at the beginning of the year. The members of the section whose turn it was to serve were called Prytanes (πρυτάνεις), *i.e.* chiefs or presidents, because they presided both in the senate and the assemblies; their period of office was called a Prytany (πρυτανεία), and lasted in ordinary years 35 or 36 days, in intercalated years 38 or 39. These years consisting of 354 or 384 days respectively [CALENDARIUM], the four extra days were given to the tribes which drew the last lots (Schömann, *Assemblies*, pp. xvi., xxxiv.). From among the Prytanes an Epistates was chosen, also by lot, every day to preside as a chairman in the senate and the assembly of the people; during his day of office he had in his custody the keys of the citadel, the public archives, and the state seal, and was thus for twenty-four hours the nominal head of the government.

The attendance of the fifty Prytanes at each meeting of the senate was compulsory, that of other senators voluntary; and it may well have been that young men who aspired to the career of statesmen, when drawn as βουλευταὶ (as happened to Demosthenes more than once in early life), took every opportunity of attending in order to familiarise themselves with public business. It was provided, however, that all the tribes should at least be represented at every meeting of the senate; and this was done by the institution of the Proedri (πρόεδροι), nine senators chosen by lot, one from each of the non-presiding tribes, at the commencement of each sitting, under the direction of the Epistates of the Prytanes. The office of the Proedri seems at first to have been purely ceremonial, in order to give an air of completeness to the working senate as chosen from all the ten tribes (cf. Grote, iii. 118). But the democratic jealousy of men in office, which at Athens showed itself in the multiplication of checks and counterchecks, at length discovered that the powers of a single tribe, prolonged for a period of five weeks or more, might be used (limited as those powers were) for the purposes of a clique; and the authority of the Prytanes and their Epistates was further restricted. From a date not earlier than the archonship of Eucleides (B.C. 403), but placed by Meier with great probability between the years 378 and 369, a second Epistates was chosen by lot from among the Proedri, and called ἐπιστάτης τῶν προέδρων, to whom the presidency both of the senate and the assembly was transferred, leaving to the former Epistates only the chairmanship of the Prytanes and the custody of the keys and seals, with an honorary precedence. At the same time the functions of the other Proedri seem to have been enlarged, so that they were in some way the "assessors" of their chief (Benseler, on Demosth. *c. Timocr.* p. 706, § 21),—his *bureau*, as Perrot calls them (*Essai*, p. 40). Some writers suppose that the nine Proedri were now first instituted; but it is altogether more probable that they were coeval with the division of the senate into Prytanies, and that their attendance had always been "necessary to constitute a valid meeting, and to ensure a constant representation of the collective people" (Grote, *l. c.*). Without pressing too

far the comparison of the Roman constitutional forms, we may point to the thirty Curies which continued to be represented, if it were only by lictors, down to the latest times of the republic.

The true explanation of the functions of the Proedri and Epistatae is a comparatively recent discovery, which has only gradually won its way to general acceptance; and the traditional account, still to be found in works of great authority, must here be noticed. According to this, ten Proedri at a time were chosen from the Prytanes for seven days, and from among them the Epistates; so that there were two bodies of Proedri, each with its own Epistates, one of ten from the presiding tribe, another of nine from the non-presiding. This view may be read in most histories of Greece, as well as in the older works on antiquities, and was taught by Meier and Schömann in their earlier writings, and by K. F. Hermann in the early editions of his *Staatsalterthümer*. But in reality, besides being cumbrous to a degree of improbability, it has very slight authority in ancient writers, the principal being the Scholiast on Aeschines (*Ctes.* § 39) and the author of the Second Argument to Demosthenes *against Androtion* (not Libanius, but a later and inferior grammarian); and the three eminent scholars just named all lived to correct their published opinions. The first approach to a juster criticism was made by K. F. Hermann himself, in an anonymous pamphlet entitled *Epicrisis quaestionis de Proedris apud Athenienses*, Göttingen, 1843; he was followed by Westermann *ap.* Pauly, vi. *s. v.* Senatus, 1852, and by Meier, in a tract *de Epistatis Atheniensibus* prefixed to the summer programme of lectures at Halle, 1855. To these may be added, in proof of the unanimity with which the correction has been accepted by recent scholars, Schömann (*Antiq.* p. 377), Perrot (*Essai sur le Droit Public d'Athènes*, 1869), and Caillemer (*ap.* Daremberg and Saglio, *s. v.* Boulé). The clear and concise statement of Pollux (viii. 96) may be cited as very much to the point: *ὅταν οἱ πρυτάνεις τὸν δῆμον ἢ τὴν βουλὴν συνάγωσιν, οὗτος* (*i.e.* *ὁ ἐπιστάτης τῶν πρυτανέων*) *ἐξ ἑκάστης φυλῆς πρόεδρον ἕνα κληροῖ, μόνον τὴν πρυτανεύουσαν ἀφιείς.* Nor do Harpocration, Suidas, or any of the better grammarians know anything of a double set of Proedri, though some, including Pollux himself, recognise only one Epistates. In the confusion between the two officers, each bearing the name of Epistates, we have, as the present writer has pointed out elsewhere, the probable origin of the mistake: "It is easy to see that when the *ἐπιστάτης τῶν προέδρων* (Aeschin. *Ctes.* § 39) had become confused with the *ἐπιστάτης τῶν πρυτανέων* or Epistates properly so called, the result would be (1) the notion of 10 proedri as a subdivision of the 50 prytanes; (2) when it was discovered that the proedri must be distinct from the prytanes, as representing the other nine (non-presiding) tribes, the further notion that there were two distinct sets of proedri" (Note on Demosth. *c. Timocr.* p. 706, § 21).

Other officers of the senate were the secretaries (*γραμματεῖς*), of whom there were several. We find, in the first place, one who was appointed for each prytany by lot from among the Prytanes, and whose duty it was to prepare all the acts passed by the senate: this is the *γραμματεὺς ὁ κατὰ πρυτανείαν*, and the one whose name was prefixed to decrees in the formula *ὁ δεῖνα ἐγραμμάτευε* [ECCLESIA]. A second secretary was elected by the senate itself on a show of hands, and apparently not for a single prytany only, but for the whole year: he is called in inscriptions *γραμματεὺς τῶν βουλευτῶν*, and by Pollux *ἕτερος ἐπὶ τοὺς νόμους ὑπὸ τῆς βουλῆς χειροτονούμενος*. Among his functions Schömann reckons the custody of the public archives (*Antiq.* p. 378); but Pollux expressly assigns them to the first secretary, and is followed by Boeckh (*P. E.* p. 186). The third secretary was elected by the people, and called *γραμματεὺς τῆς πόλεως* (Thucyd. vii. 10) or *τῆς βουλῆς καὶ τοῦ δήμου* (Inscrr.); his chief duty was to read out documents both in the senate and in the popular assembly. There were also under-secretaries (*ὑπογραμματεῖς*), concerning whom no trustworthy details have come down to us. Of more importance was the *ἀντιγραφεὺς τῆς βουλῆς*, one of the two controllers of accounts who were great public officers, and described under ANTIGRAPHEIS (Pollux, viii. 98; Boeckh, *P. E.* p. 186; Schömann, *Antiq.* p. 378).

We now proceed to speak of the duties of the senate as a body. It is observed under AREIOPAGUS that the chief object of Solon in remodelling the senate and the Areiopagus was to control the democratical powers of the state. For this purpose he ordained that the senate should discuss and vote upon all matters before they were submitted to the assembly, so that nothing could be laid before the people on which the senate had not come to a previous decision. This decision, or bill, was called *Probouleuma* (*προβούλευμα*); and if the assembly had been obliged either to acquiesce in any such proposition, or to gain the consent of the senate to their modification of it, the assembly and the senate would then have been almost equal powers in the state. But besides the option of adopting or rejecting a Probouleuma, the people possessed and exercised the power of coming to a decision completely different from the will of the senate. Every one possessing the right to speak (*ὁ βουλόμενος, οἷς ἔξεστι*) had also the right of proposing motions [ECCLESIA]. The motion might be an amendment to the Probouleuma, involving an extension or modification of it, and not merely a simple negative. Legally, however, a motion could be made only about such matters as had previously been dealt with in the senate and had formed the subject of a Probouleuma. As regards other matters the motion could consist only in a demand to the senate to discuss these, and draw up a Probouleuma relative to them, which was then to be laid before the assembly. It is clear, however, that this restriction was sometimes dispensed with in practice, and that *ἀπροβούλευτα*, or matters not previously referred to the senate, were not unfrequently put to the vote; especially when, as in the case of a compliment to the senate itself, the obtaining of its consent must have been a mere form (Demosth. *c. Androt.* pp. 594–5, §§ 5, 6).

If a private person had anything to bring before the public, it was first necessary for the party to obtain, by written petition, the privilege of access to the senate (*πρόσοδον γράψασθαι*) and leave to propose his motion; and if the measure

met with their approbation, he could then submit it to the assembly (Demosth. *c. Timocr.* p. 715, § 48; Isocr. *Areop.* §§ 16, 84). Proposals of this kind, which had the sanction of the senate, were also called προβουλεύματα, and frequently related to the conferring of some particular honour or privilege upon an individual. Thus the proposal of Ctesiphon for crowning Demosthenes is so styled, as also that of Aristocrates for conferring extraordinary privileges on Charidemus, an Athenian commander in Thrace. Any measure of this sort, which was thus approved of by the senate, was then submitted to the people, and by them simply adopted or rejected; and "it is in these and similar cases, that the statement of the grammarians is true, that no law or measure could be presented for ratification by the people without the previous approbation of the senate, by which it assumed the form of a decree passed by that body" (Schömann, *Assemblics*, p. 98).

When a Probouleuma came before the people it was read out by the γραμματεὺς (the third of those mentioned above), and the preliminary question was then put, whether the people agreed with it or desired to have the matter subjected to further discussion. The show of hands on this previous question was called προχειροτονία (Demosth. *c. Timocr.* p. 703, § 11). The subsequent stages of the discussion, and the forms in which the decrees (ψηφίσματα) of the people were drawn up at different times, are described under ECCLESIA. The προβουλεύματα could only be brought before the popular assembly by the same senate that had drawn them up; their validity expired with its year of office. Hence when the matters to which they related could not be suffered to drop, a fresh beginning before the next year's senate and a new προβούλευμα became requisite. Other resolutions (ψηφίσματα) of the senate which did not belong to the class of προβουλεύματα, but had reference to public business within the competence of its administrative powers, and mostly requiring to be carried out at once, in like manner became invalid at the end of the year, unless re-enacted by the incoming senate. (Demosth. *c. Aristocr.* p. 651, § 92; Schömann, *Antiq.* p. 375).

The political powers of the senate were strictly limited. In the more important matters, and especially in foreign affairs, it had the right of initiating a policy, but not of finally deciding on the course to be pursued. Since, however, the senators were convened by the Prytanes every day, except on festivals or ἄφετοι ἡμέραι (Pollux, viii. 95). it is obvious that they would be fit recipients of any intelligence affecting the interests of the state, and it is admitted that they had the right of proposing any measure to meet the emergency; for example, we find that Demosthenes gives them an account of the conduct of Aeschines and himself, when sent out as ambassadors to Philip, in consequence of which they propose a bill to the people (Demosth. *Fals. Leg.* p. 346, § 17=19). Again, when Philip seized on Elateia (B.C. 338), the senate was immediately called together by the Prytanes to determine what was best to be done (Demosth. *de Cor.* p. 284, § 169). But, besides possessing the initiatory power of which we have spoken, the senate was sometimes delegated by the people to determine absolutely about particular matters, without reference to the assembly. Thus we are told (Demosth. *Fals. Leg.* p. 389, § 154=170) that the people gave the senate power to decide about sending ambassadors to Philip; and Andocides (*de Myst.* § 15) informs us that the senate was invested with absolute authority (ἦν γὰρ αὐτοκράτωρ) to investigate the outrages committed upon the statues of Hermes, previously to the sailing of the Sicilian expedition.

But in some departments of state, especially the financial, naval, and military, the senate was entrusted with large administrative powers. The farming of the public revenues, the receipt of tenders for public works, the sale of confiscated properties and the like were carried out by the πωληταί [POLETAE] under the superintendence and subject to the ratification of the senate. The farmers of the taxes (τελῶναι), the lessees of the leasable revenues, *i.e.* public lands and especially mines (οἱ μισθούμενοι, Demosth. *c. Timocr.* §§ 40, 59), the tax-collectors (ἐκλογεῖς, ἐκλέγοντες), and the sureties which all these classes of persons were required to furnish (οἱ ἐγγυώμενοι, οἱ τούτων ἔγγυηταί, Demosth. *ll. cc.*) might all be imprisoned if their payments were in arrear, or even as a precaution if default was to be feared; and this discretionary power is assigned to the senate by Schömann (*Antiq.* pp. 372, 451) and Boeckh (*P. E.* pp. 338, 340), though some passages of Demosthenes rather imply that it was vested in the law-courts (*c. Timocr.* p. 700, § 2, and elsewhere). In the presence and under the control of the senate, the ἀποδέκται [APODECTAE] made their payments into the different treasuries; the treasurers of the Acropolis (ταμίαι τῆς θεοῦ) and of other temples received from their predecessors and delivered to their successors, according to an inventory, the money and valuables under their protection. "The senate arranged also the application of the public money, even in trifling matters, such as the salary of the poets; the superintendence of the cavalry paid by the state, and the examination of the infirm (ἀδύνατοι) supported by the state, are particularly mentioned among its duties; the public debts were also paid under its direction. From this enumeration we are justified in inferring that all questions of finance were confided to its supreme regulation" (Boeckh, *P. E.* p. 154). Another very important duty of the senators was to take care that a certain number of triremes was built every year (Demosth. *c. Androt.* §§ 8, 17, &c.). To meet special expenses connected with the dignity of the senate, as for instance the sacrifices offered on behalf of its deliberations, it had a special treasury under a treasurer chosen by the Prytanes from their own number. The ταμίας τῶν τριηροποιῶν is mentioned by Demosthenes (*op. cit.* § 17) as an officer for whom the senate was responsible; but the exact mode of his appointment is nowhere stated. In general the fleet and all matters relating to the maritime empire of Athens were under the special control of the senate. It was bound to see that there was no want of the necessary stores, and in time of war to lend its aid in rapidly fitting out the ships; while it stimulated the zeal of the trierarchs by the prospect of a reward, the trierarchic crown

(Schömann, *Antiq.* p. 375; Boeckh, *Seeurkunde*, pp. 59, 63; Dem. *de Cor. Trierarch. passim*; cf. EPIMELETAE, No. 5). The cavalry, again, which was kept embodied, and was exercised during peace as well as in war, was under its special supervision. It was bound to inspect these troops from time to time, and to provide for their pay, called *κατάστασις* (Boeckh, *P. E.* p. 250; Lys. *pro Mantith.* [*Or.* 16], §§ 6, 7; Harpocrat., Suid., Phot., *s. v. κατάστασις*). Finally, in raising levies of men for war, a process undertaken in each deme independently, the senators might be ordered by decree of the people to assist the demarchs in making out the *κατάλογοι* or lists for service (Demosth. *c. Polycl.* p. 1208, § 6).

The senate had also its judicial functions, the most important of which was to receive *εἰσαγγελίαι*, or informations of extraordinary crimes for which there was no special law provided [EISANGELIA]. The senate in such cases either decided themselves or referred the case to a dicastery, especially if they thought it required a higher penalty than it was competent for them to impose, viz. a fine of 500 drachmas (Dem. *c. Eveg. et Mnes.*, p. 1152, § 43). It was also their duty to decide on the qualification of magistrates, and the character of members of their own body; the nine archons, in particular, being subjected to a double *δοκιμασία* and *εὔθυναι*, one from the senate and the other from the law-courts. In all these matters the senate, as the executive body, was itself responsible (*ὑπεύθυνος*) to the Demos or sovereign people.

The meetings of the senate were, as we learn from various passages of the Attic orators, open to strangers; thus Demosthenes (*de Fals. Leg.* p. 346, § 17=19) says that the senate-house was, on a particular occasion, full of strangers (*μεστὸν ἦν ἰδιωτῶν*): in Aeschines (*c. Ctes.* § 125) we read of a motion "that strangers do withdraw" (*μεταστησάμενος τοὺς ἰδιώτας*). To enforce these regulations they had at their disposal the services of the policemen, the so-called *Σκύθαι* or *τοξόται*, who were under the orders of the Prytanes [DEMOSH]. On some occasions private persons were invited by a special decree to come forward and give advice to the senate. The senate-house, situated in the Agora, was called *βουλευτήριον*, and contained two chapels (*ἱερὰ*), one of *Ζεὺς βουλαῖος*, another of *Ἀθηνᾶ βουλαία*, in which it was customary for the senators to offer up certain prayers before proceeding to business (Antiph. *de Choreut.* § 45). We read also of *Ἑστία βουλαία*, whose altar stood in the senate-house (Harpocrat. *s. v. βουλαία*), and *Ἄρτεμις βουλαία* (*C. I. G.* 112, 8; 113, 15) as among the gods thus invoked. A signal, probably a flag, was hoisted over the *βουλευτήριον* except on the few holidays; and when the sitting was about to begin, the members were summoned to enter by a herald: the flag was then struck (Andoc. *de Myst.* § 36). The right to receive the drachma for attendance, already mentioned, was checked by a ticket (*σύμβολον*), consisting of a small piece of stamped lead, such as was also used at the theatres, given to each senator on his entrance. Several varieties of these tickets are preserved in museums: the bouleutic are identified by the legend ΒΟΛΗ, *i.e. βουλή*, or ΒΦ, *i.e. βουλὴ τῶν πεντακοσίων*, and have been described in two recent monographs (Dumont, *de plumbeis apud Graecos tesseris*, 1870; Benndorff, *Beiträge zur Kenntniss des Attischen Theaters*, 1875, p. 62). It is tolerably certain that late comers, after the flag was struck, lost their drachma for the day: Schömann also thinks (*Antiq.* p. 378) that they forfeited their seat; but against this is the curious provision of the oath, quoted by Schömann himself, that they would keep the place assigned them by lot (*καθεδεῖσθαι ἐν τῷ γράμματι ᾧ ἂν λάχωσι*, Philochorus *ap.* Schol. Aristoph. *Plut.* 973; ascribed to the year B.C. 410, the archonship of Glaucippus).

The Prytanes also had a building to hold their meetings in, sometimes called the prytaneum (*πρυτανεῖον*), but more usually *θόλος*, the "Dome" or "Rotunda," from its shape. This must not be confounded with the more ancient prytaneum proper [PRYTANEION]. It was situated near the senate-house, so that the Prytanes could without inconvenience betake themselves from it to the full meetings of the senate. Before and after these meetings, however, they were present in the *θόλος* for the whole day, and also took their meals there, at a common table and at the public expense, with some other public officers, and with the privileged persons called *ἀείσιτοι* (Dem. *de F. L.* p. 419, § 249=279; p. 442, § 314=361). Thucydides tells us (ii. 15) that before the time of Theseus every Attic city had its *βουλευτήριον* and *πρυτανεῖον*: but this is only another way of saying that in pre-historic Attica there were other "cities" besides Athens; in his time the possession of a *βουλευτήριον* and a *πρυτανεῖον* had become essential to the Greek idea of a *πόλις*.

The number of tribes at Athens did not always remain at ten; an alteration took place in B.C. 306, when Demetrius Poliorcetes had liberated the city from the usurpation of Cassander. Two were then added, and called Demetrias and Antigonis, in honour of Demetrius and his father: later sycophancy changed the names to Ptolemais and Attalis, in compliment to kings of Egypt and Pergamus. The senate was now increased to 600 members, and the prytanies shortened accordingly; but when in the time of Hadrian a thirteenth tribe was added, the number of senators was again reduced to 500. The Athenians kept up the show of their former institutions down to the latest times of the Roman empire; cf. ARCHON. (Schömann, *Assemblies*, 1819, *passim*; *Antiq. Juris Publici Graecorum*, 1838, pp. 210–218; *Antiquities*, Eng. Tr., 1880 (vol. i.), pp. 371–379; Hermann, *Staatsalterth.*, §§ 125–127; Perrot, *Essai sur le Droit Public d'Athènes*, 1869, pp. 10–36; Westermann *ap.* Pauly, s. v. *Senatus*; Caillemer *ap.* D. and S.) [R. W.] [W. W.]

BOULEU'SEOS GRAPHÉ (*βουλεύσεως γραφή*), an impeachment for conspiracy. *Βουλεύσεως*, being in this case the abbreviated form of *ἐπιβουλεύσεως*, is the name of two widely different actions at Attic law. I. The first was the accusation of conspiracy against life, and might be instituted by the person thereby attacked, if competent to bring an action; if otherwise, by his or her legal patron (*κύριος*). In case of the plot having succeeded, the deceased might be represented in the prosecution by near kinsmen (*οἱ ἐντὸς ἀνεψιότητος*), or, if they were incompetent, by the *κύριος*, as above

mentioned (*Att. Proc.* p. 164, with Lipsius' note in the new ed.). The criminality of the accused was independent of the result of the conspiracy (Harpocrat.), and the penalty, upon conviction, was the same as that incurred by the actual murderers (Antiph. *Tetral.* iii. 2, § 5; Andoc. *de Myst.* § 94). Capital punishment was, however, not inflicted unless death followed; in the case of attempted murder, the penalty for *βούλευσις* was the same as that for *τραῦμα ἐκ προνοίας*, outlawry and confiscation. (See references under TRAUMATOS EK PRONOIAS GRAPHÉ.) The presidency of the court upon a trial of this kind, as in most *δίκαι φονικαί*, belonged to the king archon (*Att. Proc.* p. 312); and the court itself was composed of the Ephetae, sitting in the Palladium, according to Isaeus and Aristotle, as cited by Harpocration, who, however, also mentions that the Areiopagus is stated by Deinarchus to have been the proper tribunal. Various attempts have been made in recent times to reconcile these statements. Schömann conjectures that, if death ensued, the Areiopagus was the proper authority; in other cases the Palladium (*Antiq.* i. 469 n., E. T.). Sauppe suggests, as the ground of distinction, the presence or absence of premeditation (*Orat. Att.* ii. 235). Whether *βούλευσις* could exist without *πρόνοια* is a rather subtle question of Athenian law, which is usually marked by the absence of such refinements. In the speech of Antiphon *On the Choreutes* the prosecution contend that there has been *βούλευσις* on the part of the defendant (§ 16), while they admit that there has been no *πρόνοια* (§ 19); but Prof. Jebb has rightly pointed out that this is not the technical *βούλευσις* (= *ἐπιβούλευσις*) of Harpocration's *βουλεύσεως γραφή* (Jebb, *Att. Or.* i. 62 n.). There can be little doubt that Caillemer (in Daremberg and Saglio) has justly concluded with Isaeus and Aristotle that all cases of *βούλευσις* were tried before the Ephetae in the Palladium; and Harpocration, as he suggests, may have mistaken the meaning of Deinarchus. To this it may be added that the *locus classicus* on the jurisdiction of the Areiopagus in cases of homicide, Demosth. *c. Aristocr.* pp. 641–3, §§ 65–70, makes no mention of *βούλευσις*. The latest writer on the subject, Lipsius (on *Att. Process*, n. 534), does not appear to us to have shaken this conclusion.

II. The other action *βουλεύσεως* was available when a person found himself wrongfully inscribed as a state debtor, against the person who had so inscribed him (*ὅταν ἐγγεγραμμένος ὡς ὀφείλων τῷ δημοσίῳ αὐτὸς δικάσηταί τινι ὡς οὐ δικαίως αὐτὸν ἐγγεγραφότι*, Harpocrat.). It was thus closely akin to the *ψευδεγγραφῆς γραφή*. The two are not clearly distinguished by the grammarians: and Pollux even alleges (viii. 43) that the two *γραφαί* were applicable to the same offence. On this point the explanation of Boeckh is now generally accepted. Whoever falsely declared that another had been registered was liable to the action for false registration (*ψευδεγγραφῆς γραφή*, or, in Suidas, *ψευδέγγραφος δίκη*), whether the plaintiff owed nothing, or less than the sum stated in the register. If, on the other hand, a man who had been a state debtor had paid all that was due, but his name was not erased, or having been erased was re-entered, the action for conspiracy (*βουλεύσεως*) applied. In both cases, if the plaintiff was successful, his name was erased, and the defendant became indebted to the state for an equal sum (Boeckh, *P. E.* p. 390, quoting for the substitution of the defendant's name the Demosthenic *c. Aristog.* i. p. 792, § 73). The vague language of the grammarian (*δικάσηταί τινι*) leaves a further question, against what class of persons these two actions would lie. Meier suggests that a magistrate who had so offended would probably be proceeded against at the *εὔθυναι* or *ἐπιχειροτονία*, the two occasions on which the public conduct of magistrates was examined; so that generally the defendant in this action would be a private citizen who had directed such an insertion at his own peril (*Att. Process*, p. 339). The conclusion of Müller (in Pauly) and Caillemer (in D. and S.) is more in accordance with the usual practice of the Athenians: that these actions lay only against the public treasurer; that he was responsible for the entries he made on information from others; that if cast in a suit of this description, he would have to seek his remedy by *δίκη βλάβης* or *ψευδομαρτυριῶν* against those who had misled him. Another doubtful point is, whether the disfranchisement (*ἀτιμία*) of the plaintiff as a state debtor was in abeyance while this action was pending. In two passages of the speech just referred to, it is first stated as a fact (*c. Aristog.* i. p. 778, § 28), and then argued as a point of law (*ib.* pp. 791–2, §§ 71–73) that it was not. Boeckh suggests (note in *Att. Process*, p. 340) that there was probably *ἄδεια* for the complainant, as otherwise the law would sophistically shut a man's mouth while requiring him to prove his innocence. He may, however, if still *ἄτιμος*, have been allowed to plead his cause through an advocate (*συνήγορος*). Both *γραφαί*, *βουλεύσεως* and *ψευδεγγραφῆς*, were brought before the Thesmothetae.

[J. S. M.] [W. W.]

BOULEUTE'RION. [BOULÉ.]

BRACAE (*ἀναξυρίδες*, *θύλακοι*), trowsers, pantaloons. These, as well as various other articles of armour and of dress [ACINACES, ARCUS, ARMILLA], were common to all the nations which encircled the Greek and Roman population, extending from the Indian to the Atlantic ocean. Hence Aristagoras, king of Miletus, in his interview with Cleomenes, king of Sparta, described the attire of the barbarians in these terms: "They carry bows and a short spear, and go to battle in trowsers and with hats upon their heads." (Herod. v. 49.) Hence also the phrase *Bracati militis arcus*, signifying that those who wore trowsers were in general armed with the bow. (Propert. iii. 3, 17. Cf. Eur. *Cycl.* 182; Cic. *Fam.* ix. 15, 2, *in Pis.* 23, § 53; Verg. *Aen.* xi. 777; Ov. *Trist.* iv. 6, 47, v. 7, 49, 10, 34; Juv. viii. 254.) In particular, we are informed of the use of trowsers or pantaloons among the following nations:—The Medes and Persians; the Parthians; the Phrygians; the Sacae; the Sarmatae; the Dacians and Getae; the Teutones; the Belgae; the Britons; and the Gauls.

The Latin word *bracae* of Celtic origin is connected with the Scottish "breeks" and the English "breeches." Corresponding terms are used in all the Northern languages. Also the Cossack and Persian trowsers of the present day differ in no material respect from those which were anciently worn in the same countries. In ancient

monuments we find the above-mentioned people constantly exhibited in trowsers, thus clearly distinguishing them from Greeks and Romans. An example is seen in the annexed group of

Bracae worn by Sarmatians. (Column of Trajan.)

Sarmatians, taken from the Column of Trajan, wearing the loose trowsers (*bracae laxae*) which the Greeks called *θύλακοι*, and another example is given of a Scythian under ARCUS, p. 170 b.

The tighter form of *ἀναξυρίδες* is exemplified in the annexed figure of a Persian prince at the battle of Issus, from the mosaic at Pompeii.

Bracae worn by Persian prince. (Mosaic found at Pompeii.)

The reason for this distinction is to be found in the necessities of climate. Thus Roman soldiers fighting in the north of Europe were obliged to assume this barbarian garment, and we see the Roman soldiers and officers engaged in the wars on the Danube represented on the Column of Trajan as wearing short *bracae*. In the cut given in the next column, they are supported by a sash round the waist. In the reliefs on Constantine's arch which date from that emperor's own times, we see the Roman soldiers wearing trowsers exactly like those of the Sarmatians figured above. At first however, on quitting these northern countries, the Romans gladly abandoned the *bracae*, and Caecina (A.D. 69) gave great offence on his march into Italy by wearing what was regarded as a *tegmen barbarum* (Tac. *Hist.* ii. 20). But in the second century they appear to have been worn at Rome, although the use of them in the city was forbidden by Honorius (A.D. 397; Cod. Theod. xiv. 10, 3; Lamprid. *Alex. Sever.* 40).

Trowsers were principally woollen; but Agathias states (*Hist.* ii. 5) that in Europe they were also made of linen and of leather; probably the Asiatics made them of cotton and of silk. Sometimes they were embroidered (*pictae*, Val. Fl. vi. 227) as in the figure of the Persian prince above, or striped (*virgatae*, Propert. iv. 11, 43) and ornamented with a woof of various colours (*ποικίλαι*, Xen. *Anab.* i. 5, § 8; Eur. *l. c.*). The Greeks seem never to have worn them. In the next century, however, they gradually came into use at Rome; but they would appear never to have been generally worn. It is recorded of Alexander Severus that he wore white *bracae*, and not crimson ones (*coccineae*), as had been the custom with preceding emperors.

Bracae worn by Roman soldier. (Trajan's Column.)

Mela (ii. 1) describes the Satarchae as *bracati totum corpus*, by which phrase he seems to indicate a single garment which served for a jacket to the body as well as trowsers for the legs. The Amazons are often represented as wearing such a dress (Winckelmann, *Mon. Ined.* 149).

Gallia bracata was a name given to what afterwards became *Gallia Narbonensis*, because the inhabitants wore *bracae* (Mel. ii. 59; Plin. *H. N.* iii. § 31); and *bracatus* as opposed to *togatus* often expresses the distinction between *Gallia transalpina* and the countries east of the Alps.

Bracarius, properly a breeches-maker (Lampr. *Alex. Sev.* 24) came to be used for a tailor in general (Diocl. *Edict.* vii. 42). [J. Y.] [J. H. F.]

BRACCHIA'LE (*περιβραχιόνιον*, *περικάρπιον*). The *βραχίων* was the upper arm from the elbow to the shoulder (Poll. ii. 138; Curtius, *Gr. Etym.* p. 292); so the *περιβραχιόνιον* (or *ὄκκαβος*, see Hesych. *s. v.*) was an armlet used on the upper arm, while *περικάρπιον* was used on the wrist as a bracelet. In later Greek we find *βραχιόλιον* (Theophanes, 225, 11), *βραχίολος*, and *βραχιόνιον* used for bracchiale, and Suidas explains *χλιδόνας* as *κοσμοὺς περὶ τοὺς βραχίονας*, *βραχιόλια*. But *bracchium* was strictly the lower arm from the wrist to the elbow, though more usually used for the whole arm from wrist to shoulder. Hence bracchiale (from which is derived *bracelet*), itself a species of ARMILLA, is used as a generic term for armlet, as is also *spatalium* (Plin. *H. N.* xiii. § 142; Tert. *de cult. fem.* ii. 13), comprising *spinter*, which was applied to an armlet worn on the left arm (Festus, *s. v.*), and *dextrale* or *dextrochirium* (Capit. *Maximin.* 6, 8) an armlet worn on the right arm (Marquardt, *Privatl.* 684). Where a distinction is drawn between bracchiale and dextrochirium, as in Arculfus (*ap.* Ducange, s. v. *Bracchiale*), the latter is a bracelet worn on the wrist, the former an armlet worn on the upper arm (*superbracchia*). The wearing of *bracchialia* was

an un-Roman and pagan custom (Ambros. *Ep.* i. 10, 9). For the various shapes of armlets and bracelets (*ὄφεις, ἐχῖνοι,* &c.), see ARMILLA. They were fastened with a clasp (copula), which was sometimes set with jewels (Capit. *Maximin.* 27, 8). We find bracchialia of gold (Tert. *de cult. fem.* ii. 2) and silver (Plin. *H. N.* xxviii. §§ 82, 83). [L. C. P.]

BRASIDEIA (*βρασίδεια*), a festival celebrated at Sparta in honour of their great general Brasidas, who, after his death, in B. C. 422, received the honours of a hero. (Paus. iii. 14, § 1; Aristot. *Eth. Nic.* v. 7.) It was held every year with orations and contests, in which none but Spartans were allowed to partake.

Brasideia were also celebrated at Amphipolis, which, though a colony of Athens, transferred the honour of *κτίστης* from Hagnon to Brasidas, who was buried there, and paid him heroic honours by an annual festival with sacrifices and contests. (Thucyd. v. 11.) [L. S.]

BRAT'TEA (not Bractea: see Lachmann on Lucr. iv. 727), a finely beaten-out plate of metal, especially gold (Lucr. *l. c.*; Verg. *Aen.* vi. 209). Thicker plates were called *laminae* (Isid. *Orig.* xvi. 8, 2). Martial (viii. 33, 11) also calls brattea, owing to its fineness, *sputum.* Such plates were fastened on objects as ornaments, and this was a proceeding as old as the Phoenicians (Curtius, *Hist. of Greece*, i. 143, 145, Eng. trans.), and is alluded to in Homer (*περιχεύας, Od.* iii. 384). The Latin term for fastening on these plates is *imbratteare* (Amm. Marc. xiv. 6, 8). It was still in practice in the time of Sidonius Apollinaris (*Ep.* viii. 8 *fin.*), where see Savaro's note. The gold-beater is *brattearius* or *bratteator* (Orelli, 4153; Firmic. viii. 16, iv. 15) or *tritor* (Henzen, 7281). The fastener is *inaurator* (Orelli, 4201); or if both functions were performed by the same man, *bratteator inaurator* (Orelli, 4067). In Cod. Just. x. 64, 1, *bratteatores* is explained by *πεταλουργοί.* Pliny (*H. N.* xxxiii. § 61) tells us that from an ounce of gold 750 plates, each four fingers square, could be beaten. The process of beating was called *bratteam exprimere* (Tert. *de Idol.* 8). The thicker plates were called *bratteae Praenestinae*, the finest *bratteae quaestoriae* (Plin. *l. c.*). These plates were used for adorning statues (Juv. xiii. 152; cf. Pers. ii. 55), sedan-chairs (Sidon. Apoll. *l. c.*), furniture (Mart. viii. 33, 5, 6), walls and ceilings (Senec. *Epist.* 115, § 9; cf. Marquardt, *Privatl.* 700, note 15), and garments (*χρυσόπαστοι,* Ath. xii. 535–6). On the latter were fastened gold ornaments representing animals (*ζωωτὸς χιτών,* Ath. v. 197 e), flowers, stars, &c. (Poll. x. 43; cf. Suet. *Nero*, 35). The Romans called such *vestes auratae* (Ov. *Met.* viii. 448) or *sigillatae* (Trebell. *Trig. Tyr.* 16, 1). Compare on the whole Vopiscus, *Aurelian*, 46, 1, and the long notes of Salmasius. *Bratteae* were also used when stamped or embossed as ornaments and amulets, and many such are found in tombs. (See Saglio in *Dict. des Antiquités*, s. v.; Mayor on Juv. xiii. 152.)

For *nummi bratteati*, see Eckhel, *Doctr. Nummorum*, i. p. 115. [L. C. P.]

BRAURO'NIA (*βραυρώνια*), a festival celebrated in honour of Artemis Brauronia, in the Attic town of Brauron (Herod. vi. 138), where, according to Pausanias (i. 23, § 9; 33, § 1; iii. 16, § 6; viii. 46, § 2), Orestes and Iphigeneia, on their return from Tauris, were supposed by the Athenians to have landed, and left the statue of the Taurian goddess. (See Müller, *Dor.* i. 9, §§ 5 and 6.) It was held every fifth year, under the superintendence of ten *ἱεροποιοί* (Pollux, viii. 9, 31); and the chief solemnity consisted in the circumstance that the Attic girls between the ages of five and ten years, dressed in crocus-coloured garments, went in solemn procession to the sanctuary (Suidas, *s. v.* *Ἄρκτος*; Schol. on Aristoph. *Lysistr.* 646), where they were consecrated to the goddess. During this act the *ἱεροποιοὶ* sacrificed a goat, and the girls performed a propitiatory rite in which they imitated bears. This rite may have arisen simply from the circumstance that the bear was sacred to Artemis, especially in Arcadia (Müller, *Dor.* ii. 9, § 3); but a tradition preserved in Suidas (*s. v.* *Ἄρκτος*) relates its origin as follows:—In the Attic town of Phanidae a bear was kept, which was so tame that it was allowed to go about quite freely, and received its food from and among men. One day a girl ventured to play with it, and, on treating the animal rather harshly, it turned round and tore her to pieces. Her brothers, enraged at this, went out and killed the bear. The Athenians now were visited by a plague; and when they consulted the oracle, the answer was given that they would get rid of the evil which had befallen them if they would compel some of their citizens to make their daughters propitiate Artemis by a rite called *ἀρκτεύειν*, for the crime committed against the animal sacred to the goddess. The command was more than obeyed; for the Athenians decreed that from thenceforth all women, before they could marry, should have taken part once in this festival, and have been consecrated to the goddess. Hence the girls themselves were called *ἄρκτοι*, the consecration *ἀρκτεία*, the act of consecrating *ἀρκτεύειν*, and to celebrate the festival *ἀρκτεύεσθαι.* (Hesych. and Harpocrat. *s. v.*; Schol. on Aristoph. *l. c.*) But as the girls when they celebrated this festival were nearly ten years old, the verb *δεκατεύειν* was sometimes used instead of *ἀρκτεύειν.* (Comp. C. F. Hermann, *Gottesd. Alterth.* § 62, note 9.)

There was also a quinquennial festival called Brauronia, which was celebrated by men and dissolute women, at Brauron, in honour of Dionysus. (Aristoph. *Pax*, 870, with the note of the Scholiast; and Suidas, *s. v.* *Βραυρών.*) Whether its celebration took place at the same time as that of Artemis Brauronia (as has been supposed by Müller, *Dor.* ii. 9, § 5, in a note, which has, however, been omitted in the English translation), must remain uncertain, although the very different characters of the two festivals incline us rather to believe that they were not celebrated at the same time. According to Hesychius, whose statement however is not supported by any ancient authority, the Iliad was recited at the Brauronian festival of Dionysus by rhapsodists. (Comp. Hemsterh. *ad Pollucem*, ix. 74; Welcker, *Der Epische Cyclus*; p. 391; A. Mommsen, *Heortologie*, p. 409 foll.) [L. S.]

BREVIA'RIUM ALARICIA'NUM or BREVIA'RIUM. Alaric, the second king of the Visigoths (A.D. 484–507), who reigned over part of Gaul and Spain, commissioned a body of jurists, no doubt Romans, to make a selection from Roman statute law and from the writings

of Roman jurists which should form a code for the use of his Roman subjects. The code was completed in the twenty-second year of Alaric's reign (A.D. 506), and was then submitted to a council of bishops and nobles held at Aduris (Aire in Gascony), by which it was approved. The work was promulgated under the direction of Gojarich, the *comes palatii*, by the transmission of a certified copy of it to each *comes*. These copies were accompanied with a *commonitorium* or proclamation which explained the character of the work, and prohibited the use of any other law or legal form (*ut in foro tuo nulla alia lex neque juris formula proferri vel recipi praesumatur*).

The signature of Anianus, the *referendarius* of the king, was attached to each official copy for the purpose of giving it authenticity; a circumstance which has been so far misunderstood that Anianus has been considered by some critics as the compiler of the code, which has been called *Breviarium Aniani*. The name Breviarium Alaricianum or Breviarium does not appear before the 16th century, from which time it becomes common. The title given to the work in the *commonitorium* is *Codex de Theodosiani legibus atque sententiis juris vel diversis libris electus*. In some of the MSS. it is called Lex Theodosii, from the title of the first part of its contents; in others it is named, from its second part, *liber juris, liber legis doctorum, liber juridicus*. It is often described by the general title, Lex Romana. The following are the contents of the Breviarium, with their order in the code:—1. Codex Theodosianus, sixteen books. 2. Novellae of Theodosius II., Valentinian III., Marcian, Majorian, Severus. 3. The Institutes of Gaius, two books. 4. Pauli Receptae Sententiae, five books. 5. Codex Gregorianus, thirteen titles. 6. Codex Hermogenianus, two titles. 7. Papinianus, lib. i. Responsorum.

The code was thus composed of two kinds of materials,—imperial constitutions, which, both in the code itself and in the *commonitorium*, are called *leges*, and the writings of Roman jurists, which are called *jus*. Both the Codex Gregorianus and Hermogenianus being compilations, made without any legislative authority, are included under the head of *jus*. Except in the case of the Institutes of Gaius, the Breviarium is made up of extracts from the authorities enumerated above, and of an interpretation which explains the text and gives an account of amendments in the law relating to it. As a general rule the text of the passages selected was not altered. It is to be noticed that the compilers of the Breviarium made no use of the writings of some of the most eminent jurists. Thus there is no selection from the works of Ulpian, and only one short extract is taken from Papinian. The Institutes of Gaius are abridged or epitomised, and such alterations in the law as had taken place, or were considered necessary for the time, were introduced into the text. This part of the work, on account of its distinct character, has no interpretation attached to it. The epitome gives but a very imperfect account of the parts of Gaius which it was intended to be a summary of. Its value was much diminished by Niebuhr's discovery of the Institutes of Gaius at Verona in 1816.

The Breviarium contains several sources of Roman law which are otherwise almost entirely unknown, especially Paulus and the first five books of the Theodosian Code.

Numerous MSS. of the Breviarium are in existence. There are also MSS. of epitomes of the Breviarium, which were made in the Middle Ages. A complete edition of this code was published by Sichard in his *Codex Theodosianus*, Basileae, 1528. The entire code was not edited again till 1849, when the well-known standard edition by Haenel was published. (Puchta, *Cursus*, 1, § 137; Savigny, *Geschichte des Röm. Rechts im Mittelalter*, ii. c. 8; Rudorff, *Geschichte des Röm. Rechts*, 1, § 104; Danz, *Geschichte des Röm. Rechts*, 1, § 81; Huschke, *Jurisprudentiae Antejustinianae quae supersunt*; Julius Paulus.) [G. L.] [E. A. W.]

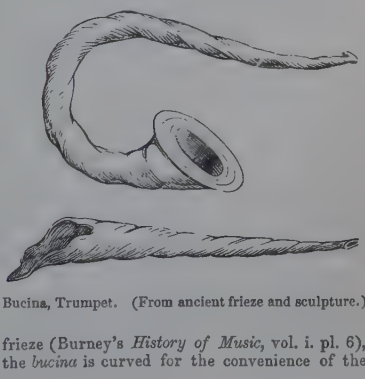
BRUTTIA'NI, slaves whose duty it was to wait on the Roman magistrates. They are said to have been originally taken from among the Bruttians, because this people continued from first to last faithful to Hannibal (P. Diac. *s. v. Bruttiani*; Gell. x. 3, § 19); and Strabo (v. extr.) says the same of the Lucanians and Picentes. But Niebuhr (*Hist. of Rome*, vol. iii. note 944) is disposed to think that these servants bore this name long before, since both Strabo (vi. 2, § 4) and Diodorus (xvi. 15) state that this word signified "revolted slaves" in the Lucanian language. (Mom. *Röm. Staatsr.* i. 260.) [W. S.] [W. W.]

BUC'CULA. [GALEA.]

BU'CINA (*βυκάνη*), a kind of horn-trumpet, originally made out of a shell, in which case it is often, especially in poetry, denoted by *concha*, Gk. *κόχλος* (Eur. *I. T.* 303; Theocr. xxii. 75; Mosch. ii. 120; Verg. *Aen.* vi. 171, x. 209; Ovid. *Metam.* i. 335), and was made not only from the *bucinum*, but from many other kinds of spiral shells. It is thus happily described by Ovid (*l. c.*):—

> "Cava bucina sumitur illi
> Tortilis, in latum quae turbine crescit ab imo,
> Bucina, quae medio concepit ubi aëra ponto,
> Litora voce replet sub utroque jacentia Phoebo."

The *bucina*, as seen in art, agrees closely with this description and also with the shape of the shell *bucinum*, and, like it, might almost be described from the above lines (in the language of conchologists) as spiral and gibbous. The two drawings in the annexed woodcut agree with this account. In the first, taken from a



Bucina, Trumpet. (From ancient frieze and sculpture.)

frieze (Burney's *History of Music*, vol. i. pl. 6), the *bucina* is curved for the convenience of the

performer, with a very wide mouth, to diffuse and increase the sound. In the next, a copy of an ancient sculpture taken from Blanchini's work (*De Musicis Instrum. Veterum*, p. 15, pl. 2, 18), it still retains the original form of the shell.

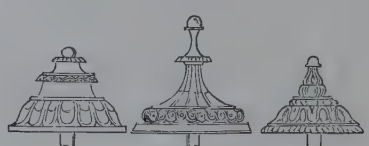
Vegetius thus distinguishes the *bucina* and the *cornu*: "Bucina quae in semet aereo circulo flectitur; cornu quod ex uris agrestibus, argento nexum, temperatum arte spirituque canentis flatus emittit auditum." This distinction was not always observed (Verg. *Aen.* vii. 513 and 519), but the words may be taken as a definition of the later perfected musical instrument, carved from horn, or perhaps from wood or metal, to imitate a shell more or less closely. It is often given to Tritons (Macrob. i. 8) and wind-gods, and was employed by sailors, as in the accompanying woodcut from a terra-cotta lamp, representing a ship coming into port: the sailors are furling

Bucina. (From a terra-cotta lamp.)

the sails, while the master announces their arrival by sounding a *bucina*. It was also used by ox-herds and swine-herds to gather their herds together (Varro, *R. R.* iii. 131; Colum. vi. 23, 3) and for many purposes in rural life (Theocr. ix. 27, xxii. 75; Prop. v. 10, 29; Verg. *Aen.* vii. 519; Cic. *Verr.* ii. 4, 96), especially to summon aid on a sudden alarm; to assemble the citizens to the *comitia* in early times (Prop. v. 1, 13; Curt. iii. 3, 8, although Varro, *L. L.* v. 91, says that the *cornu* or *lituus* was used for this purpose). In Greek art the *bucina* sometimes serves to distinguish barbarians from the Greeks, who are furnished with the σάλπιγξ (De Luynes, *Vases peints*, pl. 1; Gerhard, *Apul. Vasen*, pl. ii.). It was also employed in the Roman army, especially to mark the *vigiliae* or night-watches (Liv. vii. 35, xxvi. 15; Prop. v. 4, 63; Tac. *Ann.* xv. 30; Polyb. vi. 36, 5; Front. *Strat.* i. 5, 17), or to summon or give orders to the soldiers (Tac. *l. c.*; Veget. ii. 22, iii. 5; Polyb. xiv. 3). By the *bucina* was given to the soldiers the signal or class of signals peculiarly called *classicum* (Veget. ii. 22; Modest. 16). [CLASSICUM.] The performer on the *bucina* was called *bucinator*. [B. J.] [J. H. F.]

BULGA, a leathern bag or pouch, carried on the arm, and used as a purse (Lucil. and Varro *ap.* Non. p. 78; Festus, *s. v.*, who says that the word is Gallic). For a similar bag hung on the arm of a husbandman and containing seed (πήρα σπερμοφόρος, *Anth. P.* vi. 104), see *Mus. Borbonico*, xii. 47. [J. H. F.]

BULLA, a water bubble, and, from the resemblance in form, a boss, sometimes of ivory, but usually of metal, employed, like the ἧλοι of the Greeks, to adorn the sword-belt (*bullis asper balteus*, Sid. Apoll. *Carm.* 2), the military girdle (*aurea bullis cingula*, Verg. *Aen.* ix. 359), the sword (Hom. *Il.* xi. 29), the sceptre (*ib.* i. 246), a goblet (*ib.* xi. 633), a bronze chest (Niccolini, *Case di Pompei*, pl. xxxiii.), the panels of doors (Plaut. *As.* ii. 4, 20; Cic. *Verr.* ii. 4, 56, where we learn that the ivory doors of the temple of Athene at Syracuse were adorned with golden bosses). The magnificent bronze doors of the Pantheon at Rome are enriched with highly ornamental bosses, some of which are here shown. Petronius (*Sat.* 30) speaks of fortunate



Bullae, or bosses on doors. (From the Pantheon.)

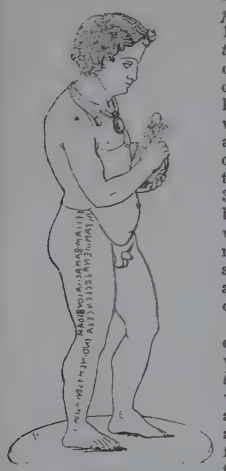
and unfortunate days being marked by such bosses.

We most frequently read, however, of *bullae* as ornaments suspended from the neck, worn by children, and especially by the sons of the noble and wealthy. Hence the phrase *heres bullatus* in Juvenal (xiv. 4). These *bullae* were made of two concave plates of gold fastened together by a brace of the same material, so as to form a globe, within which an amulet was contained. Hence it is described as *bulla aurea*. (Macrob. *Sat.* i. 6, § 16; Plin. *H. N.* xxxiii. § 10; Fest. p. 36; Prop. v. 1, 131; Plaut. *Rud.* iv. 4, 126.)

Bulla. (From the Collection of Mr. Rogers; the gold cord added from a specimen in the British Museum.)

The use of the *bulla*, like that of the *praetexta*, was derived from the Etruscans, whence it is called by Juvenal (v. 164) *aurum Etruscum*. Both men and women are frequently represented in Etruscan art as wearing necklaces and bracelets formed of *bullae* (Micali, *Mon. di popoli ital.* pl. xliii. foll.), doubtless containing amulets [AMULETUM], and such *bullae* are preserved in museums. Plutarch (*Romul.* 25) says that they were first introduced into Rome by generals triumphing in imitation of Etruscan kings and Lucumones, while Pliny (*l. c.*) says that the custom of boys wearing them was originated by Tarquinius Priscus, who granted one to his son for slaying an enemy while still *praetextatus*. However, they were worn by the general at his triumph and by boys to avert evil influences (Macrob. *Sat.* i. 6, 9; Plin. xxxiii. § 84). [FASCINUM.] The *bulla* was originally worn only by the children of the patri-

cians, but subsequently by all of free birth (Cic. *Verr.* i. 58, 152); while children of the libertini were only permitted to wear an ornament of the same kind made of leather (*nodus tantum et signum de paupere loro*, Juv. v. 165; *libertinis scortea*, Ascon. *ad Cic.* l. c.). [NODUS.] On coming of age it was laid aside, together with the *praetexta*, and was consecrated on this occasion to the Lares. (Pers. v. 31.) Examples of boys represented with the *bulla* are not unfrequent in statues, on tombs, and in other works of art.



Boy wearing a Bulla. (Müller, *Denkmäler.*)

The annexed woodcut represents a boy wearing a *bulla* (*bullatus*). The *bulla* was sometimes hung as an ornament and a charm on the forehead or round the neck of pet animals (Ovid. *Met.* x. 114). (Marquardt, *Röm. Alt.* vii. pp. 82, 182.) [J. Y.] [J. H. F.]

BURIS. [ARATRUM.]

BUSTUA'RII. [FUNUS.]

BUSTUM. [FUNUS.]

BUTY'RUM (*βούτυρον, βούτυρος*), butter, was only used by the Greeks and Romans as an unguent (Plin. *H. N.* xi. § 239) and a medicine (Id. xxviii. § 133; Galen, vi. p. 683 and xii. p. 274, Kuhn; Cels. iv. 15 and 18, v. 26; Marcell. *Empir.* ix. p. 81), while as a food they left it to the barbarians who had invented it. Thus Alexandrides (*ap.* Athen. iv. p. 131) speaks contemptuously of "butter-eating Thracians," and many writers note as something remarkable its use by Paeonians (Hecataeus, *ap.* Athen. iv. p. 447), Lusitanians (Strabo, iii. 3, 7), Aethiopians (Id. xvii. 2, 2), &c., showing by the curious phrase which they employ (*ἔλαιον ἀπὸ γάλακτος*), that the butter of the ancients was a liquid, as Pliny (*l. c.*) expressly tells us. [J. H. F.]

BUXUM (*πύξος*) properly means the wood of the box tree, but was given as a name to many things made of this wood. The tablets used for writing on, and covered with wax (*tabulae ceratae*), were usually made of this wood. Hence we read in Propertius (iii. 22, 8), "Vulgari buxo sordida cera fuit." These *tabellae* were sometimes called *cerata buxa*. In the same way the Greek *πυξίον, πυξίδιον*, formed from *πύξος*, "box-wood," came to be applied to any tablets, whether they were made of this wood or any other substance; in which sense the word occurs in the Septuagint (*τὰ πυξία τὰ λίθινα*, Exod. xxiv. 12; compare Is. xxx. 8; Hab. ii. 2). Tops were made of box-wood (*volubile buxum*, Verg. *Aen.* vii. 382; Pers. iii. 51); also all wind instruments, especially the flute (Ov. *Ex Pont.* i. 1, 45, *Met.* xii. 158, *Fast.* vi. 697; Verg. *Aen.* ix. 619); combs (whence Juv. xiv. 194, speaks of *caput intactum buxo*), and boxes (Luc. *Asin.* 14). [W. S.] [J. H. F.]

BYSSUS (*βύσσος*). It has been a subject of some dispute whether the byssus of the ancients was cotton or linen. Herodotus (ii. 86) says that the mummies were wrapped up in bandages of this material (*σινδόνος βυσσίνης τελαμῶσι*; cf. vii. 181), and an examination of mummy cloth with the microscope has shown it to be linen and not cotton cloth. Byssus in Herodotus therefore signified linen made from flax, and not cotton, which he calls *tree-wool* (*εἴριον* [Att. *ἔριον*] *ἀπὸ ξύλου*, iii. 47, 106, vii. 65). The robes of *byssus* mentioned by Aeschylus (*Sept. c. Theb.* 1039; *Pers.* 125) and Euripides (*Bacch.* 821) we may take to have been linen. In the same way linen is meant when we are told that the limbs of Osiris were wrapped in *byssina* (Diod. i. 85), that the image of Isis was covered with a black linen garment (Plut. *Is. et Osir.* 39), and that the great ship of Ptolemy Philopator had a sail of *byssus* (Athen. v. p. 206 c). But in some writers *byssus* is erroneously used to signify cotton (*τὴν δὲ βύσσον φύεσθαι δένδρον φασι*, Philostr. *Vit. Apoll.* 20), and Strabo even gives the name to silk, which he supposed to be a kind of cotton (*τὰ Σηρικά, ἔκ τινων φλοιῶν ξαινομένης βύσσου*, Strab. xv. p. 693). It seems in later writers to have signified a fine and costly texture, made generally of linen, but perhaps in some cases of very fine cotton. Simaetha in Theocr. ii. 73 goes sightseeing in a dress of *byssus* (*βύσσοιο καλὸν σύροισα χιτῶνα*); it is mentioned by Apuleius as a thin dress ("bysso tenui pertexta," *Met.* xi. c. 3); and it is spoken of in the Gospel of St. Luke (xvi. 19) as part of the dress of a rich man (cf. Rev. xviii. 12). Pliny (xix. § 21) speaks of it as a species of flax (*linum*), which served *mulierum maxime deliciis*, and was very expensive.

The word comes from the Hebrew *bûtz*, and the Greeks probably got it through the Phoenicians. Pausanias (vi. 26, § 4) distinguishes byssus from hemp (*καννάβις*) and flax (*λίνον*), and in another passage (v. 5, § 9) says that it was grown in Elis, being not inferior to that of the Hebrews in fineness, but not so yellow (*ξανθή*); and that the women in Patrae gained their livelihood by making headdresses (*κεκρύφαλοι*) and weaving cloth from it (vii. 21, § 7). Mr. Yates thinks that *λίνον* was the common flax, and that *βύσσος* was a finer variety, but the byssus in Elis may have been a species of cotton. (Yates, *Textrinum Antiq.*, p. 267.) [W. S.]

C, K.

CABEI'RIA (*καβείρια*), the mysteries of the Pelasgic (Herod. ii. 51) Cabeiri, were celebrated in the islands stretching from Euboea to the Hellespont, in the volcanic Lemnos (see the poet, probably Pindar, quoted in Hippol. *Ref. Haeres.* v. 7, p. 96), Imbros (Steph. Byz. *s. v.*), and most of all in Samothrace. We also find them on the adjacent coasts of Europe and Asia Minor (Strabo, x. p. 472), at Thebes and Andania in Greece (Preller, *Gr. Myth.* i. 707); and we even hear of their worship as being solemnised

in an island near Britain (Strabo, iv. p. 198). Like the Eleusinia, an almost complete secrecy had been maintained as to the ceremonies and teaching of these mysteries. Yet we know the names of the gods; and from an examination of the various forms under which we find them, Lenormant has been able to discover what he calls a *Cabeiric group*. They are four in number, thus differing essentially from the Phoenician Kabirim, who, as their Semitic name shows, are also "great gods" (Preller, *Gr. Myth.* i. 696, note 1), but are eight in number, representing the planets and the universe formed from their union (Sanchoniathon, ed. Orelli, p. 38; Xenocr. *ap.* Clem. Alex. *Protr.* p. 58). The names of the Samothracian Cabeiri, as revealed by Mnaseas of Patara and Dionysodorus, two historians of the Alexandrine age, are Axieros (= Demeter), Axiokersa (= Persephone), Axiokersos (= Hades), Casmilos (= Hermes). See the Scholiast on Apoll. Rhod. i. 917. Sometimes the two goddesses blend in one, viz. Earth (Varro, *L. L.* v. 58; Orelli, *Inscr.* 1503); sometimes as Aphrodite and Venus (cf. the important triform statue in D. and S. i. 761); but to most of the Romans they represent Juno and Minerva (Varro, *ap.* Augustin. *de Civ. Dei*, vii. 18; Serv. on *Aen.* iii. 12). Axiokersos appears further as Zeus, Uranus, Jupiter, Apollo, Dionysus-Liber; and Casmilos as Mercurius or Eros (see the passages cited above). The group is a primal mother goddess, issue of whom are two divinities, a male and a female, from whom again springs a fourth, Casmilos, the orderer of the universe. For a full discussion of the varied evidence on which this grouping is made, the reader is referred to Lenormant in D. and S. i. 757 foll., and *Dict. of Gr. & Rom. Biogr. & Myth.*, s. v. *Cabeiri*. It is our business here to see what were the ceremonies and teaching of these mysteries.

Herodotus (*l. c.*) is the first historian who mentions them. Though known while Athens was flourishing (Aristoph. *Pax*, 277), yet it was not till Alexandrine times that they really became famous. During this period Samothrace was a sort of sacred island (Preller, *Gr. Myth.* i. 700); and it was so, too, under the Roman dominion, for the idea was prevalent that the Penates (Serv. on *Aen.* ii. 325, iii. 12, viii. 619) were identical with the gods of Samothrace. Legend told how that Dardanus, Ketion or Iasion, and Harmonia, wife of Cadmus, were children of Electra and Zeus; that Iasion was given the mysteries by Zeus, married Cybele, and begat Corybas; and after Iasion was received among the gods, Dardanus, Cybele, and Corybas brought the mysteries to Asia (Diod. v. 47–49). The legends vary in details, but almost all agree in making Dardanus and Iasion sons of Zeus and Electra, and connecting the Samothracian mysteries with them (Schol. on Apoll. Rhod. i. 917; Serv. on *Aen.* iii. 168). It is to be remarked in passing that, while the legends brought the mysteries from Samothrace to Asia, there can be hardly any doubt that the passage was the other way (cf. Strabo, x. p. 472); for the whole tenor of the worship is Asiatic. We have many inscriptions of Romans who were initiated (*C. I. L.* iii. 713–721), and we hear besides of other Romans of high position who were initiated, — Marcellus (Plut. *Marc.* 30), Voconius (Plut. *Lucull.* 13), and probably Cicero (*Nat. Deor.* i. 42, 119). Throughout the Roman period the Cabeiric mysteries were held in high estimation, second only to the Eleusinian (Aristid. *Panath.* 308, ed. Dindorf), and they were still in existence in the time of Libanius (*pro Aristoph.* 225 B, ed. Morell).

From the earliest times the Pelasgi are said to have sacrificed a tenth of their produce to the Cabeiri in order to be preserved from famine (Dion. Hal. i. 23). The chief priest was probably the ἱεροφάντης mentioned by Galen (vol. iii. 576, ed. Kühn); and the purifying priest κόης or κοίης (see Hesych. *s. v.* κοίης: cf. κεῖα). The βασιλεὺς of the inscriptions was the highest eponymous magistrate of Samothrace. As in all mysteries, the votary must be purified in body and mind before initiation: and thus we have some evidence of auricular confession (Plut. *Apophth. Lac.* pp. 217 D, 229 D). But, as far as we know, there was not any special preparatory intellectual training required. Women (Plut. *Alex.* 2) and children (Donat. on Ter. *Phorm.* i. 1, 15) appear to have been admitted as well as men. Of the religious ceremonies themselves we may say we know nothing. They consisted (and we readily believe it) of δρώμενα καὶ λεγόμενα (Galen, *l. c.*). We hear of dances by the *pii Samothraces* (Stat. *Achill.* ii. 159), and the priests who executed these dances were called Saoi (according to Lobeck's emendation of *suos* in Serv. on *Aen.* ii. 325: see *Aglaoph.* 1292) by a title belonging to Hermes of the Cabeiric group or his son (Nicand. *Ther.* 472, and Schol.). The Romans who traced their Penates to Samothrace referred their Salii to these Saoi (Serv. *l. c.*). There were two classes of votaries—the μύσται and the μύσται εὐσεβεῖς, *mystae pii*—the latter being apparently those initiated for the first time. In the Samothracian mysteries *sacra accipere* (παραλαμβάνειν τὰ μυστήρια), which is the regular phrase for primary initiation, seems to be applied to the higher grades. But the whole matter is quite obscure and unsettled. See Hirschfeld in Conze, *Untersuchungen auf Samothrake*, pp. 37–39.

The Scholiast on Apollonius Rhodius (*l. c.*) tells us that the initiated wore a purple band (ταινία) round their waist (this reminds us of the Brahminical thread); that Agamemnon quelled a mutiny of the Greeks by wearing one; and that Ulysses, who wore a fillet for the band (τῷ κρηδέμνῳ ἀντὶ ταινίας), was miraculously saved in shipwreck. Preservation in times of peril, and especially in perils on the sea (Schol. on Aristoph. *Pax*, 277; Diod. Sic. iv. 43), was the chief service that the Cabeiri were supposed to render to those who called on them by name, and none knew their names except the initiated (Serv. on *Aen.* iii. 12; Val. Fl. ii. 431: cf. Paus. ix. 25, 5–7; Diod. Sic. v. 47). It was the electric fires of the Cabeiri that, according to the legend, lighted on the heads of the Dioscuri during the Argonautic voyage. Diodorus further says, in the course of an important discussion on the Cabeiri (v. 47–49), that those who were initiated became more pious, more righteous, and in every respect better than they were before. On the basis of this Lenormant thinks it probable that the doctrine of rewards and punishments in a future life was inculcated, though with Lobeck (*Aglaoph.* 1288) we may well suppose that no more is

necessarily implied than the impulse to virtue which is always united with religious emotion excited by impressive and gracious ceremonies (cf. Apoll. Rhod. i. 917: δαέντες ἀρρήτους ἀγανῇσι τελεσφορίῃσι θέμιστας).

The initiations at Samothrace took place at any time from May to September (see inscriptions), in this differing from the Eleusinian and more resembling the Orphic mysteries. There appears, however, to have been a specially great ceremony at the commencement of August which Voconius, when proceeding against Mithridates, attended (Plut. *Lucull.* 13).

From the manner in which Cicero speaks of the Samothracian mysteries (*Nat. Deor.* i. 42, 119) it is probable that he was initiated. He says of their ceremonies, "quibus explicatis ad rationemque revocatis, rerum magis natura cognoscitur quam deorum." And the Cabeiri themselves do appear to be symbols of the creation of the world. From the primeval mother emanate or differentiate themselves two elements, matter (earth) and force (especially fire, celestial and terrestrial). Indeed the name Cabeiri appears to mean "the Burners," from καίειν (see Welcker, *Die Aeschyl. Trilogie*, pp. 161, 211), and by the action of the former on the latter the ordered world is generated. The etymological identity of the Pelasgian with the Phoenician Cabeiri is doubted by Lenormant; the name of the latter is from a Semitic root which in Arabic appears as *kebir*, "great:" cf. Wad-el-Kebir = Guadalquivir, Tel-el-Kebir. Many hold that all the ceremonies of the Cabeiri, and those of the other mysteries, were pure inventions of the priests, nothing more than mere stories about gods. But here is not the place to discuss this, the great question of the mysteries —were they illusion or symbolism? The reader is referred to MYSTERIA.

For information on the Cabeiric mysteries, see Lobeck, *Aglaoph.* pp. 1202–1295; Schömann, *Griech. Alterth.* ii. 403–407; Preller, *Gr. Mythol.* i. 695–709; Welcker, *Gr. Götterlehre*, i. 328–333, iii. 173–189; and above all the article by Lenormant in Daremberg and Saglio, i. 757–774. [L. C. P.]

CAC'CABUS, less correctly CACABUS, a cooking-pot. The statement of Varro, *L. L.* v. 127, "vas ubi coquebant cibum, ab eo caccabum appellarunt," may be accepted in proof of the meaning of the word, however absurd as an etymology. The Greek forms κακκάβη and κάκκαβος both occur in the Comic Fragments, and the former is as old as Aristophanes (see Liddell and Scott's *Lexicon*, and compare Phrynichus, p. 427, Lobeck; p. 496, Rutherford).

The different processes of boiling and frying are not always clearly distinguished in the ancient kitchen (cf. SARTAGO; Mayor on Juv. x. 64; Mommsen-Marquardt, vii. 636). It seems certain, however, that the *caccabus* was used for boiling meat, vegetables, &c.; and that it was placed immediately upon the fire, or upon a trivet (*tripus*) standing over it. It is thus distinguished from the AENUM, which was suspended over the fire (Serv. on *Aen.* i. 213; Paul. *Dig.* 33, 7, 18, § 3); and from the AUTHEPSA, which was probably not used for cooking at all. The material varied. Athenaeus, in an enumeration of σκεύη μαγειρικά, mentions the κακκάβη as equivalent to the χύτρα, i.e. earthen cooking-pot or pipkin (iv. 169 c); and so usually in Latin (*fictilis*, Marquardt, *l. c.*; Colum. *R. R.* xii. 41). But *caccabi* were also sometimes of metal; *stanneus*, doubtless, as in modern times, of tinned iron or block tin, Colum. *R. R.* xii. 42, § 1; *aeneus*, ib. xii. 48, § 1; *argenteus*, Ulpian in *Dig.* 34, 2, 19, § 12. [W. W.]

KAKEGORIAS DIKE' (κακηγορίας δίκη) was an action for abusive language in the Attic courts. This action is likewise called κακηγορίου δίκη (Dem. *c. Mid.* p. 544, § 93), λοιδορίας δίκη (διώκων λοιδορίας, Aristoph. *Vesp.* 1207), and κακολογίας δίκη. This action could be brought against an individual who applied to another certain abusive epithets, such as ἀνδροφόνος, πατραλοίας, &c., which were included under the general name of ἀπόρρητα. [APORRHETA.] It was no justification that these words were spoken in anger. (Lys. *c. Theomn.* § 30.) The truth of the charge might be pleaded in justification (Dem. *c. Aristocr.* p. 635, § 50): but to taunt a citizen (πολίτην ἢ πολιτίδα) with ἐργασία ἐν τῇ ἀγορᾷ, or being a retail dealer, was to insult his or her poverty, and actionable in all cases (Dem. *c. Eubul.* p. 1308, §§ 30, 32). By a law of Solon it was also forbidden to speak evil of the dead; and if a person did so, he was liable to this action, which could be brought against him by the nearest relation of the deceased. (Dem. *c. Leptin.* p. 488, § 104; *c. Bocot.* p. 1022, § 49; Plut. *Sol.* c. 21.) If an individual abused any one who was engaged in any public office, the offender not only suffered the ordinary punishment, but incurred the loss of his rights as a citizen (ἀτιμία), since the state was considered to have been insulted. (Dem. *c. Mid.* p. 524, § 32.)

If the defendant was convicted, he had to pay a fine of 500 drachmas to the plaintiff. (Isocr. *c. Loch.* § 3; Lys. *c. Theomn.* § 12.) Plutarch, however, mentions that, according to one of Solon's laws, whoever spoke evil of a person in the temples, courts of justice, public offices, or in public festivals, had to pay five drachmas; but as Platner (*Process bei den Attikern*, vol. ii. p. 192) has observed, the law of Solon was probably changed, and the heavier fine of 500 drachmas substituted in the place of the smaller sum. Demosthenes, in his oration against Meidias (p. 543, § 89), speaks of a fine of 1000 drachmas; but this is probably to be explained by supposing that Demosthenes brought two actions κακηγορίας: one on his own account, and the other on account of the insults which Meidias had committed against his mother and sister. This action was probably brought before the thesmothetae (Dem. *c. Mid.* p. 544, § 93), to whom the related ὕβρεως γραφὴ belonged. The two speeches of Lysias against Theomnestus were spoken in an action of this kind. [W. S.] [W. W.]

KAKOLOG'IAS DIKE'. [KAKEGORIAS DIKE'.]

KAKO'SIS (κάκωσις), in the language of the Attic law, does not signify every kind of ill-treatment, but

1. The ill-treatment of parents by their children (κάκωσις γονέων). 2. Of women by their husbands (κάκωσις γυναικῶν). 3. Of heiresses (κάκωσις τῶν ἐπικλήρων). 4. Of orphans and widows by their guardians or any other persons (κάκωσις τῶν ὀρφανῶν καὶ χηρευουσῶν γυναικῶν).

1. Κάκωσις γονέων was committed by those who struck or reviled their parents, or even were disobedient; by those who refused them the means of support when they were able to afford it, or did not bury them after their death and pay them proper honours. (Xen. *Mem.* ii. 2, § 13; Aristoph. *Av.* 757, 1356; Suidas, *s. v.* Πελαργικὸς νόμος.) The term γονεῖς included grandparents and great-grandparents if surviving (Isae. *Ciron.* § 32). It was no justification for children that their parents had treated them badly. If, however, they were illegitimate, or had not received a proper education from their parents, they could not be prosecuted for κάκωσις. (Meier, *Att. Process*, p. 288.)

2. Κάκωσις γυναικῶν was committed by husbands who were unfaithful to their wives or otherwise ill-treated them (Diog. Laërt. iv. 17; compare Plut. *Alcib.* 8), or denied their wives the marriage duties; for by a law of Solon the husband was bound to visit his wife three times every month, at least if she was an heiress. (Plut. *Sol.* 30; *Erotic.* 23.) In the comedy of Cratinus, called the "Wine Flask" (Πυτίνη), Comedy was represented as the wife of Cratinus, who brought an action against him because he neglected her and devoted all his attention to the wine-flask. (Schol. *ad* Aristoph. *Equit.* 399.)

3. Κάκωσις τῶν ἐπικληρῶν was committed by the nearest relatives of poor heiresses, who neither married them themselves, nor gave them a dowry in order to marry them to persons of their own rank in life (Lex *ap.* Dem. *c. Macart.* p. 1076, § 75; Harpocr. *s. vv.* ἐπίδικος, θῆτες: Suid., Phot. *s. v.* θητεύς); or, if they married them themselves, did not perform the marriage duties. (Plut. *Sol.* 20; Télfy, *Corp. Jur. Att.* No. 1420.)

4. Κάκωσις τῶν ὀρφανῶν καὶ χηρευουσῶν γυναικῶν was committed by those who injured in any way either orphans or widows, both of whom were considered to be in an especial manner under the protection of the chief archon. (Dem. *c. Macart.* l. c.; ὁ ἄρχων, ὅστις ἐπεμελεῖτο τῶν χηρῶν καὶ τῶν ὀρφανῶν, Ulpian. *ad* Dem. *c. Timocr.*) The speech of Isaeus on the Inheritance of Hagnias is a defence against an εἰσαγγελία κακώσεως of this kind.

All these cases of κάκωσις belonged to the jurisdiction of the chief archon in the case of citizens, or to the polemarch in the case of metoeki. (Meier, *Att. Process*, p. 269; Perrot, *Essai sur le Droit Public*, p. 264.) If a person wronged in any way orphans, heiresses, or widows, the archon could inflict a fine upon them himself; or, if he considered the person deserving of greater punishment, could bring him before the heliaea. (Lex *ap.* Dem. *c. Macart.* l. c.) Any private individual could also accuse parties guilty of κάκωσις by means of laying an information (εἰσαγγελία) before the chief archon, though sometimes the accuser proceeded by means of a regular indictment (γραφή), with an ἀνάκρισις before the archon. (Dem. *c. Pantaen.* p. 980, § 46.) Those who accused persons guilty of κάκωσις incurred no danger, as was usually the case, if the defendant was acquitted, and they did not obtain the fifth part of the votes of the dicasts. (Harpocr. *s. v.* Εἰσαγγελία: Dem. *c. Pantaen.* l. c.; Isae. *Pyrrh.* §§ 46, 47.)

The punishment does not appear to have been fixed for the different cases of κάκωσις, but it was generally severe (αἱ ἔσχαται τιμωρίαι, Isae. *l. c.*, speaking of the case of ἐπίκληροι). Those found guilty of κάκωσις γονέων suffered atimia, but were allowed to retain their property (οὗτοι ἄτιμοι ἦσαν τὰ σώματα, τὰ δὲ χρήματα εἶχον, Andoc. *de Myst.* § 74; Aeschin. *c. Timarch.* § 28; Xen. *Mem.* l. c.). We reject without hesitation the statement of Meursius (*Them. Att.* i. 2), that if the κάκωσις consisted in beating their parents, the hands of the offenders might even be cut off. Mutilations of every kind were an abhorrence to the more civilized Greeks, especially the Athenians. [W. S.] [W. W.]

KAKOTECHNION DIKE' (κακοτεχνιῶν δίκη) corresponds in some degree with an action for subornation of perjury. It might be instituted against a party to a previous suit, whose witnesses had already been convicted of falsehood in an action ψευδομαρτυριῶν. (Dem. *c. Everg.* p. 1139, § 1; *c. Timoth.* p. 1201, § 56; Harpocrat., Suid., Phot., *s. v.*; Bekk. *Anecd.* p. 268, 24). It has also been surmised that this action lay against the party whose summoners (κλητῆρες) had been convicted in a γραφὴ ψευδοκλητείας (Meier, *Att. Process*, p. 385); and if Plato's authority with respect to the terms of Attic law can be considered conclusive, other cases of conspiracy and contrivance may have borne this title. (Plat. *Leg.* xi. p. 936 D.) With respect to the court into which these causes were brought, and the advantages obtained by the successful party, we have no information. (Meier, *Att. Proc.* pp. 45, 386.) [J. S. M.] [W. W.]

CADA'VER. [Funus.]

CADISCUS (καδίσκος). [Psephus.]

CADUCA'RIAE LEGES, CADU'CUM. [Bona Caduca.]

CADU'CEUS (κηρύκειον) was the staff or mace carried by Greek heralds and ambassadors in time of war. [Praeco.] (Pollux, viii. 138; Thuc. i. 53; Herod. ix. 100.) This name is also given to the staff with which Hermes or Mercury is usually represented. The caduceus

Hermes bearing the Caduceus. (*Museo Borbonico*, vol. vi. pl. 2.)

was originally only an olive branch with garlands (στέμματα), which were afterwards formed into snakes. (Müller, *Archäol. der Kunst*, p. 504.) Later mythologists invented tales about these snakes. Hyginus (*Astron.* ii. 7)

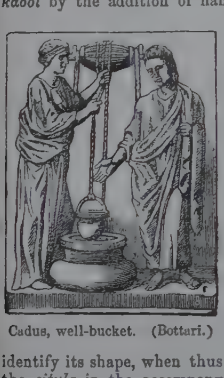
tells us that Mercury once found two snakes fighting, and separated them with his wand; from which circumstance they were used as an emblem of peace. (Macrob. *Sat.* i. 19; Plin. *H. N.* xxix. § 54.)

From caduceus was formed the word *caduceator*, which signified a person sent to treat for peace (Liv. xxxii. 32; Nep. *Hannib.* 11; Amm. Marc. xx. 7; Gell. x. 27). The persons of the *caduceatores* were considered sacred (Cato, *ap.* Fest. *s. v.*; Cic. *de Orat.* i. 46, 202). The caduceus was not used by the Romans. They used instead *verbenae* and *sagmina*, which were carried by the Fetiales (Dig. 1, tit. 8, s. 8). [FETIALES.] [W. S.] [W. M. L.]

CADURCUM, a kind of linen, which took its name from the tribe which produced it, the Cadurci, who inhabited the district now called le Quercy in Guienne (Strabo, iv. p. 191; *nivei cadurci*, Juv. vii. 221). It was especially esteemed for bedding (Plin. *H. N.* xix. § 13; Juv. vi. 537), and also used for garments (Plin. *H. N.* xix. § 8), bandages (Sulpicia *ap. Schol.* Juv. *l. c.*), tents (Plin. *l. c.*; Juv. vii. 221, *Schol.*) [J. H. F.]

CADUS (*κάδος*), a large vessel usually of earthenware; indeed the Ionians used the word to denote any earthenware jar. (Clitarchus *ap.* Athen. xi. 473 b). It was most frequently used, like the *amphora*, to keep wine in (Archilochus *ap.* Athen. xi. 483 d) after it had been drawn from the *dolium*, and especially wine which was conveyed across the sea, such as Chian. (Herod. iii. 20; Athen. xi. 473 b; Hor. *Od.* iii. 19, 5; Verg. *Aen.* i. 195; Plin. *H. N.* xiv. §§ 96, 97, "vini Falerni amphoras, Chii cados distribuit," xxxvi. § 59.) Other kinds of produce stored in *cadi* were honey (Mart. i. 55, 10), oil (*id.* i. 43, 9; Plin. *H. N.* xv. § 33), figs (*ib.* 82), beans (*id.* xviii. § 307), and salt fish (*ib.* 308), and sometimes plants were grown in them (*id.* xxvii. § 14, xxv. § 160).

Its use connects it with the *amphora*, and in early Attic an *ἀμφορεὺς* was called *κάδος* (Pollux, x. 71; cf. Aristoph. *Av.* 1032, Schol.: *κάδους ἀμφορικούς*). It may be concluded then that it resembled the *amphora* in shape: its lower part, however, was ovoid, for in Aristoph. *Pax* 1258 (cf. Schol.) the helmets are to be turned into *κάδοι* by the addition of handles. Plato (*Rep.* x. 616 D) speaks of *οἱ κάδοι οἱ εἰς ἀλλήλους ἁρμόττοντες*: Pliny (*H. N.* xxvii. § 14), of the *turbines cadorum*. Again *κάδος* is used to denote the well bucket (*γαυλός, ὑπαντλεῖον*) in Aristoph. *Eccl.* 1002; Eurip. *Cycl.* 33, Schol.; Hesych. and Suid. *s. v. γαυλός*; Athen. iii. 125 a, xi. 590 f: we may therefore identify its shape, when thus used, with that of the *situla* in the accompanying woodcut from Bottari, *Scult. e Pitt. sagre di Roma*, pl. xxiii. (*ap.* D. and S.) But this shape is obviously not adapted to its ordinary use of a vessel for storing wine, for which purpose it was closed by a lid (Archilochus, *l. c.*) or by cork (Plin. *H. N.* xvi. § 34), and must have had a narrower mouth.



Cadus, well-bucket. (Bottari.)

Κάδος is used in Aristoph. *Av.* 1030, 1053, in place of the more usual *καδίσκος*, to denote the urn used in ballots [PSEPHUS].

The word is used (Priscian, *de Pond. et Mens.* 84) as an equivalent of the Attic *amphora* or *μετρητής*, a measure containing twelve *χόες* or about nine gallons English. From this and its various uses we may conclude that it was a vessel of large dimensions; indeed, in a comic writer (*ap.* Athen. xi. 781 f) we read of *κάδοι* larger than a man. Hence it is only in passages of comic exaggeration that it is spoken of as a drinking vessel. (*Id.* x. 431 f; xi. 472, 473, 503, b, c).

Cadi were made not only of earthenware, but also of onyx (Plin. *H. N.* xxxvi. § 59), of ophites (*ib.* 158), and of gold (Athen. xi. 590 f). [J. H. F.]

CAELATU'RA (*τορευτική*). The words *τορευτικὴ* and *caelatura*, derived respectively from *τορεὺς* and *caelum* (lit. "graver's tool"), seem, on the whole, to be synonymous in their import, and signify in a general sense the arts employed in the production of ornamental works in metal, whether in relief or in intaglio. These terms therefore include such processes as repoussé, chasing, engraving, and other operations employed by the ancient artist, whether in jewellers' and goldsmiths' work, or in the application of the non-precious metals (especially bronze) to the purposes of ornamenting different objects, such as armour, mirrors, &c. The terms are strictly and commonly confined to works in *metal*, though we occasionally find the expression *caelatura* used, by analogy, of work in stone and in other non-metallic substances. One important branch of metal-work, that of statuary, is not, however, comprehended under *τορευτικὴ* and *caelatura* [STATUARIA ARS], though it may be observed that many of the bronze statuettes which have come down to us from antiquity are really only the detached ornaments of different household utensils, such as mirrors and candelabra. (O. Müller, *Handbuch der Archäol.* (ed. Welcker), §§ 85, 120, 173, 311, 312; Saglio, art. *Caelatura*, note 2, in Daremberg and Saglio, *Dict. des Ant.*; Marquardt, *Römische Privatalterthümer* (Marquardt and Mommsen, 1882, vol. vii., p. 664).)

The ancient literary sources for the history of ornamental metal work are somewhat scanty. The chief passage recording the names of Toreutic artists is Pliny, *H. N.* xxxiii. §§ 154–157, in which reference is made to various toreuticians eminent especially for working in silver. This list includes names which appear to range in date from about B.C. 420 or 400 to the time of Nero; the most famous artist mentioned being Mentor, who lived not later than B.C. 356. Other artists of whom we possess some record in the authors belong to the age of Alexander the Great, to the period of the Diadochi, to the time of Pompey, and to the earlier days of the Roman empire. A complete list of the passages in the ancient writers which refer to toreutic artists will be found in Overbeck's *Antiken Schriftquellen*, under the head "Toreutik" (pp. 417–425); compare also Brunn, *Gesch. der griech. Künstler*, ii. pp. 397–412 ("Die Toreuten"). It is, however,

from the metallic objects actually extant in the jewel rooms and bronze rooms of great museums that the history of the toreutic art can best be learnt, and the present article will therefore treat principally of some of the more important classes of these monuments, so far as this is possible within moderate limits.

The earliest specimens of ornamental metal-work discovered on Greek soil are those found by Dr. Schliemann at Hissarlik in the Troad, consisting of a large number of objects in gold, such as bracelets, ear-rings, and diadems. Among the specimens of which a detailed description will be found in Schliemann's *Ilios* (London, 1880) may be mentioned the following:—Nos. 873, 874, *bracelets*, consisting of a thick gold plate piped with wire, and adorned with spiral ornaments of gold wire soldered on the plate (cp. Nos. 690–693); No. 685, *diadem*, composed principally of hexagonal leaves of gold; Nos. 834, 835, *hairpins*; No. 834, consisting of a quadrangular plate ornamented with spirals of gold wires soldered on, like the bracelets just mentioned; gold *disks* (p. 500), of which No. 903 represents a flower of star form, in repoussé work (see also *Ilios*, p. 42, No. 14, and p. 453 ff.). The appellation "Treasure of Priam" given by the discoverer to a large class of these objects is misleading, inasmuch as the art described in the Homeric poems is quite certainly of a more advanced character. The Hissarlik metal work is, in fact, the product of a half-barbarous people, and its simple and unambitious character may be discerned in the preference for such ornamentation as the spiral (a form which is naturally suggested by the curling of gold wire), and in the infrequent representations of animal forms. An early though more advanced style is represented by the objects discovered by Schliemann at Mycenae (Schliemann's *Mycenae*, London, 1878: cf. Newton, *Essays on Art*, p. 246 ff.; Prof. P. Gardner, *Journal of Hellenic Studies*, i. p. 94 ff. (1880); Milchhoefer, *Die Anfänge der Kunst in Griechenland* (1883), pp. 5–38), which may be approximately assigned to a date not later than B.C. 1000. The Mycenaean objects are, on the whole, the work of rude local artists, scarcely touched as yet by Oriental influence: the specimens in gold, which are extremely numerous, consist principally of plaques in repoussé work, bowls, diadems, and sepulchral masks rudely imitating the human countenance. Round bosses and other circular patterns, and especially combinations of spirals, are the basis of most of the patterns, but floral forms and imitations of insects and of marine life are also employed. Among the most instructive objects may be mentioned the following: (1) a *mould of granite*, showing fourteen different types of ear-rings and other ornaments, all of which were probably cast in gold and silver (Schliemann's *Mycenae*, p. 108; cf. Nos. 162, 163). (2) Gold *diadems* found on the heads of corpses, especially the crown, No. 281 (2 ft. 1 in. long), which is covered with shield-like ornaments in repoussé, and has attached to it thirty-six leaves ornamented in a like manner. The diadems are generally piped with copper wire to give them greater solidity (cp. Nos. 282–284). (3) Lozenge-shaped *buttons* of wood plated with gold, ornamented with intaglio and repoussé work (cp. Nos. 377–386): among these, Nos. 414–420 represent stars, flowers or crosses, and No. 421 has a spiral ornamentation. (4) Perforated ornaments of gold with engravings in intaglio: Nos. 253–255 represent a man struggling with a lion, and two warriors contending with a lion. (5) Gold cylinder adorned with rock crystal (No. 451); a dragon of gold with scales of rock crystal (No. 452). (6) Scabbards of swords, representing a lion-hunt, winged monsters, fish and plants. The manes of the lions are of red gold; their bodies of a paler tint in the same metal. A distinction of colour is also observed between the sea and the fish swimming in it, and further variety is obtained by the use of enamel in the background. (See Koumanoudes in the Ἀθήναιον, 1880, p. 162, and 1881, p. 309; Köhler in *Mittheil. d. D. Inst. in Athen*, 1882, p. 241.) For a description of the archaic bronze and gold objects found at Spata in Attica, the reader must be referred to the *Bulletin de Corr. hell.* ii. p. 185, and reff. there.

The next important epoch in the history of our subject has been denominated the Graeco-Phoenician, an epoch when the rude genius of the Greeks set itself to learn in the comparatively advanced artistic school of the Phoenicians. This is the period of art described, though with some poetic embellishment, in the Homeric poems, in which compositions the higher works of metallic art are spoken of as coming from a foreign and especially a Phoenician source (cf. Brunn, *Die Kunst bei Homer*; Milchhoefer, *Die Anfänge d. Kunst in Griechenl.*, pp. 138–156: Riedenauer, *Handwerk in homer. Zeiten*; and especially Helbig, *Das Homerische Epos*, 1884). Thus it is from the king of Cyprus that Agamemnon receives the present of his cuirass (*Il.* xi. 19), and from Egypt that Menelaus brings back tripods and the basket of Helen (*Od.* iv. 126 ff.). The crater destined by Menelaus for Telemachus comes to him from the king of the Sidonians (*Od.* iv. 616; *Il.* xxiii. 741), and it is the Sidonians who made the silver crater given by Achilles as a prize at the Funeral Games. Even the elaborate Homeric description of the Shield of Achilles may be shown to have had a tangible basis in works of Phoenician art (see the restoration in A. S. Murray's *History of Greek Sculpture*, 1880, chap. iii.). This Phoenician art, as revealed to us by the archaeological discoveries of recent years, was not in itself original, but was formed by a curious blending of the art of the Egyptians and the Assyrians. It may best be studied in the numerous metal bowls that have been found in several localities, especially Cyprus and Italy, which were in early days in relations with the Phoenician traders (cp. Clermont-Ganneau, *L'Imagerie Phénicienne*, 1880; Cesnola, *Cyprus*, London, 1877; Calonna-Ceccaldi, *Monuments ant. de Chypre*, 1882; De Longpérier, *Musée Napoléon III.*, &c.). The epoch generally assigned for the execution of these bowls is the 7th or 8th century B.C., though the manufacture of them according to traditional patterns may have continued to a later period. In the artistic designs of these vessels it is especially important to note the arrangement of the subjects in concentric zones, and the frequent mingling of Assyrian and Egyptian elements. Thus, in the silver patera found at Amathus in Cyprus

(Calonna-Ceccaldi, *Rev. Archéol.*, 1876, i. p. 26; Cesnola, *Cyprus*, pl. xix.), the innermost zone of ornament is formed by winged sphinxes wearing the uraeus; in the next zone occurs another Egyptian object, the scarabaeus holding the solar disk, by the side of which we find two figures wearing an Assyrian costume, and having between them the familiar sacred tree of the Assyrian sculptures: the outer zone is filled with scenes of war, in which various costumes and arms may be distinguished. Again, in one zone of a remarkable bowl from Palestrina (Clermont-Ganneau, *L'Imag. Phénic.*, pl. i.) we have a succession of hunting scenes of thoroughly Assyrian style, while as the central ornament of the vessel there appear figures of a distinctly Egyptian type. Another feature characteristic of the art described by Homer is the application of metallic plaques to adorn the surfaces of various objects, such as the scabbards of swords and the wood of chariots (ἐμπαστικὴ τέχνη, Athen. xii. p. 488 b; Eust. ad *Il.* xi. 773: cf. *Od.* viii. 404, xi. 610; Paus. i. 20, 1, iii. 18, 7, ix. 12, 4, &c.). Good extant specimens of plaques employed in this class of work may be found in the archaic bronze plates in the Glyptothek at Munich, which were found near Perugia, and probably served to ornament the wood of a chariot (H. Brunn, *Beschreib. der Glyptothek*, No. 32 f.; Micali, *Monum. di ant. pop. Ital.*, 1833, pl. xxviii., xxxi.): the British Museum also possesses from the same find the fragment of an archaic work in relief, formed of very thin plates of silver hammered out and joined together. The subject represents two men on horseback, riding side by side at full speed, and underneath the horses a third figure, prostrate. The figures are in high relief, and the details of the hair, the borders of the drapery, &c., are of thin plates of gold laid on the silver. (Millingen, *Anc. uned. Mon.* ii., pl. 14; Brit. Mus. *Guide to the Bronze Room.* For various specimens of early metal-work found at Olympia, see Furtwängler, *Die Bronzefunde aus Olympia*, Berlin, 1880.)

As specimens of *early jewellery* we may refer to the objects of gold (now in the Louvre and British Museum) found by Salzmann at Camirus in Rhodes, which may be regarded as products of Phoenician art in the 8th century B.C. (Salzmann, *Nécropole de Camiros; Rev. Archéol.* N. S. t. iv. 1861, p. 466 f.: cf. 1862, t. vi. p. 264, and t. vii. (1863).) As an example of these we may take the pale gold plaques which belonged to a necklace and which are embossed with the alternate designs of a Centaur of primitive type with Egyptian head-dress, seizing a hind, and a winged female figure, the goddess Artemis or Anaitis, holding a lion and a panther. Another plate is ornamented with a recumbent lion of Assyrian style: the mane is formed by massing together minute granules of gold, while the ears are marked out by lines formed of similar granules. On the same plaque is the head of an eagle, adorned, like the lion, with granulated designs. From the plaque itself are suspended pomegranates, chainlets, and heads of Egyptian style. Of early jewellery found in Greece Proper we may notice the gold studs or ear-rings found in 1860 at Megara (Lenormant, *Les premières Civilisations*, ii. p. 384): they are decorated in repoussé, with human heads of Egyptian character, facing. Another interesting specimen of archaic jewellery, stated to have been found at Athens and belonging probably to the first half of the 6th century B.C., is an ear-ring published in the *Journal of Hellenic Studies* (vol. ii. p. 324), on the oblong pendant of which is represented side by side a pair of female figures, beaten out in relief. The arms of both these figures are straightened closely to their sides, and their dress and attitude, though very archaic, present a resemblance to the Canephori of the Erechtheum. Various other archaic gold ornaments from Corinth, Athens, Camirus, Melos, Delos, Etruria, Lydia, &c., will be found described in the *Arch. Zeitung*, Jahrg. xlii. pp. 90–94, 99–114; and in *Bull. de Corr. hell.*, iii. p. 129 f. We may note in these a gradual development from simple geometric ornamentation to groups of men and animals, and mythological subjects.

Our knowledge of the jewellery of the fine period of Greek art is mainly derived from two great sources—the excavations in the tombs of Southern Russia and in those of Etruria. Of the Etruscan jewellery, the Louvre, the Vatican, and the British Museum possess numerous and choice examples. The objects from Southern Russia, which belong to a great extent to the 4th century B.C., are now in the Museum of the Hermitage, and may be studied in the elaborate *Comptes rendus de la Commission archéologique de St. Pétersbourg*, and in the *Antiquités du Bosphore Cimmérien.* The great European jewel-collections contain specimens, unrivalled in workmanship, of all the various objects of personal adornment—necklaces with pendants, ear-rings, bracelets, brooches, &c. The main effect in this jewellery is due to "the combination of small figures and flowers in repoussé work, with fine filigree, granulated patterns and vitreous inlays." Precious stones, such as garnets, are sometimes introduced, but in the best age the jeweller made comparatively little use of them. The ancient jeweller is distinguished by his delicate manipulation of the gold, his mastery of modelling, his extraordinary minuteness of work, and by the technical skill which produced the granulation (*i.e.* the soldering of extremely minute particles of gold on a leaf of gold), which is especially noticeable in the jewellery of Etruria. (Cp. Castellani, *Communication faite à l'Académie des Inscr. et Belles-Lettres*, 20 Décembre, 1860; *Dell' oreficeria italiana*, Roma, 1872; B. Bucher, *Geschichte der technischen Künste*, p. 139 ff.; Newton, *Essays on Art and Archaeology*, p. 373 ff.; Charles de Linas, *Les Origines de l'orfévrerie cloisonnée* (1879).) The jewellery from Etruria, which in its earlier period betrays an Oriental influence, is in its later and finest stage so thoroughly Greek in character as to be a fair exponent of the capabilities of the Greek jewellers. For details as to the form, &c., of the various objects of personal ornament, the reader is referred to the separate articles in this Dictionary; but as furnishing a sample of the fertile invention and surpassing skill of the Greek workman, we may here refer to two classes of ear-rings of which the Hermitage has a rich collection, and of which there are good specimens in the Gold Ornament Room of the British Museum. The first class, which is the simpler and perhaps somewhat the earlier in

date, consists of ear-rings formed of twisted wire and terminating at one end in the head of an animal, especially a lion. The second class consists of the specimens attached to the ear by a hook, which is covered by a round disk. The disk itself is generally adorned with some subject suitable for a medallion, such as a full face in relief, and beneath it are suspended one or more small figures. For these pendants Victories are often chosen, and an especial favourite is a tiny figure of Eros holding various objects, such as a scroll or a musical instrument. As exquisite specimens may be noticed a pair (*Compte rendu de la Comm. arch. St. Pétersb.*, 1870–71, pl. vi., figs. 11, 12; cf. *Compte rendu*, 1868, pl. i., figs. 1–3) composed of a rosette, from which hang three chains, the two outermost terminating in pendants: from the middle chain hangs a goose, inlaid about the feathers with granulated work. In the centre of the rosette is a garnet, from which radiate leaves in blue enamel, forming a star pattern. The minuteness of the work is especially noticeable in another ear-ring of this class (*Antiq. du Bosphore*, pl. xii. *a*, fig. 5 *a*), on which, below the disk, is a chariot with four horses, flanked by Victories. In the chariot are two figures, and below the group is an ornament from which are suspended vases and chains. (Cf. also *Gazette des Beaux-Arts*, 1863, pl. 162; *Bijoux du Musée Nap. III.*, No. 112.) The jewellery actually intended for ordinary wear must be distinguished from that made for sepulchral purposes and for use on some exceptional occasion. The fine ear-rings found in the Koul Oba (*Antiq. du Bosphore*, pl. xix.) and those from the Crimean tomb of the Priestess of Demeter (*Compte rendu*, St. Pétersb., 1865, pl. ii.) could never have been worn in the usual way, but must have been suspended from the head-dress on festal days. The latter consist of large medallions representing Thetis or a Nereid on a dolphin, carrying the armour of Achilles, and from them there hang pendants and chainlets. Most European museums—as the Louvre, Hermitage, Vatican, and British Museum—possess specimens of the remarkable class of jewellery made principally for the adornment of the corpse; namely, the gold crowns composed of extremely thin leaves of gold, imitating the foliage of different trees. (Cf. *Bijoux du Mus. Nap. III.*, p. 9 ff.; *Antiq. du Bosphore*, pl. iii.–v.; *Mus. Gregor.* i., pl. cxxvii. f.) A very fine specimen of jewellery not intended for wear is the votive gold crown found at Armento, and now at Munich. It is composed of branches of oak intertwined with garlands of flowers, while winged figures are placed amidst the foliage. (Arneth, *Monum. des Antik. Cabinets in Wien*, p. 41, pl. xiii.; Avellino, *Memorie dell' Academia Ercolanese*, i. 1872, p. 207 ff.; Gerhard, *Antike Bildwerke*, i. x.)

Another important branch of the toreutic art is constituted by the production of gold and silver vases, elaborately adorned—generally with reliefs in repoussé, or with ornaments separately made and soldered or riveted to the vessel [EMBLEMA, CRUSTA]. (Cf. Plin. *H. N.* xxxiii. § 139, &c.; Ovid, *Metam.* iii., v. 80; Juv. i. 76; Quintil. 11, 47.) With the increase of luxury under the successors of Alexander, this branch of art began to assume especial prominence (cf. Athenaeus, v. 29, 30; Plin. *H. N.* xxxiii. § 154, &c.); unfortunately the vases now extant do not enable us to judge very satisfactorily as to the merit of the Greek toreutae, inasmuch as they mostly belong to the Imperial age when artistic work of this class had either quite declined (Plin. *H. N.* xxxiii. § 157) or had been vitiated by the use of exaggerated relief and the employment of precious stones. (Cf. Marquardt and Mommsen, vol. vii. p. 686; Linas, *Orig. de l'orfév. cloisonnée*, 1877, t. i. c. iii. 3; Thédenat and Villefosse in *Gaz. Arch.* 1884 and 1885, "Les trésors de vaisselle d'argent trouvés en Gaule.") At the same period, vases by the great Greek masters were collected by the Romans (Plin. *H. N.* xxxiii. § 147; *ib.* 157; Juv. i. 76; Mart. viii. 6. 1, iv. 39, xiv. 93, &c.), and were doubtless copied with more or less fidelity by the Roman artists. (Cf. Plin. *H. N.* xxxiv. § 47; Michaelis, *Das Corsinische Silbergefäss*, p. 19.) Among the more important vessels in the precious metals now extant should be mentioned the following: — (1) The magnificent silver vase in the Hermitage Museum which was found in the tomb of a Scythian king at Nicopolis (*Compte rendu*, St. Pétersbourg, 1864, pl. i., ii., p. 11 ff.). It has the form of an amphora, and on its upper part are friezes of Scythians and animals, in high relief; leaves and flowers adorning the body of the vessel. The decoration is partly in repoussé, and partly consists in ornaments, like the lion-masks and the head of a winged horse, separately made and gilded and then soldered on. This vase has been assigned to the 4th century B.C. (2) Silver vase in the Antiquarium of Munich, ornamented externally with a circular frieze, in which are represented Trojan captives, in low relief. (Cf. Thiersch, *Abhandl. d. bair. Academie, Philol. Classe*, v. 1849, p. 111.) (3) The Corsini vase, on which see the Memoir by Michaelis, *Das Corsinische Silbergefäss*. (4) Specimens in the Berlin Museum from the silver Treasure found near Hildesheim in Hanover (Wieseler, *Der Hildesheimer Silberfund*, and reff. in *Gaz. Arch.* 1884, 266, 267), some of which go back to the time of Augustus or earlier. They have much executional merit, but present the Roman characteristics of exuberant ornament and exaggerated relief. (5) Specimens in the Bibliothèque Nationale from the Treasure discovered at Bernay in France: the vases are of varying merit and differ in date; one class being ornamented in very prominent repoussé, the other in lower relief with slight and delicate lines (Chabouillet, *Catal. gén. des Camées, etc., de la Bibliothèque Nationale* (1858), pp. 418–457; *Journal of Hellenic Studies*, vol. iii., p. 96 ff.; *Gaz. Arch.* 1884, 344). (6) The gold patera of Rennes, into which are inserted gold coins ranging from Hadrian to Geta. The bottom of the vase is adorned with a large medallion executed in repoussé, and bordered by a wreath of laurel leaves in low relief. (7) Silver vases found at Pompeii and now in the Museum at Naples (Quaranta, *Di quattordici vasi d' argento disotterrati in Pompei*). Silver goblet in the Museum at Naples, found at Herculaneum, on which is represented the Apotheosis of Homer (Millingen, *Anc. uned. Monum.* ii. pl. 13; Zahn, *Schönste Ornam. in Pompei*, iii. 28). This list may be concluded with a reference to the specimens in the celebrated silver treasure discovered at Rome in 1793, and now in the British

Museum. It consists of caskets, vases, trappings, and ornaments of silver, and was probably executed for the most part about the end of the 5th century A.D. The figures and ornaments on most of the objects are generally embossed and chased, and gilding is applied to the salient parts. The figures, as might be expected at so late a period, are coarsely executed and of clumsy proportions. (Visconti, *Opere Varie*, ed. Labus, Milan, 1827, i. p. 210; British Museum *Guide to the Blacas Collection*, 1867, pp. 24–27.)

To the examples of ornamental metal-work which have now been mentioned in this article, and which are principally in gold and silver, must be added certain specimens in bronze which are adorned (1) with engraved designs, (2) with figures in relief. A remarkable specimen of archaic Greek engraving is found on the bronze cuirass discovered in the bed of the Alpheios, and photographed in the *Bulletin de Corr. hell.*, 1883, p. 1, pll. i.–iii. Besides figures of animals, the design shows a group of six human figures. Engraved designs occur most frequently upon the circular metal disks used as mirrors by the ancients, the largest class of which comes from Etruria. Though on some of the Etruscan mirrors the drawings are of a masterly character, the greater number are executed loosely and without much regard to beauty of composition. (See Gerhard, *Etruskische Spiegel*, Berlin, 1841: cf. also the incised friezes of the Etruscan *Cistae*, Gerhard, *op. cit.* i. pp. 1–73; H. Brunn, *Annali d. Inst. Arch. Rom.* xxxiv. pp. 5-22, *ib.* xxxvi. pp. 356–76; Scnöne, *ib.* xxxviii. p. 150 ff., and xl. pp. 413, 421; Brit. Mus. *Guide to the Bronze Room*, "Cistae.") Engravings on mirrors of purely Greek work are rare: amongst the most beautiful examples may be cited the mirror representing the Genius of the Cock Fights (Musée de Lyon), and the specimen with the hero Corinthus crowned by a female who personifies the Corinthian colony of Leucas. (Cf. A. Dumont, *Bulletin de Corresp. hellén.* i. (1877), pp. 108–115; *Monuments grecs de l'Assoc. des Études grecques*, 1873.)

The covers of the mirrors of box-like form —mostly found in Greece proper—offer favourable specimens of reliefs executed in bronze. Several of them belong to a good period of Greek art: their subjects, as a rule, are borrowed from the cycles of Aphrodite and of Dionysos. Fine examples of Greek repoussé work in bronze are also to be seen in the plaques with figures in relief which once served to ornament armour or other objects. Good specimens of these come from the finds at Dodona (Carapanos, *Dodone et ses ruines*, p. 33 ff.; cp. *ib.* p. 187 ff.), and among them may be especially mentioned the plaque in repoussé, which perhaps adorned a cuirass, representing the contest between Apollo and Heracles for the possession of the Delphic Tripod. This work has been assigned to the 4th century B.C.; the treatment of the figures being archaistic rather than genuinely archaic. (Carapanos, pl. xvi.) Another remarkable plaque from Dodona which may be assigned to the same century adorned the cheek-piece of a helmet, and portrays in relief the combat of Pollux with Lynceus. (Carapanos, pl. xv.) Lastly, there must be mentioned the bronze plaques in the British Museum found near the river Siris, in Lucania. They formerly served as ornaments to mask the buckles of a cuirass, and consist of two groups in very high relief, the subject of each being a combat between a Greek warrior and an Amazon. They were probably executed by some artist of the school of Scopas, and are remarkable for their masterly composition and modelling as well as for the refined execution of their details. (See P. O. Brönsted, *The Bronzes of Siris*, published by the Dilettanti Society, 1836; cf. Brit. Mus. *Guide to the Bronze Room.*)

Authorities.—A comprehensive treatise on the ornamental metal work of the Greeks and Romans, based on a complete examination of the monumental and literary remains, is still a desideratum. At present, the details have to be gathered from a number of archaeological works, of which it would not be practicable to give an exhaustive list here; but references to the most important sources of information will be found in the text of this article. [W—K W—H.]

CAELIBA'TUS. [Aes Uxorium; Lex Julia et Papia Poppaea.]

CAELUM. [Caelatura.]

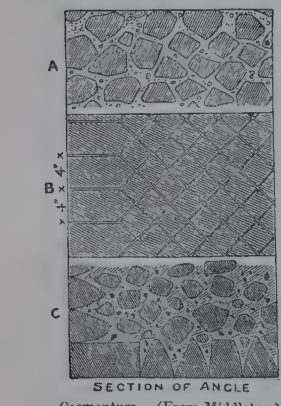
CAEMENTUM (more frequently in the plural, *Caementa;* Gk. λατόμη, σκύρος), rubble, or small undressed stones, used together with mortar to form the *caementiciae structurae* or concrete walls with which the remains of Roman buildings abound. Vitruvius, who tells us that this form of structure was not used by Greek architects, describes (ii. 8) two chief varieties,—the *opus reticulatum*, in general use in his day, the more handsome kind of work, but less durable, because it did not bind well together; and the ancient *opus incertum*, which was less sightly but more lasting, on account of the way in which the stones were bonded together. Schneider in his edition of Vitruvius, Rich, and others have taken this *opus incertum* to be the ancient Cyclopean masonry, which was formed by laying together large irregular masses of stone without mortar and filling up the interstices with small stone-chippings; but Vitruvius expressly says, "utraque (*i.e.* incertum et reticulatum) ex minutissimis sunt instruenda." A third method of wall-building which he mentions was a variation from the Greek ἔμπλεκτον, in which two parallel faces of dressed stone were erected, and the interval between them filled up with rubble. He also speaks of concrete walls lined with marble.

Mr. J. H. Middleton (*Ancient Rome in* 1885, pp. 28–33) has been led by an examination of the existing concrete structures of Rome to distinguish the following varieties:—

1. Unfaced concrete, generally used for foundations, but carried higher; for instance, in the substructures of Caligula's palace. The method of construction was to erect two lines of upright posts from ten to fifteen feet high, and to nail boards against them and pour the concrete in a liquid state into the bed thus constructed, and remove the framework when the concrete had set. The frame was then set on the top of the mass and the process repeated. The stones were usually of the size of a man's fist, and the mortar was composed of lime and the volcanic sand called pozzolana (*pulvis Puteolanus*, Vitruv. ii. 6). Its remarkable pro-

perties are the chief cause of the durability of Roman concrete.

2. Faced concrete walls, in which the core is always composed in the same way as the unfaced concrete; and we are thus led to the conclusion, which would not have been inferred from Vitruvius alone, that the *opus incertum* and *opus reticulatum* were only facings. (*a*) *Opus incertum*, in constructing which "irregularly shaped bits of tufa were cut smooth on one face, and roughly pointed behind; the whole face of the concrete wall was then studded with these stones, the points sticking into the wall, and the smooth surfaces appearing on the face. The pieces, square, triangular or polygonal, range from two to five inches across." This structure is found in Republican buildings, *e.g.* at the foot of the *Scala Caci*. (*b*) The *opus reticulatum* differs from the *incertum* in having the facing stones cut into squares and closely fitted together in a reticulate pattern. It is found in buildings erected from the reign of Augustus to that of Hadrian, as in the Mausoleum of Augustus, and (a later variety with brick-faced angles and bands of brick at intervals of two or three feet) in Hadrian's villa. (*c*) Concrete faced with burnt brick, the earliest dated examples of which are to be found in the *Rostra* and the Pantheon. This structure was largely used in many of the most substantial buildings of Rome, while solid walls of brick are not found. Vitruvius (ii. 8, 17) accounts for this by legal restrictions and a desire to economise space. (*d*) The so-called *opus mixtum*, a wall-facing of alternate courses of brick and small blocks of tufa, found in the circus of Maxentius (*circa* A.D. 310) and until the 6th century.



Caementum. (From Middleton.)

Concrete was extensively used at Baiae in the Augustan age, as a foundation for edifices built out into the sea (Tibull. 2, 3, 45; Hor. *Od.* iii. 1. 33, 24. 3), the Romans having discovered that pozzolana and lime formed a hydraulic cement (Vitruvius, ii. 6, 1).

The most massive relic of Roman times in this island, the great military wall which extended from the mouth of the Tyne to that of the Solway, is a structure of faced concrete, formed by erecting two faces of large stones and filling up the intervening space with alternate courses of rubble, one foot deep, and mortar, four inches deep. (*Archaeologia*, vol. xi. 1794, p. 64.)

Many of the great Roman achievements in building, especially in distant provinces, are to be attributed to this method of construction, which enabled them to raise, with comparatively unskilled hands and from materials which are accessible in most regions or easily imported, structures which were in a short time bonded together into solid homogeneous masses. [J. H. F.]

CAERI'TUM TABU'LAE. [AERARII.]

CAESAR, a title of the Roman emperors, was originally a family name of the Julia gens; it was assumed by Octavianus as the adopted son of the great dictator, C. Julius Caesar, and was by him handed down to his adopted son Tiberius. It continued to be used by Caligula, Claudius, and Nero, as members either by adoption or female descent of Caesar's family; but though the family became extinct with Nero, succeeding emperors still retained the name as part of their titles, and it was the practice to prefix it to their own names, as, for instance, *Imperator Caesar Domitianus Augustus*. When Hadrian adopted Aelius Verus, he allowed the latter to take the title of Caesar (Spart. *Ael. Ver.* 1; Aur. Vict. *Caes.* 13, § 12); and from this time, though the title of *Augustus* continued to be confined to the reigning emperor, that of *Caesar* was also granted the second person in the state and the heir presumptive to the throne. (Eckhel, vol. viii. p. 367, &c.) [AUGUSTUS.] [W. S.]

CAESTUS (from *caedo*, not to be confounded with *cestus*, from Gr. κεστός), the thongs or bands of leather which were tied round the hands of boxers, in order to render their blows more powerful. These bands of leather were also frequently tied round the arm as high as the elbow, as is shown in the following statue of a boxer, the original of which is in the Louvre at Paris. (See Clarac, *Musée d. Sculpt. Ant. et Mod.* vol. iii. pl. 327, No. 2042.)

Statue of a Boxer with the Caestus. (From the Louvre.)

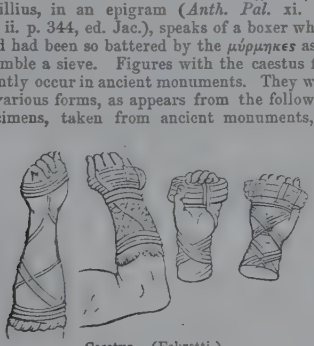
The caestus was used by boxers from the earliest times. The ordinary boxing-gloves were called in Greek ἱμάντες or ἱμάντες πυκτικοί. When Epeius and Euryalus in the *Iliad* (xxiii. 684) prepare themselves for boxing, they put on their hands thongs made of ox-hide (ἱμάντας ἐϋτμήτους βοὸς ἀγραύλοιο). (Cf. Theocr. xxii. 81; Apoll. Rhod. ii. 53.) But it should be recollected that the caestus in heroic times appears to have consisted merely of thongs of leather, and differed materially from the frightful weapons loaded with lead and iron which were used in later times. The different kinds of caestus were called by the Greeks in later times μειλίχαι, σπεῖραι βόειαι, σφαῖραι, and μύρμηκες: of which the μειλίχαι gave the softest blows, and the μύρμηκες the most severe. The μειλίχαι, which were the most ancient, are described by Pausanias (viii. 40, § 3) as made of raw ox-hide cut into thin pieces, and joined in an ancient manner; they were tied under the

hollow or palm of the hand, leaving the fingers uncovered. The athletae in the palaestrae at Olympia used the μειλίχαι in practising for the public games (ἱμάντων τῶν μαλακωτέρων, Paus. vi. 23, § 3); but in the games themselves, they used those which gave the severest blows.

The caestus, used in later times in the public games, was, as has been already remarked, a most formidable weapon. It was frequently covered with knots and nails, and loaded with lead and iron; whence Virgil (*Aen.* v. 405), in speaking of it, says:

"Ingentia septem
Terga boum plumbo insuto ferroque rigebant."

(Cf. *Aen.* v. 69; *Georg.* iii. 20.) Statius (*Theb.* vi. 732) also speaks of *nigrantia plumbo tegmina cruda boum*. Such weapons, in the hands of a trained boxer, must have frequently occasioned death. The σφαῖραι were, as the name denotes, circular in form, supposed by some to be an iron ball, worn with padded covers (Liddell and Scott, *s. v.*); and fighting with them was called σφαιρομαχία (Pollux, iii. 150). Plato (*Leg.* viii. p. 830 B) recommends the use of them instead of the ordinary boxing-gloves (ἱμάντες), in order to train boxers for the coming conflicts. But the most formidable of all these weapons were the μύρμηκες, covered with metal studs or nails, and hence called the "limb-breakers" (γνιστόροι). Lucillius, in an epigram (*Anth. Pal.* xi. 78, vol. ii. p. 344, ed. Jac.), speaks of a boxer whose head had been so battered by the μύρμηκες as to resemble a sieve. Figures with the caestus frequently occur in ancient monuments. They were of various forms, as appears from the following specimens, taken from ancient monuments, of



Caestus. (Fabretti.)

which drawings are given by Fabretti (*de Column. Traj.* p. 261; see Krause, *Gymnastik und Agonistik der Hellenen*, p. 502 foll.). [W. S.]

CALAMISTRUM (pl. *calamistri: calamistra*, Varro *ap. Charis.* p. 61), a curling-iron, so called from its resemblance to a reed. Its use among the Greeks may be inferred from the representations of elaborately dressed hair in works of art. Among the Romans, it was in vogue as early as the days of Plautus (*Asin.* iii. 3, 37; *Curc.* iv. 4, 21), and became as common among them as it has been in modern times (Serv. on *Aen.* xii. 100). It was much employed by ladies and boys, and sometimes even by men, although for them the practice was considered effeminate (Cic. *pro Sest.* 8, 18; *post red. in sen.* 5, 12; *in Pis.* 11, 25). Hence the figurative use of the word to express an excess of literary ornament (Cic. *Or.* 23, 78; *Brut.* 75, § 262; Tac. *Dial.* 26). The calamistrum appears to resemble the modern curling-irons, and to have belonged therefore to the department of the *ornatrix*. Muratori (991, 2)

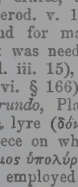
Calamistrum, instrument for dressing hair, on a small relief from Amyclae, with other articles of toilet. (British Museum.)

gives the epitaph of a *liberta a calamistro*, while *ciniflo* (Hor. *Sat.* i. 2, 98; Tert. *ad Uxor.* ii. 8) or *cinerarius* (Varr. *L. L.* v. 129; Cat. 61, 138; Sen. *Dial.* ii. 14, 1; Acron *ad* Hor. *l. c.*; Tert. *l. c.*) was the title of the slave who heated the irons. [J. Y.] [J. H. F.]

CAL'AMUS, a reed. Under this head it seems desirable to group an account of the most important objects made of reeds of various kinds. The varieties of the reed are described by Theophrastus (*H. P.* iv. 11, 12) and Pliny (*H. N.* xvi. §§ 159-173), one of the most notable being the *calamus odoratus*, found in Syria and Arabia (Col. xii. 52; Plin. xii. § 104, xiii. § 9; Veget. iv. 13), and used in the manufacture of unguents. Κάλαμος denotes a larger sort of reed than δόναξ, and *harundo* than *canna*.

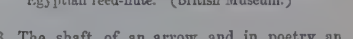
Reeds were extensively used for thatching and wall-building; for making mats, crates, and other articles of plaited work (Herod. v. 101, i. 179, ii. 96; Thuc. ii. 76); and for many purposes for which a light stick was needed, —*e.g.* a signal-post (*calamus*, Col. iii. 15), an Egyptian sign-post (Plin. *H. N.* vi. § 166), a rod to brush down cobwebs (*harundo*, Plaut. *Stich.* ii. 2, 23), the bridge of the lyre (δόναξ, Aristoph. *Ran.* 232), the cross-piece on which the lyre-strings are fastened (κάλαμος ὑπολύριος, Soph. *Fr.* 34). Reeds were also employed in the following uses:—

1. The Pan's pipes (σῦριγξ), formed of reeds of graduated length bound together by wax, as shown in the accompanying cut (*calamus*, Lucr. iv. 588, v. 1379–1415; Tib. ii. 5, 29–32; *canna*, Ov. *Met.* ii. 682, xi. 171; *harundo*, ib. i. 684, xi. 154; κάλαμος, Eur. *I. T.* 1125, *El.* 702; δόναξ, Aesch. *Pr.* 574).



Calamus, Pan's pipe, from terra-cotta relief with Judgment of Paris. (British Museum.)

2. A light flute, formed of a single reed (*harundo*, Ov. *Met.* vi. 384; κάλαμος, Pind. *Ol.* x. 100, *Nem.* v. 70; δόναξ, id. *Pyth.* xii. 44; Theocr. xx. 29). The reed-flute figured in the following woodcut was found in an Egyptian tomb and is in the British Museum.



Egyptian reed-flute. (British Museum.)

3. The shaft of an arrow, and in poetry an arrow made of a reed which was not hollow, but filled with pith (κάλαμος ναστός, τοξικός or Κρητικός, Theophr. *l. c.*; *calamus*, Hor. *Od.* i. 15, 17; Plin. *H. N.* xvi. § 161; *harundo*, Ov. *Met.* i. 471; Verg. *Aen.* iv. 73; δόναξ, Hom. *Il.* xi. 584).

4. A reed-pen (*calamus scriptorius* or *chartarius*, Cels. v. 28, 12; App. *Flor.* 9), which, like our quill-pens, was sharpened (καλαμογλυφεῖν, *Etym. M.* 485. 33, *calamum acuere, temperare*) with a knife (*scalprum librarium*, Tac.

Ann. v. 8; Suet. *Vitell.* 2) and had a cleft point (*calamus fissipes*, Aus. *Epist.* vii. 49). Pens thus made of knotted reeds are represented in the cut under ATRAMENTUM. The case in which they were kept was called καλαμίς, *theca calamaria* or *graphiaria*, or *theca cannarum* (Suet. *Claud.* 35; cp. Mart. xiv. 19, Hieron. *in Ezech.* ix. 2). The earliest mention of quill-pens appears to be in Isidore, *Orig.* vi. 14, 3. The best reeds for pen-making came from Egypt, Cnidus and the *lacus Anaiticus* (Plin. *H. N.* xvi. § 157; Mart. xiv. 38; Aus. *l. c.*, and iv. 77). *Harundo* is used in the same sense in Mart. i. 3, 10; Pers. iii. 11; κάλαμος in Poll. x. 61.

5. A fishing-rod (κάλαμος, Theocr. xxi. 43; Arist. *P. A.* iv. 12, 11; καλαμίς, *Anth. P.* x. 11; *calamus*, Ov. *Met.* iii. 587; *harundo*, Plaut. *Rud.* ii. 1, 5; Tib. ii. 6, 23).

6. The fowler's limed rod, which was sometimes composed of separate joints, so that it could be lengthened to suit the fowler's convenience. It was then called *harundo crescens* or *texta* (Mart. ix. 54, 3, xiv. 218; Sil. vii. 674–7; Petr. *Sat.* 109, 7; Bion, xii. (ii.) 5). In the same sense we have *calamus* (Prop. iii. 13, 46; Mart. xiii. 68; Sen. *Oct.* 411) and δόναξ (*Anth. P.* vii. 702).

7. A light Egyptian boat made of reeds (*canna*, Juv. v. 89; Plin. *H. N.* vii. § 206).

8. A horizontal rod passed through the warp in weaving (*harundo*, Ov. *Met.* vi. 55). [TELA.]

9. *Harundo* is also the crown of reeds worn by river-gods (Verg. *Aen.* viii. 34, x. 205; Ov. *Met.* ix. 3). [J. H. F.]

CALATHUS (κάλαθος, also τάλαρος), dim. *calathiscus* (καλαθίσκος). Calathus is a Greek word, though used by the Latin writers. The Latin word corresponding to it is *qualus* or *qualum* (Cat. *R. R.* 11, 5; 52, 1; Verg. *Georg.* ii. 241; Hor. *Carm.* iii. 12, 4), dim. *quasillus*, *quasillum* (Cic. *Phil.* iii. 4, 10; Tib. iv. 10, 3; Prop. iv. (v.) 7, 41; "calathos Graeci, nos dicimus quasillos," Fest. p. 47).

1. *Calathus* usually signified the basket in which women placed their work, and especially the materials for spinning. It was generally made of osiers or reeds (πλέκειν τάλαρους καὶ καλαθίσκους, Poll. vii. 173; *virgati calathisci*, Catull. lxiv. 320; *calathos e vimine nexos*, Ov. *Fast.* iv. 435; *rasiles calathi*, "scraped or smooth osiers," id. *Her.* ix. 76); but sometimes of more valuable materials. Homer (*Od.* iv. 125) speaks of a silver τάλαρος. The calathus was narrow at the bottom, gradually rising to a larger size at the top ("ab angustiis in latitudinem paulatim sese laxantis effigie calathi," Plin. *H. N.* xxi. § 23). As spinning was the chief occupation of women, the *calathus* is constantly mentioned in connexion with them (*Anth. Pal.* vi. 39, 147, *et al.*; Verg. *Aen.* vii. 805; Ov. *Met.* xii. 474, *Ars Am.* i. 693, ii. 219; Juv. ii. 54). Pollux (x. 125) speaks of both τάλαρος and κάλαθος as τῆς γυναικωνίτιδος σκεύη: and they frequently occur in paintings on vases, indicating that the scene represented takes place in the gynaeconitis, or women's apartments. In the above woodcut, taken from a painting on a vase (Millin, *Peintures de Vases Antiques*, vol. i. pl. 4), a slave, belonging to the class called *quasillariae*, is presenting her mistress with the calathus, in which the wool was kept.

Calathus presented by a slave to her mistress. (From a vase.)

For the same reason Penelope is constantly represented in ancient works of art with the calathus. (Cf. Blümner, *Gewerb. u. Künst bei Griech. u. Römer*, i. p. 118.)

Penelope, with the Calathus under her seat. (British Museum.)

2. The *calathus* or *talarus* was also the name of a similar basket for carrying fruits, corn, flowers, &c. (*Il.* xviii. 568; Hes. *Sc.* 293; Aristot. *Rhet.* iii. 11, § 15; Mosch. ii. 34, 61; Verg. *Ecl.* ii. 46; Ov. *Ars Am.* ii. 264.) It was also used for holding cheeses, the whey running off through the wicker-work. (Hom. *Od.* ix. 247; Theocr. v. 90, viii. 70; Colum. vii. 8, 3; Ov. *Met.* xii. 436.)

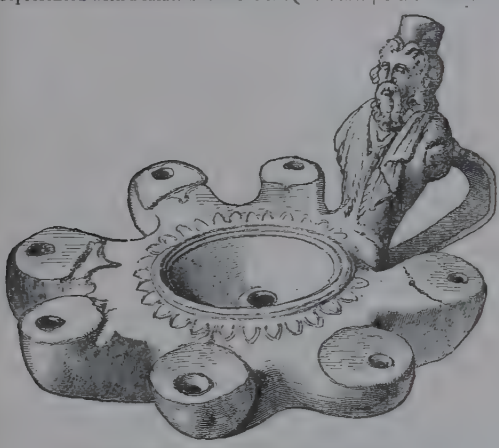
3. The name was likewise given to vessels made in the form of a wicker basket for holding milk (Verg. *Georg.* iii. 400; Calp. Sic. ii. 77; Colum. x. 397), and to wine-cups of a similar shape (Verg. *Ecl.* v. 71; Mart. ix. 60, 15, xiv. 107).

4. The *calathus* was used as a religious

Calathus on a chariot in the Eleusinian procession. (British Museum.)

emblem, and we accordingly find it figured on monuments in connexion with Athena or

Minerva, who taught women the art of weaving; of Demeter or Ceres, the goddess of harvests; of Tellus and other divinities, as an emblem of abundance. It was carried in honour of Demeter at the Eleusinian festival (Callim. *in Cer.* 1), and is so represented in a bronze medal of Trajan figured above. It was frequently placed on the heads of divinities, especially of Demeter, in ancient statues, and in this use is called *modius* or bushel by archaeologists. It was probably carried on the heads of women or young girls in processions, whence it gave rise to the capital supported by a female figure in place of a column. [CARYATIDES.] Figures of priestesses, from ancient monuments, wearing the calathus, are given by Saglio (*Dict.* s. v.) In particular the god Serapis in the time of the Roman empire is represented with a calathus on his head (*calathum*



Lamp with head of Serapis surmounted by the Calathus. (Birch.)

capiti ejus infigunt, Macrob. *Sat.* i. 20, §§ 13, 15; cf. i. 17, §§ 67, 68), and so appears in works of art, as in a Roman lamp figured by Birch (*Ancient Pottery*, p. 506). [W. S.]

CALA'TOR (KALATOR, Orell. *Inscr.* 2431, 2432; καλήτωρ, Dion. Hal.), originally a slave employed as a caller or crier (Plaut. *Merc.* v. 2, 11; *Pseud.* iv. 2, 52; *Rud.* ii. 3, 5): the *nomenclator* or prompter of names to a candidate was a specimen of this class (Hor. *Epist.* i. 6, 50; *aliena memoria salutamus*, Plin. *H. N.* xxix. § 19; AMBITUS). The derivation from καλεῖν (Lat. *calare*; cf. *kalendae*) is given by Paulus Diaconus (p. 18, Müller); but he ridiculously adds that it was because they had to come when they were called. In this sense the word became obsolete; but it survived as the name of certain attendants on the members of the higher priesthoods, each of whom nominated a calator from among his own freedmen.

Besides the ARVALES (*q. v.*), we find in the four inscriptions preserved by Orellius, *Kalatores Pontificum et Flaminum*, 2431; *Kalatores Titialium Flavialium*, 2432 (here a boy dying at 15 has held the office); *Calator Epulonum Libertus*, 2433; *Dispensator Calatorum Augurum*, 2434, cf. Suet. *de Ill. Gramm.* c. 12: and Orellius remarks that all sacerdotia had their calatores. (Marini, *Atti de' Fratelli Arvali*, p. 210; Henzen, *Acta Fr. Arvalium*, pp. vii. viii. 160; Marquardt, vi. 219; Mommsen, *Staatsr.* i.² 344.) [W. W.]

CALAU'TICA (in some MSS. *calantica* or *calvatica*), a female head-dress, described by Nonius, p. 537, as "tegmen muliebre, quod capiti innectitur." Cf. Cic. *Fragm. in Clod. et Cur.* 5: "quum calautica capiti accommodaretur," where it appears to be used in the same sense as *mitra*. So Serv. *ad Aen.* ix. 616, and Ulp. *Dig.* 34, 2, 25, § 10: "ornamentorum haec: vittae, mitrae, semimitrae, calautica." Gloss. Philox., however, explains it as εἶδος ζώνης.

Ausonius (*Perioch. Od.* v.) used *calautica* as a translation of κρήδεμνον. From this and other considerations Rich is led to identify the two words as signifying a head-dress with lappets hanging down to the shoulders on both sides, so that they might be drawn together to conceal the face (Hom. *Od.* i. 334; *Il.* xiv. 184; and Eustath. *ad loc.*); but its form is quite uncertain. [J. H. F.]

CALCAR (μύωψ, ἐγκεντρίς), a spur, an implement to which we find no reference in the Homeric writings, in which riding is so rarely mentioned, a goad (κέντρον) taking its place. Even in later Greek authors, it is often difficult to determine whether a goad or a spur is signified. But in Theophr. *Char.* xxi., where the μικροφιλότιμος, after taking part in a πομπή, walks about the market-place ἐν τοῖς μύωψι, we have a clear reference to spurs. Cf. *Anth. P.* v. 203; Diod. Sic. xvii. 20; Pollux, i. 210, x. 54, and perhaps Plat. *Apol.* 30 E, where, however, it is not clear whether μύωψ is a spur, or the fly from whose goading bite the spur was named. Similarly in works of art spurs are but seldom represented. A spur, however, is indicated on one foot of an Amazon on a vase of probably the 4th century (*Bulletin de l'Académie de Bruxelles*, xi. p. 76); and the left foot of the statue of an Amazon in the Vatican, which is held to be a copy from Pheidias, shows how the spur was fastened to the foot, although the spur itself has been broken off. Bronze spurs have also been found at Dodona (*Académie des Inscriptions*, June 1877).

Calcaria, Bronze Spurs. (British Museum.)

Among the Romans the name leaves us in no

doubt about the use of this appliance ("calcaria dicta, quia in calce hominis ligantur ad stimulandos equos," Isid. *Orig.* xx. 16, 6), and we find the word used as early as Plautus (*As.* iii. 3, 118), and very frequently in later writers. Numerous examples of Roman spurs are in the museums. [J. Y.] [J. H. F.]

CAL'CEUS (*ὑπόδημα*), a boot, shoe, or other covering for the feet.

I. GREEK. The Greeks generally wore some sort of covering for the feet, though it was not quite unusual for even distinguished people to go barefooted. Thus it was a rare occurrence when Socrates wore boots (Plat. *Symp.* 174 A), and we hear also how men of means who lived a simple life, like the orator Lycurgus (*Vit. X. Or.* p. 842) and Phocion (Plut. *Phoc.* 4), went barefooted, as did also those who affected the austerity of certain philosophic schools (Aristoph. *Nub.* 103; Theocr. xiv. 6; Lucian, *Icarom.* 31). The lower orders, too, in a great measure wore no boots (cf. Lucian. *Catapl.* 20). It was part of the training of the Spartan youth to be always barefooted (Xen. *Rep. Lac.* 2, 3), and Agesilaus did not relinquish the practice even when old (Ael. *V. H.* vii. 13). Still, as a general rule, the Greeks wore shoes, and very particular they were about the fit. It was a mark of boorishness and so of ridicule to have too large boots (Theophr. *Char.* iv.; cf. *ἔνεον ἐν ταῖς ἐμβάσιν*, Aristoph. *Eq.* 321). Men's boots, especially those of rustics, had nails in them (Theophr. *l. c.*). The usual colour of Greek boots was either the natural colour of the leather or black, though sometimes we find red and white boots (see below). The black was produced by a substance called *μελαντηρία* (Lucian. *Catapl.* 15), which was the same as the *atramentum sutorium* (Cic. *ad Fam.* ix. 21, 3) of the Romans. They rubbed on this blacking (*περικωνεῖν*) with a sponge, not as we do with a brush (Aristoph. *Vesp.* 600). There is an interesting passage in the *Cyropaedia* (viii. 2, 5) which shows the division of labour in the making of shoes. One man makes them for men, another for women; and in making a single pair one cuts the layers for the soles, another fastens these together, another cuts out the uppers, and a fourth puts the pieces together.

As to the names of boots and shoes they are most numerous (Poll. vii. 84 *sqq.*); but except in a few cases we cannot fix with anything like definiteness what were the shapes corresponding to the names. That there were three main kinds of coverings for the feet—viz. what we call *sandals* (*πέδιλα, ὑποδήματα* in the special sense), *shoes* which partially covered the feet, and *boots* which wholly covered them—is quite certain. (The last two kinds were called *ὑποδήματα κοῖλα.*) All we can do here is to give illustrations of the kinds of boots found represented on Greek vases and statues; and state, as far as our authorities will allow us, the peculiarities of the different kinds of shoes not already treated of in the special articles BAUCIDES, CARBATINA, COTHURNUS, CREPIDA, EMBAS, ENDROMIS, SANDALIUM.

The illustrations are taken from Guhl and Koner (*Das Leben der Griechen und Römern*, fig. 223). Nos. 1 (statue of Elpis in Vatican), 2, and 3 (foot of Belvedere Apollo) show the different sorts of *sandals* and methods of fastening them from the simplest to the most complex kind Nos. 4, 5, and 7 (statue of Demosthenes) exhibit various kinds of *shoes* partially covering

Greek Shoes and Boots. (From Guhl and Koner.)

the foot, while No. 6 is a completely closed boot, and No. 8 is a specimen of the ENDROMIS or top-boot for hunters.

Other names of coverings for the feet not treated of in separate articles are the following:—

1. *Ἀρβύλη*, of cheap workmanship and material (Poll. vii. 86), used on journeys (Aesch. *Ag.* 945; Theocr. vii. 26). This would point to its being a *boot* (cf. Schol. on Eur. *Or.* 140), though we find it sometimes appearing to be synonymous with *βλαύτια* and *σάνδαλα* (*Anthol. Planud.* 306–308). It was also worn by women as well as men (Eur. *Or.* 140). The term *ἀρβύλαι* is also applied to holes in the bottom of a chariot in the shape of boots, for the driver to put his feet into (Eur. *Hipp.* 1189).

2. *Βασιλίδες*, boots worn by the Archon Basileus at Athens (Poll. vii. 85).

3. *Βλαύται* or *βλαύτια*, light sandals (Poll. vii. 87) fastened by latchets (*ἀναγωγεῖς*) round the ankle (Ael. *V. H.* ix. 11), worn at banquets (Plat. *Symp.* 174 A; Hermipp. *ap.* Ath. xv. 668 a), and in the gymnasium (Ath. iii. 98 a).

4. *Διάβαθρον*, a kind of Greek slipper worn mostly by women (Eustath. ad *Od.* v. 9), but also sometimes by men (Naev. *ap.* Varr. *L. L.* vii. 53). Cf. Poll. vii. 90.

5. *Ἐμβάται* were top boots, mentioned as being lined with felt even by Hesiod (*Op.* 541). They were made of the same leather as *crepidae* [CREPIDA], and were worn by horsemen *ἅμα ὅπλον τε κνήμαις καὶ ποσὶν ὑποδήματα* (Xen. *Eq.* 12, 10), and are mentioned as being sometimes highly adorned (Ath. xii. 535 f). *Ἐμβάτης* was the strictly Greek name for the tragic buskin which the Romans called *cothurnus* [COTHURNUS]. It had a wooden rectangular sole, and would fit either foot. Pollux (vii. 91) appears to be in error when he says that the *ἐμβάτης* was the shoe of Comedy. (See the full discussion in A. Müller, *Die griechischen Bühnenalterthümer*, pp. 239, 240.)

6. *Εὐμᾶρις* was a Persian slipper (Eur. *Or.* 1370) of yellow colour (*κροκόβαπτος*, Aesch. *Pers.* 660), with thick soles (*βαθύπελμος*, *Anth. Pal.* vii. 413).

7. *Ἰφικρατίδες* (Alciphr. iii. 57), a military boot called after Iphicrates the general, like our Wellingtons or Bluchers. Other kinds of boots called after individuals were *Δεινιάδες*, *Ἀλκιβιάδες*, *Σμινδυρίδια*, *Μυννάκια* (Poll. vii. 89). We

hear that the 'Αλκιβιάδες were *παρηλλαγμένα*, *i.e.* fitting either foot (Ath. xii. 534 c).

8. **Κονίποδες** or *κονιπόδες*, thin light *sandals* worn by old men (Aristoph. *Eccl.* 848), so called because the foot got covered with dust, says the *Etym. M.* (s. v.).

9. **Λακωνικαί** or **Λακωνικά**, a kind of men's shoes (Aristoph. *Thesm.* 142; *Eccl.* 74). They were different from the *ἐμβάδες* [EMBAS], and were used at banquets (Aristoph. *Vesp.* 1158). There appear to have been a finer and a commoner sort. It is to the former the Scholiast on Aristophanes (*Vesp.* 1158) refers when he says they were *ἀστειοτέραι* than the *ἐμβάδες*, and Photius when he characterises the Laconian shoe as *σεμνόν*. Critias (*ap.* Ath. xi. 483 b) tells us that the Laconian shoes were the best. They were generally *red* (Poll. vii. 88), and it was only as a sign of royalty that the tyrant Lysias of Tarsus wore *white* λακωνικαί (Ath. v. 215 c). This finer sort of Laconian shoes was probably the **'Αμυκλαῖδες** or **'Αμύκλαι** (Theocr. x. 35, and Schol.; Poll. vii. 88; Hesych. *s. v.*). These Laconian shoes appear to have been actually made in and imported from Laconia (Aristoph. *Vesp.* 1160), and not merely to have been so called because that style of shoe was first manufactured in Laconia, as Pollux (*l. c.*) says. But there was perhaps a commoner kind, viz. the *ἁπλαῖ*, mentioned by Demosthenes (*Con.* § 34) as affected by the austere Laconizers. These were a kind of Laconian shoe, so called either on account of its simplicity of manufacture, or because its sole had only a single layer of leather (*Etym. M.*, and Harpocr. *s. v.* *ἁπλαῖ*).

10. **Περιβαρίδες** or *περίβαρα*, women's shoes worn only by slaves and the lower orders. (Aristoph. *Lys.* 45; Poll. vii. 87, 92.)

11. **Περσικαί** or *περσικά*, cheap (*εὐτελῆ*, Hesych., Steph. Byz. *s. v.*) white (Poll. vii. 92) women's shoes (Aristoph. *Lys.* 229), worn principally by hetaerae (Poll. *l. c.*).

12. **Πηλοπατίδες**, as the name indicates, similar to the *ἀρβύλαι* and CARBATINA; cf. *πηλοπατίδες ἀρβύλαι* (Hippocr. *Art.* 828).

13. **Σικυώνια**, soft light women's shoes (Cic. *de Or.* i. 54, 231; Lucr. iv. 1125). They did not become famous till the latter end of the Roman republic, though we hear of them earlier (Machon in Ath. viii. 349 e). Other kinds of shoes called after the names of places were **'Αργεῖαι**, **'Αμβρακίδες**, **Θετταλίδες**, **Ροδιακαί**, **Σκυθικαί** (Poll. vii. 88, 89; cf. Blümner, *Gewerbliche Thätigkeit*, pp. 76, 82, and Index *s. v. Schuhe*).

14. **Τυρρηνικά**, costly sandals with high rectangular wooden soles. The latchets were sometimes plated with gold (*ἐπίχρυσοι*). Phidias is said to have represented Athena as wearing this kind of shoe; and Pollux (vii. 93) declares that the *ποίκιλος μάσλης Λύδιον κάλον ἔργον* of Sappho (*Fr.* 19 (83)) refers to the *Τυρρηνικά*. (See further Hesych. and Phot. *s. v. Τυρρηνικὰ σανδάλια.*) The *Tyrrhena vincula* of Verg. *Aen.* viii. 458 Servius considers were *crepidae* [CREPIDA].

15. **Φαικάδες** or *φαικάσια*, elegant white Attic shoes (Appian, *Bell. Civ.* v. 11), similar to the *κονιπόδες* (Clem. Alex. *Paedag.* ii. 11), often adorned with gold (Petr. 67). As Marquardt (*Privatleben*, p. 576) tells us, they were worn in Athens and Alexandria by priests and gymnasiarchs (Plut. *Ant.* 33; Poll. vii. 90; App. and Clem. Alex. *ll. cc.*), also by philosophers (Senec. *Benef.* vii. 21), peasants (Hesych. *s. v.*), youths (Petr. 82), women (*ib.* 67), with the pallium (Senec. *Ep.* 113, 1); cf. Mayor on Juv. iii. 218.

Besides these, there is a multitude of other names of shoes which Pollux has collected (vii. 84–94); but as they are seldom more than mere names, they need not be touched on here. For Greek shoes generally see Hermann-Blümner, *Privatalterthümer*, pp. 180–183, 195–196; Guhl and Koner, *Das Leben der Griechen und Römern*, § 46, ed. 4; Becker-Göll, *Charikles*, iii. 267–286; Baumeister, *Denkmäler*, art. *Fussbekleidung*, pp. 574–5.

II. ROMAN. *Calceus* (καλίκιος, Polyb.; *κάλτιος*, *Ed. Diocl.*), connected etymologically with *λάξ*, *calx* (Curt., *Gr. Et.*, No. 534), is distinguished as a regular closed boot with a sole and upper from SOLEA, a mere sandal (Gell. xiii. 22, 5), and from CALIGA, which appears to be a boot of which the upper consisted of a series of thongs letting the foot appear; and, as being made of tanned hide (*aluta*), it differed from PERO, which was of untanned hide (Verg. *Aen.* vii. 690). In strictness, it is the special Roman city boot. It and the *toga* formed the two peculiarly national features of Roman costume (Polyb. xxx. 19, 2, Hultsch; Cic. *Phil.* ii. 30, 76; Tert. *de Pallio*, 5). But in a more extended sense its cognates *calceatus*, *calceamentum*, *calceamen*, are applied to all *boots* (i.e. consisting of a sole and upper), even to foreign ones: thus *calceare* is used of the *cothurnus* (Suet. *Aug.* 78) and the *soccus* (Plin. *H. N.*, xxxvi. § 41): but these terms are not applied to open shoes consisting of a single sole, like the *soleae* and *crepidae* (Gell. *l. c.*; Isid. *Orig.* xix. 34, 11). It is in the strict sense of the word that *calceus* is treated of here.

Etiquette prescribed that when a Roman went out in the city he should wear the *toga* and the *calcei*; but they were uncomfortable ("calcei... proprium togae tormentum ... Quem enim non expediat in algore et ardore rigere nudipedem quam in calceo vincipedem," says Tertullian *l. c.*), and gladly dispensed with when the Roman was rusticating (Mart. i. 49, 31). They were not worn in the house, and that Augustus did so is noticed as a peculiarity (Suet. *Aug.* 73, 78). Ladies, too, wore them (Varr. *L. L.* ix. 40; Ael. *Var. Hist.* vii. 11), but not slaves, who had, at least in the country, wooden shoes (*sculponeae*, Cato, *R. R.* 59). Women's *calcei* were naturally thinner than men's, and of very various colours (*hederacei*, *cerei*, Vopisc. *Aurelian*, 49), but generally white (Ov. *A. A.* iii. 271; Apul. *Met.* vii. 8 *init.*; Clem. Alex. *Paedag.* ii. 11, p. 240, ed. Potter). Clement advises women, when walking on the roads, to use rustic thick-soled boots (*καττύματα*) with nails. (For such boots, see Hermann-Blümner, *Privatalterth.* p. 182, n. 7.) High soles were sometimes worn, to give the wearer an appearance of being taller than he really was (Suet. *Aug.* 73).

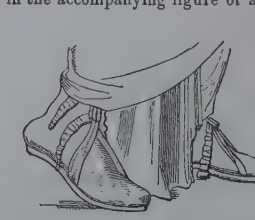
Certain differences of rank were marked by different kinds of boots; indeed Zonaras (vii. 9) says that the plebeians during the Republic in no wise differed from the patricians (*εὐπατρίδαι*) except in their boots. And in the Edict of Diocletian we find the maximum prices of three different kinds of *calcei* fixed: viz. *calcei*

patricii at 150 denarii, about three shillings and nine pence (this value depends on the very difficult question of the value of the Diocletian denarius. The view adopted is that of Hultsch, *Metrologie*, p. 333, note 3, who fixes it at 2½ Pfennige; but Waddington, *Édit*, p. 2, fixes it at 6½ centimes); *calcei senatorum* at 100 denarii (=2*s.* 6*d.*); *calcei equestres* at 70 denarii (=1*s.* 9*d.*). Besides these, there were probably the *calcei* of the ordinary Roman citizen. We must now consider each of these classes separately.

The *calceus patricius* was a red-coloured boot; hence also called *mulleus*, from the colour of the fish (*mullus*, Isid. *Orig.* xix. 34, 10). True, Festus (pp. 142-3, Müller) says it is derived from *mullare* (=to stitch); but, as Heuzey remarks (in Saglio's *Dict.* p. 818), the derivation from *mullus* suits better the adjectival ending in *-eus* and also the Roman practice of denominating differences in colour from common objects (cf. *cereus*, *hederaceus*). In this same passage Festus tells us that in ancient times this kind of boot was worn by the kings of Alba, and afterwards by the patricians; and he quotes Cato, *Orig.* vii.: "Qui magistratum curulem cepisset calceos mulleos †alutaciniatos [aluta laciniatos (Müller), vinctos (Mommsen), cinctos or consutos (Heuzey)], ceteri perones." But Festus is not quite accurate. Though called *calcei patricii*, they were not worn by all patricians nor by all patrician senators. It is only late writers, such as Zonaras (*l. c.*), Isidore (*l. c.*), and Scholiast on Juv. vii. 192, who say so; but this view has the support of Mommsen (*Staatsr.* i.² 408). Nor were they worn by patricians only. Their use was really confined to curule magistrates, and that too only on great public occasions, in this respect like our orders, such as the Garter. They were part of the triumphal apparel; and so, on the occasion of the dedication by Marius of the temple erected to Honor and Virtus out of the Cimbrian spoils, he wore the triumphal robe and the *patricii calcei* (*C. I. L.* i. p. 291, and Mommsen *ad loc.*). Yet Marius was no patrician. It was made a reproach to Caesar, that after his triumph he entered the senate with such boots on (Dio Cass. xliii. 43). In the 2nd century A.D. the lucky Quintilian, who was neither curule magistrate nor patrician, got the right of wearing them (Juv. vii. 192); and also Vettius Crispinus, a mere child (Stat. *Silv.* v. 2, 28), and the son of Herodes Atticus (*C. I. G.* 6280 B, 23 *sqq.*), obtained the same privilege. They did so in virtue of the grant of *ornamenta* of one of the curule magistracies, which was a function of the senate, rather than in virtue of the *adlectio*, which was a privilege of the emperor (Willems, *Le Sénat*, &c. i. 126, note 3). For the grant of the *ornamenta* generally, see Mommsen, *Staatsr.* i. 450 *sqq.* The fact is, the *calcei patricii* were formerly the insignia of the kings of Alba, of the Roman kings, and later of the *patrician* (*i.e.* curule) magistracies; but when the curule magistracies were opened to the plebeians, the latter got the right of wearing the patrician insignia of these magistracies. (See Willems, *l. c.* i. 128 *sqq.*) This is why they are called *patricii*, not that any particular modification of this kind of boot was, after very early times, confined to the patricians, as is the view of Mommsen in more than one passage (*Staatsr.* i. 408, note 1; *Röm. Forsch.* i. 255, note 7; *C. I. L.* i. p. 291).

In the Flavian era and subsequently, there is no doubt that they are generally mentioned with a certain irony, as a sign of ostentation in upstarts; but that does not prove, as Heuzey thinks, that it was not expected of curule magistrates (and those who had the *ornamenta* of them) that they should wear this kind of boot on state and official occasions. Aurelian (Vopisc. *Aur.* 49) is said to have put a stop to their use; but they reappear in the Edict of Diocletian. It may be remarked that in old classical French, and in the provinces still, *mules* (from *mulleus*) is used for slippers or goloshes. In modern classical French it and its cognates in Italian and Spanish are used for the Pope's shoe on which there is a cross. See Littré *s. v.*

The boot was of tanned leather (*aluta*, Mart. ii. 29, 7; Lyd. *de Mag.* 32), with hooks (*malleoli*, Isid. *Orig.* xix. 34, 10) on the upper (*superiore parte*). These hooks Heuzey, and apparently Mommsen (*R. F.* i. 255, note 6), suppose to be the *lunula*; if so, they must have been on the ankle. But more probably they were on the instep, and the *lunula* was a mere ornament. To these hooks were fastened four (Isid. *Orig.* xix. 34, 4) black leather (Juv. vii. 192) straps (*corrigiae*, Cic. *de Div.* ii. 40, § 84; *lora patricia*, Senec. *Tranquill. Animae*, 11, 9), which were wrapped crosswise (Zon. vii. 9) round the calf of the leg, half-way up to the knee. But we do not find these hooks on any certain Roman *calceus*, though the arrangement of bands in the accompanying figure of a patrician



Calceus of a Patrician Youth. (From a statue in the Louvre.)

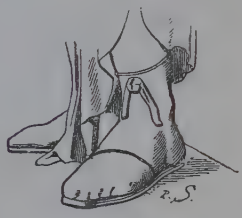
youth from a statue in the Louvre seems to represent a hook (*ap.* D. and S. p. 817). More generally, two of the *corrigiae* were inserted at the juncture of the sole and the upper, very broad at the base, but getting narrower, and fastened on or a little above the instep, after being wrapped once round the leg. The other band was higher and wrapped several times round the leg. The knots in which these bands were fastened were in front; and the extremities of the bands hung down sometimes to near the ground. The boots resembled the *cothurni*, in having a high sole (Isid. *l. c.*; Acron on Hor. *Sat.* i. 6, 86), but we cannot suppose that the sole was as high as in the latter. On the outside of the ankle to one of the black bands was affixed an ivory ornament in the shape of a crescent (ἐπισφύριον ἐλεφάντινον μηνοειδές, Philostr. *Soph.* ii. 1, 18), called *lunula* or *luna* (Isid. and Juv. *ll. cc.*), and by Suidas (*s. v.* χλαμύς) the Roman *kappa*.

The popular explanation was that the original wearers were the hundred (C) senators chosen by Romulus; but it was probably of the nature of an amulet, like the *bulla* of children; for the Romans were superstitious with regard to their shoes (Cic. *de Div.* ii. 40, 84; Suet. *Aug.* 92. See Heuzey, p. 818; Marquardt, *Privatl.* 574). There is no certain representation of the *calceus patricius* containing the *lunula;* for the example given by Balduinus and reproduced by Rich (*s. v.* Luna), Heuzey says, is very late, and we do not know whence it is derived. Moreover it has the *lunula* on the instep and not on the ankle. But there are many which reproduce in essentials the shape and arrangement of the boot and the bands; and two specimens of these are given, which are taken from Baumeister's *Denkmäler*, p. 575.

Patrician Calcei. (From Baumeister.)

That the *calceus senatorius*, or boot of the ordinary senators, differed from that of the curule magistrates, may be considered certain, from Apuleius, *Flor.* i. 8. It seems, however, to have resembled the *calceus patricius* in every respect, except that it had not the *lunula* ("hac lunula nam adsuta calceis discernuntur patricii a noviciis," Schol. on Juv. vii. 192: cf. Marquardt, *Privatl.* 593; Mommsen, *Staatsr.* i. 408, note 1). It had certainly black bands (Hor. *Sat.* i. 6, 86); but it does not seem quite clear of what colour the boot itself was. Willems (*Le Sénat*, i. 124, note 2) and Göll (*Gallus*, iii. 234) think the shoe was black, on the not very strong support of Lyd. *de Mag.* i. 17 (who is talking of the CAMPAGUS), the Schol. on Juv. i. 111 (though *necdum* is probably relative to the time of the Scholiast himself), and the *à priori* argument that if the colour were not black, Horace (*l. c.*) would have mentioned it. Mommsen (*l. c.*) says that to assume that the shoe was black rests on a confusion of the shoe and the bands. The distinct statements of Cato and Martial (ii. 29, 7), he says, make for the colour being red. But in these two passages it is the *calceus patricius* which is spoken of. On the basis of the Schol. to Juv. vii. 192, quoted above, it may appear best to suppose that the *calceus senatorius* differed from the *calceus patricius* only in having the *luna*, and so was red in colour; but really no decisive answer can be given. This boot was worn when the senator appeared in public, especially at sittings of the senate; Milo, for example (Cic. *Mil.* 10, § 28), on returning from the senate, changes his boots. Lange (*Röm. Alt.* ii.² 373) thinks this special senatorial boot dates from the 7th century A.U.C. Cato, as we saw above, says that in his time the senators wore *perones*.

The *calceus senatorius* was unquestionably different from that of other ranks. Cicero (*Phil.* xiii. 13, 28) speaks of a certain Asinius who "saw the senate-house open after the death of Caesar, got new boots (*mutavit calceos*), and forthwith became a senator." And the strict division which subsisted, both under the Republic and Empire, between the senatorial and equestrian rank and career, gives us reason to suppose that the *calceus equester* was a distinct kind of boot, especially as we find it mentioned in Diocletian's Edict. We have, however, in the Louvre the statue of a certain Canius, who was, it appears, the *procurator quattuor publicorum Africae*, which was an equestrian office (*ap.* D. and S., p. 816).



Calceus of a Procurator of Africa. (From a statue in the Louvre.)

If we can regard his boot as the *calceus equester*, it will be seen that it was a genuine boot, with no bands, and that it was composed of two pieces. We can say nothing about the colour.

Somewhat different were the boots of the ordinary citizens, which do not seem to have gone so high up over the ankles, and which had a piece of leather extending from the side of the boot by which it was fastened over the instep. This piece of leather was called *lingula* or *ligula* (Becker-Göll, *Gallus*, iii. 230), and is shown in the first illustration (see p. 332, No. 5). It was called *lingula* from its likeness to a projecting tongue (Fest. p. 116, Müll.; cf. Pollux, ii. 109), not from *ligare*, "to bind" (Charis. p. 104, Keil). To leave these untied was a mark of haste (*ligulas demittere*, Juv. v. 20). They were also used as handles (Schol. on Juv. *l. c.*). As we are specially told by Scribonius Largus (*Comp. Med.* 208) that these *lingulae* were blackened, we may perhaps conclude that the rest of the boot was of the colour of ordinary leather. For the *atramentum sutorium*, see Plin. *H. N.* xxxiv. § 32.

An explanation may now be offered of the difficult lines of Martial, ii. 29, 7:

> "Non hesterna sedet lunata lingula planta,
> Coccina non laesum pingit aluta pedem."

(The upstart who was yesterday a simple citizen, wearing the ordinary uncomfortable common kind of boots with a *lingula*, to-day has got the *ornamenta* of a curule magistracy, and wears the red *calcei patricii*, which are adorned with a *lunula* and which do not pinch his feet.)

In later times we read of great extravagance and vulgar ostentation in the matter of boots, silk-work being embroidered on them, and, after the manner of the Easterns, gold (Cassiod. *Var.* vi. 1) and jewels (Plin. *H. N.* ix. § 114) being let into them (Lampr. *Heliog.* 23; Marquardt, *Privatl.* 575).

For general information on the subject of *calceus*, see especially Heuzey in Daremberg and Saglio, *s. v.*; Becker-Göll, *Gallus*, iii. 230 *sqq.*; Willems, *Le Sénat de la République Romaine*, i. 123–132, 653–4; Marquardt, *Das Privatleben der Römer*, 570 ff.; Blümner in Baumeister's *Denkmäler des klassischen Altertums*, art. *Fussbekleidung*; Guhl and Koner, *Das Leben der Griechen u. Römer*, 649, ed. 5. [L. C. P.]

CALCULA'TOR (λογιστής) signifies a keeper of accounts in general, but was also used in the signification of a teacher of arithmetic (Isid. *Orig.* i. 3; Dig. 38, tit. 1, s. 7); whence Martial (x. 62, 4) classes him with the *notarius* or writing-master; but the teacher of arithmetic held a high position among teachers (cf. Cod. Just. 10, tit. 52, s. 4; Becker-Göll, *Gallus*, ii. p. 101; Marquardt, *Röm. Privatleben*, p. 95). The name was derived from *calculi*, which were commonly used in teaching arithmetic, and also in reckoning in general. [ABACUS.] Among the Greeks the λογιστὴς and γραμματιστὴς appear to have been usually the same person. [W. S.]

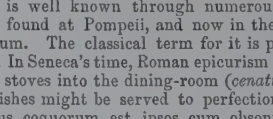
CAL'CULI. [ABACUS; DUODECIM SCRIPTA; LATRUNCULORUM LUDUS.]

CALDA, or CAL'IDA, sc. *aqua*, the warm drink of the Greeks and Romans, occurs as early as Plato (*Rep.* iv. 437 E, where it is simply *θερμόν*). It probably consisted of hot water flavoured with spices or aromatic herbs. Wine was constantly drunk with it, but it is almost certainly a mistake to suppose that the *calda* was a kind of negus in which the wine was already mixed. We find *θερμὸν ὕδωρ* as a drink in Athenaeus (ii. 45 d; iii. 123 a) and Lucian (*Asin.* p. 575); and the phrase *calidae gelidaeque minister* in Juvenal (v. 63) and several epigrams in Martial (i. 11; vi. 86; viii. 67, "Caldam poscis aquam, nondum mihi frigida venit") all point to the conclusion that the wine was served separately, while the guests had the choice of hot or cold water to mix with it according to their taste or the season. The passages just cited refer to the use of this drink in the better sort of private houses; besides this, it could always be procured at certain shops or taverns called *thermopolia* (Plaut. *Curc.* ii. 3, 13; *Rud.* ii. 6, 45; *Trin.* iv. 3, 6). The less sensible emperors, such as Caligula and Claudius, sometimes stopped the sale of hot drink (*θερμὸν ὕδωρ*) and hot viands on the occasion of a death in the imperial family; public mourning was to be marked by abstinence from such luxuries, and the breach of this regulation was punished with death (Dio Cass. lix. 11, lx. 6).

The water for this purpose was heated in the AENUM ("nec multum refert inter caccabos et aenum, quod supra focum pendet; hic aqua ad potandum calefit, in illis pulmentarium coquitur," Dig. 33, 7, 18, § 3), and kept hot in the AUTHEPSA, a vessel not unlike our tea urns, both in appearance and construction, and often of a very elegant form. (See the illustrations under AUTHEPSA; also Böttiger, *Sabina*, ii. 34; Becker-Göll, *Gallus*, ii. 364.) [W. S.] [W. W.]

CALDA'RIUM. 1. The hot or thermal chamber of Roman baths (Vitruv. v. 10; Sen. *Ep.* 86; Cels. i. 4; BALNEAE). Also the boiler in which the water for supplying the baths was heated (Vitruv. *l. c.*); see the illustration, BALNEAE, p. 279 *b*. These are the only usages of the word in classical Latin. 2. A portable cooking-stove. In this sense the word *caldarium* occurs only in late authors, though the thing itself is well known through numerous specimens found at Pompeii, and now in the Naples Museum. The classical term for it is probably *focus*. In Seneca's time, Roman epicurism brought these stoves into the dining-room (*cenatio*), that the dishes might be served to perfection ("tu-multus coquorum est ipsos cum obsoniis focos transferentium . . . cenam culina prosequitur," Sen. *Ep.* 78, § 23).

The caldarium here figured (*Mus. Borbon.* xii. pl. 46) has been described by Rich, who, how-



Caldarium. (*Museo Borbonico*, xii. pl. 46.)

ever, with less probability, calls it an *authepsa*. The sides, which are hollow, contained water, and a small cock projects from one of them (seen in the engraving), by which it was drawn off; the four towers at the angles are provided with moveable lids; the centre received the lighted charcoal, and cooking vessels might be placed on it or suspended over it. Another contrivance already figured (see the second cut under AUTHEPSA) seems to combine the two purposes of supplying hot water and keeping dishes hot. It has the cylinder with a place in the centre for a charcoal fire, which is the characteristic of an *authepsa*; and it is also furnished with a shallow oblong tray, into which the hot water from the cylinder was drawn by a cock, and on which dishes may have been placed.

These *caldaria* might be shaped like a milestone (as in a specimen figured *Mus. Borbon.* iv. pl. 59, also by Saglio) or in more eccentric designs ("dracones et miliaria et complures formas," Sen. *Nat. Quaest.* iii. 24, § 2). The same passage describes boiler-tubes, not unlike those of a modern steam-engine. These contrivances show great skill in the economy of fuel and the conveniences of life. Pollux (x. 66) gives a long list of vessels for heating water, but little by which we can identify the different shapes. [W. W.]

CALENDA'RIUM, or rather KALENDA'RIUM, is the account-book in which creditors entered the names of their debtors and the sums which they owed. As the interest on borrowed money was due on the *Calendae* of each month, the name of *Calendarium* was given to such a book. (Senec. *de Benef.* i. 2, § 3; vii. 10, § 3.) The word was subsequently used to indicate a register of the days, weeks, and months, thus corresponding to a modern almanac or calendar.

1. GREEK CALENDAR.—In the earliest times the division of the year into its various seasons

appears to have been very simple and rude. Homer speaks of three seasons—ἔαρ, θέρος, and χειμών—coupling with θέρος as a later summer ὀπώρα (*Od.* xi. 191, &c.); and the threefold division seems to have been the most usual as late as the time of Aristophanes [ASTRONOMIA]. Where greater precision was required, it was common to use as determining points the rising or setting of certain stars. Thus Hesiod (*Op. et Dies*, 381) describes the time of the rising of the Pleiades as the time for harvesting (ἄμητος), and that of their setting as the time for ploughing (ἄροτος); the time at which Arcturus rose in the morning twilight as the proper season for the vintage (*l. c.* 607), and other phenomena in nature, such as the arrival of birds of passage, the blossoming of certain plants, and the like, indicated the proper seasons for other agricultural occupations; but although they may have continued to be observed for centuries by simple rustics, they never acquired any importance in the scientific division of the year. [ASTRONOMIA.]

The moon being that heavenly body whose phases are most easily observed, formed the basis of the Greek calendar, and *all* the religious festivals were dependent on it. The Greek year was a lunar year of twelve months, but at the same time the course of the sun also was taken into consideration, and the combination of the two (Gemin. *Isag.* 6; comp. Censorin. *de Die Nat.* 18; Cic. *in Verr.* ii. 52, § 129) involved the Greeks in great difficulties, which rendered it almost impossible for them to place their chronology on a sure foundation. It seems that in the early times it was believed that twelve revolutions of the moon took place within one of the sun; a calculation which was tolerably correct, and with which people were satisfied. The time during which the moon revolved around her axis was calculated at an average or round number of 30 days, which period was called a month (Gemin. *l. c.*); but even as early as the time of Solon, it was well known that a lunar month did not contain 30 days, but only 29½. The error contained in this calculation could not long remain unobserved, and attempts were made to correct it. The principal one was that of creating a cycle of two years, called τριετηρίς, or *annus magnus*, and containing 25 months, one of the two years consisting of 12 and the other of 13 months. Boeckh (*Zur Gesch. des Mondcyclen*, p. 10, 63 ff.) regards the τριετηρὶς as wholly fabulous; but his views have been refuted by Mommsen (*Röm. Chron.* p. 211 ff.). The months themselves, which in the time of Hesiod (*Op. et Dies*, 770) had been reckoned at 30 days, afterwards alternately contained 30 days (full months, πλήρεις) and 29 days (hollow months, κοῖλοι). According to this arrangement, one year of the cycle contained 354 and the other 384 days, and the two together were about 7½ days more than two tropical or solar years. (Gemin. 6; Censorin. 18.) When this mode of reckoning was introduced, is unknown; but Herodotus (ii. 4) mentions it as still in use in his own time, although he recognises the superior correctness of the Egyptian method of intercalation. (In i. 32 there is either great carelessness or some corruption of the text.) The 7½ days, in the course of 8 years, made up a month of 30 days, and such a month was accordingly omitted every eighth year. (Censorin. *l. c.*) But a more usual method of treating the ἐννaετηρίς, or the cycle of 8 years,* was the following. The calculation was that as the solar year is reckoned at 365¼ days, eight such years contain 2922 days, and eight lunar years 2832 days; that is, 90 days less than eight solar years. Now these 90 days were constituted as three months, and inserted as three intercalary months into three different years of the ἐννaετηρίς,—that is, into the third, fifth, and eighth. (Censorin., Gemin. *ll. cc.*) It should, however, be observed that Macrobius (*Sat.* i. 13, § 9) and Solinus (*Polyhist.* iii.) state that the three intercalary months were all added to the last year of the *ennaeteris*, which would accordingly have contained 444 days. But this is not very probable. The period of 8 solar years, further, contains 99 revolutions of the moon, which, with the addition of the three intercalary months, make 2923¼ days; so that in every eight years there is 1¼ day too many, and in fifty years the year would begin not with a new moon, but with a full moon. The *ennaeteris*, accordingly, again was incorrect. The time at which the cycle of the *ennaeteris* was introduced is uncertain, but the prominent place which an eight years' cycle has in many legends and ancient customs leads to the belief that it was very ancient. Its inaccuracy called forth a number of other improvements or attempts at establishing chronology on a sound basis, the most celebrated among which is that of Meton. The cycle of Meton consisted of 19 years, in 7 of which there was an intercalated month. The total number of months was therefore 235, amounting to 6940 days. The average year thus was one of 365⅝ days, *i.e.* about 30′ 9″ too much. Callippus about a century later, by combining four of Meton's cycles into one and omitting one day, brought the duration of the year to 365¼ days, the length afterwards adopted in the Julian Calendar. The slight error which still remained was finally removed about B.C. 126 by Hipparchus of Nicaea, who again combined four of the cycles of Callippus into a period of 304 years, deducting from this one more day, so bringing the total to 111035 days. By this means the greatest attainable accuracy was secured. But this calendar of Hipparchus was never introduced into practice. Meton's new year began probably on the 20th of June B.C. 432: but it has been shown by Boeckh (contrary to the view previously current) that it is erroneous to suppose that it was at this date formally adopted by the Athenian state: it is, indeed, extremely doubtful whether it was ever so adopted (cf. Unger, *Zeitrechnung der Griechen und Römer*, § 33). Very elaborate calculations have been made to determine the precise equivalence of the Athenian years to those of our own calendar, and many coincidences can now be determined by the aid of inscriptions, but scholars are still at variance on many details, and much has to be left to uncertain conjectures. It seems probable that an eight-year cycle was in use until B.C. 336, although somewhat

* The cycle of eight years was called sometimes ἐννεαετηρίς (or more commonly ἐννaετηρίς), sometimes ὀκταετηρίς, according as the inclusive or the exclusive reckoning was adopted.

modified in B.C. 422: then a cycle of 19 years appears to have been in use, but not one identical with that of Meton. There is reason, however, to believe that the eight years' cycle was again adopted, for thus only can we explain the fact, that in the time of the early empire the Attic new year seems to have fallen one month too late. The Athenians were much later than some of the Oriental Greeks in adopting the Roman calendar, with its year based wholly upon the sun, and neglecting the phases of the moon. These circumstances render it almost impossible to reduce any given date in Greek history to the exact date of our calendar.

The Greeks, as early as the time of Homer, appear to have been perfectly familiar with the division of the year into the twelve lunar months mentioned above; but no intercalary month (*μὴν ἐμβόλιμος*) or day is mentioned. Independent of the division of a month into days, it was divided into periods according to the increase and decrease of the moon. Thus, the first day or new moon was called *νουμηνία*. (Hom. *Od.* x. 14, xii. 325, xx. 156, xxi. 258; Hes. *Op. et Dies*, 770.) The period from the *νουμηνία* until the moon was full was expressed by *μηνὸς ἱσταμένου*, and the latter part during which the moon decreased by *μηνὸς φθίνοντος*. (Hom. *Od.* xiv. 162.) The 30th day of a month, *i.e.* the day of the conjunction, was called *τριακάς*, or, according to a regulation of Solon (Plut. *Sol.* 25), *ἕνη καὶ νέα*, because one part of that day belonged to the expiring and the other to the beginning month. The day of the full moon, or the middle of the month, is sometimes called *διχομηνία* (*Inscr. Att.* i. 1): cf. *Μήνα διχόμηνις* (Pind. *Ol.* iii. 35).

The month in which the year began, as well as the names of the months, differed in the different countries of Greece, and in some parts even no names existed for the months, they being distinguished only numerically, as the first, second, third, fourth month, &c. In order, therefore, to acquire any satisfactory knowledge of the Greek calendar, the different states must be considered separately.

The Attic year began with the summer solstice, and each month was divided into three decads, from the 1st to the 10th, from the 10th to the 20th, and from the 20th to the 29th or 30th. The first day of a month, or the day after the conjunction, was *νουμηνία*: and as the first decad was designated as *ἱσταμένου μηνός*, the days were regularly counted as *δευτέρα, τρίτη, τετάρτη*, &c., *μηνὸς ἱσταμένου*. The days of the second decad were distinguished as *ἐπὶ δέκα*, or *μεσοῦντος*, and were counted to 20 regularly, as *πρώτη, δευτέρα, τρίτη, τετάρτη*, &c., *ἐπὶ δέκα*. The 20th itself was called *εἰκάς*, and the days from the 20th to the 30th were counted in two different ways, viz. either onwards, as *πρώτη, δευτέρα, τρίτη*, &c., *ἐπὶ εἰκάδι*, or backwards from the last day of the month with the addition of *φθίνοντος, παυομένου, λήγοντος*, or *ἀπιόντος*, as *ἐννάτη, δεκάτη*, &c., *φθίνοντος*, which, of course, are different dates in hollow and in full months. But this mode of counting backwards seems to have been more commonly used than the other. With regard to the hollow months, it must be observed that the Athenians, generally speaking, counted 29 days, but in the month of Boedromion they counted 30, leaving out the second, because on that day Athena and Poseidon were believed to have disputed about the possession of Attica. (Plut. *de Frat. Am.* p. 489; *Sympos.* ix. 7.) It is to be noticed also that the 21st day was called *δεκάτη φθίνοντος*, not, as some have supposed, *ἐνάτη*, and that there was no *δευτέρα φθίνοντος* in the hollow months. (Cp. Schol. on Hesiod, *Op. et Di.* 763.) So in the Rhodian inscription in Newton, *Ancient Greek Inscr.* 1883, No. 334, *τριακὰς* follows immediately upon *τρίτη φθίνοντος* in such cases, *προτριακὰς* being omitted. (This has been proved by K. F. Hermann against Ideler and Boeckh.) The following table shows the succession of the Attic months, the number of days they contained, and the corresponding months of our year:—

1. Hecatombaeon (Ἑκατομβαιών)	contained	30	days, and	corresponds nearly to our	July.
2. Metageitnion (Μεταγειτνιών)	,,	29	,, ,,	,,	August.
3. Boedromion (Βοηδρομιών)	,,	30	,, ,,	,,	September.
4. Pyanepsion (Πυανεψιών)	,,	29	,, ,,	,,	October.
5. Maimacterion (Μαιμακτηριών)	,,	30	,, ,,	,,	November.
6. Poseideon (Ποσειδεών)	,,	29	,, ,,	,,	December.
7. Gamelion (Γαμηλιών)	,,	30	,, ,,	,,	January.
8. Anthesterion (Ἀνθεστηριών)	,,	29	,, ,,	,,	February.
9. Elaphebolion (Ἐλαφηβολιών)	,,	30	,, ,,	,,	March.
10. Munychion (Μουνυχιών)	,,	29	,, ,,	,,	April.
11. Thargelion (Θαργηλιών)	,,	30	,, ,,	,,	May.
12. Scirophorion (Σκιροφοριών)	,,	29	,, ,,	,,	June.

At the time when the Julian Calendar was adopted by the Athenians, probably about the time of the Emperor Hadrian, the lunar year appears to have been changed into the solar year; and it has further been conjectured, that the beginning of the year was transferred from the summer solstice to the autumnal equinox.

The following lists of months may also be given with some confidence, although there is uncertainty as to the exact place of some of them:—

Delphian.	Lacedaemonian.	Delian.	Boeotian.	Corresponding nearly to
1. Ἀπελλαῖος	10. Ἱράσιος	7. Ἑκατομβαιών	7. Ἀγριώνιος (?)	July.
2. Βουκάτιος	11. Καρνεῖος	8. Μεταγειτνιών	8. Ἱπποδρόμιος	August.
3. Βοαθόος		9. Βουφονιών	9. Πάναμος	September.
4. Ἡραῖος		10. Ἀπατουριών	10. Παμβοιώτιος	October.
5. Δαδαφόριος		11. Ἀρτεμισιών	11. Δαμάτριος	November.
6. Ποιτρόπιος		12. Ποσειδεών	12. Ἀλαλκομένιος	December.
7. Ἀμάλιος		1. Ληναιών	1. Βουκάτιος	January.

Delphian.	Lacedaemonian.	Delian.	Boeotian.	Corresponding nearly to
8. Βύσιος		2. Ἱερός	2. Ἑρμαῖος	February.
9. Θεοξένιος	6. Ἀρτεμίσιος	3. Ταλαιών	3. Προστατήριος	March.
10. Ἐνδυσποιτρόπιος	7. Γεράστιος	4. Ἀρτεμισιών	4. Θιούϊος (?)	April.
11. Ἡρακλεῖος	8. Ἑκατομβεύς	5. Ταργηλιών	5. Θειλούθιος (?)	May.
12. Ἰλαῖος	9. Φλιάσιος	6. Πάνημος	6. Ὁμολώϊος (?)	June.

The intercalated month was probably in all cases a repetition of that which corresponds nearly to our December.

The names of the months at Cyzicus and in Sicily are probably as follows:—

Cyzicene.	Sicilian.	Answering nearly to
1. Boedromion (Βοηδρομιών)	1. Thesmophorius (Θεσμοφόριος)	October.
2. Cyanepsion (Κυανεψιών)	2. Dalius (Δάλιος)	November.
3. Apaturion (Ἀπατουριών)	3. Unknown.	December.
4. Poseideon (Ποσειδεών)	4. Agrianius (Ἀγριάνιος)	January.
5. Lenaeon (Ληναιών)	5. Unknown.	February.
6. Anthesterion (Ἀνθεστηριών)	6. Theudasius (Θευδάσιος)	March.
7. Artemision (Ἀρτεμισιών)	7. Artamitius (Ἀρταμίτιος)	April.
8. Calamaeon (Καλαμαιών)	8. Unknown.	May.
9. Panemus (Πάνημος)	9. Badromius (Βαδρόμιος)	June.
10. Taureon (Ταυρεών)	10. Hyacinthius (Ὑακίνθιος)	July.
11 and 12 are unknown.	11. Carneius (Καρνεῖος)	August.
	12. Panamus (Πάναμος)	September.

We further know the names of several isolated months of other Greek states; but as it is as yet impossible to determine what place they occupied in the calendar, and with which of our months they correspond, their enumeration here would be of little or no use. We shall therefore confine ourselves to giving some account of the Macedonian months, and of some of the Asiatic cities and islands, which are better known.

On the whole it appears that the Macedonian year agreed with that of the Greeks, and that accordingly it was a lunar year of twelve months, since we find that Macedonian months are described as coincident with those of the Athenians. (See a letter of King Philip in Demosth. *de Coron.* p. 280; Plut. *Camill.* 19, *Alex.* 3, 16.) All chronologers agree as to the order and succession of the Macedonian months; but we are altogether ignorant as to the name and place of the intercalary month, which must have existed in the Macedonian year as well as in that of the Greek states. The order is as follows:—1. Dius (Δῖος), 2. Apellaeus (Ἀπελλαῖος), 3. Audynaeus (Αὐδυναῖος), 4. Peritius (Περίτιος), 5. Dystrus (Δύστρος), 6. Xanthicus (Ξανθικός), 7. Artemisius (Ἀρτεμίσιος), 8. Daesius (Δαίσιος), 9. Panemus (Πάνημος), 10. Lous (Λῶος), 11. Gorpiaeus (Γορπιαῖος), 12. Hyperberetaeus (Ὑπερβερεταῖος). The difficulty is to identify the Macedonian months with those of the Athenians. From Plutarch (*Camill.* 19, comp. with *Alex.* 16) we learn that the Macedonian Daesius was identical with the Athenian Thargelion; but while, according to Philip, the Macedonian Lous was the same as the Athenian Boedromion, Plutarch (*Alex.* 3) identifies the Lous with the Attic Hecatombaeon. This discrepancy has given rise to various conjectures, some supposing that between the time of Philip and Plutarch a transposition of the names of the months had taken place, and others that Plutarch made a mistake in identifying the Lous with the Hecatombaeon. But the best solution is probably to suppose that by the time of Plutarch the beginning of the Attic year had come to be one month after its true date according to the Roman calendar. We know that the Macedonian year began with the month of Dius, commencing with the autumnal equinox. When Alexander conquered Asia, the Macedonian calendar was spread over many parts of Asia, though it underwent various modifications in the different countries in which it was adopted. When subsequently the Asiatics adopted the Julian Calendar, those modifications also exercised their influence and produced differences in the names of the months, although, generally speaking, the solar year of the Asiatics began with the autumnal equinox. During the time of the Roman emperors, the following calendars occur in the province of Asia:—

1. Caesarius (Καισάριος)	had 30	days, and began on the		24th of September.
2. Tiberius (Τιβέριος)	31	,,	,,	24th of October.
3. Apaturius (Ἀπατούριος)	31	,,	,,	24th of November.
4. Posidaon (Ποσιδαών)	30	,,	,,	25th of December.
5. Lenaeus (Ληναιος)	29	,,	,,	24th of January.
6. Hierosebastus (Ἱεροσέβαστος)	30	,,	,,	22nd of February.
7. Artemisius (Ἀρτεμίσιος)	31	,,	,,	24th of March.
8. Evangelius (Εὐαγγέλιος)	30	,,	,,	24th of April.
9 Stratonicus (Στρατόνικος)	31	,,	,,	24th of May.
10. Hecatombaeus (Ἑκατόμβαιος)	31	,,	,,	24th of June.
11. Anteus (Ἄντευς)	31	,,	,,	25th of July.
12. Laodicius (Λαοδίκιος)	30	,,	,,	25th of August.

Among the Ephesians we find the following months:—

1—4.	Unknown.		
5.	Apatureon (Ἀπατουρεών)	nearly answers to our	November.
6.	Poseideon (Ποσειδεών)	,, ,,	December.
7.	Lenaeon (Ληναιών)	,, ,,	January.
8.	Unknown.		
9.	Artemision (Ἀρτεμισιών)	,, ,,	March.
10.	Calamaeon (Καλαμαιών)	,, ,,	April.
11, 12.	Unknown.		

At a later time the Ephesians adopted the same names as the Macedonians, and began their year with the month of Dius on the 24th of September.

The following is a list of the Bithynian months:—

1.	Heraeus (Ἡραῖος)	contained 31	days, and began on the	23rd of September.
2.	Hermaeus (Ἑρμαιος)	,, 30	,,	24th of October.
3.	Metrous (Μητρῷος)	,, 31	,,	23rd of November.
4.	Dionysius (Διονύσιος)	,, 31	,,	24th of December.
5.	Heracleius (Ἡράκλειος)	,, 28	,,	24th of January.
6.	Dius (Δῖος)	,, 31	,,	21st of February.
7.	Bendidaeus (Βενδιδαῖος)	,, 30	,,	24th of March.
8.	Strateius (Στράτειος)	,, 31	,,	23rd of April.
9.	Periepius (Περιέπιος)	,, 30	,,	24th of May.
10.	Areius (Ἄρειος)	,, 31	,,	23rd of June.
11.	Aphrodisius (Ἀφροδίσιος)	,, 30	,,	24th of July.
12.	Demetrius (Δημήτριος)	,, 31	,,	23rd of August.

The following system was adopted by the Cyprians:—

1.	Aphrodisius (Ἀφροδίσιος)	contained 31	days, and began on the	23rd of September.
2.	Apogonicus (Ἀπογονικός)	,, 30	,,	24th of October.
3.	Aenicus (Αἰνικός)	,, 31	,,	23rd of November.
4.	Julius (Ἰούλιος)	,, 31	,,	24th of December.
5.	Caesarius (Καισάριος)	,, 28	,,	24th of January.
6.	Sebastus (Σεβαστός)	,, 30	,,	21st of February.
7.	Autocratoricus (Αὐτοκρατορικός)	,, 31	,,	23rd of March.
8.	Demarchexusius (Δημαρχεξούσιος)	,, 31	,,	23rd of April.
9.	Plethypatus (Πληθύπατος)	,, 30	,,	24th of May.
10.	Archiereus (Ἀρχιερεύς)	,, 31	,,	23rd of June.
11.	Esthius (Ἔσθιος)	,, 30	,,	24th of July.
12.	Romaeus (Ῥωμαῖος)	,, 31	,,	23rd of August.

The system of the Cretans was the same as that used by most of the inhabitants of Asia Minor, viz.—

1.	Thesmophorion (Θεσμοφοριών)	contained 31	days, and began on the	23rd of September.
2.	Hermaeus (Ἑρμαῖος)	,, 30	,,	24th of October.
3.	Eiman (Εἶμαν)	,, 31	,,	23rd of November.
4.	Metarchius (Μετάρχιος)	,, 31	,,	24th of December.
5.	Agyius (Ἄγυιος)	,, 28	,,	24th of January.
6.	Dioscurus (Διόσκουρος)	,, 31	,,	21st of February.
7.	Theodosius (Θεοδόσιος)	,, 30	,,	23rd of March.
8.	Pontus (Πόντος)	,, 31	,,	23rd of April.
9.	Rhabinthius (Ῥαβίνθιος)	,, 30	,,	24th of May.
10.	Hyperberetus (Ὑπερβέρετος)	,, 31	,,	23rd of June.
11.	Necysius (Νεκύσιος)	,, 30	,,	24th of July.
12.	Basilius (Βασίλιος)	,, 31	,,	23rd of August.

It should be observed that several of the Eastern nations, for the purpose of preventing confusion in their calculations with other nations, dropped the names of their months, and merely counted the months, as the first, second, third, &c., month. For further information see Corsini, *Fast. Att.*, which however is very imperfect; Ideler, *Handbuch der Mathem. u. technischen Chronol.*, Berlin, 1826, vol. i. p. 227, &c.; Clinton, *Fast. Hellen.* vol. ii. Append. xix.; and more especially K. F. Hermann, *Ueber Griechische Monatskunde*, Göttingen, 1844, 4to; Th. Bergk, *Beiträge zur Griechischen Monatskunde*, Giessen, 1845, 8vo; A. Boeckh, *Ueber die vierjähriger Sonnenkreise der Alten*, Berl., 1863; Mommsen, *Chronologie*, Leipz., 1883. [L. S.] [A. S. W.]

2. Roman Calendar.—The early history of the Roman calendar is a question of great difficulty, and on some of the most important points involved the opinions of scholars are still widely divided, according as they are inclined to attach more or less weight to the statements of ancient authorities. In the following article an attempt is made to state both the traditional views and the criticisms to which they have been recently subjected, especially by Mommsen in his work on Roman Chronology.

I. Censorinus (*de die natali*, c. xx.) says: "Licinius Macer, and after him Fenestella, maintained that from the first there was at Rome a solar year (*annus vertens*) of twelve months; but we ought rather to follow Junius Gracchanus, Fulvius, Varro, and Suetonius, in the belief that the year consisted of ten months, as it was with the Albans, from whom the Romans were sprung. These ten months had

304 days, as follows: March 31, April 30, May 31, June 30, Quintilis 31, Sextilis and September 30, October 31, November and December 30; the four longer months being called full (*plenî*), the other six hollow (*cavî*)." This view is confirmed by Ovid (*Fast.* i. 27, 43; iii. 99, 119, 151), Gellius (*Noct. Att.* iii. 16), Macrobius (*Saturn.* i. 12), Solinus (*Polyh.* i.), and Servius (on *Georg.* i. 43). The existence of a year of ten months is established in the judgment of Niebuhr by the fact that ten months is a period frequently employed in legal provisions: *e.g.*, for the time of a widow's mourning, for the paying back of a dowry, for the credit allowed for goods not bought for ready money, for the calculation of interest, and apparently for truces. (*Hist. Rom.* i. 275 ff.) He further endeavours to support it by pointing out that 110 solar years correspond to 132 years of 304 days; but inasmuch as the supposed cycle of 110 is merely a figment of a later age, the view obtains no confirmation from this source. Mommsen regards the existence of the ten-month year as proved, not only by the excellent authorities which vouch for it, but still more convincingly by the indications of its legal use; but he regards it as adopted merely for business purposes, in order to avoid the inconvenience arising from the varying lengths of the ordinary years, produced by intercalation. He holds that it was in earlier times composed of ten calendar months, varying thus between 298 and 292 days, but that after the decemviral calendar reforms it was fixed as ten-twelfths of the average year of 365 days. On the other hand, Hartmann sees in it an evidence of the statement of Macrobius, that originally it was only the period between the beginning of spring, when the activities of life recommenced, and mid-winter when they ceased, which was divided into months, while what remained over of the sun's course was left undivided, and unmarked by Kalends, Nones, and Ides. The number of 304, which does not correspond to any number of lunar months, he regards as a late invention.

II. Mommsen holds that the earliest full Roman year was one which attempted to take account both of the moon and of the sun. That the moon was regarded as especially the "measurer" of time is proved by the common origin of most of the Indo-European names for month and moon in the root *ma*, "to measure." (Curtius, *Principles of Greek Etymology*, i. 415.) But the names of the Roman months show that at a very early time the months must have been grouped into a cycle, the length of which was determined by the course of the sun. Names like *Aprilis* (from *aperio*), *Maius* (the month of growth, akin to *maior*), and *Junius* (the month of increase, connected with *iuvo*), could not have been used, except at a time when their place was fixed as falling in the spring and early summer. Now the simplest way of reconciling approximately the lunar and the solar years is that which seems to have been adopted in the Greek *trieteris*. Taking the average length of a lunation at 29½ days, the months have to be made up of 29 and 30 days alternately. Now, a solar year answers pretty nearly to 12½ of such months: that is to say, a cycle can be framed by taking alternately 12 and 13 months of alternating length (the additional month in every alternate year being in the first instance of 30 days, in the next of 29, and so on), which shall not at first depart very widely from the actual phenomena. Thus:—

The first ordinary year	$= 6 \times 30 + 6 \times 29$	$= 354$ days.
The first intercalated year	$= 6 \times 30 + 6 \times 29 + 30$	$= 384$,,
The second ordinary year	$= 6 \times 30 + 6 \times 29$	$= 354$,,
The second intercalated year	$= 6 \times 30 + 6 \times 29 + 29$	$= 384$,,
	The period of four years	$= 1475$,,
	The average of each year	$= 368\frac{3}{4}$,,

The Romans, it is supposed, having learnt this cycle from the astronomers of Magna Graecia, kept to the total number of days, but re-arranged the months so as to harmonise with that love of odd numbers which marked the Pythagorean system, and produced the following cycle:—

First ordinary year	$= 4 \times 31 + 7 \times 29 + 28$	$= 355$ days.
First intercalated year	$= 4 \times 31 + 8 \times 29$	$+ 27 = 383$,,
Second ordinary year	$= 4 \times 31 + 7 \times 29 + 28$	$= 355$,,
Second intercalated year	$= 4 \times 31 + 7 \times 29 + 28 + 27$	$= 382$,,

with the sum total and average as before. This theory represents as close an approximation as is possible to the traditional account, consistently with an intelligible explanation of the origin of the system. The date of the introduction of this cycle cannot be fixed with precision. It must have been long enough before the decemviral legislation to allow the effects of the accumulated error of 3½ days in each year to have become so marked as to call imperatively for reform; but it cannot have been before a considerable Greek influence had been felt in matters of science.*

III. The year as we find it employed after the decemviral reforms is that which is commonly known as the year of Numa. Censorinus (c. xx.) says expressly that it consisted of 355 days, "although the moon appeared to make up 354 days in its course of 12 months." The one additional day, he says, was due either to carelessness, or (and this explanation he prefers) to

* It may be noticed that while the Greek calendar did fairly well follow the phenomena of the moon, the introduction of uneven numbers in the Roman calendar made the divergence very marked; while the slight error in the total length of the year rapidly accumulated so as to produce an almost equally complete divergence from the solar seasons. Hence Mommsen is justified in saying that "even at a very early period the Roman calendar went on its own way, tolerably unconcerned about moon and sun."

Mommsen's view of this ante-decemviral cycle has been strongly contested, but it is supported by the elaborate calculations of Matzat.

the superstitious feeling in favour of an unequal number. The diminution in the length of the year was effected by cutting down the number of days assigned to February in an intercalated year to 23 or 24, and by intercalating a period of 27 days, or what comes to the same thing, of intercalating 22 or 23 days in the course of February. Thus the cycle now became—

First ordinary year	$= 4 \times 31 + 7 \times 29 + 28$	$= 355$ days.
First intercalated year	$= 4 \times 31 + 7 \times 29 + 23 + 27$	$= 377$ „
Second ordinary year	$= 4 \times 31 + 7 \times 29 + 28$	$= 355$ „
Second intercalated year	$= 4 \times 31 + 7 \times 29 + 24 + 27$	$= 378$ „
	Total of four years	$= 1465$ „
	Average of a year	$= 366\frac{1}{4}$ „

This is again in excess of the real year by one day; but the inaccuracy of the cycle is no justification for rejecting the positive testimony of good authorities like Censorinus, who must have quoted the statement of Varro about a calendar which he had used all his life. The notion of an intercalated day, based upon a statement by Macrobius, Mommsen rejects altogether, as a transference from the imperial times to those of the republic. Matzat, however (*Röm. Chron.* i. 47), defends it, and would regard the 23rd of February as the invariable day after which intercalation was made, and the intercalated month as varying between 28 and 27 days. There is no practical difference between these views (Matzat, i. 228–9).

It hardly admits of doubt that the origin of this reform in the calendar is to be sought in the Greek *octaeteris*. In this, as has been shown above, three months of 30 days each were intercalated in the course of eight years; and it cannot be by accident that the intercalation of 22 + 23 days every four years exactly corresponds to this. Of the date of the change we have no positive evidence: but Macrobius tells us (i. 13, 21), on the authority of Tuditanus and of Cassius, that "the decemvirs, who added two tables to the ten, brought a proposal before the people for intercalation." As so much of the decemviral legislation was based upon the Athenian jurisprudence, it is natural to suppose that the same reformers made an attempt to incorporate in their own calendar the period then current at Athens: and it may well have been the case that one of the additional tables was really a calendar, with directions for intercalation. Varro indeed (quoted by Macrobius, i. 13, 21) shows that there was intercalation in the consulship of Pinarius and Furius, B.C. 472, twenty years before their time; but this statement may naturally have referred to the earlier system. Dionysius (x. 59) intimates that the decemvirs brought the calendar into harmony with the phenomena of the moon's course again: and though this statement is erroneous as it stands, it points in the same direction as the other evidence. Ovid, too (*Fast.* ii. 47), states that before the decemvirs January was the first month of the year and February the last, so that the order was January, March, &c., December, February—a statement which, though rejected by Mommsen and many other scholars, seems strongly confirmed by the nature of the festivals held in these two months. In any case this points to an alteration made by the decemvirs in the treatment of February. We may therefore safely ascribe to the decemvirs a change in the calendar, which entirely deprived it of its connexion with the phases of the moon—a connexion which, however, had long ceased to be more than nominal.

It remains now to consider how it was possible that in this reform an average length should have been assigned to the year exceeding its true length by a whole day. It is impossible to suppose that this was mere error. The true length of the solar year was known to the Greeks at least as early as the introduction of the *octaeteris*. It is evident that the Greek advisers of the decemvirs must have had some reason for this inaccuracy. Mommsen's explanation, which is at least plausible, is as follows. They started from the assumption that the Roman calendar was essentially the same as that of Athens before the *octaeteris*, and must be set right in the same way, by reducing the average intercalation from $14\frac{3}{4}$ to $11\frac{1}{4}$ days, and that it was a matter of indifference how the previous intercalation was reduced in each four years by $4 \times 3\frac{1}{2}$ days. It would evidently have been the simplest thing to reconstruct the whole system, but the strongly conservative religious feelings of the Romans made this impossible. Hence they did not venture to attack either the ordinary year, or the alternation of intercalated and ordinary years, or the four-year period of intercalation, or the intercalated month of 27 days. The only course left was to shorten the month of February, which preceded the intercalated month. Now, if they had reduced this month to 22 and 21 days in the alternate years of intercalation, all would have been well, and the cycle would have been 1461 days, instead of 1475. Other considerations may have contributed to hinder them from doing this, but probably the main difficulty lay in the fact that the festival of Terminus fell on February 23. The obstinate god, who had refused to yield his shrine even when required for a temple to Jupiter Optimus Maximus (Liv. i. 55), would not have surrendered his ancient feast-day for all the mathematics in the world. That the intercalation was not always after the 23rd, which would have lessened the mischief by one-half, but in alternate years after the 24th, was probably due to the love for lucky odd numbers, which had already been the source of confusion.

The first attempt to reform the system of intercalation of which we have any indication was made by a *lex Acilia* of B.C. 191 (Censor. xx. 6). This law empowered the pontiffs to deal with intercalation at their discretion ("pontificibus datum negotium, eorumque arbitrio intercalandi ratio permissa"). But, as Censorinus informs us, this only made matters much worse, for "most of them, either from hatred or from favour, to cut short or to extend the tenure of office, or that a farmer of the public revenue might gain or lose by the length of the year, by intercalating more or less at their pleasure, deliberately made worse what had been entrusted to them to set right." This statement is sup-

ported by what Cicero says in *Legg.* ii. 12, 29. We find in fact that great irregularity prevails, and that the years known to us from Livy and the Fasti Triumphales to have been intercalated cannot be brought into any system.

Similar to this is the language employed by Macrobius (i. 4), Ammianus (xxvi. 1), Solinus (c. i.), Plutarch (*Caes.* c. 59); and their assertions are confirmed by the letters of Cicero, written during his proconsulate in Cilicia, the constant burthen of which is a request that the pontifices will not add to his year of government by intercalation.

In consequence of this licence, says Suetonius (*Caes.* 40), neither the festivals of the harvest coincided with the summer, nor those of the vintage with the autumn. But we cannot desire a better proof of the confusion than a comparison of three short passages in the third book of Caesar's *Bell. Civ.* (c. 6), "Prilie nonas Januarias navis solvit"—(c. 9), "jamque hiems adpropinquabat"—(c. 25) "multi jam menses transierant et hiems jam praecipitaverat."

Livy (i. 19, 6) asserts that Numa established a year to suit the revolutions of the moon (*ad cursus lunae*), which, because the moon does not complete thirty days in each month, and some days are lacking to the complete solar year (even if it did), he arranged by inserting intercalary months, so as to agree at the end of nineteen years (*vicesimo anno*) with the solar year. It seems to be generally admitted that this statement of Livy's is a mere invention of some late authority (perhaps one of the pontiffs) who was acquainted with the Metonic cycle, and who wished to ascribe the credit of it to the traditional founder of the Roman year, and the confusion into which the calendar afterwards fell, to the neglect of the original provision. Cicero (*de Leg.* ii. 12, 29) has probably the same tradition in his mind when he writes: "diligenter habenda ratio intercalandi est; quod institutum perite a Numa posteriorum pontificum neglegentia dissolutum est." But there is no reason to believe that this cycle was ever really the guide for intercalation at Rome. Macrobius (*Sat.* i. 13, 13) talks of a cycle of twenty-four years (*tertio quoque octennio*) by which the errors of the decemviral system had been removed; and some have wished to bring Livy's statement into harmony with this by inserting *quarto* after *vicesimo* (l. c.). But Mommsen has acutely seen that this, too, only represents a suggestion put forward by some reforming pontiff. He points out that, assuming that the years are to be of one of the three normal lengths—355, 377, or 378 days—there are two cycles by which these can be made to coincide with the number of days in the (Julian) solar year. Either

$20 \times 365\frac{1}{4} = 7305 = 11 \times 355 + 2 \times 377 + 7 \times 378$,

or

$24 \times 365\frac{1}{4} = 8766 = 13 \times 355 + 7 \times 377 + 4 \times 378$.

The former is the shortest possible cycle; and if it is adopted, one intercalated month of twenty-two days is omitted, and two of twenty-two days are lengthened into two of twenty-three days. In the latter, one intercalated month of twenty-three days is omitted, and a second of the same length is shortened by one day. Hence the longer cycle has a slight advantage in the way of simplicity.

It is extremely difficult, or rather quite impossible, to determine the actual dates, which correspond to the nominal dates of any events before the Julian reform of the calendar, especially after the irregularities introduced by the *lex Acilia*. The eclipse of the sun, mentioned by Ennius (*apud* Cic. *de Rep.* i. 16) as happening on June 5th in the year after the foundation of Rome 351, must have been that which took place on the Julian June 21st, B.C. 400: the eclipse of July 11th, in Varro's year 564 (Liv. xxxvii. 4), was that of the Julian March 14th, B.C. 190. But to deduce any other correspondences from these ascertained facts requires very elaborate and (in part) very untrustworthy calculations.

Year of Julius Caesar.—In the year 46 B.C. Caesar, now master of the Roman world, crowned his other great services to his country by employing his authority, as pontifex maximus, in the correction of this serious evil. For this purpose he availed himself of the services of Sosigenes, the peripatetic, and a *scriba* named M. Flavius,* though he himself too, we are told, was well acquainted with astronomy, and indeed was the author of a work of some merit upon the subject, which was still extant in the time of Pliny. The chief authorities upon the subject of the Julian reformation are Plutarch (*Caes.* c. 59), Dio Cassius (xliii. 26), Appian (*de Bell. Civ.* ii. ad extr.), Ovid (*Fasti*, iii. 155), Suetonius (*Caes.* c. 40), Pliny (*H. N.* xviii. § 211), Censorinus (c. xx.), Macrobius (*Sat.* i. 14), Ammianus Marcellinus (xxvi. 1), Solinus (i. 45). Of these Censorinus is the most precise: "The confusion was at last," says he, "carried so far that C. Caesar, the pontifex maximus, in his third consulate, with Lepidus for his colleague, inserted between November and December two intercalary months of 67 days, the month of February having already received an intercalation of 23 days, and thus made the whole year to consist of 445 days. At the same time he provided against a repetition of similar errors by casting aside the intercalary month, and adapting the year to the sun's course. Accordingly to the 355 days of the previously existing year he added ten days, which he so distributed between the seven months having 29 days, that January, Sextilis, and December received two each, the others but one; and these additional days he placed at the end of the several months, no doubt with the wish not to remove the various festivals from those positions in the several months which they had so long occupied. Hence in the present calendar, although there are seven months of 31 days, yet the four months, which from the first possessed that number, are still distinguishable by having their nones on the seventh, the remaining three having them on the fifth of the month. Lastly, in consideration of the quarter of a day, which he considered as completing the true year, he established the rule that, at the end of every four years, a single day should be intercalated, where the month had been hitherto inserted,

* The existence of this M. Flavius, who is mentioned only by Macrobius (i. 14, 2), has been recently denied by Hartmann (*Röm. Kal.*, pp. 120–123), who believes that his name is due only to a confusion with Cn. Flavius.

that is, immediately after the Terminalia; which day is now called the *Bisextum.*"

This year of 445 days is commonly called by chronologists the year of confusion; but by Macrobius, more fitly, the last year of confusion. The kalends of January, of the year 708 A.U.C., fell on the 13th of October, 47 B.C. of the Julian Calendar; the kalends of March, 708 A.U.C., on the 1st of January, 46 B.C.; and lastly, the kalends of January, 709 A.U.C., on the 1st of January, 45 B.C. Of the second of the two intercalary months inserted in this year after November, mention is made in Cicero's letters (*ad Fam.* vi. 14).

It was probably the original intention of Caesar to commence the year with the shortest day. The winter solstice at Rome, in the year 46 B.C., occurred on the 24th of December of the Julian Calendar. His motive for delaying the commencement for seven days longer, instead of taking the following day, was probably the desire to gratify the superstition of the Romans, by causing the first year of the reformed calendar to fall on the day of the new moon. Accordingly it is found that the mean new moon occurred at Rome on the 1st of January, 45 B.C., at 6h. 16′ P.M. In this way alone can be explained the phrase used by Macrobius: *Annum civilem Caesar, habitis ad lunam dimensionibus constitutum, edicto palam proposito publicavit.* This edict is also mentioned by Plutarch (*Caes.* 59), where he gives the anecdote of Cicero, who, on being told by some one that the constellation Lyra would rise the next morning, observed, "Yes, no doubt, in obedience to the edict."

The mode of denoting the days of the month will cause no difficulty, if it be recollected that the kalends always denote the first of the month, that the nones occur on the seventh of the four months March, May, Quinctilis or July, and October, and on the fifth of the other months; that the ides always fall eight days later than the nones; and lastly, that the intermediate days are in all cases reckoned backwards upon the Roman principle of counting both extremes.

For the month of January the notation will be as follows:—

1 Kal. Jan.	17 a. d. XVI. Kal. Feb.
2 a. d. IV. Non. Jan.	18 a. d. XV. Kal. Feb.
3 a. d. III. Non. Jan.	19 a. d. XIV. Kal. Feb.
4 Prid. Non. Jan.	20 a. d. XIII. Kal. Feb.
5 Non. Jan.	21 a. d. XII. Kal. Feb.
6 a. d. VIII. Id. Jan.	22 a. d. XI. Kal. Feb.
7 a. d. VII. Id. Jan.	23 a. d. X. Kal. Feb.
8 a. d. VI. Id. Jan.	24 a. d. IX. Kal. Feb.
9 a. d. V. Id. Jan.	25 a. d. VIII. Kal. Feb.
10 a. d. IV. Id. Jan.	26 a. d. VII. Kal. Feb.
11 a. d. III. Id. Jan.	27 a. d. VI. Kal. Feb.
12 Prid. Id. Jan.	28 a. d. V. Kal. Feb.
13 Id. Jan.	29 a. d. IV. Kal. Feb.
14 a. d. XIX. Kal. Feb.	30 a. d. III. Kal. Feb.
15 a. d. XVIII. Kal. Feb.	31 Prid. Kal. Feb.
16 a. d. XVII. Kal. Feb.	

The letters *a. d.* are an abridgment of *ante diem*, and the full phrase for "on the second of January" would be *ante diem quartum nonas Januarias.* The word *ante* in this expression seems really to belong in sense to *nonas*, and to be the cause why *nonas* is an accusative. Hence occur such phrases as (Cic. *Phil.* iii. 8, 20) *in ante diem quartum Kal. Decembris distulit*, "he put it off to the fourth day before the kalends of December," (Caes. *Bell. Gall.* i. 6) *Is dies erat ante diem V. Kal. Apr.*, and (Caes. *Bell. Civ.* i. 11) *ante quem diem iturus sit*, for *quo die.* The same confusion exists in the phrase *post paucos dies*, which means "a few days after," and is equivalent to *paucis post diebus.* Whether the phrase *Kalendae Januarii* was ever used by the best writers is doubtful. The words are commonly abbreviated; and those passages where Aprilis, Decembris, &c. occur, are of no avail, as they are probably accusatives. The *ante* may be omitted, in which case the phrase will be *die quarto nonarum.* In the leap year (to use a modern phrase), the last days of February were called—

Feb. 23 = a. d. VII. Kal. Mart.
Feb. 24 = a. d. VI. Kal. Mart. posteriorem.
Feb. 25 = a. d. VI. Kal. Mart. priorem.
Feb. 26 = a. d. V. Kal. Mart.
Feb. 27 = a. d. IV. Kal. Mart.
Feb. 28 = a. d. III. Kal. Mart.
Feb. 29 = Prid. Kal. Mart.

In which the words *prior* and *posterior* are used in reference to the retrograde direction of the reckoning. Such at least is the opinion of Ideler, who refers to Celsus in the Digest (50, tit. 16, s. 98).

From the fact that the intercalated year has two days called *ante diem sextum*, the name of bissextile has been applied to it. The term *annus bissextilis*, however, does not occur in any writer prior to Beda, but in place of it the phrase *annus bisextus.*

It was the intention of Caesar that the bissextum should be inserted *peracto quadriennii circuitu*, as Censorinus says, or *quinto quoque incipiente anno*, to use the words of Macrobius. The phrase, however, which Caesar used seems to have been *quarto quoque anno*, which was interpreted by the priests to mean every third year. The consequence was, that in the year 8 B.C. the Emperor Augustus, finding that three more intercalations had been made than was the intention of the law, gave directions that for the next twelve years there should be no bissextile (Plin. *H. N.* xviii. § 211).

The services which Caesar and Augustus had conferred upon their country by the reformation of the year seems to have been the immediate causes of the compliments paid to them by the insertion of their names in the calendar. Julius was substituted for Quinctilis, the month in which Caesar was born, in the second Julian year, that is, the year of the dictator's death (Censorinus, c. xxii.); for the first Julian year was the first year of the *corrected* Julian Calendar, that is, 45 B.C. The name Augustus, in place of Sextilis, was introduced by the emperor himself, at the time when he rectified the error in the mode of intercalating (Suet. *Aug.* c. 31), *anno Augustano xx.* The first year of the Augustan era was 27 B.C., viz. that in which he first took the name of Augustus, *se vii. et M. Vipsanio Agrippa coss.* He was born in September; but gave the preference to the preceding month, for reasons stated in the senatus consultum, preserved by Macrobius (i. 12): "Whereas the Emperor Augustus Caesar, in the month of Sextilis, was first admitted to the consulate, and thrice entered the city in triumph,

and in the same month the legions, from the Janiculum, placed themselves under his auspices, and in the same month Egypt was brought under the authority of the Roman people, and in the same month an end was brought to the civil wars; and whereas for these reasons the said month is, and has been, most fortunate to this empire, it is hereby decreed by the senate that the said month shall be called Augustus." "A plebiscitum, to the same effect, was passed on the motion of Sextus Pacuvius, tribune of the plebs."

Domitian gave to the month of September the name of Germanicus from his own surname, and to the month of October the name of Domitianus; but these names fell into disuse after the death of the tyrant.

Our days of the Month.	March, May, July, October, have 31 days.	January, August, December, have 31 days.	April, June, September, November, have 30 days.	February has 28 days, and in Leap Year 29.
1.	KALENDIS.	KALENDIS.	KALENDIS.	KALENDIS.
2	VI.	IV. ante	IV. ante	IV. ante
3.	V. ante	III. Nonas.	III. Nonas.	III. Nonas.
4.	IV. Nonas.	Pridie Nonas.	Pridie Nonas.	Pridie Nonas.
5.	III.	NONIS.	NONIS.	NONIS.
6.	Pridie Nonas.	VIII.	VIII.	VIII.
7.	NONIS.	VII.	VII.	VII.
8.	VIII.	VI. ante	VI. ante	VI.
9.	VII.	V. Idus.	V. Idus.	V.
10.	VI. ante	IV.	IV.	IV.
11.	V. Idus.	III.	III.	III.
12.	IV.	Pridie Idus.	Pridie Idus.	Pridie Idus.
13.	III.	IDIBUS.	IDIBUS.	IDIBUS.
14.	Pridie Idus.	XIX.	XVIII.	XVI.
15.	IDIBUS.	XVIII.	XVII.	XV.
16.	XVII.	XVII.	XVI.	XIV.
17.	XVI.	XVI.	XV.	XIII.
18.	XV.	XV.	XIV.	XII.
19.	XIV.	XIV.	XIII.	XI.
20.	XIII.	XIII.	XII.	X.
21.	XII.	XII.	XI.	IX.
22.	XI.	XI.	X.	VIII.
23.	X.	X.	IX.	VII.
24.	IX.	IX.	VIII.	VI.
25.	VIII.	VIII.	VII.	V.
26.	VII.	VII.	VI.	IV.
27.	VI.	VI.	V.	III.
28.	V.	V.	IV.	Pridie Kalendas Martias.
29.	IV.	IV	III.	
30.	III.	III.	Pridie Kalendas (of the month following).	
31.	Pridie Kalendas (of the month following).	Pridie Kalendas (of the month following).		

Ante Kalendas (of the month following).

Ante Kalendas Martias.

The Fasti of Caesar have not come down to us in any one table, in their entire form. Such fragments as exist may be seen in the *Corpus Inscriptionum Latinarum*, vol. i. (Berlin, 1863), edited with the most minute accuracy, and with very valuable notes, by Mommsen. They are nineteen in number, and by combining them the Fasti can be completely reconstructed. Three others have been discovered since, and published in the *Ephemeris Epigraphica*.

The official year before the Julian reforms, with its frequent and irregular intercalations, could not have at all met the practical requirements of an agricultural population; and there is reason to believe that the "farmers' year" was that which had been adopted with slight modifications from the Egyptian sages of Heliopolis by Eudoxus. This gave up altogether the attempt to take notice of the phases of the moon, and was a purely solar year. The cycle was made up of four years,—the first of 366, the others of 365 days,—thus corresponding exactly with the reformed Julian system. There was no division into months, but the subdivisions were marked by the entrance of the sun into the various signs of the zodiac, and by the tropics and equinoxes. Spring began when the sun was in Aquarius, summer when it was in Taurus, autumn when it was in Leo, and winter when it was in Scorpio. (Varro, *de R. R.* i. 28.) The new year began when the sun entered Leo and the dog-star rose.

The Gregorian Year.—The Julian Calendar supposes the mean tropical year to be 365 d. 6 h.; but this exceeds the real amount by 11′ 12″, the accumulation of which, year after year, caused at last considerable inconvenience. Accordingly, in the year 1582, Pope Gregory XIII., assisted by Aloysius, Lilius, Christoph. Clavius, Petrus Ciacconius, and others again reformed the calendar. The ten days by which the year had been unduly retarded were struck out by a regulation that the day after the fourth of October in that year should be called the fifteenth; and it was ordered that, whereas hitherto an intercalary day had been inserted

every four years, for the future three such intercalations in the course of four hundred years should be omitted, viz. in those years which are divisible without remainder by 100, but not by 400. Thus, according to the Julian Calendar, the years 1600, 1700, 1800, 1900, and 2000 were to have been bissextile; but, by the regulation of Gregory, the years 1700, 1800, and 1900 were to receive no intercalation, while the years 1600 and 2000 were to be bissextile, as before. The bull which effected this change was issued Feb. 24, 1582. The fullest account of this correction is to be found in the work of Clavius, entitled *Romani Calendarii a Gregorio XIII. P. M. restituti Explicatio.* As the Gregorian Calendar has only 97 leap-years in a period of 400 years, the mean Gregorian year is $(303 \times 365 + 97 \times 366) \div 400$; that is, 365 d. 5 h. 49′ 12″, or only 24″ more than the mean tropical year. This difference in 60 years would amount to 24′, and in 60 times 60, or 3600 years, to 24 hours, or a day. Hence the French astronomer, Delambre, has proposed that the years 3600, 7200, 10,800, and all multiples of 3600 should not be leap years. The Gregorian Calendar was introduced in the greater part of Italy, as well as in Spain and Portugal, on the day named in the bull. In France, two months after, by an edict of Henry III., the 9th of December was followed by the 20th. The Catholic parts of Switzerland, Germany, and the Low Countries adopted the correction in 1583, Poland in 1586, Hungary in 1587. The Protestant parts of Europe resisted what they called a Papistical invention for more than a century. At last, in 1700, Protestant Germany, as well as Denmark and Holland, allowed reason to prevail over prejudice; and the Protestant cantons of Switzerland copied their example the following year.

In England the Gregorian Calendar was first adopted in 1752, and in Sweden in 1753. In Russia, and those countries which belong to the Greek Church, the Julian year, or *old style* as it is called, still prevails.

In this article free use has been made of Ideler's work *Lehrbuch der Chronologie* (2 vols. Berlin, 1826). Cf. also Mommsen, *Die Römische Chronologie*, Berlin, 1858; and Matzat, *Röm. Chronologie*, 2 vols., Berlin, 1883. For other information connected with the Roman measurement of time, see ASTRONOMIA; DIES; HOROLOGIUM; LUSTRUM; NUNDINAE; SAECULUM. [T. H. K.] [A. S. W.]

CAL'IDA. [CALDA.]

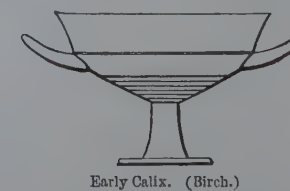
CALIDA'RIUM. [CALDARIUM.]

CALIENDRUM, a tall female head-dress, but whether a wig of false hair or an arrangement of draperies it is not easy to determine. The Cruquian scholiast on the *locus classicus* of Horace (*Sat.* i. 8, 48) gives both explanations, without attempting to decide between them ("peplum capitis aut crinis suppositicius seu capillamentum aut galericulus capitisve ornamentum"). But *galericulus* (or *-um*) may mean a wig (Suet. *Oth.* 12, with Casaubon's note); and the humour of the passage is decidedly in favour of this rendering: one of the two old women drops her false teeth in her flight, the other her false hair. A fragment of Varro quoted by the same scholiast suggests a stage peruke ("tantis cothurnis accipit Critona caliendrum"). Of the only other passages where the word occurs, Arnobius (v. 26, p. 209) mentions *caliandria* among female vanities; Tertullian, on the contrary (*de Pall.* 4), seems to imply a staid and sober covering which the immodest women of his time had discarded. [W. W.]

CA'LIGA, a strong and heavy shoe, or rather sandal, worn by the Roman soldiers. Although the use of this species of calceamentum extended to the centurions, it was not worn by the superior officers. Hence the common soldiers, including centurions, were distinguished by the name of *caligati* (Suet. *Aug.* 25, *Vitell.* 7; *οἱ ἀπὸ κάλεγος*, Dio, 27, 1, 10). Service in the ranks was also designated after this article of attire. Thus Marius was said to have risen to the consulship *a caliga*, i.e. from the ranks (Sen. *de Benef.* v. 16), and Ventidius *juventam inopem in caliga militari tolerasse* (Plin. *H. N.* vii. § 135). The Emperor Caligula received that cognomen when a boy, in consequence of wearing the caliga, which his father Germanicus put on his son in order to please the soldiers. (Tacit. *Ann.* i. 41; *manipularis habitus*, Suet. *Calig.* 9.) The triumphal monuments of Rome show most distinctly the difference between the caliga of the common soldier and the calceus worn by men of higher rank. When Cicero says of "Epicrates," *i.e.* Pompey, "mihi caligae ejus non placebant" (*ad Att.* ii. 3), a breach of the *convenances* is implied. The caliga exhibits a number of straps, through which the foot is partially seen, as in the figure of the Roman soldier from the Arch of Severus, engraved under ARMA; while the CALCEUS is an ordinary closed shoe. The sole of the caliga was thickly studded with hobnails (*clavi caligarii*, Plin. *H. N.* xxxiv. § 143; *caligares*, id. ix. § 69: cf. Juv. *Sat.* iii. 248, 322, xvi. 24; ἥλοι, Jos. *B. J.* vi. 1, 8).

The *caliga speculatoria* (Suet. *Calig.* 52), made for the use of couriers [SPECULATOR], was probably much lighter than the ordinary shoe worn by the soldiers. [J. Y.] [W. W.]

CALIX (*κύλιξ*). Though not found in Homer or Hesiod, this was the most common kind of drinking cup among the Athenians (Ar. *Lys.* 841): cf. *ἐπὶ τῇ κύλικι λέγειν* (Plat. *Symp.* 214 B) and *κυλικεῖα* (Ath. 480 b), sideboards for exhibiting cups (we should say, "plate"). It was of earthenware and round, hence its name, according to Athenaeus (480 b), *ἀπὸ τοῦ κυλίεσθαι τῷ τροχῷ*. It had a broad top (Pherecr. *ap.* Ath. 481 b), as is evidenced from its comparison to a shield (Ath. 472 c) and to a woman's breast (Plin. *H. N.* xxxiii. § 81). It had feet (Soph. *Frag.* 541) and horizontal handles (Ath. 470 e). It is mainly in having vertical handles



Early Calix. (Birch.)

and in its greater size that CANTHARUS differed from *calix*. The *calices*, however, varied to some extent in size, just as our tumblers, and there is some slight evidence (Plat. *Lys.* 219 E)

that an average one held three cotylae (=1·3 pints). The archaic form of the calix is depicted by Birch (*Ancient Pottery*, p. 180); but the ordinary forms are here given from Birch and Dennis. Those of the early period are distinguished by their deeper bowl and taller stem. Those of a later period are of a more elegant shape, have a shallow bowl, and a stem not so

Later Calix. (Birch and Dennis.)

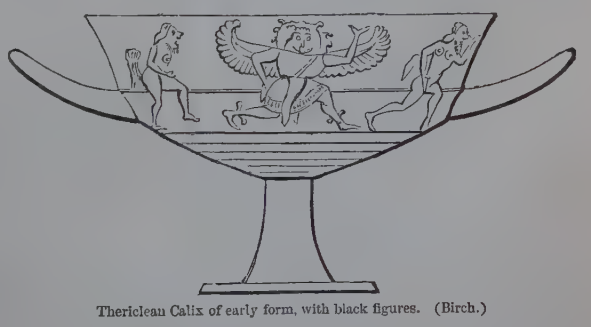
high. Cups of this shape are generally painted inside as well as out. In banqueting scenes depicted upon vases, they are often represented as twirled round upon the finger. See the drawing given in SYMPOSIUM. In the latest period the bowl of the calix is without a stem, and has only a moulded base.

Latest Calix. (Birch.)

Athenaeus tells us that these cups were made at various places: Argos (480 d), Attica (480 c), Chios (480 e), Lacedaemon (484 f), Naucratis (480 e), Rhodes (497 f), Teos (481 a). In Martial we hear of Surrentine (xiv. 102) and Saguntine *calices* (xiv. 108). These places gave their names to different kinds of cups, all more or less agreeing with the general description above. The κύλιξ made at Naucratis, however, was very flat, like a *phiala*, as if made with the hand, with a broad bottom and four handles (ὦτα). (See Ath. 480 e.) Panofka (Plate iv., No. 34 *a*, *b*) professes to give a representation; but it agrees in nothing except in having four handles.

But cups were called after individuals as well as after places: *e.g.* the much-discussed Θηρίκλειοι, *sc.* κύλικες. The principal examination of these vessels is by Welcker in *Rhein. Museum*, vi. 404–420. But we must not suppose with him that they were called from the figures of animals which were on them, but rather with Ath. 470 f and Bentley (*Diss. on Phalaris*, ed. Dyce, i. p. 169 ff.), from their maker, Thericles of Corinth. But though their maker was a Corinthian, yet they were genuine Attic cups, properly of earthenware, though sometimes of other material: e.g. wood (*C. I. G.* 139, 8, 9), brass (Ath. 469 b), silver (Jos. *Ant.* xi. 1), gold (Ath. 199 b), sometimes only gilt (Ath. 478 a; cf. *C. I. G.* l. c.); also apparently of glass (θηρίκλειον· ποτήριον ὑέλινον, Photius, *s. v.*). Further they were made of terebinth (τέρμινθος), which was blacker than ebony, yet such that they could not be distinguished from earthenware (Theophrast. *Hist. Plant.* v. 4, 2; Plin. *H. N.* xvi. § 205). Other authors say that these cups were black and very bright (καθαρός), *e.g.* Eubulus in Ath. 471 d; and it is this black polish that Schwenck thinks (*Philologus*, xxiv. 3, 1866, pp. 552–554) is the distinctive feature of these vessels. The oldest Thericlean vessel we know of is that referred to in *C. I. G.* 139, 8, 9, which belongs to 425 B.C. A κύλιξ Θηρίκλειος had a broad top, and is compared to a shield (Aristoph. *ap.* Ath. 472 c). It was rather large, holding three or four cotylae, and sometimes even as much as seven. (Ath. 472 b, d, e.) The figure of one as given by Panofka (Plate iv., No. 34) is also represented by Krause (No. 26); but this does not agree with Eubulus *ap.* Ath. 471 d, who calls it ὀξυπύνδακα, *i. e.* with bottom coming to a point. The Schol. on Clem. Alex. *Paed.* ii. 3, who says it was round at the bottom, with the upper part like a funnel (χωνοειδές), so that it was easy to drink from, does not agree with the previously mentioned and more reliable statements. Possibly the figure given by Lau (*Die Griechischen Vasen*, Plate xix. fig. 4) may represent the kind, though it is very like a woman's breast (Plin. xxxiii. § 81). Birch (p. 381) gives as a specimen of a Thericlean cup, one with a deep bowl and a long stem. (See cut below.)

These Thericlean cups were heavy in weight and expensive, and in competition the Rhodians (Ath. 469 b) made a similar kind of cup of lighter



Thericlean Calix of early form, with black figures. (Birch.)

material and sufficiently cheap for persons of humble means to acquire. These were called ἡδυποτίδες. Further we hear of Ἀντιγονίδες, which, according to the Schol. on Clem. Alex., were like the Θηρίκλειοι in some points, but they had not the spherical bottom, and ended in a narrow aperture. Also of Σελευκίδες, whose

handles were not closed, but consisted of four rods. Each two of these rods were close together at their junction with the cup, but diverged widely at the other extremity (Ath. 488 e).

In Juvenal, v. 48, we read of *calices* called after a shoemaker of Beneventum, which had four nozzles. This was Vatinius (Mart. xiv. 96), who was afterwards a buffoon in the court of Nero (Tac. *Ann.* xv. 34), and the cups were called *Vatinii* (Mart. x. 3, 4).

For the cups used in the Christian Church, see Smith's *Dictionary of Christian Antiquities*, art. *Chalice*.

Of somewhat different meaning to that of κύλιξ are the cognates κυλίχνη, κυλιχνίς, κυλίχνιον, which were covered vessels, and used as soup-tureens (if we may so infer from Aristoph. *ap.* Pollux, x. 88), but more specially as pots for medicines (Galen, *Lex. Hippocr.*; Poll. vi. 98; Suidas, *s. v.* κυλίχνιον: cf. also Aristoph. *Eq.* 906; Ath. 480 d, where Ussing rightly reads κυλιχνίδα). *Calices* are also found mentioned as covered vessels for cooking (Plin. *H. N.* xxxv. 193), or serving up (Ovid. *Fast.* v. 509) food in. Varro (*L. L.* v. 127) derives it from *calidus*.

The chief works on the subject of Greek and Roman cups are Th. Panofka, *Recherches sur les véritables noms des Vases Grecs*, Paris, 1829; J. L. Ussing, *De nominibus vasorum Graecorum*, Copenhagen, 1844; J. H. Krause, *Angeiologie*, Halle, 1854; Birch, *History of Ancient Pottery*, London, 1873; Marquardt, *Röm. Alterth.* vii. p. 632 ff. [L. C. P.]

CALIX, a tube, regulating the supply of water, attached to the extremity of each pipe, where it entered the castellum of an aqueduct. (Frontin. *Aquaed.* 36.) It is explained under AQUAEDUCTUS, p. 156 a. [W. S.]

CALLIS, defined by Isidor. *Orig.* xv. 16, 20, as "iter pecudum inter montes angustum et tritum, a callo pecudum tritum:" cf. Serv. *ad* Verg. *Aen.* iv. 405. In the *lex Agraria* (*C. I. L.* 300), § 26, we find "quod quisque pecudes in calleis viasve publicas itineris causa induxerit," where Mommsen notes that *calleis* corresponds to what are now called *tratture*. Suetonius (*Jul.* 19) says that when Caesar and Bibulus were made consuls, "provinciae minimi negotii, id est, silvae callesque," were decreed to them, which can hardly mean, as Mommsen (*Hist.* iv. 203) takes it to be, "provinces in which the governor should find no other employment than the construction of roads and other such works of utility." In Tac. *Ann.* iv. 27, the MS. reads, "quaestor, cui provincia vetere ex mori calles evenerat," which is defended by Orelli, and taken to mean the charge of the mountain-pastures in the southern Apennines; but most scholars adopt the conjecture of Lipsius, *Cales*, regarding Cales, the oldest Latin colony in Campania, as the residence of the *quaestor classicus* in charge of South Italy. (Cf. Mommsen, *Staatsr.* ii. 536, note; and Nipperdey *ad loc.*) [R. W.] [A. S. W.]

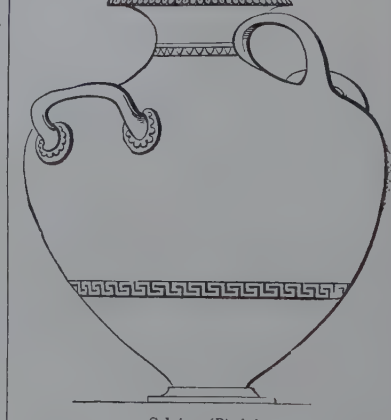
CALLISTEIA (καλλιστεῖα), contests for beauty, festivals celebrated in different parts of Greece. (Schol. *ad Il.* ix. 128; Suidas, *s. v.*; *Anth. Pal.* ix. 189; Athen. xiii. p. 609.) [L. S.]

CALLYNTE'RIA. [PLYNTERIA.]

CALO, a slave of the lower kind, usually but not always (cf. Hor. *Sat.* i. 2, 44, i. 6, 103; *Ep.* i. 14, 42; Cic. *de Nat. Deor.* iii. 5, 11) applied to a soldier's slave. The derivation given by Festus, *s. v.*, "calones militum servi dicti, qui ligneas clavas gerebant, quae Graece κᾶλα vocant," repeated by Servius *ad* Verg. *Aen.* vi. 1 and others, is manifestly false: the word is contracted from *caclo*, akin to *cacula*, used by Plautus (e.g. *Trin.* 721) in the same meaning and derived in the same way by Festus, with the absurd addition "ad tutelam dominorum." Accius, quoted by Fest. p. 146, has the line "calones famulique metellique caculaeque." Even under the Republic the number of slaves following a Roman army was large; under the Empire it sometimes exceeded the number of the soldiers. Each legion was followed by its own *calones*; and to prevent confusion, in case of an attack, they were organized and subjected to military discipline (Joseph. *B. J.* iii. 6; Veget. *R. M.* iii. 6).

The *calones*, though often mentioned with the *lixae* (q. v.), must be carefully distinguished from them. [W. S.] [A. S. W.]

CALPIS (κάλπις), a water-urn, a pitcher or ewer. It is another name for the *hydria* (ὑδρία), and Aristophanes (*Lysistr.* 327, 358) speaks of the *calpis* and *hydria* as identical. Writers on Greek vases make the *calpis* a later modification of the *hydria*, the body being rounder, the neck shorter, and the handles cylindrical. The *hydria* is more commonly found in Etruria, the *calpis* in Southern Italy. (Birch, *Ancient Pottery*, p. 364.) But this distinction between the *calpis* and *hydria* is conventional. The *calpis* occurs in the earliest times. It is mentioned both by Homer (*Od.* vii. 20; *Cer.* 107) and Pindar (*Ol.* vi. 68). Its chief use was for holding water, and was carried on the head by maidens, as we frequently find depicted on vases. It was also used for holding unguents (Polyb. xxxi. 3, 17), for drawing lots or collecting votes (*Anth. Pal.* vii. 384; Luc. *Hermot.* 40, 57), as a cinerary urn (*Anth. Pal.* xii. 74), and the name was also applied to a Panathenaic vase (Callim. *Frag.* 122). See Liddell and Scott, *s. v.* [HYDRIA.] [W. S.]



Calpis. (Birch.)

CAL'THULA. [CROCOTA.]

CALUM'NIA signifies generally the taking of legal proceedings, criminal or civil, against another person, when one has good reason for believing that the criminal charge or the civil action has no substantial foundation: "calumniosus est qui sciens prudensque per fraudem negotium alicui comparat" (Paulus, *Sent. Rec.* i. 5); and on the part of the defendant in a civil action it also means defending the suit without believing himself to be in the right. In all cases the intention to annoy the other party seems essential to the offence, for "calumnia in adfectu est, furti crimen" (Gaius, iv. 178).

From *calumnia* in criminal charges persons were deterred by the following provisions:—(1) The accuser had always to take the oath of *calumnia*, i.e. swear that he believed the charge to be well founded (*Fragm. Leg. Servil.* c. 8; Cic. *ad Fam.* viii. 8, 3). (2) A lex Remmia of unknown date established certain penalties for *calumniatores* (Cic. *pro Rosc. Am.* 19, 55); among them probably being that of having the letter K, the initial of *Kalumnia*, branded on the forehead (Cic. *ib.* 20, 57). The provisions of this statute seem to have been superseded by Trajan's enactment that a false accuser should be liable to the punishment which the accused would have suffered if condemned (Plin. *Paneg.* 35), and he was taken in law to have voluntarily subjected himself to this liability by signing the indictment (Dig. 48, 2, 7, pr.). If the charge had been one of treason, he could be tortured in order to discover the names of his instigators. (3) An accuser might not, as a rule, drop criminal proceedings after their commencement, so as to leave a charge hanging over the head of the accused without the consent of the latter (Dig. 48, 16, 18, 1, 2) and of the court (Paul. *Sent. Rec.* 5, 17, 1): he had to bind himself with sureties to push the charge to a verdict (Dig. 48, 2; 7, 1); and if he failed to do so, he not only forfeited the sum in which he had bound himself, but was also liable to punishment under the Senatusconsultum Turpillianum, passed in the time of Nero (Tac. *Ann.* xiv. 41; Dig. 48, 16; Cod. 9, 45).

There were some few crimes the accusation of which, even without ground, did not expose the accuser to be proceeded against as *calumniator;* but as a general rule, if he failed in his proof, the injured person might have an inquiry into his conduct and motives. If the person by whom this was conducted found that he had acted merely from error of judgment, he acquitted him in the form *non probasti;* if he convicted him of evil intention, he declared his sentence in the words *calumniatus es*, which sentence was followed by the legal punishment described above.

In the time of Gaius (and perhaps throughout the formulary procedure, B.C. 170 to A.D. 294, which he describes) a defendant in a civil action (1) could call on the plaintiff to take the *jusjurandum calumniae*, i.e. swear that he honestly believed his cause to be a good one (Gaius, iv. 176). (2) In default of this he might, if acquitted, bring the *calumniae judicium* (Cic. *pro Cluent.* 59, 163), by which he could recover a tenth of the value in dispute in the previous action, and one-fourth if the latter had been an interdict; but this remedy was unavailable unless it could be proved that the original plaintiff's motive had been merely to annoy the other party (Gaius, iv. 175). (3) After acquittal in some actions (*e.g.* the *actio injuriarum*, Gaius, iv. 177), the defendant could sue the plaintiff by *judicium contrarium* (the latter's *bona fides* in the earlier action here being immaterial: Gaius, iv. 178), and thereby recover sometimes a tenth, sometimes a fifth, of the sum at issue in the previous proceedings. (4) In all actions in which there was a *sponsio poenalis* (for which see below) in favour of the plaintiff, the defendant was entitled to a promise by *restipulatio* of an equivalent sum in case the action went in his favour.

If the *restipulationis poena* was required from the plaintiff, the defendant could not have the benefit of the *calumniae judicium* or of the *jusjurandum calumniae;* and the *judicium contrarium* was not applicable to such cases.

Similarly, in the formulary period, if the plaintiff was not sufficiently secured against unwarranted defence of the action by other provisions,—*e.g.* duplication of damages (*lis crescens*) in case of defeat (Gaius, iv. 171; Cic. *pro Flacco*, 21, 49); the *sponsio poenalis* in *condictio certi*, in the *actio de constituta pecunia*, and in interdicts tried *per sponsionem;* and the infliction of *infamia* on a defendant who was condemned (Gaius, iv. 182),—he could require the defendant to take the *jusjurandum calumniae:* "non calumniae causa ad inficias ire" (Gaius, iv. 172).

Under Justinian the *judicia calumniae* and *contrarium* and the penal *sponsio* and *restipulatio* had become obsolete. *Infamia* and duplication of damages were still incidental to some actions; the oath of *calumnia* was administered to both parties to an action and their advocates, and the losing side had to pay the other's costs (*Inst.* iv. 16, 1). [J. B. M.]

CAM'ARA (*καμάρα*), or CAM'ERA, properly signifies any arched or vaulted covering, and anything with such a covering: Herodotus, for instance, calls a covered carriage *καμάρα* (i. 199). [See the first illustration under CARPENTUM.] It is chiefly used in the two following senses:—

1. An arched roof which might be (*a*) a mere open trellis-work with creeping plants trained over it, like the covered walks called *berceaux* in French. Of this kind was probably the *καμάρα* under which Alexander slept during his last illness in a park (*παράδεισος*) near Babylon (Arrian, *Anab.* vii. 25, § 3); though Liddell and Scott explain it as a tester-bed. (*b*) An arched or vaulted ceiling formed by semicircular bands or beams of wood, over the intervals of which a coating of lath and plaster was spread, resembling in construction the hooped awnings in use among us. (Vitruv. vii. 3; Cic. *ad Q. Fr.* iii. 1, § 1; comp. Plin. *H. N.* xvi. § 156.) Under the emperors *camarae* were gilded (id. xxxiii. §§ 52, 57), or filled with plates of glass (id. xxxvi. § 189; cf. Stat. *Silv.* i. 5, 42; Marquardt, vii. 642). In one passage *camara* seems to be used as equivalent to *lacunar*, the sunken panel of a roof between the beams (Propert. iv. 2, 10 [=1, 50]). (*c*) More rarely a barrel vault in solid stone-work, like that of the Tullianum at Rome. (Sall. *Cat.* 55, quoted under CARCER.)

2. Small boats used in early times by the

people who inhabited the shores of the Euxine and the Bosporus, and called *καμάραι* from their having a broad arched deck. They were made with both ends alike, so as to work in either direction without turning; and were put together without iron. They continued in use until the age of Tacitus, by whom their construction and uses are described. (Strab. xi. p. 495; Eustath. *ad Dionys. Perieg.* 700; Aul. Gell. x. 25; Tac. *Hist.* iii. 47.) For other uses of the word, see the Lexicons. [P. S.] [W. W.]

CAMILLI, CAMILLAE, boys and girls employed in the sacrifices of the Flamen Dialis, the Flaminica Dialis, and in general in religious rites and ceremonies. They were required to be perfect in form and sound in health, free born, and with both their parents alive; or, in other words, according to the expression of the Romans, *pueri seu puellae ingenui, felicissimi, patrimi matrimique.* The origin of these words gave rise to various opinions among the ancients. Dionysius supposed them to correspond to the *κάδμιλοι* among the Curetes and Corybantes; others connected them with Cadmilus or Casmilus, one of the Samothracian Cabeiri; but we know nothing certain on the matter. Respecting the employment of the Camillus at Roman marriages, see MATRIMONIUM. (Dionys. ii. 21, 22; Varr. *L. L.* vii. § 34; Macrob. *Sat.* iii. 8, § 7; Serv. *ad* Verg. *Aen.* xi. 543; Plut. *Num.* 7; Festus, s. vv. *Camillus, Cumera, Flaminius Camillus;* Hartung, *Die Religion der Römer,* i. p. 157, ii. p. 71; Marquardt, *Röm. Staatsverw.* iii. pp. 220, 316.) [W. S.]

CAMI'NUS. [DOMUS.]

CAMISIA, whence French *chemise*, a linen shirt worn next to the skin, is first mentioned in the fourth century by St. Jerome (*Ep.* 64, n. 11), from whom we learn that the word was used in the popular language, and that in his time the camisia was worn by soldiers ("solent militantes habere lineas, quas camisias vocant"). It is also mentioned by Isidorus (*Orig.* xix. 22), and by Paulus (Fest. s. v. *supparus*, p. 311, M.), who gives it as the equivalent of the older word *subucula.* [W. S.]

CAM'PAGUS, a kind of boot worn by the Roman emperors and military officers under the later empire. (Trebell. Poll. *Gallien.* 16, with the note of Salmasius; Capitol. *Max. Jun.* 2; Edict. Diocl. p. 24; Joh. Lydus, i. 17.) [W. S.]

Campagus, boot from marble statue of an emperor found at Carthage. (British Museum.)

CAMPANA. [TINTINNABULUM.]

CAMPESTRE (sc. *subligar*) was a kind of girdle or apron, which the Roman youths wore around their loins, when they exercised naked in the Campus Martius, whence the name (Augustin. *de Civ. Dei*, xiv. 17). The campestre was sometimes worn in warm weather in place of the tunic under the toga (*campestri sub toga cinctus,* Ascon. *ad* Cic. *pro Scauro*, p. 30, ed. Orell.; Hor. *Ep.* i. 11, 18; Vulcat. *Avid. Cass.* 4). [W. S.]

CAMPIDOCTO'RES, officers who taught soldiers their drill and exercises (Veget. i. 13, ii. 23, iii. 6, 8, 26; Lamprid. *Alex. Sev.* 53; Amm. xv. 3, § 10; Orelli, *Inscr.* 1790, 3495). In the times of the republic this duty was discharged by a centurion, or veteran soldier of merit and distinction. (Cf. Plin. *Pan.* 13.) [W. S.]

CAMUS. [CAPISTRUM.]

CAN'ABUS (*κάναβος* or *κάνναβος*) was a wooden stock or framework used by potters and sculptors round which the clay was laid (Poll. vii. 164). In small statues (*sigilla*) and vessels it was of the simplest description, and mostly of the form of a cross, *crux* or *stipes* (Tertull. *Apol.* 12; *ad Nat.* i. 12). Scaliger on Festus (*s. v. Stipatores*) compares it to the framework of a trophy. It is applied to very lean persons (Strattis *ap.* Pollux, x. 189; *Anth. P.* xi. 107), as we should say a "scarecrow." It is the same word as the Latin *cannaba*, "a booth," both signifying a construction like a scaffold or framework (Fick, *Vergl. Wörterb.* ii. 50). The word seems to have been also used for the outline figure which sculptors and painters used as a model (Suidas, *s. v.*). In this sense Aristotle (*Gen. An.* ii. 6, 18 = 743, 2 *a*) compares the appearance of the arteries and veins diverging from and converging to the heart to those who draw *κάναβοι* on the walls; they present, he says, the form of the whole body (*αἱ μὲν γὰρ φλέβες ὥσπερ ἐν τοῖς γραφομένοις κανάβοις τὸ τοῦ σώματος ἔχουσι σχῆμα παντός, H. A.* 3, 5, 3 = 515, 35 *a*). They are, as Blümner says (*Technol.* ii. 117), figures indicated by the sketch of the most essential muscles. [L. C. P.]

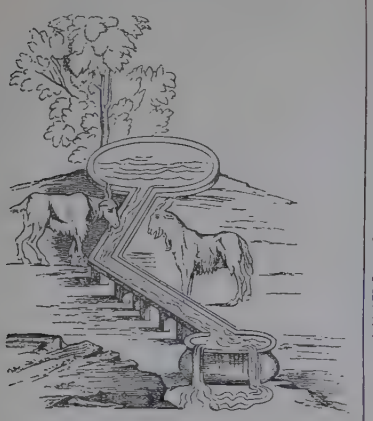
CANALICULUS, a small channel or canal (Vitr. x. 14; Col. viii. 15, 6), is also used in the following special senses:—to denote (1) the channel or barrel of a catapult (Vitr. x. 15); (2) a splint (Cels. viii. 2); (3) the grooves carved on the face of a triglyph between the three uprights (*femina, μηροί*), while those at each end where the outside *femina* sank to the level of the metope were called *semicanaliculi.* [CANALIS, COLUMNA.] [J. H. F.]

CANA'LIS (*σωλήν*), a channel or canal, is used, like its English derivatives, to signify a watercourse, whether open or closed, and next any other passage which resembles a watercourse.

1. The method of constructing conduits is described by Vitruvius (viii. 7), who distinguishes the *canalis*, which is lined with masonry (*structilis*), from the leaden *fistula* and the earthenware *tubulus* (cf. Suet. *Claud.* 20). A ruder kind of conduit, which was made of timber or earthenware to carry water from a spring or stream to cattle in a meadow, is figured in the illustration below, taken from the Vatican Virgil (Verg. *Georg.* iii. 330; Varro, *R. R.* iii. 5, 2). Again by *canalis* is denoted a feeding-trough, which was in the case of domestic birds placed inside their house, and fed from the outside by pipes (*ib.* iii. 7, 8; 11, 2).

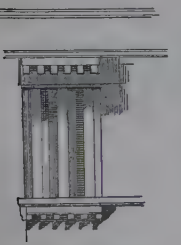
Similarly *canalis* denotes the channel of a sewer, as, for instance, that in the Forum, which is at one spot exposed to view, and was a favourite station for loungers (Plaut. *Curc.* iv. 1, 15; Fest. s. v. *canalicolae*).

2. *Canalis* is also a trench or vein in a gold-mine (Plin. *H. N.* xxxiii. § 68), the barrel or



Canalis. (From the Vatican Virgil.)

channel for missiles (*σῦριγξ*) in a catapult (Vitr. x. 13, 7), a reed-pipe (Calp. *Ecl.* iv. 76); in the medical writers, a splint (Cels. viii. 10, 65) or a canal of the human body (Id. iv. 1, 38); and finally, in architecture, the "channel" or flat surface running between the *abacus* and the *echinus* inside the volute, as in the accompanying cut from one of the triglyphs of the temple of Segesta in Sicily (Saglio, *Dict. s. v.*). [COLUMNA.]



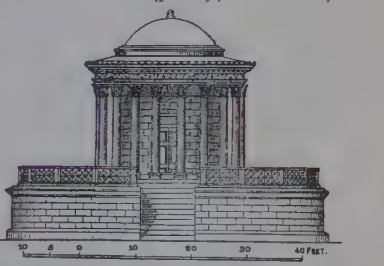
Canalis in Architecture.

[J. H. F.]

CAN'ATHRON (*κάναθρον* or *κάνναθρον*) was a Laconian car made of wood, with an arched plaited covering,—*πλέγματα ἔχουσα*, as Hesych. says (hence the derivation probably from *κάννα*, "a reed"),—in which the Spartan ladies used to go to Amyclae for the celebration of the Hyacinthia. We may compare the Roman *pilentum*. The capital passage is Polycrates *ap.* Athenaeus, xv. 4, 139 f: *τῶν δὲ παρθένων αἱ μὲν ἐπὶ καννάθρων καμαρωτῶν ξυλίνων ἁρμάτων φέρονται πολυτελῶς κατεσκευασμένων.* The nature of the adornments was at times fantastic: *εἴδωλα γρυπῶν ἢ τραγελάφων* (Plut. *Ages.* 19; cf. Xen. *Ages.* 8, 7; Müller, *Dorians*, ii. 298). Eustath. on *Il.* xxiv. 190 is in error in stating that *κάνναθρον* and *πείρινς* are the same. The latter is a basket put into the chariot, and used for holding the necessaries for a journey, and also for a seat (Buchholz, *Hom. Real*, ii. 1, 228). [L. C. P.]

CANCELLA'RIUS. [CANCELLI.]

CANCELLI (*κιγκλίδες*, *δρύφακτοι*), a screen or lattice of open work, placed before a window, a doorway, the tribunal of a judge, or any other place. At Athens, in the senate-house (*βουλευτήριον*) and law-courts, *δρύφακτοι* were the bar or fixed partition, *κιγκλίδες* the gates opening into it (*αἱ μὲν οὖν τῶν δικαστηρίων θύραι κιγκλίδες ἐκαλοῦντο, ἃς Ῥωμαῖοι καγκελλωτὰς λέγουσιν*, Poll. viii. 124). Balconies projecting from the fronts of houses were also called *δρύφακτοι*, Lat. *maeniana* (Heracl. Pont. fr. 10, with Müller's note, ii. 209; *τὰ τῶν οἰκοδομημάτων ἐξέχοντα ξύλα*, Schol. Aristoph. *Eq.* 672, *Vesp.* 385; this sense is not noticed in L. and S., ed. 7). The material was originally wood, as the name *δρύφακτος* shows (L. and S. *s. v.*); and such were also the *cancelli* put up at Rome for temporary purposes, as when funeral games were given in the Forum (*cancelli fori*, Cic. *pro Sest.* 58, § 124; cf. Ov. *Am.* iii. 2, 64). But they might also be in metal, as in the *cancelli* before the Temple of Vesta, rebuilt by Severus, conjecturally restored by Comm. Lanciani from existing remains, and figured here from Middleton (p. 184); or in marble, as



Cancelli before the Temple of Vesta. (From Middleton.)

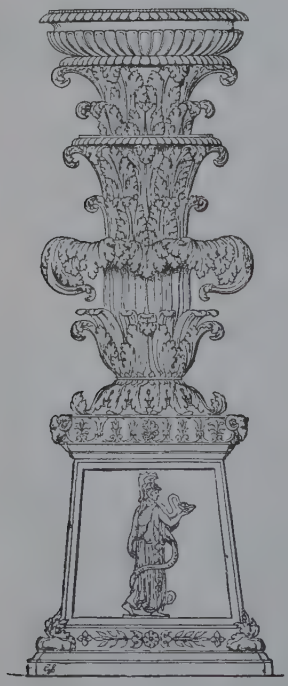
those on the Rostra from a relief on the Arch of Constantine, figured under ROSTRA. In the Basilica Julia, low marble screens or *cancelli* shut in the otherwise open arches on the ground-floor; a great number of fragments of these screens are scattered about the Forum (*ib.* p. 172). For the *cancelli* of law-courts see further Cic. *in Verr.* iii. 59, § 135, with Long's note; and compare Varr. *R. R.* iii. 5; Dig. 30, 41, s. 10; 33, 7, s. 10.

Hence was derived the word *Cancellarius*, which originally signified a porter, who stood at the latticed or grated door of the emperor's palace. The Emperor Carinus gave great dissatisfaction by promoting one of his Cancellarii to be Praefectus urbi (Vopisc. *Carin.* 16). The cancellarius also signified a legal scribe or secretary, who sat within the cancelli or lattice-work, by which the crowd was kept off from the tribunals of the judges (Cassiod. *Var.* xi. 6). The chief scribe or secretary was called Cancellarius *κατ' ἐξοχήν*, and was eventually invested with judicial power at Constantinople; but an account of his duties and the history of this office do not fall within the scope of the present work. From this word has come the modern Chancellor. [W. S.] [W. W.]

CANDE'LA, a candle, made either of wax (*cerea*) or tallow (*sebacea*), was used universally by the Romans before the invention of oil lamps (*lucernae*). (Varr. *L. L.* v. § 119; Serv. *ad* Verg. *Aen.* i. 727; Mart. xiv. 43; Athen. xv. p. 700.) They used for a wick the pith of a kind of rush called *scirpus* (Plin. *H. N.* xvi. § 178). They

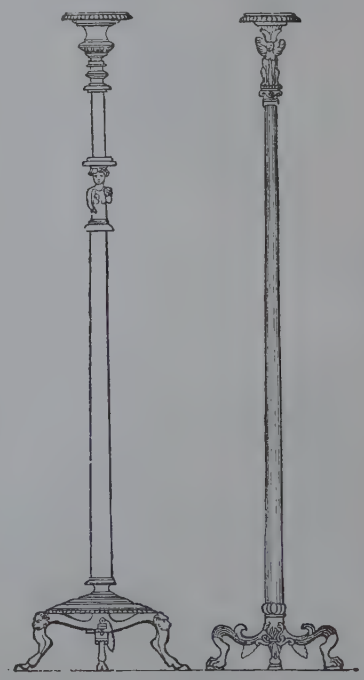
were used in funeral processions (Pers. iii. 103). In Livy (xl. 29) *fasces candelis involuti* appear to be packets wrapped up in a kind of wax cloth. In later times candelae were only used by the poorer classes; the houses of the more wealthy were always lighted by lucernae (Juv. *Sat.* iii. 287; cf. Plin. *H. N.* xxxiv. § 11. Becker-Göll, *Gallus*, ii. p. 390). [W. S.]

CANDELA'BRUM (λυχνεῖον, λυχνίον, λύχνιον, λυχνία) was originally a candlestick, but was afterwards used to support lamps (whence also called *lychnuchus*, λυχνοῦχος), in which signification it most commonly occurs. The candelabra of this kind were usually made to stand upon the ground, and were of a considerable height. The most common kind were made of wood (Cic. *ad Q. Fr.* iii. 7; Mart. xiv. 44; Petron. 95; Athen. xv. p. 700); but those which have been found in Herculaneum and Pompeii are mostly of bronze. Sometimes they were made of the more precious metals (silver, Dig. 34, tit. 2, s. 19, § 8) and adorned with jewels, as was the one which Antiochus intended to dedicate to Jupiter Capitolinus (Cic. *Verr.* iv. 28, 64, 65; cf. *ib.* ii. 74, 183, "candelabra aenea," and iv. 26, 60). In the temples of the gods and palaces there were frequently large candelabra made of marble, and fastened to the ground.



Marble Candelabrum in the Vatican. (Visconti, vol. iv., tav. 5.)

There is a great resemblance in the general plan and appearance of most of the candelabra which have been found. They usually consist of three parts:—(1) the foot (βάσις); (2) the shaft or stem (καυλός); (3) the plinth or tray (δισκός), large enough for a lamp to stand on, or with a socket to receive a wax candle. The foot usually consists of three lions' or griffins' feet, ornamented with leaves; and the shaft, which is either plain or fluted, generally ends in a kind of capital, on which the tray rests for supporting the lamp. Sometimes we find a figure between the capital and the tray, as is seen in the candelabrum on the right hand in the annexed woodcut, which is taken from the *Museo Borbonico* (iv. pl. 57), and represents a candelabrum found in Pompeii. The one on the left hand is also a representation of a candelabrum found in



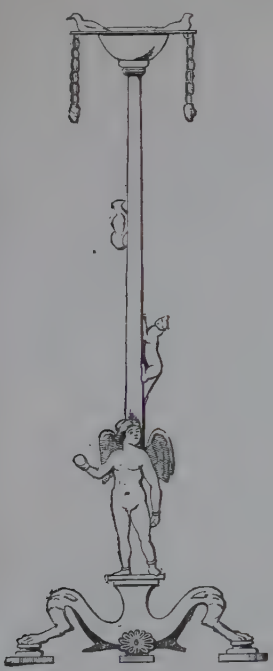
Pompeian Candelabra.

the same city (*Mus. Borb.* vi. pl. 61), and is made with a sliding shaft, by which the light might be raised or lowered at pleasure.

The best candelabra were made at Aegina and Tarentum (Plin. *H. N.* xxxiv. § 11). There were also Corinthian candelabra (Mart. xiv. 43). The Etruscan bronze candelabra were celebrated in antiquity, and are mentioned even in the time of Pericles by the Athenian poet Pherecrates (Athen. xv. p. 700 c).

There was another kind of candelabrum, entirely different from those which have been described, which did not stand upon the ground, but was placed upon the table. Such candelabra sometimes consist of a figure supporting a lamp (*Mus. Borb.* vii. pl. 15), or of a figure, by the side of which the shaft is placed with two branches, each of which terminates in a flat disc,

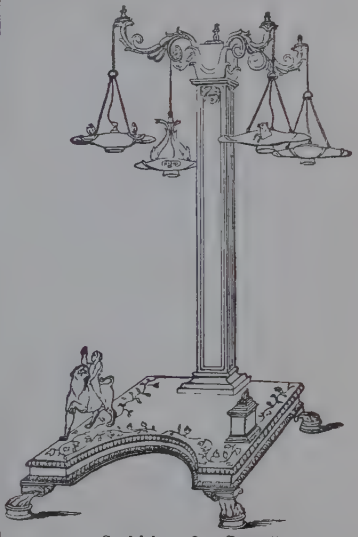
upon which a lamp was placed. A candelabrum of the latter kind is given in the annexed drawing (*Mus. Borb.* iv. pl. 59). The stem is formed of a liliaceous plant; and at the base is a mass



Etruscan Candelabrum. (Dennis, *Etruria*, i. p. lxxv.)

Candelabrum from Pompeii.

of bronze, on which a Silenus is seated, engaged in trying to pour wine from a skin which he holds in his left hand, into a cup in his right. Vitruvius (vii. 5, § 3) describes candelabra "aedicularum sustinentia figuras." Sometimes the candelabra consist of pillars, from the capitals of which several lamps hang down, or of trees, from whose branches lamps also are suspended. The following woodcut represents a very elegant candelabrum of this kind, found in Pompeii. (*Mus. Borb.* ii. pl. 13.)



Candelabrum from Pompeii.

The original, including the stand, is three feet high. The pillar is not placed in the centre, but at one end of the plinth, which is the case in almost every candelabrum of this description yet found. The plinth is inlaid in imitation of a vine, the leaves of which are of silver, the stem and fruit of bright bronze. On one side is an altar with wood and fire upon it; and on the other a Bacchus riding on a tiger. The *candelabrarii*, or makers of candelabra, are mentioned in inscriptions (Orelli, *Inscr.* 4157). (Becker-Göll, *Gallus*, ii. p. 398 *seq.*) [W. S.]

CANDIDA'TUS. [AMBITUS.]

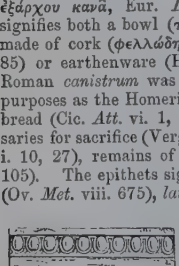
CANDYS (*κάνδυς*), a gown worn by the

Candys, Persian dress.

Medes and Persians over their trowsers and other garments (Xen. *Cyr.* i. 3, § 2; *Anab.* i. 5,

§ 8; Diod. Sic. xvii. 77). It had wide sleeves, and was made of woollen cloth, which was either purple or of some other splendid colour. In the Persepolitan sculptures, nearly all the principal personages are clothed in it. The three shown above are taken from Sir R. K. Porter's Travels (vol. i. pl. 94). [J. Y.]

CANE'PHORUS (*κανηφόρος*) is "a basket-bearer." The *κάνειον* or *κανοῦν*, derived from *κάννα*, "a reed" (Ebeling, *Hom. Lex.* s. v.), was in the Homeric times a basket used for putting in bread (*Il.* ix. 217) or other edibles (*e.g.* onions, *Il.* xi. 630) for meals, or the sacred *οὐλαί* for sacrifice (*Od.* iii. 441). We find the remains of a feast also placed therein (*Od.* xx. 300). The epithets used are *καλὸς* or *χάλκεος* (*Il.* xi. 630) or *χρύσειος* (*Od.* x. 355). The latter is in the fairy palace of Circe; but the Schol. on Ar. *Lys.* 645, says the *κανηφόροι* carried flat dishes all of gold (*λοπάδας τινας ὁλοχρύσους*). These were perhaps the *κανᾶ*. Some few golden utensils were used in state sacrifice: cf. the *χερνίβια* in Andoc. *c. Alcib.* § 29, though the usual *κανᾶ πομπικά* were no doubt *χαλκᾶ* (Michaelis, *Parthenon*, p. 259). One of silver is referred to in *C. I. G.* 2855, 19, and one of earthenware in Dion. H. ii. 23 (Grimm). At Athens the *κανοῦν* was used in religious service only. A particular part of the ceremony seems to have been called *κανοῦν* or *κανᾶ*, when the basket was carried round the altar (Eur. *H. F.* 926), laid down (Ar. *Ach.* 244), and the *οὐλαί* taken therefrom. (Cf. *ἐξάρχου κανᾶ*, Eur. *I. A.* 435.) *Κάναστρον* signifies both a bowl (*τρύβλιον*) and also a dish made of cork (*φελλώδης τις πινακίσκος*, Poll. x. 85) or earthenware (Hom. *Epig.* xiv. 3). The Roman *canistrum* was used for just the same purposes as the Homeric *κανοῦν*, viz. for holding bread (Cic. *Att.* vi. 1, 13; Juv. v. 74), necessaries for sacrifice (Verg. *Aen.* viii. 180; Tibull. i. 10, 27), remains of a feast (Hor. *Sat.* ii. 6, 105). The epithets signify "flat:" e.g. *patulis* (Ov. *Met.* viii. 675), *lata* (Id. *Fast.* ii. 650).



Canephori. (British Museum.)

They were, then, flat baskets used, among other purposes, for carrying the requisites for religious ceremonies. At the Panathenaea they were carried by grown-up maidens of high birth, who were genuine native Athenians (Harpocr. *s. v.*). The annexed cut represents the two canephori approaching a candelabrum. Each of them elevates one arm to support the basket, while she slightly raises her tunic with the other. The sister of Harmodius was not allowed to carry the basket in a procession, as she was a Gephyrean (Thuc. vi. 56, compared with Herod. v. 57, 61). They were accompanied by the daughters of metics, carrying umbrellas and seats (Schol. Ar. *Av.* 1508, 1549; Aelian, *V. H.* vi. 1). Dressed in splendid and costly raiment and arrayed with golden ornaments (Ar. *Lys.* 1188 *sqq.*; Boeckh, *Pol. Ec.* i. 571, ii. 142), maintaining too a stately and dignified attitude, one hand holding the basket supported on the head, the other slightly raising the dress, they naturally formed a fine subject for artistic treatment; and so we have notice of special statues of *κανηφόροι* by Polycletus in bronze (Cic. *Verr.* iv. 5) and Scopas in marble (Plin. *H. N.* xxxvi. § 25). It is possible, as Saglio remarks (*Dict.* i. 877), that the *κανηφόροι* suggested the idea of the Caryatides of the Erechtheum, the basket being altered into the capital, a view taken also by Guhl and Koner (p. 191); but this opinion is combated by Dr. Julius (in Baumeister's *Denkmäler*, &c., *s. v.* Erechtheion), on the ground that the Caryatides support, not a basket but a Doric capital; and fig. 1202 in Saglio's *Dict.* affords strong reason why we are not to regard *all* Caryatides as having been suggested by the *κανηφόροι*.

Though mostly spoken of with reference to the Panathenaea, yet, as was natural, we find them in processions to other divinities, both at Athens (Harpocr. *s. v.*) and elsewhere: *e.g.* Zeus in Boeotia (Plut. ii. 771), Dionysus at Athens (Ar. *Ach.* 237 *sqq.*) and in India (Plut. ii. 1164), Artemis (Theocr. ii. 66), Hera (Hor. *Sat.* i. 3, 11), Isis at Delos (*C. I. G.* 2298). This inscription, as well as 3602, 3603, shows that at times public recognition was taken of *κανηφόροι* who fulfilled their duty in worthy fashion (*καλῶς καὶ ἀξίως*). [L. C. P.]

CANISTRUM. [CANEPHORUS.]

CANNA. [CALAMUS.]

CANON (*κανών*), derived probably from *κάννα*, "a reed," meant a straight rod; hence the following special applications.

1. In the Homeric shield (the *ancilia*, too, had them: see Dion. H. ii. 71, 387 R), bars to which the *τελαμὼν* or shoulder-belt was attached (Hesych. *s. v.*), generally of wood, but in Nestor's shield of gold (Hom. *Il.* viii. 192; Buchholz, *Hom. Real.* ii. 1, 363); or two parallel bars used as handles, through one of which the warrior placed his arm while he grasped the other. This was prior to the invention of regular handles (*ὄχανα*) by the Carians (Herod. i. 171; Ebeling, *s. v.*, where see Scholiasts). Others again suppose the *κανόνες* to be a framework of the shield, over which the leather was placed. But this would be superfluous in the golden shield of Nestor (Seiler, *Hom. W.*, s. v.).

2. In Hom. *Il.* xxiii. 761, by some supposed to be the shuttle to which the threads of the woof (*πηνίον*) were attached, and by which they were drawn through and out of the warp (*μίτος*). This was the ordinary view, and it is still held by Buchholz (*Hom. Real.* ii. 1, 186). But the Scholiast says, *κανών· ὁ κάλαμος περὶ ὃν εἵλεῖται ὁ μίτος ὁ ἱστουργικός*. Rightly; for with Blümner (*Technologie*, i. 130) and Marquardt (*Privatleben*, 506 ff.) we should consider the *κανὼν* to be the straight round rod to which the alternate threads of the warp were attached by means of strings, which strings had loops at either end, one loop fastening the string to the *κανών*, the other fastening it to the warp. Of course, in weaving there must be two *κανόνες*. This arrangement of strings and loops was called *μίτος* by the Greeks, *licia* by the Romans. The *κανὼν* was originally made of reed, and we find *arundo* in this sense in Ov. *Met.* vi. 55. Now, if we bear in mind that *πηνίον* is not the woof, but the spool or shuttle to which the

threads of the woof were attached, we shall find the Homeric simile quite explicable and apposite.

3. A carpenter's rule, very like our own, to judge from the representation of it we find on carpenters' tombs, which show that it was graduated. [See REGULA.] It differed from *στάθμη, amussis* (cf. Vitruv. vii. 3, 5), in that the latter was a flexible string, the former generally a rigid ruler (Arist. *Rhet.* i. 1, 5), though sometimes it was made of lead and could be bent, *μολύβδινος κανών* (Arist. *Eth. N.* v. 10, 7). The carpenter used to correct errors in the *κανὼν* by the aid of his eye and the *στάθμη* (Soph. *Frag.* 421). Both the *στάθμη* (Schol. on Hom. *Il.* xv. 410) and the *κανὼν* (*Anth. P.* vi. 205, 4; cf. Eur. *H. F.* 945) were rubbed over with some coloured substance, generally vermilion (*μίλτος, rubrica*). **Κανὼν** is also used as a ruler for drawing straight lines with pen and ink (*Anth. Pal.* vi. 63, 2; 64, 4).

4. In descriptions of machinery *κανὼν* is used just as indefinitely as we use "rod:" *e.g.* in the account of the organ made by Ctesibius, given in Heron's *Pneumatika*, we find *κανὼν* used at one time for a piston rod, next for the beam of a lever, again for the fulcrum upon which the lever works, and also the rods which connect the keys and the pipes or perhaps the rods of the stops. (See Chappell, *Hist. of Music*, i. 343, 376, and his elucidation of the puzzling passage *κανόνας συμφραδμόνας αὐλῶν* in the Emperor Julian's riddling epigram, *Anth. P.* ix. 365, 7.) **Κανὼν** is used just as indefinitely in the description of the military engines in Heron: e.g. *Belop.* 124, 125; and also *regula* in Lat. (Vitruv. x. 15, 17).

5. The beam (not tongue) of a balance (*Anth. Pal.* xi. 334: *ἔστησ' ἀμφοτέρων τὸν τρόπον ἐκ κανόνος*). It is generally called *ζυγόν*.

6. Horizontal curtain-poles, gilt and silvered, in the description given by Chares *ap.* Athen. 538 d, of the marriage tent which Alexander got made.

In the figurative sense *κανὼν* came to be used for anything which served as a model or rule: *e.g.* in *Athletics*, Pollux iii. 152 tells us that the *average* or normal jump (*τὸ μέτρον τοῦ πηδήματος*) was called *κανών*, or what was normal. In *Ethics*, for the rule of right, the Ethical Standard (Eur. *Hec.* 602: cf. Arist. *Eth. Nic.* ii. 3, 8, *κανονίζομεν τὰς πράξεις ἡδονῇ καὶ λυπῇ*), or the measure of attainment assigned or permitted to an individual. (St. Paul, 2 Cor. x. 13–16: cf. Hor. *Ep.* i. 7, 98, "Metiri se quemque suo modulo ac pede verum est.") In *Grammar*, for the rules of that science; see Theodorus of Alexandria, *ap.* Bekker, *Anecdota Graeca*, 975–1065, and esp. 1180: *κανών ἐστι λόγος ἔντεχνος ἀπευθύνων ὁμοιότητα πρὸς τὸ καθόλου τὸ διεστραμμένον τῆς λέξεως, τουτέστι λόγος μετὰ τέχνης διὰ τῶν ὁμοίων ἐπ' εὐθείας ἄγων ἢ ἐλέγχων πρὸς τὰ πλείονα τὸ διεστραμμένον καὶ ἡμαρτημένον τῆς λέξεως· τὰ γὰρ πλείονα τῶν ἐλαττόνων κανόνες.* Cf. *Etym. M.* p. 489, 29 (Gaisf.). Also cf. Auson. *Epigr.* 136 *fin.* As regards style in *Literature*, very few rules can be laid down. The opinion of the "wise man," the *φρόνιμος*, in style, as in each branch of art, is the only criterion of good and bad. In this respect Cicero calls Tiro (*Fam.* xvi. 17, 1) the *κανὼν* of his writings. Hence of first-class authors as the standard or model in various respects: *e.g.* Dion. H. vol. vi. 775 (Reiske), *Ἡρόδοτός τε γὰρ τῆς Ἰάδος ἄριστος κανών, Θουκυδίδης δὲ τῆς Ἀτθίδος*: 813, Thucydides is *κανόνα τῆς ἱστορικῆς πραγματείας*: cf. 1083. In reference to *Music*, Euclid has a treatise called *κανόνος κατατομή*: the 19th theorem of which, the main point at which he is arriving, is *τὸν κανόνα καταγράψαι κατὰ τὸ καλούμενον ἀμετάβολον σύστημα.* Here the *κανὼν* is the string which is regarded as the unit. Euclid takes for this the note external to the tetrachords, the *προσλαμβανόμενος* (on the meaning of this term see F. A. Gevaert, *Histoire, &c. de la Musique*, Gand, 1875, p. 90, note 2),—A natural. He determines the length of the strings requisite to produce the other notes of the Diatonic scale as fractions of this. **Κανὼν** was also applied to the table thence derived, which expressed the relations of the intervals of sounds. (See Saglio, *Dict.* s. v., and Lunn in Smith's *Dict. of Christian Antiquities*, s. v.) Ptolemy advised his pupils to discover the intervals by measurement, and recommended the *κανὼν ἁρμονικός*, consisting of a rule and movable bridges to be placed under the strings; and, the legends notwithstanding, in all probability Pythagoras obtained the measurement of the intervals in the same manner (Chappell, *Hist. of Music*, i. 8, 73, 74). Lastly, we may mention that the wind-chest of Ctesibius's hydraulic organ was called "the regulator of the music" (*κανὼν μουσικός*, Vitruv. x. 8). In *Philosophy*, that branch of Logic which dealt with the tests of truth was called by the Epicureans *τὸ κανονικόν*. (See Zeller, *Stoics*, &c. Eng. trans. pp. 400–1.) Epicurus wrote a book called *περὶ κριτηρίου ἢ κανών* (Diog. L. x. 27). In *Sculpture*, the rules of the proportions of the human figure were first definitely laid down by the sculptor Polycletus of Sicyon, who flourished 452–412. To exemplify these rules he made a statue of a Persian *δορυφόρος* (Cic. *Brut.* 296), which is now lost. Both the rules and the statue were called *κανών* (Galen, iv. pp. 354–5, Kühn). The rules, too, are lost to us: for the measurements and method given by Vitruvius, iii. 1, are in error. (See G. Schadow, *Polyclet.*, Eng. trans., London, 1883; and A. Blanc, *Grammaire des Arts du Dessin*, pp. 40–47, Paris, 1867.) The head is a bad unit of measurement; it does not vary with the growth of the body: the hand does so vary; accordingly it is the right unit to adopt, and it was adopted by Polycletus, theoretically (Galen, vol. v. 449, ed. Kühn) and practically (Plin. xxxiv. §§ 55, 56, compared with 65), as well as by the Egyptians (Blanc, *l. c.* 44–46). For elaborate accounts of the science of artistic proportion and its history, with numerous illustrations, see Schadow, *l. c.*; and J. Bonomi, *The Proportions of the Human Figure* (London, 1872).

Rules often take the form of tables or lists, and so we find *κανὼν* sometimes in this sense. But the older writers did not use it as such; and the Alexandrine grammarians no more used the word *κανὼν* for a *catalogue* of classic writers than they made any such catalogue. This idol of the tribe has been exhibited in its worthlessness by G. Steffen, *De Canone qui dicitur Aristophanis et Aristarchi* (Leipzig, 1876). But in *Astronomy* we have *κανόνες πρόχειροι* of Ptolemy (vol. vi. ed. Halma), "handy tables," giving the mean motions of each of the planets and

differences of their observed positions therefrom, so that their actual (*i.e.* from Ptolemy's point of view, geocentric) position could be discovered for any date, and conversely the date be found given their position. These were helps to chronologists. And specially in *Chronology* there was a table of kings (κανὼν βασιλικός) made out by Hipparchus and Ptolemy (vol. iii. ed. Halma, *init.*), with the length of their reigns in whole years. Ptolemy took the first year of Nabonassar, king of Babylon, as his era (ἐποχή, "stopping point") of the Babylonian kings, the accession of Cyrus the Great of the Persian kings, the accession of Philip Arrhidaeus of the Macedonian kings, and the battle of Actium of the Roman emperors as kings of Egypt. Such chronological tables were in vogue in Plutarch's time, but he will not give up the story of the meeting of Solon and Croesus for any so-called chronological tables (χρονικοῖς τισι λεγομένοις κανόσιν, *Sol.* 27) of Dion. H. (*Ant. Rom.* i. 74).

In the *fiscal* affairs of the later Roman empire *canon* was used for regular payments of tribute (*e.g.* Cod. Th. xi. 1, 30, 31 *et passim* throughout the title), especially for the corn supply to the capital (*canon P. R.*, Spart. *Sev.* 8; *canon frumenti urbis Romae* or *urbicarius*, Cod. Th. xiv. 15, 3); also for the ordinary annual income a state derived from its landed property (Cod. Th. xv. 1, 32, and Gothofred's note): opposed to extraordinary taxation, *tributum superindictum* (ib. vi. 26, 4; xi. 1, 36).

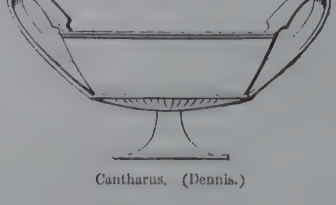
For the multitudinous applications of Canon and its derivatives in the Christian Church,—Canon of the Mass, Canon of Scripture, &c.—the reader is referred to Ducange, to Smith's *Dictionary of Christian Antiquities*, and to Addis and Arnold's *Catholic Dictionary*. [L. C. P.]

CANTABRUM, a standard used in the time of the Roman empire, of which the form is unknown, and carried in festive processions (Tertull. *Apol.* 16; Minuc. Felix, *Oct.* 29). [W. S.]

CANTHARUS (κάνθαρος) is the name of a kind of boat—of what shape we do not know (Aristoph. *Pax*, 143, and *ap.* Ath. 473 d)—and also of a drinking vessel; called either from resemblance to an inverted beetle (κάνθαρος), as Ussing supposes (p. 135), or more probably from the name of the inventor (Pherecr. *ap.* Ath. 474 d; Poll. vi. 96). From the cup came the name of Cantharus, the follower of Dionysus, to whom it was sacred (Plin. xxxiii. § 150; Macrob. v. 21). Hence Dionysus is frequently represented on ancient vases holding a cantharus in his hand. It had feet (Ath. 488 f), handles (*cantharus ansa*, Verg. *Ecl.* vi. 17), which were what we may call vertical, stretching from the rim down to near the foot, the curve often extending far higher than the rim. These vertical handles are what mainly distinguish the *cantharus* from the CALIX, which latter had horizontal handles. It differed from CARCHESIUM in not having the centre narrower than the rim, and in being as a rule a much less splendid article. As regards depth, it varied considerably; but in size it was generally large (Eubul. *ap.* Ath. 474 c), also called ἀδρός (473 d, 474 a), but sometimes medium-sized (*modicis cantharis*, Hor. *Od.* i. 20, 2). It was usually made of earthenware (Ath. 473 f), but also of metal (Hor. *Ep.* i. 5, 23). We hear of them even of gold (Menand. *ap.* Ath. 474 c; cf. Plin. *H. N.* xxxiii. § 53), silver (Orelli, 6071), and gilt (6140). Like all the other kinds of drinking cups among the ancients, *canthari* were often highly adorned.

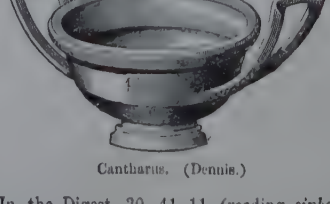
Dionysus, holding a cantharus. (Millin, *Peintures Antiques*, pl. 53.)

Subjoined are two representations of *canthari*, taken from Dennis (*Etruria*, i. p. cxvii.). The



Cantharus. (Dennis.)

usual form is shown in the first cut; the second is a late variety, with the handles differently arranged.



Cantharus. (Dennis.)

In the Digest, 30, 41, 11 (reading *siphones*, Orelli, *Inscr.* 2504), it appears that the name *cantharus* was given to basins for catching water from fountains (Plin. *H. N.* xxxvi. § 184). A splendid one in the Museum at Naples is reproduced by Saglio (*Dict.* p. 894). One appears outside a Christian church in a mosaic in San Vitale at Ravenna (*Rev. Arch.* 1850).

For works bearing on Greek drinking vessels, see CALIX. [L. C. P.]

CAN'TICUM. The grammarian Diomedes (p. 491, Keil) says: "Latinae comoediae duobus tantum membris constant, diverbio et cantico;" and he adds, "in canticis una tantum debet esse persona, aut si duae fuerint, ita debent esse, ut ex occulto una audiat, nec colloquatur, sed secum, si opus fuerit, verba faciat." Hence it has been commonly supposed, on this authority, that the *cantica* were lyric monologues, sung to the music of the flute, while the *diverbia* were simply recited. But this hypothesis is at variance with another statement of the same grammarian, "in Latinis fabulis plura sunt cantica quae canuntur:" for lyrical monologues take a very subordinate place in most Roman comedies, and in some do not appear at all. Ritschl (*Rhein. Mus.* xxvi. 599–637 = Opusc. iii. 1–54) showed by a careful examination of the scenes to which the letters C (*canticum*) and DV (*diverbium*) are prefixed in certain MSS. of Plautus, that while the *diverbia* are always written in iambic senarians, we must distinguish between two kinds of *cantica:* (1) those which are written in lyric metres, *i.e.* anapests, cretics, and bacchiacs; and (2) those which are composed in trochaic or iambic septenarians. The latter, marked in some copies of Terence with the sign M.M.C. (= *modi mutati cantici*), were delivered melodramatically, with a musical accompaniment; the former were sung to a sort of recitative. Taking these two kinds together, the *cantica* usually form a larger part of the play than the *diverbia*, and they appear to have been the better adapted to the taste of the Roman public, for there are instances in which, where the Greek original is in iambics, the Latin adaptation is written in septenarians. There is no doubt that *cantica* of both kinds occurred also in tragedies: cf. Cic. *Tusc.* i. 44, 107, "cum tam bonos septenarios fundat ad tibiam." According to Livy (vii. 2), Livius Andronicus introduced the custom that the *cantica* should be sung by a young slave standing near the flute-player, while the actor accompanied his singing with the proper gesticulation. Whatever may be the historical value of this statement, it seems certain that in Livy's own time this was the practice; one which naturally led before long to the development of the pantomime. There are many indications that favourite *cantica*, like airs in modern operas, were sung separately at musical entertainments (Suet. *Jul.* 84; Tac. *Ann.* xiii. 15). [A. S. W.]

CAPIS, an earthen vessel used in sacrifices. Other forms are *capedo* (Cic. *Parad.* i. 2, 11), *capeduncula* (id. *N. D.* iii. 17, 43), and *capula* (Varr. *L. L.* v. 121, "capis et minores capulae a capiendo, quod ansatae ut prehendi possint, id est capi"). We thus see that it was fitted with a handle, but its shape is variously described. According to Varro (*ap.* Non. p. 547, 15), it was a small pitcher (*urceolus*); according to Festus (P. Diac. p. 48 M.), a cup (*poculum*). It is joined with the *lituus* among the sacred implements of the augurs (Liv. x. 7), and the two are often represented on coins and medals struck in honour of persons belonging to the more distinguished priesthoods. One of these coins is figured under AUGUR, another under URCEUS. Another shape occurs on coins given by Duremberg and Saglio; but in these the vessel is more probably the SIMPULUM, which was also used in sacrifices, and which is figured under SECESPITA and SIMPULUM. The presence of the *lituus* makes the pitcher shape the most probable. The conservatism of Roman religion required the retention of the primitive plainness of material as well as of the antique shape; in the time of Cicero (*ll. cc.*) costly vessels were only beginning to be used in sacrifices. Pliny dates a great increase in the luxury of *capides et pocula* from Pompey's third triumph, B.C. 61: and after this time the *capis* was no longer reserved for sacred purposes, but passed into ordinary use. (Plin. *H. N.* xxxvii. §§ 18, 20; cf. Petron. 52; Marquardt, *Privatl.* 684.)

[W. W.]

CAPISTE'RIUM, an instrument employed for cleansing the ears of corn after they had been threshed out and winnowed. It was used differently from the sieve (*cribrum*) and the winnowing shovel (*pala, vannus*); and was probably a wooden trough (*alveus*), into which the corn was put and shaken up, so that the heavy grains subsided to the bottom (Rich). Saglio suggests that these heavy grains may have been selected for sowing. (Colum. i. 9, 11; Apul. *Met.* x. p. 193.) [W. W.]

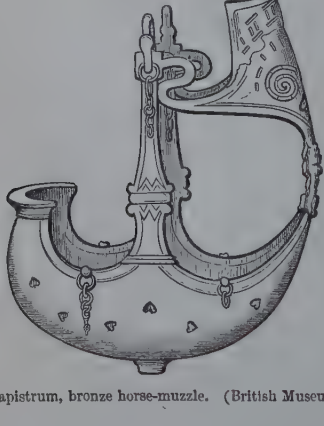
CAPISTRUM (*φορβειά, κημός, φιμός*) is derived from *capio*, and means "a halter" for animals, just like our own in shape, made apparently of leather (Marquardt, *Privatalt.* 718). It was used especially in the manger (Xen. *Eq.* 5, 1; Calp. *Ecl.* i. 41): hence *φορβειά*, derived from *φέρβω*. It may be questioned if *φορβειὰ* was not originally of the nature of a nose-bag, like *χειλωτήρ* (see Stephanus, *Thesaurus*), with the provender at the bottom of it. We also find *capistra* used for leading or guiding animals when quite tame (Ovid. *Met.* x. 125; *Heroid.* ii. 80; Mart. i. 104, 7); hence the satirical application to the married state in Juv. vi. 43. The term *φορβειὰ* was further applied to the band of leather which flute-players put over their mouths and about their heads, like a halter, to keep them from blowing too hard and so to enable them to get a softer tone and to hold out longer (Soph. *Fr.* 753; Arist. *Vesp.* 582). It is also called *κημός* (Phot.), *στομίς* (Poll. x. 56): cf. *ἐπιστομίζειν*, Plut. ii. 713 D. The Latin *capistrum* is not used in this sense. Guhl and Koner say that in representations of theatrical players where the long double clarionet required a great effort of breath, in order to avoid any side-loss of breath, this mouth-band is frequently found; but never on the vase-pictures of female flute-players at banquets, nor ever where a single clarionet is played. The *φορβειὰ* sometimes had no second strap going *over* the head, but simply the one strap tied over the mouth and round the back of the head. On the next page is an illustration taken from Baumeister's *Denkmäler des klassischen Altertums* (art. Flöten).

This leads on to the meaning of "muzzle," which also belongs to *capistrum*, which was used to prevent animals eating or biting (Cato, *R. R.* 54; Plin. *H. N.* xviii. § 177); in Verg. *Georg.* iii. 399 the *capistra* for kids have iron spikes to prevent them sucking. In ecclesiastical Latin *camus* is used for a muzzle; but where that word occurs in Plautus (*Cas.* ii. 6, 37), it rather

means a log put on the neck of a refractory slave. The Greeks called it κῆμος (Xen. *Eq.* 5, 3), or more generally φιμός, which may be regarded as put round (Lucian, *Vit. Auct.* 22) the neck (Ar. *Nub.* 592). Often φιμοῦν is found in the N. T. in the sense of "to put to silence:" *e.g.* Matt. xxii. 34. As might be expected, the *capistra* appear to have been generally soft,

Capistrum or mouth-band for flute-player. (Baumeister.)

whether halters (Ov. *Met.* x. 125) or muzzles. These latter appear to have sometimes been of platted osiers (*fiscellae*, Plin. *H. N.* xviii. § 177),



Capistrum, bronze horse-muzzle. (British Museum.)

or of perforated leather (Saglio, *Dict.* i. 897). Sometimes they were of bronze. There are two such in the British Museum, one of which is figured above. Such muzzles, with short pipes (αὐλωτοὶ φιμοί, Aesch. *Fr.* 343) instead of mere perforations, were occasionally used on war-horses, so that their snorting should give a whistling sound (Aesch. *Theb.* 463), and we need not suppose with Eustath. (on *Il.* 1157, 39) and Hesych. that bells were attached to them.

In the general sense of "holder" or "supporter" we find *capistrum* used as a band for fastening up vines (Colum. iv. 20, 3), and by Cato (*R. R.* 12) as a strap for the wine-press. [L. C. P.]

CAPITA AUT NAVIA, "head or tail," the name of a game at "pitch and toss," derived from the fact that the early *as* had on one side a double-faced Janus, on the other the prow of a ship. See cut of *as* on p. 202. (Macrob. *Sat.* i. 7, 22; Fest. *s. v.* Navia, p. 169 M.) [A. S. W.]

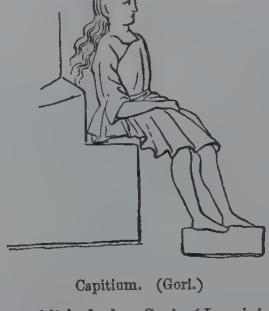
CAPITAL, a kerchief of woollen (Varr. *L. L.* v. 130) or linen cloth (P. Diac. p. 57 M.), worn round the head by Roman women in early times, and, after it had gone out of general use, retained as part of the costume of certain priestesses (Varr. *l. c.*). Among these may have been the Vestals; a coin engraved by Saglio shows a kerchiefed female head and the letters V. V., i.e. *Virgo Vestalis;* but not the Flaminica (Rich), whose coiffure was undoubtedly the TUTULUS. [W. W.]

CAPITA'LIS. [CAPUT.]

CAPITE CENSI. [CAPUT.]

CAPITIS DEMINU'TIO. [CAPUT.]

CAPITIUM, a portion of a woman's dress, said by Varro to be so called because it covers (*capit*) the breast (Varr. *L. L.* v. 131, and *de Vita P. R.* iv. *ap.* Nonium, p. 542, s. v. *capitia:* cf. Gell. xvi. 7, § 9; Dig. 34, 2, 24). The word itself might lead us to suppose that it was originally, like *capital*, a covering for the head; but there is express testimony that it was worn over the tunic (Laber. *ap.* Aul. Gell. *l. c.*) and covered the breast, not the head (Müller, *ad* Fest. p. 57). Rich, and after him Saglio, have identified it as a corset, not unlike those still worn by the present women of Italy, and have figured it from a sepulchral



Capitium. (Gori.)

marble published by Gori (*Inscript. Antiq. Florent.* p. 344). [W. S.] [W. W.]

CAPITOLI'NI LUDI. [LUDI.]

CAPITU'LUM. [COLUMNA.]

CAPSA (dim. CAPSULA, CAPSELLA) or **SCRINIUM,** the box for holding books and papers among the Romans (Cic. *Div. in Caecil.* 16, § 51; Cat. lxviii. 36; Hor. *Sat.* i. 4, 22; i. 10, 63). These boxes were usually made of beech-wood

(Plin. *H. N.* xvi. § 229), and were of a cylindrical form. Many representations of them exist: the following cut represents the Muse Clio with an open capsa by her side.

The Muse Clio with a Capsa. (*Pitture d'Ercolano*, vol. ii. pl. 2.)

The *scrinium* was a larger *capsa*, holding a considerable number of rolls, and hence jokingly assigned to voluminous authors (Hor. *Sat.* i. 1, 120; Mart. i. 2, 4). Boxes used for preserving other things besides books, for instance fruit, were also called *capsae* (Plin. *H. N.* xv. § 65; Mart. xi. 8; *capsella* in this sense, Dig. 33, 7, 12). *Scrinium*, on the other hand, is almost exclusively applied to cases for writings; yet we find *scrinium unguentorum* in Pliny (*H. N.* vii. § 108).

The circular toilet- or jewel-cases of the Romans, if in wood, were called *capsae;* if in metal, *cistae.* Some fine examples of the latter, both in silver and bronze, have been preserved, and are described under CISTA: whether *capsa* and *cista* could be used interchangeably, as some think, seems doubtful, though we find *cista* for a book-box in Juvenal (iii. 206). In Petronius (c. 67) a lady wears a golden *capsella* suspended from her neck. The phrase in Seneca, *Noris complures juvenes ... totos de capsula* (*Ep.* 115, § 2), means "redolent of the pouncet-box."

The slaves who had the charge of these bookchests were called *capsarii*, and also *custodes scriniorum;* and the slaves who carried in a capsa behind their young masters the books, &c., of the sons of respectable Romans, when they went to school, were also called *capsarii* (Juv. x. 117). We accordingly find them mentioned together with the *paedagogi* (Suet. *Ner.* 36).

When the capsa contained books of importance, it was sealed or kept under lock and key (Mart. i. 66); whence Horace (*Ep.* i. 20, 3) says to his work, *Odisti claves, et grata sigilla pudico.* The fastening of a lock is shown in the engraving; other representations of the capsa exhibit locks and keys, and the straps by which it was carried. (Becker-Goll, *Gallus*, ii. p. 443; Böttiger, *Sabina*, i. 102 ff.) [W. S.] [W. W.]

CAPSA'RII, the name of three different classes of slaves:—1. Of those who took care of the clothes of persons while bathing in the public baths. [BALNEAE, p. 275 a.] In later times they were subject to the jurisdiction of the praefectus vigilum (Dig. 50, tit. 15, s. 3). 2. Of those who had the care of the capsae, in which books and letters were kept. [CAPSA.] 3. Of those who carried the books, &c., of boys to school. [CAPSA.] 4. A fourth kind of capsarii are mentioned, not as slaves, but as a class of soldiers enjoying certain privileges. In an inscription they are joined with *librarii*, and probably guarded the chests containing military papers and registers. (Dig. 50, 6, 7; Rénier, *Inscr. de l'Algérie*, 63; Saglio, *s. v.*) [W. S.] [W. W.]

CAPSULA. [CAPSA.]

CAPULUS (*κώπη*, *λαβή*). 1. The hilt of a sword, which was frequently much ornamented. (Verg. *Aen.* ii. 553; Ov. *Met.* vii. 442, &c.) [GLADIUS.] The handles of knives were also elaborately carved; and of the beautiful workmanship sometimes bestowed on them, a judgment may be formed from the three specimens

Capuli, ancient knife-handles.

here introduced. (Montfaucon, *Ant. Expliquée*, iii. 122, pl. 61.)

2. The handle of a plough (Ov. *Pont.* i. 8, 57), of which the usual name was *stiva.* [ARATRUM, p. 160 a.]

3. A bier or coffin. [FUNUS.] [W. S.]

CAPUT (from the sense of "head," literal or metaphorical, including under the latter the meaning of "source," "beginning") comes to signify: (1) A single person or thing as distinct from an aggregate (*Inst.* iii. 16, 6; Dig. 6, 1, 1, 3). Hence perhaps its use to express a "chapter" of a law (Dig. 9, 2, 2, pr.) and a territorial unit for the purpose of land taxation under the later empire (Cod. 10, 2). (2) A human being (Caes. *Bell. Gall.* iv. 15): *e.g.* as a subject of the poll-tax (Dig. 50, 4, 18, 8: cf. Livy, iii. 24, x. 47): and in this sense even slaves may be included, as in the phrase *noxalis actio caput sequitur* (*Inst.* iv. 8, 5). But there is a tendency to restrict the term to citizens of some substance: thus the lowest century of Servius Tullius comprised the *proletarii* and *capite censi;* of whom the latter, having little or no property, were barely rated as so many *head* of citizens (Gell.

xvi. 10; Cic. *de Rep.* ii. 22). (3) A human being regarded as capable of legal rights (= *persona*, Dig. 37, 11, 11, 2). (4) That capacity or those legal rights themselves.

The rights enjoyed in the aggregate by any free person under the protection of Roman law are denoted generally by the terms *caput* or *status*. The Romans themselves habitually regarded them as referable to three *momenta* or capacities—freedom, citizenship, and membership of a Roman *familia*. The free man, as such, whether *civis* or *peregrinus*, possessed some legal rights: the *civis* possessed more, even in the domain of private law; but there were many, especially rights of guardianship and inheritance, which he enjoyed only as belonging to a specific *familia*. Properly speaking, the slave, not being free, *nullum habet caput:* he has no *persona* (*Nov. Theod.* xvii. 2): he is ἀπρόσωπος (Theoph. iii. 17, pr.). But a free man always had a *caput*, and this he might lose: so that, according as the *caput* which he lost was that of freedom, citizenship or *familia*, he was said to suffer *capitis minutio* or *deminutio*, *maxima*, *media* or *minor*, or *minima* (Hor. *Carm.* iii. 5, 42; Auson. *Idyll.* xi. 65; Boethius *ad* Cic. *Top.* ii. 4). It is hardly necessary to add that loss of *civitas* involved loss of *familia*, and loss of *libertas* involved both.

Capitis deminutio maxima occurred when a free man, whether *ingenuus* or *libertinus*, became a slave (Gaius, i. 160; Ulp. *Reg.* xi. 11), as he might (1) by being taken captive by an enemy of the Roman state, though he might recover his civil rights by returning to his country. [POSTLIMINIUM.] (2) By being sold as a slave by a person thereunto entitled: especially by the state for evading public burdens (*e.g.* by not entering his name in the census), or for attempting to escape military service (Cic. *pro Caec.* 34, § 99; Ulp. *Reg.* xi. 11). Similarly the creditors of an insolvent debtor might sell him *trans Tiberim*, into foreign slavery, under the execution procedure known as *Manus injectio* (Gell. xx. 1); and a *libertus* convicted of gross ingratitude towards his patron might on the latter's application be sold as a slave by the praetor (Dig. 25, 3, 6, 1), and later the patron might resume his rights over him as *dominus* (Cod. 6, 7, 2: cf. Sueton. *Claud.* 25; Tac. *Ann.* xiii. 26, 27). (3) If a free man over twenty years of age collusively allowed himself to be sold as a slave in order, after proving his freedom, to participate in the purchase-money, he forfeited his freedom (*Inst.* i. 3, 4; Dig. 40, 12, 23, pr.). (4) A free woman who cohabited with a slave, after notice given to her by the latter's owner, became a slave herself by a senatus consult of Claudius (Ulp. *Reg.* xi. 11: cf. Tac. *Ann.* xii. 23; Suet. *Vesp.* 11). (5) Condemnation on a criminal charge to hard labour in the mines made the convict a *servus poenae* (Paul. *Sent. rec.* iii. 6, 29).

Capitis deminutio media or *minor* occurred (1) when a *civis Romanus* accepted citizenship in another state (*e.g.* a *civitas peregrina* or *colonia Latina*), no *civis* of which could also be a full citizen of Rome; and also when a *libertus civis* returned to his own country with the intention of resuming citizenship there (Cic. *pro Balbo*, 11, 12; *pro Caec.* 33, 34; *de Orat.* i. 40;—Boeth. *ad Top.* ii. 4). (2) As a result of condemnation to loss of citizenship for crime. Originally this was effected by *aquae et ignis interdictio* (Livy, xxv. 4), but under the empire it took the form of *deportatio in insulam* or banishment (Cic. *pro Caec.* 33, 34; Dio Cass. lv. 20, lvi. 27; Gaius, i. 161).

Capitis deminutio minima is defined by Gaius (i. 162) as a *status communtatio:* according to Paulus (Dig. 4, 5, 11) it occurs "cum familia tantum mutatur;" or, as Ulpian says (*Reg.* 11, 13), when "civitate et libertate salva status duntaxat hominis mutatur." Thus it signifies the leaving by the *capite deminutus* of his agnatic family, and it took place (1) when a person *sui iuris* became *alieni iuris* by adrogation, legitimation, or by subjection to the *manus* of a husband; (2) when a person already *alieni iuris* entered a new family—as when a *filius familias* was sold *in mancipium* or given in adoption, or when a person adrogated or legitimated had children in his own *potestas;* (3) when a person *alieni iuris* became *sui iuris* by emancipation.

A different view as to *capitis deminutio minima* is maintained by Savigny (*System*, vol. ii.), who holds that its essence lies in a civil degradation analogous to that which ensued on the two higher kinds of *deminutio*, so that (according to him) the only instances of it are adrogation and subjection to *manus* and *mancipium*. But this is in conflict with a great weight of textual authority, and is strongly combated by many of Savigny's most eminent successors.

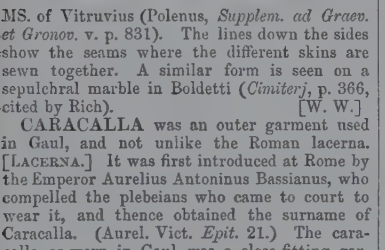
Legal proceedings which affected either *libertas* or *civitas* are said to be "capital:" "Capitalia (judicia) dicimus, quae ultimo supplicio adficiunt, vel aquae et ignis interdictione, vel deportatione, vel metallo: cetera, si qua infamiam irrogant cum damno pecuniario .... non capitalia" (*Inst.* iv. 18, 2). Elsewhere the term is rather confined to the punishment of death: *capite puniri, plecti, luere* (Cod. 48, 19, 11, 4, &c.). [J. B. M.]

CAPUT. [FENUS.]

CAPUT EXTORUM. The Roman soothsayers (*haruspices*) pretended to a knowledge of coming events from the inspection of the entrails of victims slain for that purpose. The part to which they especially directed their attention was the liver, the convex upper portion of which seems to have been called the *caput extorum*. (Plin. *H. N.* xi. §§ 189, 190.) Any disease or deficiency in this organ was considered an unfavourable omen; whereas, if healthy and perfect, it was believed to indicate good fortune. The haruspices divided it into two parts,—one called *familiaris*, the other *hostilis:* from the former, they foretold the fate of friends; from the latter, that of enemies. Thus we read (Liv. viii. 9) that the head of the liver was mutilated by the knife of the operator on the "familiar" part (*caput jecinoris a familiari parte caesum*), which was always a bad sign. But the word "caput" here seems of doubtful application; for it may designate either the convex upper part of the liver, or one of the upper prominences of the various lobes which form its lower and irregularly concave part. It is, however, more obvious and natural to understand by it the upper part, which is formed of two prominences, called the great and small, or right and left lobes. If no caput was found, it was a bad sign (*nihil tristius accidere potuit*); if well defined or double, it was a lucky omen. (Cic. *de Div.*

ii. 12, 13, § 28 ff.; Liv. xxvii. 26, xxx. 2, xli. 14.) [R. W.]

CARABUS (*κάραβος, καράβιον* [Hesych.], Mod. Gr. *καράβι*, whence *caravel* and its cognates in other languages), a coracle or boat made of wicker-work and covered with raw hides. The word is late, not before Isidore (*Orig.* xix. 1, 26); but the thing is described by Caesar (*B. C.* i. 54) as employed by him in Spain, from having seen it in Britain. It was used by the Veneti on the Padus, as well as by the Britons (Lucan, *Phars.* iv. 131 ff.; and a gloss of Papias, quoted by Saglio, *s. v.*). The illustration, given both by Rich and Saglio, is taken from Scheffer, *de Mil. Nav. Veterum*, who describes it as from an ancient



Carabus or Coracle. (From a MS. of Vitruvius.)

MS. of Vitruvius (Polenus, *Supplem. ad Graev. et Gronov.* v. p. 831). The lines down the sides show the seams where the different skins are sewn together. A similar form is seen on a sepulchral marble in Boldetti (*Cimiterj*, p. 366, cited by Rich). [W. W.]

CARACALLA was an outer garment used in Gaul, and not unlike the Roman lacerna. [LACERNA.] It was first introduced at Rome by the Emperor Aurelius Antoninus Bassianus, who compelled the plebeians who came to court to wear it, and thence obtained the surname of Caracalla. (Aurel. Vict. *Epit.* 21.) The caracalla, as worn in Gaul, was a close-fitting garment with long sleeves, and slit before and behind like a modern overcoat (Strab. iv. 4, § 3). In its original shape it reached only to the knee, but the emperor lengthened it so as to reach the ankle. It afterwards became common among the Romans, and garments of this kind were called *caracallae Antoninianae*, to distinguish them from the Gallic caracallae. (Aurel. Vict. *de Caes.* 21; Spartian. *Sev.* 21, *Anton. Car.* 9, with Salmasius' note.) In its longer form it came to be worn by the clergy, and is retained almost unaltered under the name of cassock (*sottana, soutane*). Like the lacerna, it was furnished with a cucullus or cowl for the protection of the head: hence Jerome, speaking of the Jewish ephod, calls it *palliolum mirae pulchritudinis in modum caracallarum sed absque cucullis.* (*Ep.* 64, *ad Fabiolam.*) [W. S.] [W. W.]

CAR'BASUS (*κάρπασος*), "cotton," from Sansk. *karpâsa*, was an Eastern product, originally called *ἔρια ἀπὸ ξύλου* (cf. German *Baumwolle*), "superior in beauty and quality to the wool of sheep" (Herod. iii. 106). Herodotus also mentions it in his account of the corslet Amasis of Egypt had given the Lacedaemonians (iii. 47). It was brought by the Phoenicians into Spain: and indeed Pliny (xix. 10) is of opinion that it was originally found near Tarraco. The Greeks first got a real knowledge of it from the expedition of Alexander (Strab. 693, 694; Plin. *H. N.* xii. § 38 ff.). It is described by Theophrastus (*H. P.* 4, 9 *init.*, ed. Budaeus a Stempel, and of his notes, pp. 425 ff.) and by Pliny in various passages. The Latin term Pliny uses (xii. § 39) is *gossypium*. The common kind, grown in India, had small leaves like a mulberry, buds like a dog-rose (xii. § 25), and fruit like apples (xix. § 14). The cotton plant among the Arabians and in the island of Tylos in the Persian Gulf had a gourd-like fruit about the size of quince apples, and was called *cyna* (xii. §§ 38, 39; cf. Theophr. *l. c.*). The finest cotton was got in Egypt; its fruit presented the appearance of *nux barbata*, and from the fine substance within the husk the yarn was spun. The Egyptian priests used to wear garments made of this cotton. The article is called *κάρπασος* in Schol. on Ar. *Lys.* 736, and is mentioned by Caecilius Statius (*ap.* Non. 548, 15) about 180 B.C. This seems to be the earliest time we hear of cotton at Rome: for we cannot suppose the Vestal in Prop. v. 3, 54, to have really worn a cotton garment. Carbasus was used at Rome not only for articles of dress, but also for tent curtains (Cic. *Verr.* v. 12, § 30), sails (Verg. *Aen.* iii. 357), awnings in the theatre (Lucr. vi. 109). There was no great distinction maintained in ordinary language between cotton and linen (Catull. 64, 227; Prop. v. 3, 64: cf. also Becker-Göll, *Charikles*, iii. 233; *Gallus*, iii. 289), and *σινδὼν* ("Indian muslin") is confused with linen stuffs (Auson. *Epp.* parecbas. 2, "puer eia surge et calceos et linteam da sindonem"). *Ὀθόνη* is not the same as *κάρπασος* in that it does not apply to the same article, and is used of any fabric woven from byssus flax or cotton (Marq. *Privat.* 473). In Malta there were a great many manufactories of *ὀθόνια* (Diodor. v. 12) which were called *vestis melitensis* at Rome (Cic. *Verr.* ii. 72, § 176; 74, § 183). This may have been cotton brought by the Phoenician colonists (Mövers, ii. 2, 347; Blümner, *Gewerb. Thätigkeit*, p. 125), or, as Yates (*Textrinum*, p. 286) thinks, linen. Silius indeed (xiv. 250) speaks of *teláque superba lanigerâ Melite;* but, in the confusion of ideas that existed among the average Romans between linen and cotton, this does not prove much. Raw cotton was used as stuffing for pillows and bolsters (*τύλαι*) at Tralles, Antinoopolis, and Damascus: see *Ed. Diocl.* xviii. 46, ed. Wadd., p. 41, and a secondary meaning of *tula* in Sansk. is cotton. The Macedonians with Alexander had already (Strab. 693) used it as stuffing for pillows and padding for saddles (*ἀντὶ κναφάλλων καὶ τῆς σάγμασι σαγῆς*). On the subject of cotton among the ancients, see Marquardt, *Röm. Privatleben*, pp. 470–474. For the botany of cotton, see Royle, *Culture of Cotton in India*, pp. 136 *sqq.* [L. C. P.]

CARBA'TINA (*καρβατίνη*) probably in strictness means "made of dried skin," connected with *κάρφω*; but is generally applied to shoes worn by rustics, with sole and upper leather all in one—*ἀγροικικὸν ὑπόδημα μονόδερμον* (or *μονόπελμον*)—Hesych., cf. Phot. *s. v.*; Lucian, *Alex.* p. 246. It was, in fact, a piece of untanned ox-hide placed under the foot and tied up by several thongs, so as to cover the whole foot and part of the leg. The *crepidae carbatinae*, "coarse ox-hide shoes," of Catull. 98, 4, are of the same nature. Thus there was no manufacture in it at all; and so we find it resorted to in an emergency by the Ten Thousand (Xen.

An. iv. 5, 14). The same term was applied to the covering put on the feet of camels when they got sore from the march (Aristot. *Hist. An.* ii. 1, 27 = 499 *a*, 30); and also to a skin-covered structure used by besiegers (Philo in *Math. Vet.* 101).

[L. C. P.]

Carbatina, from bronze foot of a statue. (British Museum.)

CARCER (δεσμωτήριον), a prison.

1. Greek. Imprisonment was seldom used among the Greeks as a legal punishment for offences. Among the Athenians, with whom we are chiefly concerned, it was practically unknown in the sense of confinement for a definite period after conviction. They had neither the appliances in the shape of walls and bars, nor were they willing to incur the expense; and they preferred either banishment or the death penalty. Capital punishment was inflicted without hesitation for comparatively trifling offences, but by more humane methods than those of modern Europe until quite recent times.

Imprisonment before trial, on the other hand, was common enough, though bail was freely accepted in cases other than capital; the terror of exile was in general thought sufficient to keep a man to his bail (Demosth. *c. Timocr.* p. 739, § 125; p. 741, § 131; Engye). The farmers of the taxes and lessees of other revenues (τελῶναι, μισθούμενοι), as well as their sureties (οἱ ἐγγυώμενοι), were liable to imprisonment if the duties were not paid by a specified time; and in cases where default was to be feared, they might even be imprisoned at the discretion of the senate or law-courts (Demosth. *l. c.* p. 713, §§ 40, 41; Boulé, p. 312 b). This, as Demosthenes insists throughout the speech in question, was the great safeguard to insure regularity of payment. Again, persons who had been mulcted in penalties might be confined till they paid them, not only in criminal cases (Lex *ap.* Demosth. *c. Mid.* p. 529, § 47), but in some civil actions for damages as well, especially when the ἐπωβελία had been incurred (Demosth. *c. Lacr.* p. 939, § 46; *c. Dionysod.* p. 1204, § 4; Epobelia). Certain of the ἄτιμοι also, if they exercised the rights of citizenship, were subject to the same consequences (Demosth. *c. Timocr.* p. 732, § 103). We read, moreover, of δεσμὸς as a public stigma put upon disgraceful offences, such as theft; but this was a προστίμημα or additional penalty, the infliction of which was at the option of the court; and the δεσμὸς itself was not so much an imprisonment as a public exposure in the ποδοκάκκη or stocks, for five days and nights—called also ἐν ξύλῳ δεδέσθαι (Demosth. *op. cit.*, p. 700, § 2; pp. 732–3, §§ 103, 105; p. 736, § 114). One more description of imprisonment remains to be noticed, that in the interval between condemnation and execution. In this last case, owing to the insecurity of the building, the prisoner was chained, and was under the special custody of the Eleven, who were also responsible for the execution itself.

There are, no doubt, several passages from which we might infer the existence at Athens of imprisonment as a punishment by itself: *e.g.* Plat. *Apol.* 37 C; *Laws*, ix. 864 E, 880 B, and especially x. 908. In this last passage Plato proposes to have three prisons: one of these was to be a σωφρονιστήριον or reformatory, and another a place of punishment for the incorrigible—a sort of penal settlement away from the city. But such vague allusions, as Westermann rightly insists (*ap.* Pauly, *s. v.* δεσμωτήριον), prove nothing against the persistent silence of the historians and orators. The speech of Andocides against Alcibiades, where we read (§ 4) ἐξὸν κολάζειν χρήμασι καὶ δεσμῷ καὶ θανάτῳ, is a mere rhetorical exercise; and the words of Lysias, ἐν τῷ δεσμωτηρίῳ δεδεμένος ἀπέθανε (*c. Agorat.* § 67) may easily refer to an untried prisoner. "Of imprisonment as a punishment by itself," Schömann argues, "we have no certain example;" and this remark in his text is supported by a good note (*Antiq.* i. 489, E. T.). The opposite and, as it seems to the present writer, less probable opinion has, however, been maintained by K. F. Hermann (*Staatsalterth.* § 139) and Caillemer (*ap.* Daremberg and Saglio).

The prison at Athens is frequently mentioned in the orators, both by its usual name δεσμωτήριον and the euphemistic equivalent οἴκημα. But the plural δεσμωτήρια does not seem to occur in any Attic writer, though there are passages (such as Demosth. *c. Androt.* p. 614, § 68; *c. Timocr.* p. 764, §§ 208, 209) where, if a plurality of prisons existed at Athens, we should almost certainly find them mentioned. This argument seems almost decisive in favour of the opinion of Ullrich (*Ueber die Elf-Männer*, p. 231 f.) and J. H. Lipsius (*Att. Process*, p. 73 n.), that there was only one. The authority of Hesychius and the *Etym. M.* is insufficient to prove, in the face of probability, that there was an Athenian prison called Θησεῖον: and there is no proof that the other names for prisons recorded by the grammarians are to be referred to Athens. Among these local names was ἀναγκαῖον or ἀνάκαιον in Boeotia, κέραμος in Cyprus, κῶς at Corinth; and among the Ionians γοργύρη, as at Samos (Herod. iii. 145; Pollux, ix. 45); βάλακες or βαλαίκακες, βλέορον, ἴψον, σιρός, all mentioned by Hesychius. The appearance of the Latin *carcer* in the Sicilian Greek κάρκαρον, and conversely of the Greek λατομίαι in the Latin *lautumiae*, is noticed by Mommsen as a proof of the early intercourse between the Romans and Sicily (*R. H.* i. 167, E. T.). Some of the above names may be slang or nicknames, such as are often applied to prisons in our own day: thus γοργύρα is explained to mean "a sewer;" ἴψον may be connected with ἶπος, "a mousetrap." The gate through which criminals were led to execution was called χαρώνειον or θύρα χαρώνειος (Poll. viii. 102, Suidas, and several times in the Paroemiographers); a grim joke which can hardly have arisen at Athens, where executions were private.

The Attic expression for imprisonment was δεῖν, a word which by no means implies the use of chains or fetters. The phrase in the oath of the βουλευταὶ or senators, οὐδὲ δήσω Ἀθηναίων

οὐδένα, is explained by Demosthenes (*c. Timocr.* p. 746, § 147) as a security against arbitrary imprisonment by the executive government without trial. It was in fact the Habeas Corpus of the Athenian constitution. But he is careful to add (§ 151) that no such words occur in the oath of the Heliastae or dicasts; the law-courts had absolute power over men's lives, liberties, and fortunes. We have also the phrase ἄδεσμος φυλακή (as in Thucyd. iii. 34), like the *libera custodia* of the Romans, signifying that a person was under strict surveillance and guard, though not confined within the walls of a prison.

2. ROMAN. The oldest prison at Rome, traditionally the only one in early times (Juv. *Sat.* iii. 312), was called simply *Carcer*; and is still to be seen on the eastern slope of the Capitoline hill, to the right of the ascent from the Forum. The name Mamertinus, usually applied to the Carcer, is mediaeval and not classical. It consists of a larger oblong upper and a smaller underground circular dungeon; the latter is that called the Tullianum, a name which has often been incorrectly explained. As the original erection of the Carcer was attributed to Ancus Marcius (Liv. i. 33), it was conjectured by the etymologists that the name Tullianum must have been derived from Servius Tullius, "evidently a double mistake, as the lower chamber would certainly not have been added after the upper one." (Middleton, p. 80.) It is now agreed that it is from the *tullii* or springs for whose waters it formed a reservoir; that it was built in the first instance simply to protect the water supply of the Capitol, and was only in later times used as a part of the prison, when a captive, as in the well-known instance of Jugurtha, was doomed to be killed by cold and starvation (Festus and P. Diac. s. v. *Tullii*, pp. 352–3, Müller; Plut. *Mar.* 12; Burn, *Rome and the Campagna*, p. 81; Caillemer, *ap.* Daremberg and Saglio). Thus Livy speaks of the infamous Pleminius as "dejectus in Tullianum" (xxix. 22), which in another passage is expressed by the words "in inferiorem demissus carcerem, necatusque" (xxxiv. 44). It was here, too, that Lentulus and the other accomplices of Catiline were strangled by order of the Triumviri Capitales; and Sallust describes it as sunk twelve feet in the earth, strongly walled, and with a roof vaulted with stone arches ("insuper camera, lapideis fornicibus vincta," *Cat.* 55). In reality, as modern investigations have shown, the construction is so old that it points to a time when the arch was not used in Roman architecture; the roof being of stone slabs, each overlapping the one beneath it, an approximation to the true arch found also in the well-known treasury of Mycenae and other primitive buildings. The upper chamber is also of very early date, but later than the Tullianum; and it is not in its primitive condition. A projecting string-course on the outside records a restoration in the reign of Tiberius by the *Consules Suffecti* for the year 22 A.D.: C. VIBIUS C. F. RVFINVS . M. COCCEIV[S NERVA] COS. EX S. C. Another name for this part of the prison was *robur*, in old Latin *robus*, thus explained by Festus (p. 264 M.): "Robus in carcere dicitur is locus, quo praecipitatur maleficorum genus, quod ante arcis robusteis includebatur." The *robur* is spoken of as a place of execution in several passages. "In robore et tenebris exspirare," Liv. xxxviii. 59; "Robur et saxum (sc. Tarpeium) minitari," Tac. *Ann.* iv. 29. So also we read of "Catenas—et Italum robur," Hor. *Carm.* ii. 13, 18. The concluding words of Festus, "quod ante arcis robusteis includebatur," must of course be explained of the oaken planks or beams with which the dungeon was formerly lined (Rein *ap.* Pauly, s. v. *Tullianum*, Orell. *ad* Tac. *l. c.*); not as by Caillemer, of wooden cages in which dangerous criminals were confined.

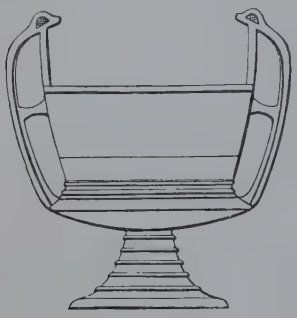
This prison was obviously too small to contain any number of prisoners, and probably from the first was appropriated to those condemned to death. The earliest mention of another prison is in the days of the Decemvirate, B.C. 450. Appius Claudius is said to have built one for political purposes, to overawe the champions of plebeian liberties ("quod domicilium plebis Romanae vocare sit solitus," Liv. iii. 57). It was into this prison that he was himself thrown, and committed suicide while awaiting his trial. At a later period we find an additional prison called *Lautumiae* or stone-quarries in the immediate neighbourhood of the original Carcer; whether this was the prison of Appius, we do not know. It is not likely that there were ever any quarries on this spot, which was to the north-west of the Forum; but it may have been named after the Syracusan λατομίαι which were thus used (Mommsen, *ubi supra*). Varro (*L. L.* v. 151, Müll.) identified the Lautumiae with the Tullianum, and has been followed by some of the moderns; but they are distinguished by the best writers on Roman topography (Becker, *Röm. Alterth.* i. 262–268; Burn, p. 80). The Lautumiae were clearly of much greater extent; a conflagration in the region about the Forum, B.C. 210, extended to them, but not, it would seem, to the Carcer or the Capitol (Liv. xxvi. 27); in B.C. 198 they were again full of prisoners and hostages, and were specially guarded in a time of conspiracy (id. xxxii. 26); a few years later no less than forty-three leading Aetolians (*Aetolorum principes*, id. xxxvii. 3) were confined there.

With the growth of the city other prisons became necessary; but the words of Roman historians generally refer to these alone. Close to the Carcer, and between it and the Temple of Concord, were the Scalae Gemoniae, where the bodies of criminals were exposed after execution. The cases are mentioned of Caepio, the consul defeated by the Cimbri (Val. Max. vi. 9, § 13, but cf. iv. 7, § 3; Cic. *pro Balbo*, 11, § 28); Sejanus (Dio Cass. lviii. 5; Juv. *Sat.* x. 66); other victims of Tiberius (Suet. *Tib.* 61; cf. cc. 54, 75); Sabinus (Tac. *Hist.* iii. 74). Compare Burn, p. 81; Middleton, *Anc. Rome in* 1885, p. 78 ff. [R. W.] [W. W.]

CAR'CERES. [CIRCUS.]

CARCHE'SIUM (καρχήσιον), according to Callixenus (in Ath. 474 f), was a kind of cup, rather long (ἐπίμηκες), narrower in the middle than at either extremity, and with handles (ὦτα) stretching from the top to the bottom. Asclepiades (in Ath. 488 f) mentions *carchesia* among those vessels which have feet. It was a peculiarly Greek cup (Macrob. *Sat.* v. 21 *init.*), and generally of a splendid nature. Legend tells how Jupiter gave one to Alcmena, and that very cup, we are informed (Ath. *l. c.*), used to

be pointed out to travellers at Lacedaemon. At Babylon Diodorus (ii. 7) says there were two *carchesia* weighing 30 talents; and it is mentioned among the splendours of a royal court in Alciphr. *Ep.* ii. 3. We never hear of it as made of clay; but of metal or precious stone, *e.g.* gold (Ath. 198 c), and with embossed work (Val. Flacc. ii. 655), silver (Ath. 605 b), brass (Ovid, *Met.* vii. 246), sardonyx (*vid. infr.*). Dennis (*Etruria*, i. p. cxvii.), however, and Birch (*Hist. of Ancient Pottery*, p. 380) (cf. Krause, *Angeiologie*, Taf. iv. fig. 9 a), consider the vase made of early black ware of Chiusi, in the possession of Sig. Terrosi of Cetona, to be a carchesium; and Dennis also regards as a



Carchesium. (Birch and Dennis.)

carchesium the vase with a lid and relieved decorations which is given in the second illustration of a vase from Chiusi. The lists

Carchesium. (Dennis.)

of donations to the temples in *C. I. G.* 139, 140, 141, 150, show how very usual it was to dedicate silver *carchesia*. The passage quoted from Ovid is evidence that it was used for other substances (*e.g.* milk), though generally it was used for wine (*carchesia Bacchi*, Verg. *Georg.* iv. 380). They are mentioned by Athenaeus as being used in the cottabos (667 e). The derivation is uncertain. Athenaeus (475 b) considers it to come from the same root as *καρχάλεος*, and, if so, it means "rough" with embossed work (cf. Val. Flac. *l. c.*). Our last woodcut represents the splendid *carchesium* known as the "cup of the Ptolemies," which formerly belonged to the Abbey of St. Denys, and now is in the Bibliothèque Nationale at Paris. It is of Oriental sardonyx, with Bacchanalian subjects engraved thereon.

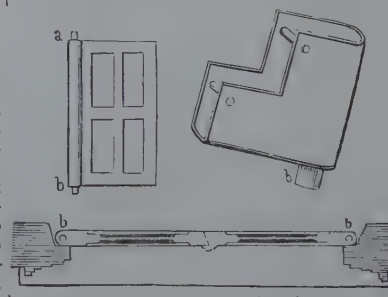
From its likeness to this kind of goblet the name *carchesium* was applied to (1) the "top" above the yards, which with the *θωράκιον* or "waist-cloth of the top" formed an elevated

Carchesium. (Bibliothèque Nationale, Paris.)

place for look-out or for signalling (cf. Catull. in Nonius, xv. 28, "Lucida cum fulgent summi carchesia mali") or for discharging weapons from in warfare (Ath. 208 e). (2) This top sometimes revolved, and into it was fastened a horizontal beam, which was used as a crane for loading and unloading the ship (Vitruv. x. 5). (3) A block of pulleys at the top, through which were run the ropes used for hoisting the sail (the Schol. on Pind. *Nem.* 5, 50; Non. xv. 28; Serv. on *Aen.* v. 77; the Schol. on Lucan v. 418). For full particulars, see NAVIS. [L. C. P.]

CARDO, a hinge. The older and simpler form of hinge was a pivot working in a socket; of this kind must have been the *θαιροὶ* of Homer (*Il.* xii. 459) and the *στροφεὺς* and *στρόφιγξ* of the later Greeks (Aristoph. *Thesm.* 487). The word *γίγγλυμος* is applied to the hinge-joints of the human body, and to joints in armour (see L. and S., *s. v.*); but there is no authority for the statement that it was used for door-hinges. In this construction the stile or axis of the door (Lat. *scapus cardinalis*, Vitruv. iv. 6, 4) was fitted with pivots at each end, turning in a socket excavated in the sill and lintel respectively. The notion that the pivots were called *στρόφιγγες*, the sockets *στροφεῖς* (Rich; L. and S., ed. 7), wants sufficient proof: thus Sextus Empiricus (*adv. Math.* x. 54) writes *ὁ κατὰ τοῦ ὀλμίσκου βεβηκὼς στροφεύς*, where *στροφεὺς* is clearly the pivot and *ὀλμίσκος* "the little mortar"=the socket.

The first of the annexed woodcuts illustrates this description of hinge. The upper figure to

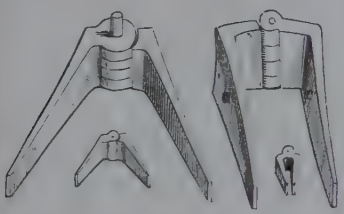


Hinges: pivot working in socket.

the left shows the general form of a door, as we find it with a pivot at top and bottom (*a*, *b*) in

ancient remains of stone, marble, wood, and bronze. Theophrastus specifies the hard woods which were preferred for making the pivots (*Hist. Plant.* v. 5, 4 ff.); but they were more frequently of metal. The second top figure represents a bronze hinge in the Egyptian collection of the British Museum: its pivot (*b*) is exactly cylindrical. The lower figure shows the ground-plan of a pair of folding-doors. The pivots move in holes fitted to receive them, each of which is an angle behind the *antepagmentum* or door-jamb (*marmoreo aeratus stridens in limine cardo*, Verg. *Ciris*, 222). In Eurip. *Phoen.* 114 ἔμβολα χαλκόδετα have been explained as hinges, but are more probably bolts or bars.

The Romans (and perhaps the Greeks, though this is less certain) also used hinges exactly like those now in common use. Four Roman hinges of bronze, preserved in the British Museum, are here shown.



Hinges: modern type. (British Museum.)

The form of the door above delineated makes it manifest why the principal line laid down in surveying land was called "cardo" (Festus, *s. v. Decumanus;* Isid. *Orig.* xv. 14) [AGRIMETATIO]; and it further explains the application of the same term to the North Pole, the supposed pivot on which the heavens revolved. (Varr. *de R. R.* i. 2; Ovid, *Ex Ponto*, ii. 10, 45.) The lower extremity of the universe was conceived to turn upon another pivot, corresponding to that at the bottom of the door (Cic. *N. D.* ii. 41, § 105; Vitruv. vi. 1, ix. 1); and the conception of these two principal points in geography and astronomy led to the application of the same term to the East and West also. (Lucan. v. 71.) Hence our "four points of the compass" are called by ancient writers *quattuor cardines orbis terrarum*, and the four principal winds, N. S. E. and W., are the *cardinales venti*. (Serv. *ad Aen.* i. 85.) [J. Y.] [W. W.]

CARI'NA. [NAVIS.]

CARIS'TIA or CHARISTIA, a Roman domestic feast, celebrated on viii. Kal. Mart. (Feb. 22). Following the DIES PARENTALES (Feb. 13–21) and FERALIA (Feb. 21), days sacred to the dead (Ov. *Fast.* ii. 533 ff.; Mommsen-Marquardt, vi. (iii.), 283 note 6, 298), this festival was a day of rejoicing and thanksgiving for the survivors. None but relations and members of the same family were invited, and the opportunity was taken to reconcile any quarrel or disagreement that might have arisen among them (Val. Max. ii. 1, § 8). The derivation is from χαρίζομαι, to grant a favour or pardon; but *caristia* is the approved spelling, and Ovid seems to have connected the word with *carus*. (Ov. *Fast.* ii. 617 ff.; Mart. ix. 54, 55; Tertull. *de Idolol.* 10; Orell. *Inscr.* 2417; *Kalend. Rust.;* Mommsen-Marquardt, vi. (iii.) 125; Paley on Ov. and Mart. *ll. cc.*) [R. W.] [W. W.]

CARMENTA'LIA, an old Roman festival celebrated in honour of the nymphs called Carmenta or Carmentis, for an account of whom see *Dict. of Biog.* s. v. *Camenae*. This festival was celebrated annually on the 11th and the 15th of January: the sacrifice was offered by the *flamen Carmentalis* (Cic. *Brut.* 14, 56) and the Pontifices, in the *fanum Carmentis*, near the Porta Carmentalis, at the south-west of the Capitol. One Carmentis was known as *Porrina* (Ov. *Fast.* i. 633) or *Prorsa* (Gell. xvi. 16) or *Antevorta* (Macrob. i. 7, 20), the other as *Postvorta* (Serv. on Verg. *Aen.* viii. 339). They were regarded as goddesses foretelling the fortunes of newly-born children; and hence the festival was chiefly observed by married women. Nothing in any way connected with death was allowed to be used in the worship, not even leather. The second day of the festival was given up especially to rites bearing upon childbirth. The explanation given by Livy (v. 25) of the addition of this day is manifestly due only to a false etymology. [A. S. W.]

CARNA'RIUM. 1. A larder (Plaut. *Curc.* ii. 3, 45; Plin. *H. N.* xix. § 57); used also for sheltering plants in the winter (Plin. *H. N.* xviii. § 227). 2. In the more modest dwellings a bar or beam, furnished with meat-hooks or pegs, hung against the wall and served the same purpose (Plaut. *Capt.* iv. 4, 6). A carnarium of this sort is figured under CAUPONA. A fork (*furca*) was used in taking down and replacing joints of meat (Petron. 135, 4; 136, 1). [W. W.]

CARNEIA (*καρνεία*), a great national festival, celebrated by the Spartans in honour of Apollo Carneios, which, according to Sosibius (*ap.* Athen. xiv. p. 635), was instituted Olymp. xxvi.; although Apollo, under the name of Carneios, was worshipped in various places of Peloponnesus, particularly at Amyclae, at a very early period, and even before the Dorian migration. (Müller, *Dor.* i. 3, § 8, and ii. 8, § 15.) Wachsmuth (*Hellen. Alterthumsk.* ii. p. 582, 2nd ed.), referring to the above passage of Athenaeus, thinks that the Carneia had long before been celebrated; and that when, in Olymp. xxvi., Terpander gained the victory, musical contests were only added to the martial solemnities of the festival. But the words of Athenaeus, who is the *only* authority to which Wachsmuth refers, do not allow of such an interpretation, for no distinction is there made between earlier and later solemnities of the festival, and Athenaeus simply says, the institution of the Carneia took place Olymp. xxvi. (Ἐγένετο δὲ ἡ θέσις τῶν Καρνείων κατὰ τὴν ἕκτην καὶ εἰκοστὴν Ὀλυμπιάδα, ὡς Σωσίβιός φησιν, ἐν τῷ περὶ χρόνων.) The festival began on the seventh day of the month of Karneios = Metageitnion of the Athenians, and lasted for nine days. (Athen. iv. p. 141; Eustath. *ad Il.* xxiv. *sub fin.;* Plut. *Symp.* viii. 1.) It was, as far as we know, a warlike festival, similar to the Attic Boëdromia, and was celebrated by all the Dorians. During the time of its celebration nine tents were pitched near the city, in each of which nine men lived in the manner of a military camp, obeying in everything the commands of a herald. Müller also supposes

that a boat was carried round, and upon it a statue of the Carneian Apollo (Ἀπόλλων στεμματίας), both adorned with lustratory garlands, called δίκηλον στεμματιαῖον, in allusion to the passage of the Dorians from Naupactus into Peloponnesus. (*Dorians*, i. 3, § 8, note *s.*) The priest conducting the sacrifices at the Carneia was called Ἀγητής, whence the festival was sometimes designated by the name Ἀγητόρια or Ἀγητόρειον (Hesych. *s. v.* Ἀγητόρειον); and from each of the Spartan tribes five unmarried men (Καρνεᾶται) were chosen as his ministers, whose office lasted four years, during which period they were not allowed to marry. (Hesych. *s. v.* Καρνεᾶται.) Some of them bore the name of Σταφυλοδρόμοι. (Hesych. *s. v.*; compare Bekker, *Anecd.* p. 205.) Terpander was the first who gained the prize in the musical contests of the Carneia, and the musicians of his school were long distinguished competitors for the prize at this festival (Müller, *Dor.* iv. 6, § 3), and the last of this school who engaged in the contest was Perikleidas (Plut. *de Mus.* 6). When we read in Herodotus (vi. 106, vii. 206) and Thucydides (v. 54, and in other places) that the Spartans during the celebration of this festival were not allowed to take the field against an enemy, we must remember that this restriction was not peculiar to the Carneia, but common to all the great festivals of the Greeks: traces of it are found even in Homer (*Od.* xxi. 258, &c.).

Carneia were also celebrated at Cyrene (Callimach. *Hymn. in Apoll.* 72 *seq.*), in Thera (Callimach. *l. c.*; Pindar, *Pyth.* v. 99 *seq.*), in Gythion, Messene, Sicyon, and Sybaris (Paus. iii. 21, § 7, and 24, § 5; iv. 33, § 5; ii. 10, § 2; Theocr. v. 83; compare Müller's *Orchom.* p. 327; Welcker, *Griech. Götterlehre*, i. p. 469, &c.). [L. S.]

CARNIFEX, the public executioner at Rome, who put slaves and foreigners to death (Plaut. *Bacch.* iv. 4, 37; *Capt.* v. 4, 22), but no citizens except in the case of those convicted of *perduellio*, and occasionally under the empire. It was also his business to administer the torture. He was usually a public slave, and his office was considered so disgraceful that he was not allowed to reside within the city (Cic. *pro Rab. Perd.* 5, 15), but he lived without the Porta Esquilina (Plaut. *Pseud.* i. 3, 98; cf. Ritschl, *Opusc.* ii. 382), near the place destined for the punishment of slaves (Plaut. *Cas.* ii. 6, 2; Tac. *Ann.* xv. 60; Hor. *Epod.* v. 99), called Sestertium or Sessorium under the emperors (Plut. *Galb.* 28).

It is thought by some writers, from a passage in Plautus (*Rud.* iii. 6, 19), that the carnifex was anciently keeper of the prison under the triumviri capitales; but there does not appear sufficient authority for this opinion. (Lipsius, *Excurs. ad Tacit. Ann.* ii. 32.) [W. S.] [A. S. W.]

CARPENTUM (κάρπεντον, Dio Cassius) was a two-wheeled carriage with an arched covering [CAMARA]. The use of it is mentioned in very early times at Rome, but only by privileged persons, at least within the walls. The *currus arcuatus* assigned by Numa to the Flamines (Liv. i. 21) is no doubt the same as the carpentum which was the travelling carriage of the elder Tarquin while still a private person (id. 34), and in which Tullia drove through the streets (id. 48). In its original form it must have been simply a covered cart, thus distinguished from the *plaustrum* or open cart.

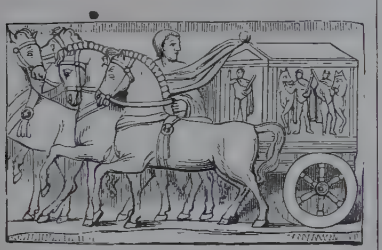
The use of carriages in the city was entirely forbidden during the whole of the republic and for the first two centuries of the empire (Marquardt, vii. 706; Friedländer, *Sitteng.* i.[5] 60 ff.). The permission granted to L. Metellus, the Pontifex Maximus, who lost his sight B.C. 241, while rescuing the Palladium from the conflagration of the temple of Vesta, is mentioned by Pliny as absolutely unique ("tribuit ei populus Romanus, quod nulli alii ab condito aevo, ut, quotiens in senatum iret, curru veheretur ad curiam. Magnum et sublime, sed pro oculis datum," *H. N.* vii. § 141). It was, therefore, a considerable privilege when Roman ladies (*matronae*), as a reward for their patriotic generosity at the time of the fall of Veii, were allowed to drive in the pilentum (or four-wheeled carriage) at the games and public festivals, and in the carpentum on all occasions (*festo profestoque*, Liv. v. 25; cf. Isid. *Orig.* xx. 12). This privilege seems to have been abridged by the Lex Oppia of B.C. 215 [SUMPTUARIAE LEGES]; and though that law was repealed twenty years afterwards, the prohibition remained in full force. It applied to all Italian towns, and was no doubt occasioned by the narrowness of ancient streets; but it was often disregarded and had to be re-enacted from time to time. The Lex Julia Municipalis, B.C. 45, forbad the use even of carts and waggons within the walls and for a mile beyond them, except at night (*C. I. L.* i. 206). The privileges of the Vestals, *rex sacrorum*, and *flamines* are specially reserved under this law: and those employed in the construction or demolition of buildings by public contract are excepted under certain restrictions (*certeis hominibus, certeis de causeis*, ib.). In other towns the law was found less easy to enforce, as we see by repeated imperial edicts (Suet. *Claud.* 25; Spart. *Adr.* 22; Capitolin. *M. Ant. Phil.* 23). Even empresses like Messalina and Agrippina the mother of Nero only used the carpentum in the city by special vote of the senate (Dio Cass. lx. 22, 23; Tac. *Ann.* xii. 42). In the reign of Septimius Severus the use of state carriages was conceded to high officials, such as the *praefectus praetorio*, provincial governors and their legati. Alexander Severus extended the privilege to all senators. It was only in the fourth century that all restrictions on driving within the city were removed. In the country it had always been free.

Carpentum. (From a medal of Caligula.)

The carpentum of later times was a luxurious and richly ornamented carriage, used for travelling purposes and also for state occasions (Juv. viii. 147; ix. 132). We read of silken curtains (or cushions?), *serica carpenta*

(Propert. v. 8, 23). It was commonly drawn by a pair of mules (*carpentum mulare*, Lamprid. *Heliog.* 4); more rarely by oxen or horses, and sometimes by four horses as a quadriga. The form of this carriage is seen on the preceding medal. When Caligula instituted games and other solemnities in honour of his deceased mother the elder Agrippina, her carpentum went in the procession (Suet. *Cal.* 15); and medals, still extant, commemorated the event. Agrippina's carriage, as represented above, shows painting or carving on the panels, and the head is supported by Caryatides at the four corners.

The carriage represented in the following cut is probably also a carpentum. It is from an alto-rilievo which once adorned a sarcophagus, and is now in the British Museum. Instead of the arched *camara* of the last example, it has a sloping roof of low pitch, and is drawn by



Carpentum. (From a relief in the British Museum.)

four horses. Like the former, it is undoubtedly a funeral car. Mercury, in his character of *ψυχοπομπὸς* or conductor of souls, appears in the front, and Castor and Pollux with their horses on the side panel.

Carpenta, or covered carts, were much used by the Britons, the Gauls, the Cimbri, the Allobroges, and other northern nations (Florus, i. 18; iii. 2, 3, and 10). These, together with the carts of the more common form, including baggage-waggons, appear to have been comprehended under the term *carrus* or *carrum*, which is the Celtic name with a Latin termination. The Gauls and Helvetii took a great multitude of them on their military expeditions; and, when they were encamped, arranged them in close order, so as to form lines of circumvallation (Caes. *B. G.* i. 24, 26).

[J. Y.] [W. W.]

CARPOU DIKE' (*καρποῦ δίκη*), a civil action under the jurisdiction of the thesmothetae, might be instituted against a farmer for default in payment of rent (Meier, *Att. Proc.* p. 531). It was also adopted to enforce a judicial award when the unsuccessful litigant refused to surrender the land to his opponent (Hudtwalcker, p. 144; Meier, *Att. Proc.* p. 750), and might be used to determine the right to land (Harpocrat. *s. v.*, and *οὐσίας δίκη*), as the judgment would determine whether the plaintiff could claim rent of the defendant. [J. S. M.] [W. W.]

CARRA'GO, a kind of fortification, consisting of a great number of waggons placed round an army. It was employed by barbarous nations, as, for instance, the Scythians (Trebell. Poll. *Gallien.* 13), Gauls [CARPENTUM], and Goths (Amm. Marc. xxxi. 7, § 7). Compare Veget. iii. 10.

Carrago also signifies sometimes the baggage of an army. (Trebell. Poll. *Claud.* 8; Vopisc. *Aurelian.* 11.) [W. S.]

CARRU'CA, a carriage used in imperial times, and first mentioned by Pliny (*H.N.* xxxiii. § 140). Like the reda [REDA], it was a travelling carriage on four wheels, whence Martial in one place (iii. 47) uses the words as synonymous. Nero is said to have travelled with 500 (Lamprid. *Heliog.* 31) or even 1000 carrucae (Suet. *Ner.* 30). These carriages were sometimes used in Rome by persons of distinction, like the carpenta [CARPENTUM], in which case they appear to have been covered with plates of bronze, silver, and even gold, which were sometimes ornamented with embossed work (Plin. *l. c.*). Martial (iii. 72) speaks of an *aurea carruca* which cost the value of a farm; and Alexander Severus allowed senators at Rome to use carrucae and redae plated with silver (Lamprid. *Alex. Sev.* 43). These are the *carrucae argentatae*, the use of which within Rome spread in the course of the third century from the high officials, to whom they were at first limited, to private persons (Vopisc. *Aurelian.* 46; Amm. Marc. xiv. 6; Cod. Theod. xiv. 12, 1; Cod. Just. xi. 19). We have no representations of carriages in ancient works of art which can be safely said to be carrucae; but we have several representations of carriages ornamented with plates of metal. (See Inghirami, *Monum. Etrusch.* iii. 18, 23; Millingen, *Uned. Mon.* ii. 14.) Carrucae were also used for carrying women, and were then, as well perhaps as in other cases, drawn by mules (Dig. 34, tit. 2, s. 13: in s. 11 a *carruca dormitoria* is mentioned); whence Ulpian (Dig. 21, tit. 1, s. 38, § 8) speaks of *mulae carrucariae*. [W. S.] [W. W.]

CARRUS. [CARPENTUM.]

CARTIBU'LUM, a particular kind of table described by Varro (*L. L.* v. 125) as frequently seen in the atrium of Roman houses during his boyhood (about B.C. 100). Both the name and the thing were apparently becoming obsolete in his time. It was an oblong slab of marble supported on a single bracket or console (*una columella*); it stood near the impluvium, and bronze vessels were placed upon it. Such a

Cartibulum. (From Pompeii.)

table has been discovered in more than one house at Pompeii, with a fountain behind it shaped like a cippus or square pillar, and flowing into the impluvium. It has been ingeniously conjectured that this was a survival, in the more

elaborate Roman house of later times, of the primitive arrangement of the atrium, as at once kitchen and living-room; the cippus, now turned into a fountain, being the ancient *focus* or domestic altar (Saglio, *s. v.*). The *aenea vasa* on the cartibulum will then be, not ornamental bronzes as some have thought, but ordinary cooking vessels [AENUM, CACCABUS]. The engraving represents a marble table of the kind, from the house of the Nereids at Pompeii (Rich); beneath it is a drain or sink, no doubt communicating with the impluvium. Another, figured by Saglio, corresponds less closely to Varro's description, having two brackets. [W. W.]

CARYATIDES is the name commonly given to female figures used in place of columns as the supports of an entablature. This was not the only or even the usual meaning of the word in ancient times. Thus the Caryatids made by Callimachus (Brunn, *Künstlergesch.* i. 251; Plin. *H. N.* xxxiv. § 92, "Saltantes Lacaenae"), by Praxiteles (Plin. *H. N.* xxxvi. § 23), and for the Pantheon by Diogenes (Plin. *H. N.* xxxvi. § 38; Overbeck, *Gesch. d. Gr. Pl.* ii. 380) were probably maidens executing the dance in honour of Artemis Caryatis, though by a misapprehension those of Callimachus have been by some identified with the figures supporting the portico of the Pandroseum at Athens (Rangabé, *Rev. Arch.* ii. 425), and those of Diogenes with similar figures now extant in Rome. The maidens of the Pandroseum are called simply *κόραι* in contemporary records (*C. I. G.* 160); the word Caryatis in this application is found, however, in Lynceus (*ap.* Athen. vi. 241 e), a writer of about 300 B.C., and in Vitruvius (i. 1). The traditional story refers their introduction to retaliation on the people of Caryae by the Greeks, at the same time as a portico was erected at Delphi, supported by figures of Persians. Others suggest that these Caryatides may be derived from maidens, perhaps Canephori, in the service of Artemis Caryatis.

Caryatid from the Pandroseum (Erechtheum) at Athens. (From Fergusson.)

It will be as well to include under this head also Atlantes and Telamones, the names given by the Greeks and Romans to male figures similarly applied in architecture ("bearers," from **τλάω*).

Several specimens of Caryatides and similar figures are still extant. The most important, and also probably the earliest, are the six maidens (one now in the British Museum) who support the portico of the Pandroseum (Erechtheum) at Athens (408 B.C.). At Cambridge there is part of a colossal Caryatid from Eleusis, probably dating from the time of Demetrius Phalereus (317–307 B.C.). In the temple of Zeus at Agrigentum, Giants, as Atlantes, take the place of square pilasters within the cella. This temple probably dates from the beginning of the 5th century. In the Braccio Nuovo of the Vatican and in the Palazzo Giustiniani at Rome are Caryatids found near the Pantheon; these are imitated from those of the Pandroseum. Others are preserved in the Villa Albani, in the Glyptothek at Munich, and elsewhere. Satyrs and Sileni, who had served as supports to entablatures, have been found near the scena of the theatre of Dionysus at Athens. At Pompeii was discovered a relief representing Caryatids; but the inscription on it, *τῇ Ἑλλάδι τὸ τρόπαιον ἐστάθη κατανικηθέντων τῶν Καρυατῶν*, is probably forged.

From these examples we may learn the characteristics of this class of architectural figures. They naturally fall into two divisions, of each of which we have representative specimens in the maidens of the Pandroseum and the Giants of Agrigentum respectively. The former are regarded as the willing performers of an honourable service, while the latter are vanquished enemies compelled to a laborious task; and therefore in the two cases we have very different treatment. The burden of the maidens of the Pandroseum is lightened by the omission of the frieze from the entablature, and what they support is only a portico. An explanation of their service is suggested by their assimilation to the Canephori, or basket-bearers, who held an honourable place in the Panathenaic procession. Too sudden a transition from the architrave to the human figure is avoided by the sloping sides of the basket-capital; the neck is strengthened by a careful arrangement of the hair. Their position is one of ease and firmness, and their weight rests in each case upon one leg: thus is gained an appearance of elasticity and also of reserve power. This supporting leg is also in each case that towards the outside of the building, and the apparent concentration of pressure thus produced gives additional stability to the general effect. Other means are taken to emphasise the similarity of the human figure to a column: thus the swelling of the body at the hips corresponds to an entasis, and the treatment of the drapery in regular parallel folds recalls flutings. In other respects, also, the drapery of these and other Caryatids calls for notice: we often find a broad mantle hanging down the back from two brooches on the shoulders, a garment used also by Canephori; in the Caryatid from Eleusis there are also fastened to the same two brooches straps which cross on the breast, with a Gorgoneion at their place of crossing. This whole scheme recurs on some Canephori in the Villa Albani. In the best examples of Caryatids the arms hang freely at the sides; but in some cases one hand supports the basket on their heads.

In the second class of such figures—the Giants of Agrigentum, for instance, figured under ATLANTES—the treatment is quite different. Here the weight borne is emphasised rather than lightened, and no drapery conceals the muscular strain. But a slight archaicism of execution, especially in the faces, prevents this strain from being too painful to the spectator. These Giants

stand firmly on both feet, with their backs against the cella-wall, and raise both arms to bear part of the weight that rests on their heads. But such figures as these do not lend themselves to architectural treatment so easily as draped Caryatids. Hence their characteristics hardly require so much notice. [E. A. G.]

CASSIS. [GALEA; RETE.]

CASTELLUM AQUAE. [AQUAEDUCTUS.]

CASTRA. I. GREEK.—The naval camp of the Greeks in Homer, lying between Rhoeteum and Sigeum, was very large. It had numerous streets which crossed one another (*Il.* x. 66), an agora which was capable of holding all the fighting forces of the Greeks, and in this stood the altar to Zeus Panomphaeus (*Il.* viii. 249). The games in honour of Patroclus appear to have been held within the camp. It had a wall, probably of earth, with high two-leaved gates (*Il.* xii. 154), and at a short distance a dug ditch (*Il.* ix. 67). The ditch was protected at the top by many sharp stakes (*Il.* xii. 59). At intervals in the walls were wooden towers (*Il.* xii. 36) and battlements (ἐπάλξεις), which were probably stakes rammed into the wall, with pinnacles of different sorts (κρόσσαι, στῆλαι προβλῆτες, *Il.* xii. 258). It was guarded by watches (φυλακαί) at night (*Il.* ix. 66), who numbered 700 (*Il.* ix. 85). We hear of Ulysses and Diomedes going the rounds to see if the watch were awake (*Il.* x. 180). The habitations within the camp were not tents, but, if we may judge from that of Achilles, more solid wooden structures (*Il.* xxiv. 448 foll.). Of course we must remember that this was a permanent camp. On the whole matter, see Buchholz, *Die homerischen Realien*, ii. pt. i. 331–342.

The ancient Greeks of the historical period were neither methodical nor capable of enduring drudgery. Hence their camp-constructions were quite contemptible compared with those of the Romans. They always looked out for a position with natural defences (cf. Xen. *Resp. Lac.* 12), so that they avoided as far as possible the trouble of fortification, but at the expense of being unable to arrange themselves in any fixed order within their encampments; for these must have varied in position and size (Polyb. vi. 42). Again, Polybius (xviii. 1, and cf. Liv. xxxiii. 5) contrasts, unfavourably to the Greeks, the many-branched and cumbrous stakes, the latter used for any fortification they had to make, with the well-trimmed stakes with few branches the Romans carried so easily. Xenophon (*l. c.*) tells us that the Spartans generally formed their camp in a circle, and placed sentinels over the arms of the camp to guard these, not from their enemies, but from their friends! Horsemen on an adjacent height used to observe the enemy. The Spartans frequently changed their camp. They used to drill each morning. After that the commander by a herald gave the order to sit down, which afforded a sort of review (ἐξέτασις) of the troops. After this followed the mid-day meal (ἄριστον) and change of guard; and then amusement (διατριβαί) or rest till evening exercise. Thereafter the herald gave the signal for the evening meal (δεῖπνον), a hymn was sung to the gods to whom the sacrifices had been favourable, and the soldiers retired to rest.

II. ROMAN.—It is well known that Roman armies never halted for a single night without forming a regular entrenchment, termed *castra*, capable of receiving within its limits the whole body of fighting men, their beasts of burden, and the baggage. So essential was this operation considered, that even when preparing for an immediate engagement, or when actually assailed by a hostile force, it was never omitted, but a portion of the soldiers were employed in constructing the necessary works, while the remainder were standing to their arms or resisting the enemy (Caes. *B. G.* viii. 15; Liv. xxvii. 12): and so completely was it recognised as a part of the ordinary duties of each march that *pervenire ad locum tertiis . . . quartis . . . decimis castris* (Liv. xxvii. 32) are the established phrases for expressing the number of days occupied in passing from one point to another. Whenever circumstances rendered it expedient for a force to occupy the same ground for any length of time, then the encampment was distinguished as *castra stativa*. (Liv. xxvii. 12: Caes. *B. G.* viii. 15; *B. C.* i. 42, iii. 30.) We also read of *castra navalia* for protecting ships hauled up on land (Liv. xxix. 35; Caes. *B. G.* v. 11).

When the protracted and distant wars in which the republic became engaged, as its sway was gradually extended first over the whole of Italy, and subsequently over Greece, Asia, and Africa, rendered it impossible for the legions to return home in winter, they usually retired, during the months when active military operations were suspended, into some city where they could be protected from the inclemency of the season, and where the comforts of the men could be readily secured; or they were dispersed up and down in detachments among friendly villeges (*in hiberna concedere; exercitum in hiberna dimittere; exercitum per civitates in hiberna dividere*). It is true that extraordinary emergencies, such as a protracted blockade, or the necessity of maintaining a constant watch upon the movements of a neighbouring and vigorous foe, might compel a commander to keep the field for a whole year or even longer; but to order an army, except in case of necessity, to winter under canvas (*hiemare sub pellibus; hiemem sub tentoriis exigere*) was long regarded as a severe punishment, inflicted only in consequence of grievous misconduct. (Frontin. *Strat.* iv. 1, § 24.) As the boundaries of the empire were gradually pushed forward into wild and barbarian lands, where there were no large towns and no tribes on whose faith reliance could be placed, such arrangements became impracticable; and armies, whether of invasion or occupation, were forced to remain constantly in camps. They usually, however, occupied different ground in summer and in winter, whence arose the distinction between *castra aestiva* and *castra hiberna*, both alike being *stativa*. Such posts were frequently, if situated advantageously, garrisoned permanently; and the peaceful natives who sought to enrich themselves by trading with their conquerors, settled for security in the immediate vicinity. (Caes. *B. G.* vi. 37.) This was one of the most important ways in which towns grew up. Merchants, both Roman and foreign, came and settled outside the fortifications of these camps (*ad canabas legionis consistere*, as the phrase was; see Wilmanns, 2409 foll.), the inhabitants of the ad-

joining country helped to swell the numbers, veterans both from the legion quartered and from other legions and companies settled there, and thus the *canabae* grew into a village, and from that often to towns and colonies of considerable size and importance. Lambaesis in Numidia is a most noticeable example (see *C. I. L.* viii. pp. 283–285). Mayence, Strasburg, and Vienna owe their existence to a similar origin, as do possibly also the towns in England with the termination *-chester*. See on the whole matter Mommsen, *Die römischen Lagerstädte*, in *Hermes*, vii. 299–326; and Mommsen-Marquardt, iv. 19–21.

But whether a camp was temporary or permanent, whether tenanted in summer or in winter, the main features of the work were always the same for the same epoch. In *hiberna*, huts of turf or stone would be substituted for the open tents of the *aestiva* (hence *aedificare hiberna*), and in *stativa* held for long periods the defences would present a more substantial and finished aspect, but the general outline and disposition of the parts were invariable: a camp was laid down, arranged and fortified according to a fixed and well-known plan, modified only by the numbers for whom it was required to provide accommodation, but altogether independent of the nature of the ground or of the fancy of the general, so that each battalion, each company, and each individual had a place assigned to which they could at once repair, without order, question, delay, or confusion. (Polyb. vi. 42, § 10.)

At what period the practice of throwing up elaborate field-works for the protection of an army engaged in active service was first commenced by the Romans, it is impossible to determine; but we may safely conclude that, like all other parts of their military tactics, it was matured by a slow and gradual process. Livy and Dionysius, indeed, would lead us to suppose that regular camps existed from the most remote epoch to which their annals extend; but the language of these historians is in general so loose upon all matters of antiquarian research, and they are so much in the habit of transferring to the earliest ages the usages of their own contemporaries, that no safe inference regarding points of this nature can be drawn from their words. Frontinus, on the other hand, declares that the idea of a fortified enclosure, calculated to contain a whole army, was first suggested to the Romans by the camp of Pyrrhus, which they captured near Beneventum (cf. Liv. xxxv. 14); but as the statements of this author have never been deemed to possess much weight, and as we are also told that Pyrrhus looked with admiration on the Roman camp (Plut. *Pyrrh.* 16), we cannot lay much stress on his testimony. It is evident, however, from the facts detailed in the article EXERCITUS, that a camp, such as the earliest of those of which we possess any detailed account, could not have assumed that shape until the tactics of the phalanx were superseded by the manipular divisions; and it may be held as certain that each of the great wars in which the Commonwealth was successively engaged for more than a century—with the Samnites, with Pyrrhus, with the Cisalpine Gauls, and with the Carthaginians—must have led to a series of improvements. The system was probably brought to perfection in the campaigns against Hannibal, and underwent no material alteration until the organic changes in the constitution of the army, which took place not long before the downfall of the constitution, during the civil broils, and under the earlier emperors, rendered a corresponding change in the internal economy of the camp unavoidable. Hence, although it would be at once vain and unprofitable to attempt an investigation of the various changes through which a Roman camp passed before it assumed what may be called its normal shape, it is evidently absolutely necessary for all who desire to obtain even a slight knowledge of the Roman art of war, to make themselves acquainted with this important feature in their system during the best days of the republic and the empire. And fortunately the records of antiquity enable us to supply such information with considerable minuteness. Polybius, the friend and companion of the younger Scipio, has transmitted to us a description of a Roman camp, such as he must have often seen with his own eyes; and the writer of a treatise which is generally entitled *Hygini gromatici liber de munitionibus castrorum*, who flourished probably under Septimius Severus, has left us a technical memoir on the art of castrametation as practised in his own day. To these some might feel inclined to add the remarks of Vegetius, who lived during the reign of Valentinian, but for reasons which are stated elsewhere [EXERCITUS] it will be more safe to neglect him altogether.

We shall proceed to describe these two camps in succession, it being understood that the leading statements with regard to the first are taken directly from Polybius (vi. 27–37 and 41), and those with regard to the second, from Hyginus, unless when the contrary is distinctly indicated. But while we endeavour to explain clearly all the parts of the camps themselves, we must refer to the article EXERCITUS for everything that concerns the different kinds of troops, their divisions, their discipline, and their officers.

It must be carefully borne in mind that the camps described in the following pages were the normal ones—*i.e.* the sum of all the arrangements which the Romans aimed at effecting; though we cannot doubt but that actually in each case some of these arrangements must have been incapable of being carried out, owing to one cause or another, such as increased numbers, position of the enemy, lie of the ground, &c.

I. CAMP OF POLYBIUS.

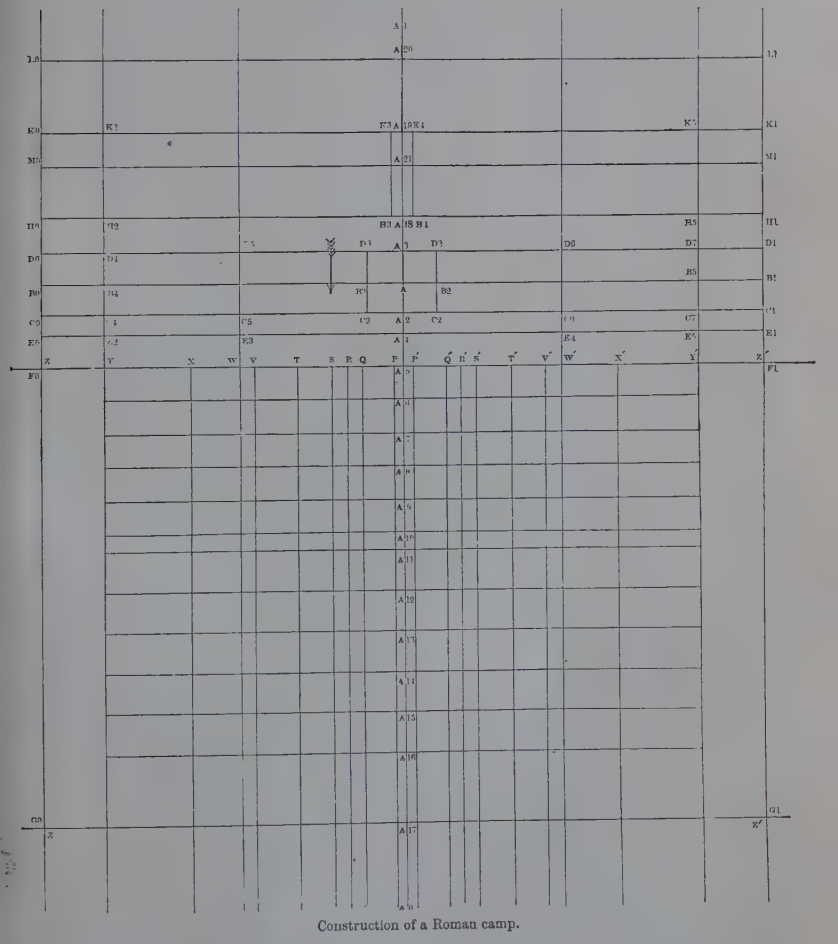
[Simple numbers in the following refer to the chapters and sections of the sixth book of Polybius.]

The camp described by Polybius is such as would be formed at the close of an ordinary day's march by a regular consular army consisting of two Roman legions with the full contingent of Socii. Each legion is calculated at 4,200 infantry and 300 cavalry; the Socii furnished an equal number of infantry and twice as many cavalry as a regular contingent. But there were besides four *cohortes extraordinariae* (containing each 400 men) and two *alae extraordinariae* (containing each 300 men), taken from the Socii, so that the whole force amounted

to 18,400 foot and 2,400 horse (Mommsen-Marquardt, ii. 379, 380, 386). When the legion was increased to 5,000 infantry, there was no doubt a proportional increase in the numbers in a camp.

Choice of the Ground.—Although the general outline, the defences, and the internal economy of a camp were altogether independent of the nature of the ground, yet great importance was attached to the choice of a fitting situation which should admit of being readily laid out in the required form, which should afford no facilities for attack or annoyance, which should be convenient for procuring wood, water, and forage, and which the army might enter and quit without danger of surprise. Skill in the

(Fig. 1.)



Construction of a Roman camp.

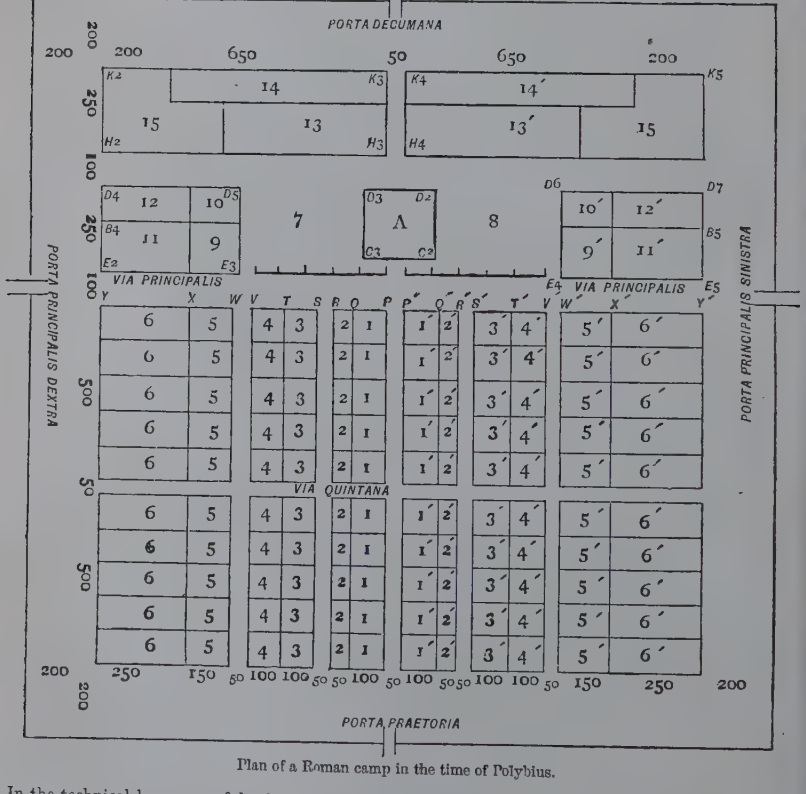
selection of such a spot (*capere locum castris*) was ever considered as a high quality in a general, and we find it recorded among the praises of the most renowned commanders that they were wont in person to perform this duty (*e.g.* Liv. ix. 17, xxxv. 14, 28; Tac. *Hist.* ii. 5, *Agric.* 20; comp. Quintil. *I. O.* xii. 3, § 5). Under ordinary circumstances, however, the task devolved upon one of the military tribunes, and a certain number of centurions appointed from time to time for the purpose. These having gone forward in advance of the army until they reached the place near which it was intended to halt, and having taken a general survey of the ground, selected a spot from whence a good view of the whole proposed area might be obtained, that spot being considerably within the limits of the contemplated enclosure

(41, §§ 1, 2). An essential point was, of course, to have water and fodder in close proximity to the camp (27, § 3).

Construction.—The spot answering these conditions and which we shall call A (fig. 1) was marked by a small white flag. The next object was to ascertain in what direction the front of the camp should face—this direction we indicate by the arrow in the subjoined figure. Upon the position of A and the direction of the arrow depended the disposition of all the other parts of the work; for these two preliminary points being decided, the business of measuring out the ground (*metari castra*) commenced, and was executed, as we learn from various sources, with graduated rods (*decempedae*) by persons denominated *metatores* (Cic. *Phil.* xiv. 4, 10). The different steps of the process may be most briefly and distinctly set down in the ordinary language of a geometrical construction.

Through A draw a straight line A_0 A_1, parallel to the direction of the arrow, a straight line B_0 B_1 at right angles to A_0 A_1. These two straight lines, A_0 A_1 and B_0 B_1, served as the bases by which the position of all the different divisions of the camp were determined.

(Fig. 2.)



Plan of a Roman camp in the time of Polybius.

In the technical language of land measurement, which was derived from augural science and was used also in the foundation of colonies, these two lines were called respectively *decumanus maximus* and *cardo maximus*; or, to be perfectly accurate, the *cardo maximus* ran through the middle of the *via principalis*, at the very outer point of which the *groma* was fixed to regulate the lines. The camp, then, theoretically faced east (see Nissen, *Das Templum*, p. 11); but as a matter of fact usually faced the enemy (Veget. i. 23). Extension along A_0 A_1 was called length (*μῆκος*); along B_0 B_1 was depth (*βάθος*).

Along A A_0 set off A A_2 = 100 feet; A_2 A_4 = 50 feet; A_4 A_5; A_5 A_6; A_6 A_7; A_7 A_8; A_8 A_9; A_9 A_{10} each = 100 feet; A_{10} A_{11} = 50 feet; A_{11} A_{12}; A_{12} A_{13}; A_{13} A_{14}; A_{14} A_{15}; A_{15} A_{16} each = 100 feet; A_{16} A_{17} = 200 feet.

Along AA_1 set off AA_3; A_3 A_{18}, each = 100 feet; A_{18} A_{21} = 150 feet; A_{21} A_{19} = 100 feet; A_{19} A_{20} = 200 feet.

Through A_2; A_3; A_4; A_5; A_{17}; A_{18}; A_{19}; A_{20} draw C_0 C_1; D_0 D_1; E_0 E_1; F_0 F_1; G_0 G_1; H_0 H_1; K_0 K_1; L_0 L_1 straight lines parallel to B_0 B_1, and in like manner draw through A_8; A_7; .... A_{16} straight lines parallel to B_0 B_1, as marked in the figure.

On $B_0 B_1$ make $A B_2$; $A B_2$ each = 100 feet.

Through B_2 and B_3 draw straight lines parallel to $A_0 A_1$, cutting $C_0 C_1$ in C_2 and C_3, and cutting $D_0 D_1$ in D_2 and D_3; in this manner a square area $C_2 C_3 D_3 D_2$ is determined, each side of which = 200 feet.

Along A_5 F_0 set off A_5 P = 25 feet; P Q = 100 feet; Q R = 50 feet; R S = 50 feet; S T = 100 feet; T V = 100 feet; V W = 50 feet; W X = 150 feet; X Y = 250 feet; Y Z = 200 feet.

Along $A_5 F_1$ set off A_5 P′; P′ Q′; Q′ R′ .... Y′ Z′, equal respectively to A_5 P; P Q; Q R; .... Y Z.

Through Z Z′ draw straight lines parallel to $A_0 A_1$, cutting $G_0 G_1$ in z and z′, and cutting $L_0 L_1$ in L_0 and L_1. The square area O O′ z′ z thus determined was the camp.

Again, through P; Q; R....Y, and through P′; Q′; R′ .... Y′ draw straight lines parallel to $A_0 A_1$, cutting the parallels to $B_0 B_1$ in the points marked in the figure.

Finally, on $H_0 H_1$ lay off $A_{18} H_3$ and $A_{18} H_4$ each = 25 feet, and through H_3; H_4; draw straight lines parallel to $A_0 A_1$, cutting $K_0 K_1$ in $K_3 K_4$.

This construction being completed, we now proceed to explain the arrangement of the different parts referring to figure 2, in which the lines no longer necessary are obliterated, the spaces occupied by the troops or officers enclosed by dark lines, and the streets (*viae*) distinctly laid down. In practice the most important points were marked by white poles, some of which bore flags of various colours, so that the different battalions on reaching the ground could at once discover the place assigned to them (47, § 7).

The white flag A, which served as the starting point of the whole construction, marked the position of the consul's tent, or *praetorium*, so called because *praetor* was the ancient term for any one invested with supreme command. It had a roof like a temple (Joseph. *B. J.* iii. 5, 2). The square area $C_2 D_3$ was left open, extending, as we have seen, a hundred feet each way from the praetorium. That portion of the camp which lay in the direction of the arrow towards the space out in front (*πρὸς τὴν ἐκτὸς ἐπιφάνειαν*) from the line $E_0 E_1$ (fig. 1) was termed the front or fore-part of the camp (*τοῦ παντὸς σχήματος κατὰ πρόσωπον*, 27, §§ 3, 6).

The number of legions being two and the number of tribunes in each being six, their tents were arranged six and six at equal distances along the line $E_0 E_1$ (fig. 1), exactly opposite to and looking towards the legions to which they belonged. Hence, as will be seen from what follows, they did not extend beyond the points E_2 and E_4; but whether they were distributed at equal distances along the whole of the line $E_2 E_4$, or whether the space in front of the praetorium was left vacant, as in our figure, as seems most probable, may admit of doubt. The space of fifty feet included between the parallels $C_0 C_1$ and $E_0 E_1$ (fig. 1), immediately behind the tents of the tribunes, was appropriated to their horses, beasts of burden, and baggage (27, §§ 4, 5). The probability is, as we shall see below, that there was a space in front as represented in the figure.

The ten areas marked 1 were set apart for the cavalry of one legion, and the corresponding ten areas marked 1′ for the cavalry of the other legion (28, §§ 2, 3). These all faced towards the street P P′; and each area, containing a space of 10,000 square feet, was allotted to one turma or troop of 30 dragoons, with their horses and baggage. Such long rows were called *strigae* (*δρόμοι*); for this word cf. Festus, p. 315. When there were larger numbers in the camp than those we are considering, the depth, not the length, was increased (29, § 5; 30, § 3).

Back to back with the cavalry, and looking out upon the streets R S, R′ S′, the Triarii of the two legions were quartered in the areas 2 and 2′ (29, § 3). Each area contained 5000 square feet, and was allotted to a maniple of 60 men; hence, according to the calculation here followed, a dragoon and his horse were allowed as much space as 4 foot-soldiers.

In the areas marked 3 and 3′ facing the Triarii were quartered the Principes of the two legions; each of these areas contained 10,000 square feet, and was allotted to a maniple of two centuries, that is, 120 men (29, § 6).

In the areas marked 4 and 4′, back to back with the Principes, and looking out upon the streets V W, V′ W′, were quartered the Hastati of the two legions, the number of men being the same as in the Principes, and an equal space being assigned to them (29, § 8).

Facing the legionary Hastati, in the areas marked 5 and 5′, were the cavalry of the allies. The total number was 900 to each legion, but of these $\frac{1}{3}$ or 300 were separated under the name of *extraordinarii*, and quartered in a different part of the camp (30, §§ 1, 3). Consequently, each of the spaces 5 and 5′ was calculated to accommodate 60 dragoons with their horses. We can hardly suppose that the dragoons of the allies had such comparatively roomy quarters as those of the Roman cavalry were. Allowing, then, the 60 allied dragoons half as much space again as the 30 Roman ones, we find each of these areas to contain 15,000 square feet.

Back to back with the cavalry of the allies, and looking towards the rampart which enclosed the camp, the infantry of the allies were quartered in the areas marked 6 and 6′ (30, § 4). The total number was 5000 for each legion; but of these 800 were separated as *extraordinarii*, and quartered in a different part of the camp. Hence there would remain 4,200 or 420 for each of the spaces 6 and 6′; and as we cannot allow the allied foot-soldiers less than the confined spaces of the legionaries, each space must have contained 25,000 square feet.

The open space immediately behind the tents and baggage of the tribunes, extending to the right and left of the space allotted to the general, was assigned on one side to the *quaestorium* and its appliances (*τῷ τε ταμιείῳ καὶ ταῖς ἅμα τούτῳ χορηγίαις*), and on the other to a forum (31, § 1). They are marked 7 and 8. This is the most probable arrangement, but we cannot be absolutely certain of it.

Still further to the right and left at an angle to the tents of the tribunes (*οἷον ἐπικάμπιον τάξιν ἔχοντες πρὸς τὰς σκηνάς*), looking respectively towards the quaestorium and the forum, were a body of cavalry, selected from the *extraordinarii equites* (*οἱ τῶν ἐπιλέκτων ἱππέων ἀπόλεκτοι*), and a body of cavalry serving as volunteers out of compliment to the general (*καί*

τινες τῶν ἐθελοντηδὸν στρατευομένων τῇ τῶν ὑπάτων χάριτι, 31, §§ 2, 3), who were analogous perhaps to the *Evocati* of later times, or, as Masquelez thinks (*ap.* Saglio, *Dict.*, p. 948), were clients of the consul. Back to back with these, looking towards the rampart, in 11, 12, and 11′, 12′, were quartered the foot-soldiers belonging to the same classes as the cavalry just named (31, § 4). In the camp, then, as well as on the march, these troops were always near the person of the consul and of the quaestor, and served as a sort of body-guard to them. Their number is nowhere specified, and hence the exact space required for their accommodation cannot be determined.

In 13, 13′, looking towards the quaestorium, praetorium, and forum, were quartered the remainder of the *extraordinarii equites*. Allowing the picked cavalry mentioned previously to have been 2 double turmae of 60 men each, we have remaining 8 double turmae, *i.e.* 480 men. If we allow these as much room or a little less than the Roman *equites*, we may assume a surface of 150,000 square feet for them. Back to back with these, stretching a little beyond them on each side, and facing the ramparts in 14, 14′, were the remainder of the *extraordinarii pedites* (31, §§ 7, 8). Supposing these to be at the most 1500 in number, and allowing them as being picked troops a little more room than the ordinary foot-soldiers of the allies, let us assume for them a space of 130,000 square feet. The spaces marked 15, 15′ were assigned to foreign troops (*auxilia*), or to allies not included in the regular contingent who might chance to be present (τοῖς ἀλλοφύλοις καὶ τοῖς ἐκ τοῦ καιροῦ προσγιγνομένοις συμμάχοις, 31, § 9). If these troops were more numerous than usual, part of the quaestorium and the forum were made use of (32, §§ 4, 5).

The form of the camp was an exact square (τετράγωνον ἰσόπλευρον), the length of each side being 2150 Roman feet.

The clear space between the ramparts and the tents (*intervallum*) was 200 feet, and this was of the greatest service in facilitating the marching in and out of the soldiers without crowding or confusion. Here, also, cattle and other booty were kept and guarded; and the breadth was sufficient to prevent any ordinary missile or fire-brand hurled into the camp from doing serious injury (31, § 12 ff.).

The principal street, stretching right across in front of the tents of the tribunes, was 100 feet wide and called *via principalis* (Liv. x. 33), so called because the chief officers, *principes* (Amm. Marc. xxii. 3, 2), had their quarters there. The main portion of this street, that in close proximity to the tents of the tribunes, was called *principia* (ἀρχεῖα, Plut. *Galb.* 12), though perhaps strictly the term should be applied to the officers' quarters themselves: thus Suet. *Otho*, 1, speaks of an execution *ante principia*. We often hear of the soldiers congregating *in principiis praetorioque* (*e.g.* Liv. vii. 12). The latter is that space immediately in front of the general's tent, between it and the line of the legionaries' tents, thus taking in a part of the *via principalis* (see Weissenborn on Liv. xxi. 53, § 6; xxvii. 25, § 5). It will be observed that the lengthened lines of the ten turmae and manipuli in each division is intersected at the termination of the first five by a road fifty feet wide, called the *Via Quintana* (30, § 6). The position of the remaining five *viae* in the fore-part of the camp, all of which intersect the Via Quintana at right angles, will be understood at once by inspecting the plan, the width of each being fifty feet.

When two consular armies encamped together within the same rampart, two ordinary camps were, it may be said, applied to each other at the ends nearest to their respective praetoria; the decuman gate, accordingly, in each camp disappearing. The two praetoria faced in opposite directions, and the legions of the two consuls stretched their lines in front of each praetorium, so that the figure of the camp was now no longer a square, but a rectangle, whose length was twice that of an ordinary camp, the breadth being the same. Here we must say a word on the great *crux* in Polyb. vi. 32, § 8: ὅταν μὲν οὖν συμβαίνῃ τοὺς ὑπάτους ἀμφοτέρους ὁμοῦ στρατοπεδεύειν, οὕτως ἀεὶ χρῶνται ταῖς στρατοπεδείαις· ὅταν δὲ χωρίς, τἆλλα μὲν ὡσαύτως, τὴν δ' ἀγορὰν καὶ τὸ ταμιεῖον καὶ τὸ στρατήγιον μέσον τιθέασι τῶν δυεῖν στρατοπέδων. That ὁμοῦ and χωρὶς στρατοπεδεύειν mean camping within one enclosure under one general-in-chief (*castra conjungere*, Liv. iii. 8), and with two separate enclosures under two separate generals,—like Minucius and Fabius in Polyb. iii. 105, § 10, and 103, §§ 7, 8,—is certain. Equally certain is it that Polybius's whole previous description of the camp is at variance with the idea that in a camp of two legions the forum, quaestorium, and praetorium were *between* the two legions. Accordingly, Masquelez (*l. c.* p. 952) wishes to take ὁμοῦ as meaning "at the same time," and χωρὶς "at different times," "one after the other;" but does not make it plain how the praetorium would be in the middle of the two camps, seeing that the construction of the first camp was, by his hypothesis, according to the normal method, and so started from the praetorium in the normal position. Marquardt (in Mommsen-Marquardt, v. p. 404, note 1) transposes χωρὶς and ὁμοῦ, a drastic but wholesome remedy. We must note, too, that whereas Polybius nearly always uses στρατόπεδον for a legion (as in § 6 of this chapter), yet here the last words mean "between the two *camps*."

Although the words of Polybius are, as a whole, so full and clear that we can have little difficulty in forming a distinct conception of the camp which he describes and in delineating the different parts, it must not be concealed that he has altogether passed over many important points on which we should desire information, and that occasionally his language is not entirely free from ambiguity.

Under the head of omissions, we must note—

1. The absence of all definite information with regard to the manner in which the *velites* were disposed of. These, at the time when Polybius wrote, amounted to 1200, or, at the lowest computation, to 1000 for each legion; and taking the same number for the contingent of the Socii, we shall thus have a body of at least 4000 men to account for. Polybius says (vi. 35, § 5): τὴν δ' ἐκτὸς ἐπιφάνειαν οἱ γροσφομάχοι πληροῦσι παρ' ὅλον καθ' ἡμέραν τὸν χάρακα παρακοιτοῦντες· αὗτη γὰρ ἐπιτέτακται τούτοις ἡ λειτουργία· ἐπί τε τῶν εἰσόδων ἀνὰ

δέκα ποιοῦνται τούτων αὐτῶν τὰς προκοιτείας. What is τὴν ἐκτὸς ἐπιφάνειαν? It appears to be a vague expression, "the space out in front" (cf. 27, § 6). Further, πληροῦσι presupposes a limited space, the boundary of which is no doubt the wall of the rampart. We are thus led to believe that the *velites* occupied the whole line of the ramparts (compare Caes. *B. C.* i. 21, "perpetuis vigiliis stationibusque ut contingant inter se atque munitionem *expleant*;" so that there is no necessity to adopt Schweighäuser's emendation τηροῦσι), and especially that part of the ramparts in front which faced the enemy. What Polybius says (vi. 24, § 4) merely means that a certain number of velites were *attached to* each division of the legions, not that they *encamped* in juxtaposition with them. Space would not admit of their encamping together; and even if it did, then surely the velites and not the triarii would have been the fit persons to look after the horses of the equites (see below), as is pointed out by Masquelez (*l. c.* p. 953). Also, when Polybius says (vi. 33, § 8) that the velites οὐ λειτουργοῦσι, he refers to the smaller but less arduous camp duties, such as keeping clean the streets, mounting honorary guard at the officers' tents, &c. But further, Masquelez notices that for the whole line of the ramparts all round such a considerable number of velites as 4000 would be far more than was necessary. We can then suppose that a considerable proportion of them were used for the large outposts (*stationes*) outside the camp, which we so often hear of (see Weissenborn on Liv. xxi. 4, § 7). And we know that one of the punishments inflicted on the legionaries was to make the delinquents bivouac outside the camp (Liv. x. 4, § 4; Polyb. vi. 38, § 3), at the same time as degrading them to the velites (Frontin. *Strat.* iv. 1, 18; cf. Val. Max. ii. 7, 15). Thus we see, following Masquelez, that the velites served both inside the camp to man the wall and outside as pickets. This seems a better view than that of Marquardt (*l. c.* p. 396), who holds that the light-armed troops always bivouacked outside the camp; or that of Justus Lipsius, who thinks that they all occupied the intervallum. The velites ceased to form a portion of the legion about the time of Marius, so that later writers throw no light upon the question. It is remarkable also, that while Polybius passes them over completely in the internal arrangements of his camp, so also he takes no notice of them when describing the order of march.

2. No mention is made of the *legati*. Lipsius, in his plan of a Roman camp after Polybius, assigns to them a compartment next to the praetorium on the side opposite to that where the quaestorium stood; but this is merely a conjecture.

3. The *praefecti sociorum* likewise are passed over. Since they corresponded among the troops of the allies to the *tribuni* in the legions, it seems highly probable that their tents were ranged along a prolongation of the line on which the latter stood, and thus they also would be placed immediately opposite to and looking towards the soldiers under their immediate command.

4. The number of tents allowed to each maniple or century is nowhere stated, and consequently the number of men in each tent is unknown, nor are we very distinctly told how the centurions and other officers of the infantry and cavalry inferior to the tribunes were provided for; it is merely said that the ταξίαρχοι in each maniple took the first tents on each side, that is, probably, at each end of the row which held one maniple (30, § 5).

5. With regard to the fortifications of the camp it is stated that the digging of the ditch (ταφρεία) and the formation of the rampart (χαρακοποιΐα) upon two sides of the camp was assigned to the Socii, each division taking that side along which it was quartered; while the two remaining sides were in like manner completed by the legionaries, one by each legion. The work upon each side was portioned out among the maniples, the centurions acted as inspectors of the tasks performed by their respective companies, and the general superintendence was undertaken by two of the tribunes (34, §§ 1, 2). The nature and the dimensions of the defences are not, however, specified. These consisted of a ditch (*fossa*), the earth from which was thrown inwards, and formed, along with turf and stones, into a mound (*agger*), on the summit of which, on the outer edge, a strong palisade of wooden stakes (*sudes*, *valli*) was fixed forming the rampart (*Vallum* s. *Vallus*—χάραξ). [VALLUM.] We can scarcely doubt that the depth of the ditch, together with the height and breadth of the agger, were, under ordinary circumstances, fixed; but the measurements incidentally mentioned in isolated passages do not perfectly accord with each other. Among the works at Dyrrhachium (Caes. *B. C.* iii. 63) we read of a ditch 15 feet deep, and a vallum 10 feet high and 10 feet broad; in the war against the Bellovaci and other Gaulish tribes we find Caesar (*B. G.* viii. 9) fortifying his camp with a double ditch, 15 feet deep, with perpendicular sides (*directis lateribus*), and a vallum 12 feet high, on the top of which was a breast-work (*loricula*) and numerous towers, three stories high, connected with each other by bridges, the sides of these bridges next to the enemy being protected by a breast-work of fascines (*viminea loricula*). Both of these, however, as well as several others which we might quote, must be regarded as special cases. The practice of a later period is, as we shall see below, more clearly defined by Hyginus and others.

Neither the number nor the names of the openings in the vallum are given. We have, however, abundant evidence to prove that they were four:—(1) *Porta Principalis dextra*, and (2) *Porta Principalis sinistra*, at the two extremities of the street called *via principalis*. As the praetorium most probably faced in the same direction as the tents of the tribunes, the position of these gates is as represented in the plan. (3) *Porta Praetoria*. It is sometimes said that this gate was also called *Extraordinaria*. But this name, which seems to occur in Livy, xl. 27, § 3, rests on a conjecture of Gelenius. Most MSS. read *extraordinariis*, which has crept into the text from the same word a line before; and the Mayence MS. reads *praetoria*, which is no doubt right, and is adopted by Weissenborn (*ad loc.*), Nissen (*Das Templum*, 41), and Marquardt (*l. c.* 401, note 2). (4) *Porta Decumana*, which was also called *Quaestoria* (Liv. xxxiv. 47; xl. 27). (3) and (4) were at the extremities of the *decu-*

manus maximus. Great diversity of opinion attaches to the question as to whether these two gates were as marked in the plan, or just the reverse. There can be no doubt that the *porta decumana* was the one which was turned away from the enemy (Liv. x. 32), and the *porta praetoria* the one which faced them (Veget. i. 23; Festus, *s. v.*; Hyg. *de Munit. Castr.* 56). Now, according to those who hold that the names of the two gates on the plan should be just reversed, the gate was called *decumana* because it was near where the tenth maniples and the tenth turmae were quartered (cf. Hyg. *l. c.*, § 18); and compare *Quintana*, on which Festus has this gloss: "*Quintana* appellatur porta in castris post praetorium ubi rerum utensilium forum sit;" and from Quintana in the sense of market comes the modern *canteen* (cf. Suet. *Nero*, 26). Further, they say that their view agrees with Polybius, who says (27, § 3) that the direction in which the legionaries lay was that which looked towards the quarter whence forage and water could be most easily secured; and that would hardly be the side which faced the enemy. But their opponents hold that the *porta decumana* was called from the augural *decumanus maximus* (see Weissenborn on Livy, iii. 5, § 5); that the statements of Festus and Hyginus do not apply to the Polybian camp, but to a camp of the kind Hyginus himself has described (see below); that the other name of the gate, viz. *Quaestoria*, was given from its proximity to the quaestorium, though probably as to use Mommsen's words (*Staatsrecht*, ii.² 552), "the whole arrangement of the camp rests on the opposition of the two head-quarters of the general (*praetorium*) and the quaestor (*quaestorium*," the two chief gates were called after them; that Polybius distinctly calls "front" (κατὰ πρόσωπον) the part of the camp in which the legionaries lay, and towards which the tents of the officers faced (27, § 6; 29, § 7); and he calls the opposite part or the camp the "rear" (τὴν ὄπισθε πλευράν, 31, § 7; cf. 32, § 6). This seems to be the correct view of the position of the gates; and the undoubted difficulty in the words of Polybius (27, § 3), that the camp lay παρὰ μίαν ἐπιφάνειαν καὶ πλευράν, ἥτις ἂν ἐπιτηδειοτάτη φανῇ πρός τε τὰς ὑδρείας καὶ προνομάς, παραβάλλεται τὰ Ῥωμαικὰ στρατόπεδα, may be obviated by translating παρὰ, "alongside of,"—*i.e.* water and forage were on the sides of the camp not directly in front or rear.

We can scarcely doubt that the Portae must have been always defended by barriers of some kind; but when special precautions were required, they were closed by regular gates defended by towers (*portis fores altioresque turres imposuit*, Caes. *B. G.* viii. 9).

We now proceed to notice various particulars connected with the internal discipline of the camp.

The Camp Oath.—When an army encamped for the first time, the tribunes administered an oath to each individual quartered or employed within its limits, including slaves as well as freemen, to the effect that he would steal nothing out of the camp, but if he chanced to find any property that he would bring it to the tribunes (33, § 2). We must suppose that the solemn promise being once made, was considered as binding during the whole campaign, for it would have been impossible to have repeated a ceremony so tedious at the close of each march. (Marquardt, *l. c.*, p. 374, note 1.)

Distribution of Duty among the Officers.—In each legion the tribunes divided themselves into three sections of two each, and each section in turn undertook for two months the superintendence of all matters connected with the camp (34, § 3 ff.). It is most probable that one tribune in each section assumed the chief command upon alternate days, or perhaps during alternate months (Liv. xl. 41, § 8; Marquardt, *l. c.*, p. 353, notes 1 and 2); and hence Polybius generally speaks of one tribune only as acting, or of two when reference is made to both legions.

Officers' parade.—Every morning at daybreak the centurions and the equites presented themselves before the tents of the tribunes, and the tribunes in like manner, attended perhaps by the centurions and equites, presented themselves at the praetorium. The orders for the day were then issued by the consul to the tribunes, communicated by the tribunes to the centurions and equites, and through the centurions and equites reached the soldiers at the proper time (34, § 5).

Guards, Sentinels, &c.—Out of the twenty maniples of Principes and Hastati in each legion, two were appointed to take charge of the *via principalis*. The main part of the centre of this road, the *Principia*, was the place of general resort during the day. The tribunes heard complaints (Dig. 49, 16, 12, 2) and administered justice (Liv. xxviii. 24, § 10) in the *principia*; where punishments, too, were inflicted (Val. Max. ii. 7, 9; Suet. *Otho*, 1). There also was the altar right in front of the praetorium (Val. Max. i. 6, 4). At the left angle of the praetorium facing the *via principalis* (C_2 in the figure) was no doubt the *tribunal* (Weissenborn on Livy, viii. 32, § 2), and at the angle at the right (C_3 in the figure) was the *augurale* (Tac. *Ann.* ii. 13) or *auguratorium* (Orelli, 2286); cf. Hygin. § 11. The *via principalis* was accordingly an important place; so that great pains were taken that it should be kept perfectly clean and regularly watered—a labour which would fall very light when portioned out among four maniples (33, §§ 3, 4).

Of the remaining eighteen maniples of Principes and Hastati in each legion, three were assigned by lot to each of the six tribunes, and of these three maniples one in turn rendered each day certain services to the tribune to whom it was specially attached. It took charge of his tent and baggage, saw that the former was properly pitched upon ground duly levelled all round, and protected the latter from damage or plunder. It also furnished two guards (φυλακεῖα) of four men each, who kept watch, some in front of the tent and some behind, among the horses (35, §§ 5, 7). We may remark in passing, that four was the regular number for a Roman guard (φυλακεῖον): of these one always acted as sentinel, while the others enjoyed a certain degree of repose, ready, however, to start up at the first alarm. Compare the Acts of the Apostles, xii. 4, παραδοὺς τέσσαρσι τετραδίοις στρατιωτῶν φυλάσσειν αὐτόν.

The Triarii were exempted from those duties imposed upon the Principes and Hastati, but

each maniple of the Triarii furnished daily a guard of four men to that turma of the Equites which was quartered immediately behind them, in order to watch the horses, and to take care that they did not sustain any injury from getting entangled with their halters and heel ropes, or break loose and cause confusion and mischief (33, §§ 10–12). How necessary this was may be seen from the panic caused by such an occurrence in the German war (Tac. *Ann.* i. 66).

One maniple was selected each day from the whole legionary force, to keep guard beside the tent of the general, that he might be secured alike from open danger and hidden treachery; this honourable task being devolved upon every maniple in rotation (33, § 12). Three sentinels were usually posted at the tents of the quaestor, and two at those of the legati; and by night sentinels kept watch at every maniple, being chosen out of the maniple which they guarded (35, §§ 2–4).

The Velites, as we have seen, besides furnishing men for the outlying pickets (*stationes*), also mounted guard by day and by night along the whole extent of the vallum; and to them also in bodies of ten were committed the charge of the gates (35, § 5).

Excubiae, excubias agere, excubare are the general terms used with reference to mounting guard, whether by night or by day, but usually by day (Isid. *Orig.* ix. 3, 42). The day watches were probably changed twice a day (Liv. xliv. 33). *Vigiliae, vigilias agere, vigilare* are restricted to night duty. *Excubiae* and *Vigiliae* frequently denote not only the service itself, but also the individuals who performed it. *Stationes* is used specially to denote the advanced posts thrown forward in front of the gates, *Custodes* or *Custodiae* the parties who watched the gates themselves, *Praesidia* the sentinels on the ramparts; but all these words are employed in many other significations also.

Going the Rounds (ἐφοδεία).—In order to ascertain the vigilance of the night sentinels (*νυκτεριναὶ φυλακαί*), an ingenious scheme was devised. Each guard (*φυλακεῖον*) consisted, as we have seen, of four men, and each of these in turn stood sentinel for one of the four watches into which the night was divided. The sentinels to whom it fell to go upon duty in the first watch, were conducted in the afternoon to the tent of the tribune by lieutenants of the maniples to which they belonged. Each of these men received from the tribune four small tokens (*ξυλήφια*), numbered from one to four, for the four watches, and bearing also marks indicating the legion, and maniple or century from which the guard was taken. The individual who received these tokens retained the one which answered to his own watch, and distributed the rest among his three comrades. The duty of going the rounds (*vigilias circuire s. circumire*; comp. Fest. s. v. *fraxare*) was committed to the Equites (cf. Liv. xxii. 1, § 8), and for this purpose each legion supplied daily four young men (*νεανίσκοι*), picked out before breakfast (*πρὸ ἀρίστου*) from each turma. The eight persons thus selected decided by lot in which watch they should make their rounds, two being assigned to each watch. They then repaired to the tribune, and each individual received a written order specifying the posts which he was to visit, every post being visited in each watch by one or other of the two to whom the watch belonged. They then repaired in a body to the first maniple of the Triarii, and there took up their quarters, because it was the duty of one of the centurions of that maniple to give notice of the commencement of each watch by a trumpet blast. At the appointed time each eques, accompanied by some friends, who acted as witnesses, visited all the posts named in his written order, and from each sentinel whom he found on the alert he received one of the tokens described above; but if the sentinel was asleep or absent, then the eques of the rounds called upon his companions to witness the fact, and departed. The same process was followed by all the others, and on the following morning the officers of the rounds repaired to the tent of the tribune and delivered up the tokens. If the number of these was found to be complete, then all was well; but if any one was wanting, then it could be at once ascertained to what guard and to what watch the missing token belonged. The centurion of the company was ordered to bring forward the men implicated, and they were confronted with the officer of the rounds. If the latter could prove by means of his witnesses, that he had actually visited the post in question, and found the sentinel asleep or absent, then the guilt of the sentinel could not be a matter of doubt; but if the officer failed to establish this, then the blame fell upon himself, and in either case the culprit was forthwith made over to a court-martial, and if convicted suffered the fearful punishment of *ξυλοκοπία* [FUSTUARIUM]; and accordingly the guards were hardly ever neglected (35, § 8—37, § 6). Sometimes we find centurions (Tac. *Hist.* ii. 29), tribunes (Liv. xxviii. 24, § 8), and even the general-in-chief (Sall. *Jug.* 45), represented as going the rounds; but under ordinary circumstances the duty was performed as we have described.

Watchword.—The watchword for the night was not communicated verbally, but by means of a small rectangular tablet of wood (*πλατεῖον ἐπιγεγραμμένον—tessera*—to be carefully distinguished from the *ξυλήφιον* of the last paragraph, though Polybius applies the same term to both), upon which it was written. One man was chosen out of each of those maniples and turmae which were quartered at that extremity of the lines most remote from the Principia. Each of these individuals (*tesserarius*) repaired towards sunset to the tent of the tribune, and received from him a *tessera*, on which the password and also a certain number or mark were inscribed. With this he returned to the maniple or turma to which he belonged, and, taking witnesses delivered it to the officer of the next adjoining maniple or turma, and he to the next until it had passed along the whole line, when it was returned by the person who received it last to the tribune. The regulation was that the whole of the tesserae should be restored before it was dark; and if any one was found wanting at the appointed time, the row to which it belonged could be at once discovered by means of the number or mark noticed above: an investigation took place at once into the cause of the delay, and punishment was inflicted upon the parties found to be in fault (34, §§ 7–12).

Not only mere passwords were circulated in

this manner, but also, occasionally, general orders, as when we read in Livy, xxvii. 46, "Tessera per castra ab Livio consule data erat, ut tribunum tribunus, centurio centurionem, eques equitem, pedes peditem acciperet." It was accordingly sometimes called *tacitum signum* (Liv. xxxix. 30, § 4; cf. Sil. It. xv. 475).

Although the tesserarius received the tessera from the tribune, it proceeded in the first instance from the commander-in-chief, as we may perceive from the passage just quoted, and many others. Under the empire it was considered the peculiar function of the prince to give the watchword to his guards. (Tac. *Ann.* i. 7; comp. Suet. *Claud.* 42, *Ner.* 9.)

Breaking up a Camp.—On the first signal being given by the trumpet, the tents were all struck and the baggage packed (*vasa colligere*), the tents of the general and the tribunes being disposed of before the others were touched. At the second signal the baggage was placed upon the beasts of burden; at the third, the whole army began to move (40, §§ 1–3).

II. Camp of Hyginus.

Another account of a camp is that contained in the treatise *De munitionibus castrorum* (edited, with a commentary, by L. Lange, Göttingen, 1848, and later by Gemoll in the Teubner series). It bears the name of no author; but is usually attributed either as by Lange to the elder Hyginus, who was a land-surveyor under Trajan, or to a younger Hyginus, who lived at all events before Constantine the Great, as by Lachmann. The following are the arguments of Marquardt (in Mommsen-Marquardt, v. 579, 580) to prove that probably the author of the treatise wrote under Sept. Severus.

1. In the camp described there is no legionary cavalry. Now such certainly existed in Hadrian's time, but after that gradually disappeared, faint traces indeed being found up to 240 A.D. (*C. I. L.* iii. 5942).

2. Among the *nationes* mentioned in the camp (§ 29) are Palmyreni. Now under Caracalla (211–217) Palmyra was a *colonia iuris Italici* (Dig. 50, 15, 1, 5).

3. The mention of camels (§ 29) shows that probably the author had an Eastern expedition in his mind's eye.

4. The reading "domine Trajane," § 45, is a conjecture. The Arcerianus reads "domine frater" (for this phrase cf. *Anth. Pal.* ii. 293, ed. Jacobs).

Passing, then, from the time of Polybius over a space of about 350 years, we find ourselves amidst an order of things altogether new. The name *Legiones* still remains, but all the ancient divisions, with the exception of the *Centuriae*, have disappeared. The distribution of the soldiers into *Velites*, *Hastati*, *Principes*, and *Triarii* did not endure more than half a century after the era of Polybius; the organization by maniples was about the same period in a great measure superseded by the cohorts, and the cavalry were detached from the infantry and formed independent corps. In like manner the *Socii*, after the admission of the Italian states to the Roman franchise, ceased to form a separate class, and their place is now occupied by a motley crew of foreigners and barbarians serving in bands, designated by strange titles. We are reminded also that the republican form of government had given way to the dominion of a single individual by the appearance of a multitude of household troops and imperial bodyguards, distinguished by various appellations, and invested with peculiar privileges. A complete Roman army did not now consist of *Romanae Legiones cum Sociis*, or of *Legiones cum Sociis et Auxiliis*, but of *Legiones cum Supplementis*, the term *Supplementa* including the whole of the various denominations alluded to above. In what follows, we shall attempt to delineate a summer camp (*castra aestivalia*), intended to contain three legions, with their supplements—a force which, in the time of Hyginus, corresponded to the regular consular army of the sixth and seventh centuries of the city. It is but right, however, to call attention to the fact, that we do not here tread upon ground so firm as when Polybius was our guide. The text of Hyginus presents many difficulties and many corruptions; and there are not a few passages in which we are thrown too much upon conjecture. This, however, be it understood, applies almost exclusively to the minute details, for the general outline of the whole is clear and well ascertained. The plan sketched below is taken entirely from Lange, and the proportions of the different parts are carefully preserved. Omitting in this case the geometrical construction, we proceed at once to explain the figure.

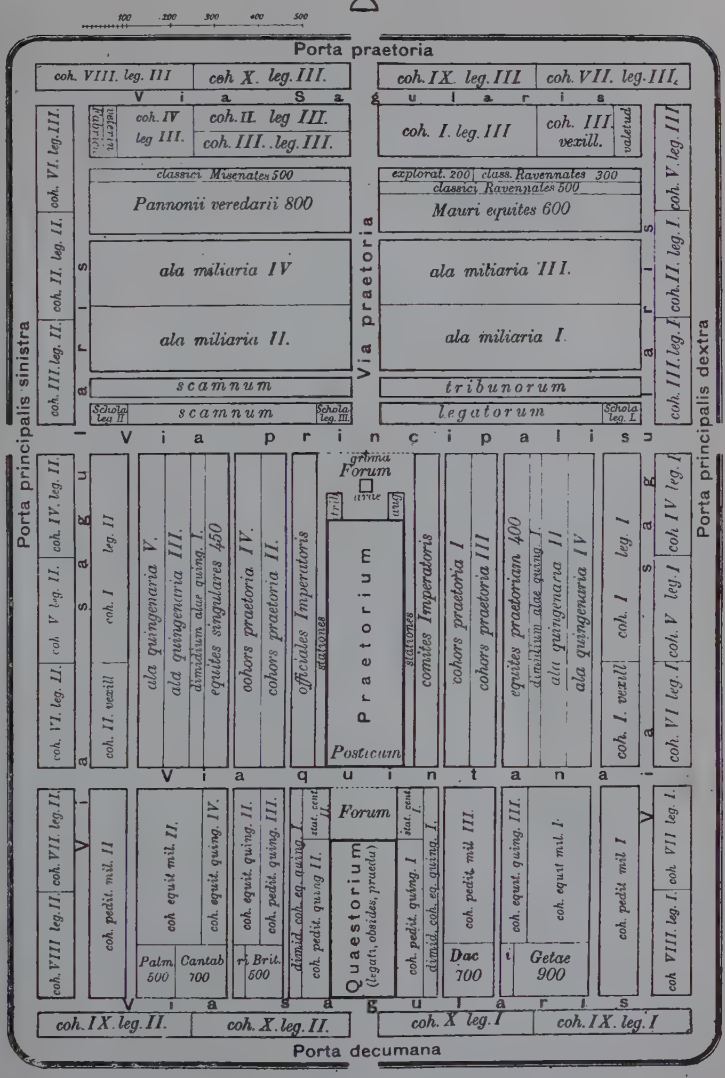
The point from which the whole of the measurements proceeded is marked with a small cross, and was called *Groma*, that being the name of an instrument employed by surveyors, analogous, in its uses at least, to the modern cross staff, plane table and level.

The general form of the inclosure was an oblong, the two longer sides being at equal distances from the Groma, rounded off at the angles (*angulos castrorum circinare oportet*), 2320 feet in length by 1620 feet in breadth, the general rule being that the length should exceed the breadth by one-third (*castra in quantum fieri potuerit tertiata esse debebunt*); when larger, it was called *Castra Classica*, because, says Hyginus, the ordinary *buccinum* or bugle could not be heard distinctly from one extremity to the other (Hyg. § 21).

The Groma stood in the middle of the principal street (*Via Principalis*), which was sixty feet wide, extending right across the camp, with the two *Portae Principales* at its extremities. The two remaining gates, which, like the former, retained their ancient names, were the *Porta Praetoria*, which was nearest to the enemy (*porta praetoria semper hostem spectare debet*), and the *Porta Decumana*, and these were placed in the centre of the two shorter sides of the oblong. If we may judge from the remains of the gates we find in the stations of the Roman Wall in the North of England, the gates were double ones, the leaves of which probably consisted of wood strengthened with iron plates. The portals seem to have been covered with arches of stone, and had guard-chambers on each side. (See, for example, Dr. Bruce's account of the west gate at Borcovicus (Housesteads) in *The Roman Wall*, p. 182.) Immediately behind the Groma, a rectangular space, 720 feet long by 180 broad, was set apart for the emperor or

commander-in-chief, and, as in the consular camp, termed the *Praetorium*. Immediately behind the Praetorium—that is to say, at the extremity most distant from the Groma—a street called the *Via Quintana*, 40 feet wide, extended across the camp parallel to the Via Principalis

(Fig. 3.)



Plan of a Roman camp in later times.

(Hyg. § 17). When the camp exceeded the ordinary dimensions, then two additional gates were formed at the extremities of the Via Quintana, the breadth of which was in that case increased to 50 feet.

It will be seen at a glance that the camp was

divided into three segments by the Via Principalis and the Via Quintana. Each of these segments had a name. The whole of the middle segment, lying to the right and the left of the Praetorium, formed the *Latera Praetorii* (§ 4). The segment included between the Via Principalis and that side of the camp in which the Porta Praetoria stood formed the *Praetentura* (§ 14). The segment included between the Via Quintana and that side of the camp in which the *Porta Decumana* stood formed the *Retentura* (§ 17).

The legiones being the most trustworthy of the troops in the provinces, were quartered by cohorts next to the rampart all round the camp, encircling completely with their lines the masses of foreigners, who, together with the imperial guards, formed the supplementa.

A clear space of 60 feet (*intervallum*) was left between the tents of the legionaries and the ramparts, and they were separated from the quarters of the other troops, whom they surrounded, by a street called the *Via Sagularis*, which ran completely round the camp, so that the whole of the legionaries, with the exception of the first cohort in each legion, and three ordinary cohorts for whom there is not room in the outer ring, were bounded on one side by the intervallum and on the other by the *Via Sagularis*. The remaining streets not particularly specified were comprehended under the general name *Viae Vicinariae* s. *Vicinales*, and their breadth was 20 feet (§ 37).

The defences of a camp might be fourfold:—1. *Fossa*. 2. *Vallum*. 3. *Cervoli*. 4. *Arma*.

1. The *Fossa* might be of two kinds: *a*. The *Fossa fastigata*, with both sides sloping, so as to form a wedge; or, *b*. the *Fossa Punica*, of which the outer side was perpendicular, the inner side sloping, as in the fossa fastigata. The breadth in either case was to be at least 5 feet, the depth 3 feet. Outside of each gate a ditch was dug extending on both sides somewhat beyond the gate: this, on account of its shortness, was called *Titulus*, and in front of the titulus was a small semicircular redoubt (*clavicula*).

2. The *Vallum* was formed of earth and turf, or of stone, 6 feet in height, 8 feet broad.

3. When the nature of the ground did not admit of the construction of a sufficient vallum, then a chevaux de frise (*cervoli*) was substituted.

4. When neither a Vallum nor Cervoli could be employed, then the camp was surrounded by a ring of armed men four deep, numerous sentries were posted in each line, and the cavalry patrolled in turn in every direction.

The words of Hyginus would lead us to suppose that when no danger was apprehended, a ditch alone was considered sufficient; and even this was excavated merely for the sake of exercising the men (*causa disciplinae*).

We can now proceed to point out in what manner the three segments were occupied, referring to the numbers on the figure, it being understood that, as before, we shall not enter here into any discussions regarding the origin and character of the different battalions named, all information upon such matters being given in the article EXERCITUS.

A. *Praetorium et Latera Praetorii.*

1. *Praetorium*. 2. *Arae*, on which public sacrifice was offered. The position assigned to them is conjectural; but they were, at all events, in the immediate vicinity of this spot. 3. *Auguratorium*, in which the Imperator took the auspices—the altars were perhaps erected in front of this place; at least, such was the case sometimes. (See Tac. *Ann.* xv. 30, where the form *Augurale* is employed.) 4. *Tribunal*, the elevated platform from which addresses were delivered to the troops. Close to the praetorium was a guardhouse (*stationi dari oportet secundum praetorium pedes viginti*). 5. *Comites Imperatoris*, the personal staff of the Imperator, among whom the chief place, next to the Via Principalis, was assigned to the Praefectus Praetorio. 6. *Equites singulares Imperatoris et Equites Praetoriani*: the number of these was variable; but Hyginus gives as an average 450 of the former and 400 of the latter. 7. *Cohortes praetoriae quatuor. Primipilares. Evocati. Officiales.* These picked troops were allowed twice as much space as the troops of the line (§§ 3, 5, 6). 8. *Alae quingenariae*: probably five in number. 9. In each of the spaces on the extreme right and left of the praetorium, bordering on the Via Sagularis (*per rigorem viae sagularis*), were placed the first cohort and the *vexillarii* of one legion. The first cohort and the *vexillarii* of the remaining legion will be found in the Praetentura. The first cohort of a legion contained 960 men, being twice as numerous as the others; the *vexillarii* of a legion amounted to about 500.

B. *Praetentura.*

10. *Scamnum Legatorum*. The quarters of the legati. 11. *Scamnum Tribunorum*. Immediately behind the legati were the legionary tribunes and the tribunes of the praetorian cohorts.

In the language of surveyors, *scamnum* was a rectangular figure, whose breadth exceeded its length, *striga* a rectangular figure, whose length exceeded its breadth (Marquardt, *l. c.* p. 394, n. 3). So, *Signa* and *Tabulinum* are the terms used with reference to the direction of the length and breadth respectively: thus, "Cohors prima causa signorum et aquilae intra viam sagulariam, et quoniam duplum numerum habet, duplam pedaturam accipiet, ut, puta, *signis pedes centum viginti, tabulino pedes trecentos sexaginta, vel signis centum octoginta tabulino pedes ducentos quadraginta.*" It is the more necessary to call attention to this, because these significations have been passed over by the best lexicographers, and we find that some modern expounders of Hyginus imagine *Tabulinum* to have been an office where the books and accounts of the legion were kept. Another example of the use of these words will be given below. 12. *Alae milliariae quatuor*, one in each of the four compartments. 13. *Valetudinarium*, the hospital for the sick soldiers. 14. *Veterinarium*, the hospital for the sick horses. 15, 16. *Classici*, marines employed as pioneers: 500 from the fleet at Misenum and 800 from that at Ravenna. *Mauri equites sexcenti. Pannonii veredarii octingenti.* These two bodies of light cavalry were quartered near the classici, because, when the latter were sent in advance to clear the way, they were guarded by the former. 17. *Exploratores*, 200 in number. General Roy in his plan places them in these two small

compartments, but it appears more probable from the words of Hyginus, that they were quartered all together on the side next to the first cohort of the third legion. 18. The first cohort of the third legion; 19, its *vexillarii*.

On the opposite side of the Via Praetoria, three legionary cohorts, for whom there was not sufficient space outside of the Via Sagularis.

In the Praetentura stood also the *Fabrica* or workshop of the carpenters and armourers, erected at a distance from the Valetudinarium, so that the noise might not disturb the patients.

Within the scamnum of the legati were the *Scholae* of the first cohorts, the places apparently where the superior officers of the legions assembled in order to receive the general orders of the day.

C. *Retentura.*

20. *Quaestorium.* This space corresponded in name only with the Quaestorium of the Polybian camp, for it was no longer assigned to a quaestor (*Quaestorium dicitur quod aliquando ibi quaestores pedaturam acceperint*). It was occupied partly by prisoners of rank, hostages, and plunder; and here perhaps the Praefectus Castrorum may have been quartered, unless we are to look for him among the *Comites Imperatoris.*

21. *Statorum centuriae duae,* who guarded the rear of the praetorium, and always kept close to the person of the Imperator. These, like the praetorians, had double space assigned to them.

22. *Cohortes equitatae milliariae duae. Cohortes equitatae quingenariae quatuor.*

23. *Cohortes peditatae milliariae tres. Cohortes peditatae quingenariae tres.*

24. *Nationes.* Barbarian troops. *Palmyreni quingenti. Gaetae nongenti. Daci septingenti. Britones quingenti. Cantabri septingenti.* Among these we find enumerated *Sumactares,* a word which no one has succeeded in explaining, but it is in all probability a corrupt form.

Camels with their riders (*cameli cum suis epibatis*) were frequently included among the constituents of an army, being used both in offensive operations and also in carrying plunder.

Three points strike us forcibly when we compare the camp of Hyginus with that of Polybius: first, the flimsy character of the fortifications, which must be attributed to the disinclination felt by the soldiers to perform regularly and steadily the same amount of labour which was cheerfully executed by soldiers of the republic; secondly, the desire everywhere visible to economise space, and compress everything within the narrowest possible limits; and, thirdly, the adoption of the duodecimal system of measurement in place of the decimal system, which is found in Polybius (Rudorff, *Feldmesser,* ii. 291). Although the numbers of an army, such as we have been considering above, cannot be determined with absolute precision, they must, on the lowest computation, have exceeded 40,000 men, and these were crowded together into less than one-half the space which they would have occupied according to the ancient system, the proportion of cavalry, moreover, being much larger in the imperial force. The camp of Polybius, calculated for less than 20,000, contains upwards of four millions of square feet, while the camp of Hyginus embraces little more than three millions and seven hundred thousand.

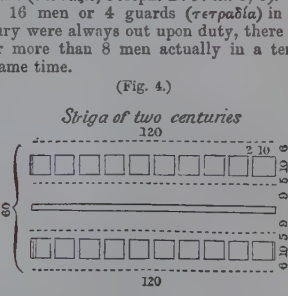
We may conclude with a few words upon a topic entirely passed over by Polybius, but on which Hyginus affords ample information in so far as the usages of his own day are concerned —the number and arrangement of the tents.

A double row of tents (*papiliones*) facing each other, with a space between for piling the arms of the soldiers and for receiving the beasts of burden and the baggage, was termed *Striga;* a single row, with a corresponding space in front, *Hemistrigium.* The normal breadth of a *Striga* was 60 feet, of a *Hemistrigium* 30 feet, made up as follows:—10 feet were allowed for the depth of each tent, 6 feet for a passage behind the tent, 5 feet for the arms piled in front of the tent, 9 feet for the *jumenta* and baggage; total 30 feet for the hemistrigium, which doubled for the striga gives 60, the space between the rows being 28 feet. The length of the striga or hemistrigium varied according to circumstances.

A full legionary century (*plena centuria*), when Hyginus wrote, consisted of 80 men, who occupied 10 papiliones. The length allowed for each papilio was 12 feet, 10 feet for the papilio itself, and 2 feet for lateral passages (*incrementum tensurae*), and thus the length of the line along which the papiliones of a century stretched was $10 \times 12 = 120$ feet. Out of this the centurion had a space allotted to him equal to that required for 2 tents, so that the privates of the century occupied 8 tents only; that is, they were quartered at the rate of 10 men to each tent. The men in each tent formed a *contubernium* (*σύνταξις,* Joseph. *B. J.* iii. 5, 3). But since 16 men or 4 guards (*τετραδία*) in each century were always out upon duty, there were never more than 8 men actually in a tent at the same time.

(Fig. 4.)

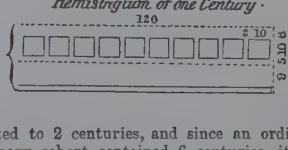
Striga of two centuries



Since a striga 120 feet in length and 60 feet in breadth, containing 7200 square feet, was

(Fig. 5.)

Hemistrigium of one Century.



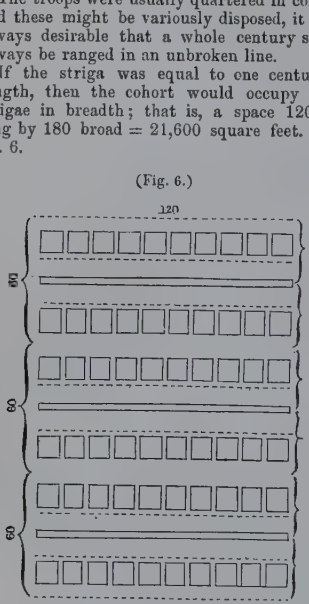
allotted to 2 centuries, and since an ordinary legionary cohort contained 6 centuries, it follows that the space required for each cohort (*pedatura cohortis*) of 480 men was 21,600 square feet.

For the cavalry a hemistrigium was assigned to 40 men, *i.e.* two dragoons had as much space as five foot-soldiers. Accordingly an *ala quingenaria* would require 12½, and an *ala milliaria* 25, hemistrigia. A *cohors equestris quingenaria*, which contained 380 foot and 120 horse, would require as much space as 680 foot, *i.e.* nearly 7 hemistrigia, and a *cohors equestris milliaria* double that amount, *i.e.* 14 hemistrigia.

The troops were usually quartered in cohorts, and these might be variously disposed, it being always desirable that a whole century should always be ranged in an unbroken line.

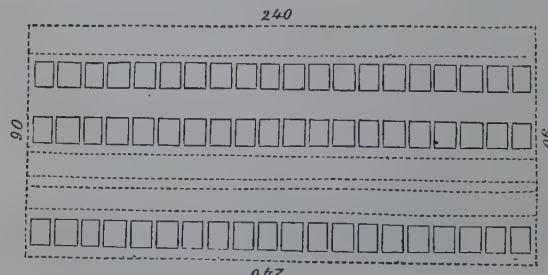
If the striga was equal to one century in length, then the cohort would occupy three strigae in breadth; that is, a space 120 feet long by 180 broad = 21,600 square feet. See fig. 6.

(Fig. 6.)



If the striga was equal in length to two centuries, then the cohort would occupy one whole striga and a hemistrigium; that is, a space 240 feet long by 90 feet broad = 21,600 square feet. See fig. 7.

(Fig. 7.)

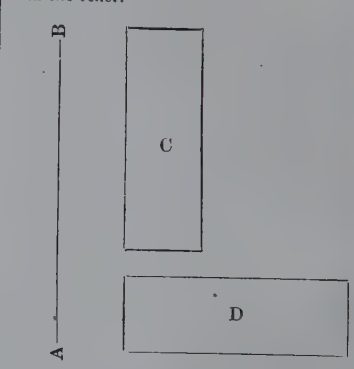


If the striga was equal in length to three centuries, then the cohort would occupy one striga only, or a space 360 feet long by 60 feet broad = 21,600 square feet. See fig. 8 (on next page).

It is to be observed that in the plan of the camp given above, the legionary cohorts on the longer sides are in strigae of 240 feet in length, those on the shorter sides in strigae of 360 feet in length.

When the number of legions in an army was greater in proportion to the supplementa than in the array which we have reviewed, then, in order that they might still be ranged outside of the Via Sagularis, the strigae presented their breadth to the vallum instead of their length; or, to use the technical phrase, the length which in the former case had been assigned to the *Signa* was now given to the *Tabulinum* (*Quodsi legiones plures acceperimus et supplementa pauciora ut necessarium sit cohortes circa vallum crebrius ponere convertemus pedaturam*, QUOD FUERAT SIGNIS TABULINO DABIMUS).

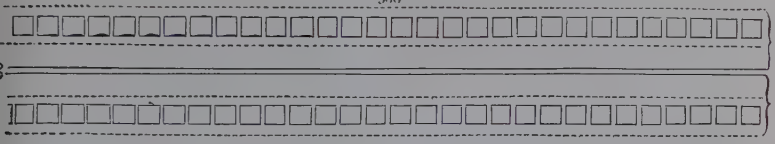
If A B be the line of the vallum, C will represent the position of the cohort in the one case, D in the other.



Josephus, in his account of the Jewish war, takes special notice of the Roman encampments; and although he does not enter into minute details, his observations, with which we shall conclude this article, form a useful supplement to Hyginus. It is evident from the numerous artizans for whom workshops are provided, from the towers with which the vallum was strengthened, and from the precaution of setting fire to everything left behind, that the words of the historian refer chiefly to Castra Stativa. He begins by remarking (*B. J.* iii. 5) that the Romans when invading an enemy's country never hazard an engagement until they have fortified a camp (*οὐ πρὶν ἅπτονται μάχης ἢ τειχίσαι στρατόπεδον*), which, in form, is a square (*διαμετρεῖται δὲ παρεμβολὴ τετράγωνος*), with four gates, one on each side. He adds that, if the ground is not even, it is levelled. The rampart by which it is surrounded exhibits the appearance of a wall furnished with towers at equal distances, and in the spaces between the towers is placed the artillery ready for immediate service (*τούς τε ὀξυβελεῖς, καὶ καταπέλτας, καὶ λιθοβόλα, καὶ πᾶν ἀφετήριον*

ὄργανον τιθέασιν, ἅπαντα πρὸς τὰς βολὰς ἕτοιμα). The camp is divided conveniently by streets; in the middle are the tents of the officers, and in the very centre of all the praetorium (τὸ στρατήγιον); there is also a forum (ἀγορά τις ἀποδείκνυται), and a place for artificers (χειροτέχναις χωρίον), of whom a great number follow the army with building

(Fig. 8.)



tools, and seats for the tribunes and centurions (θωκοί τε λοχαγοῖς καὶ ταξιάρχοις), where they decide any disputes which may arise. When necessary (εἰ δὲ ἐπείγοι) a ditch is dug all round, four cubits deep and four cubits broad.

At day-dawn (ὑπὸ δὲ τὴν ἕω) all the soldiers repair to the tents of their respective centurions (ἐπὶ τοὺς ἑκατοντάρχας) and salute them: the centurions repair to the tribunes (πρὸς τοὺς χιλιάρχους), along with whom all the centurions (ταξίαρχοι) repair to the commander-in-chief, from whom they receive the watchword (σημεῖον) and the general orders of the day, to be conveyed by them to their respective divisions.

When a camp is broken up, at the first blast of the trumpet the soldiers strike the tents and pack up the utensils; at the second they load the mules and other beasts of burden, set fire to everything which could prove serviceable to an enemy, and stand like coursers ready to start forward on a race; the third gives the last warning that all things being now prepared every man must be in his place. Then the herald, standing at the right hand of the general, demands thrice if they are ready for war, to which they all respond with loud and repeated cheers that they are ready, and for the most part, being filled with martial ardour, anticipate the question, and raise their right hands on high with a shout. (*B. J.* iii. 5, §§ 1–4.)

Besides Polybius and Hyginus, the chief works on the subject are Mommsen-Marquardt, v. 390–408 (where all the important literature on the subject is collected) and 578–584; Masquelez in Daremberg and Saglio, *Dict. des Antiquités*, s. v. *Castra*; Nissen, *Das Templum*; Lange, L., *Historia mutationum rei militaris Romanorum*. [W. R.] [L. C. P.]

CASTRENSES, a name applied under the early empire to the *ministri* of the emperor, whose residence was often spoken of as *castra* or *praetorium*, in reference to his position as commander-in-chief. The whole of his servants formed the *familia castrensis*, and were under the orders of a *procurator castrensis*, an officer mentioned in inscriptions between the times of Claudius and of Commodus: *e.g.* Wilmanns, *Exemp. Inscr. Lat.* No. 1243. [A. S. W.]

CATAGO'GIA (καταγώγια). [ANAGOGIA.]

CATAGRA'PHA. [PICTURA.]

CATAL'OGUS (κατάλογος), the catalogue of those persons in Athens who were liable to regular military service. At Athens, those persons alone who possessed a certain amount of property were allowed to serve in the regular infantry, whilst the lower class, the thetes, had not this privilege. Thus the former are called οἱ ἐκ καταλόγου στρατεύοντες, and the latter οἱ ἔξω τοῦ καταλόγου. (Xen. *Hell.* ii. 3, § 20.) Those who were exempted by their age from military service are called by Demosthenes (*de Synt.* p. 167, § 4) οἱ ὑπὲρ τὸν κατάλογον. It appears to have been the duty of the generals (στρατηγοί) to make out the list of persons liable to service [ASTRATEIAS GRAPHÉ], in which duty they were probably assisted by the demarchi, and sometimes by the βουλευταί. (Dem. *c. Polycl.* p. 1208, § 6.) [W. S.]

CATALY'SEOS TOU DEMOU GRAPHE' (καταλύσεως τοῦ δήμου γραφή) was an action brought against those persons who had altered, or attempted to alter, the democratical form of government at Athens; and was closely connected with, and scarcely distinguishable from, the προδοσίας γραφή (ἐπὶ προδοσίᾳ τῆς πολέως, ἢ ἐπὶ καταλύσει τοῦ δήμου συνιών, Dem. *c. Timocr.* p. 745, § 144). The form of proceeding was the same in both cases; namely, by εἰσαγγελία. In the case of καταλύσεως τοῦ δήμου, the punishment was death; the property of the offender was confiscated to the state, and a tenth part dedicated to Athena. A person was also liable to this action who held any public office in the state after the democracy had been subverted (Psephisma of Demophantus *ap.* Andoc. *de Myst.* §§ 96–98). The orator Lycurgus argues reasonably enough that a conspiracy to subvert the constitution must be punished if it fails, for if it succeeds the criminal will be out of the reach of punishment (*c. Leocr.* §§ 124–126). But if his statement of the law may be relied on, too much scope is allowed for vague suspicion by the words ἦν τις αἴσθηται μόνον μέλλοντας αὐτοὺς τούτων τι ποιεῖν: and his argument in § 147, that Leocrates by his flight had become liable, among other penalties, to an action καταλύσεως τοῦ δήμου, is an instance of constructive treason pushed to its extremest limits. According to Andocides and Lycurgus, the decree of Demophantus provided not only that the offender might be slain with impunity, but that all Athenians should bind themselves by the most solemn oaths to do their part in killing him. [W. S.] [W. W.]

CATAPHRACTI (κατάφρακτοι), a kind of mail-clad cavalry found principally among the Eastern nations (Justin. xli. 2; Lampr. *Alex. Sev.* 56, 5) and the Sarmatians (Tac. *Hist.* i. 79). For the description of their armour, itself called *cataphractes* or *cataphracta*, the principal passage

is Heliod. *Aeth.* ix. 15, of the Persians at the siege of Syene. Moderately thin pieces of brass or iron a span square were so fastened together to some soft substance on the inside that the lower end of each was above the upper end of the plate below it; and sideways the arrangement was similar. This effected a kind of scale-armour (*φολιδωτός*), and the authorities agree that it was singularly flexible (Amm. Marc. xvi. 10, 8; Suidas, *s. v. θώραξ*). The armour also had sleeves (*χειριδωτός*); in fact, the whole body was covered except that part of the thighs which grips the horse. The helmet was close-fitting, all down the neck, the eyes alone being exposed. The soldier had to be lifted on his horse. He was armed with a long spear, which was supported by a chain attached to the horse's neck, and at the end by a fastening attached to the horse's thigh, so as to get the full force of the horse's weight into the spear-thrust. No doubt, however, there were diversities in the exact nature of the armour in different times and places. In the picture of the cataphractus on Trajan's Column, the plates are fastened diamond-wise, and the rider has his whole face and neck uncovered. The horse, too, was all covered with armour, except just that part which was gripped by the legs of the rider; even the eyes were covered by discs pierced with a few small holes. When charging, the cataphractus appeared, we are told (Heliod. *l. c.*; Amm. *l. c.*), like a bronze statue in motion (*σιδηροῦς τις ἀνὴρ φαινόμενος ἢ καὶ σφυρήλατος ἀνδριὰς κινούμενος*).

Cataphractus. (From Column of Trajan.)

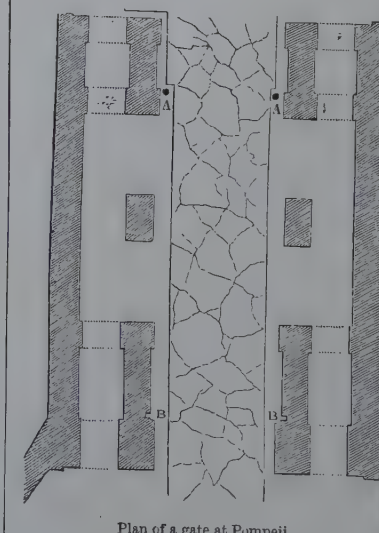
They were called *clibanarii* by the Persians (Lampr. *l.c.*; Amm. *l. c.*). John of Lydia (158, 25) has this note: Κλιβανάριοι ὁλοσίδηροι· κηλίβανα γὰρ οἱ Ῥωμαῖοι τὰ σιδηρᾶ καλύμματα καλοῦσιν ἀντὶ τοῦ κηλάμινα (i.e. *clibanarius* is derived from *celo* through *celamen, celibanum*). He thus holds it to be a Roman word; but on the face of it absurdly. Salmasius considers it not to be a Persian word (in Lampr. *l. c.*), a view justly objected to by Favre in his new edition of Ducange. For it is probably either a Persian or Syrian word, just as *cruppellarii* (Tac. *Ann.* iii. 43), who were a mail-clad infantry among the Gauls, is probably a Celtic word. (See Furneaux *ad loc.*)

We first hear of such mail-clad cavalry in the army of the elder Cyrus (Xen. *Cyr.* viii, 8, 22); later we know that they were in the army of Antiochus Epiphanes (Polyb. xxxi. 3, 9; Liv. xxxv. 48, 3). In the Roman armies the first notice we have of them is on Trajan's Column. (See Fröhner, *La Colonne Trajane*, plates 55, 62, 91.) From the time of Antoninus Pius they became frequent. (Orell. 804, 3383; *C. I. L.* iii. 99; Not. Dig. Seeck's *Index*, pp. 316, 317, s. vv. *Catafractarii* and *Clibanarii*.) [L. C. P.]

CATAPIRATES (-er or -a; *καταπειρητηρίη*, Herod. ii. 5, 28), a sounding lead. It consisted of a small piece of unwrought lead fastened to twisted cord. The lead was covered with grease, so that specimens of the kind of bottom might attach to it. See Lucilius, iii. 32 (p. 16, ed. L. Müller): "Hunc catapiraten puer eodem deferat unctum Plumbi pauxillum rudus linique mataxam." The unit of measurement in soundings was a fathom (*ὄργυια*): see Herod. ii. 5; *Act. Apost.* xxvii. 28. "To sound" is *βολίζειν*; and by *βολὶς* in the sense of a sounding-line the Schol. explains *μολύβδαινα*, in *Il.* xxiv. 80. The fact that it was hung from the prow (see picture in Guhl and Koner, p. 317) will not justify the alteration of *catapiraten*, the best-attested MS. reading, in Lucilius to *cataproraten*, which has no sufficient authority. (See L. Müller, *l. c.*) [L. C. P.]

CATAPULTA. [TORMENTUM.]

CATARACTA (*καταῤῥάκτης*). **1.** A portcullis, so called because it fell with great force and a loud noise. This contrivance for guarding against the surprise of a fortified town was in use in Italy in very early times (Dion. Hal. viii. 67); and the Romans had no occasion to borrow the thing itself, as they borrowed its name in classical Latin, from the Greeks. Vegetius (*de Re Mil.* iv. 4) speaks of the cataracta as an invention of great antiquity; and something like it is found in very primitive buildings, such as the lake-dwellings of the Paeonians



Plan of a gate at Pompeii.

(*καταπακτὴ* or perhaps *κατεπακτὴ πύλη*, Herod. v. 16, with Stein's note). As early probably as the 4th century B.C. the simple portcullis had been improved in order to obviate the placing by the enemy of an obstruction in the line of its groove (Aen. Tact. *Poliorc.* 39); the ropes by which it was raised or lowered were called

ἀνασπαστήρια and χαλαστήρια (App. *B. C.* iv. 78). Vegetius (*l. c.*) says that it was hung outside the regular gate: and this statement is confirmed by a narrative in Livy (xxvii. 28) as well as by existing remains. In the above plan of the principal entrance to Pompeii, now called the Porta d'Ercolano, there are two sideways for foot-passengers, and a road between them, fourteen feet wide, for carriages. The gates were placed at A, A, turning on pivots [CARDO], as is proved by the holes in the pavement, which still remain. This end of the road was nearest to the town; in the opposite direction, the road led into the country. The portcullis was at B, B, and was made to slide in grooves cut in the walls. The sideways, secured with smaller gates, were roofed in, whereas the portion of the main road between the gates (A, A) and the portcullis (B, B) was open to the sky. When therefore an attack was made, the assailants were either excluded by the portcullis; or, if they forced their way into the barbican and attempted to break down the gates, the citizens, surrounding and attacking them from above, had the greatest possible facilities for impeding and destroying them. (Liv., App., Veget., *ll. cc.*)

2. A boarding bridge, something like the *corvus* of Duilius [CORVUS], so called because it descended like a portcullis (App. *B. C.* v. 82).

3. A sluice, or perhaps rather a weir with hatches or sluices in it for regulating the height of water in a running stream (Plin. *Ep.* x. 69; Rutil. Numat. *de Reditu suo*, i. 481, "Tum cataractarum claustris excluditur humor;" cf. Amm. Marc. xxiv. 1, 11; 3, 10; 6, 2: Heliod. *Aeth.* ix. 8). [J. Y.] [W. W.]

KATASKOPES GRAPHĒ' (κατασκοπῆς γραφή), an action brought against spies at Athens. If a spy was discovered, he was placed on the rack, in order to obtain information from him, and afterwards put to death. (Antiphanes, *ap.* Ath. ii. p. 66 d; Dem. *de Cor.* p. 272, § 137; Aeschin. *c. Ctesiph.* § 224; Plut. *Vit. dec. Orat.* p. 848 a.) It appears that foreigners only were liable to this action; since citizens who were guilty of this crime were accused of προδοσία. (Meier, *Att. Process*, p. 365.) [W. S.] [W. W.]

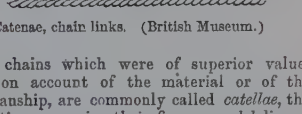
CATASTA. [SERVUS.]

CATEIA, a missile used in war by the Germans, Gauls, and some of the Italian nations, ascribed also to Persians and other Orientals (Verg. *Aen.* vii. 741; Val. Flacc. vi. 83; Aul. Gell. x. 25), and supposed to resemble the *aclys* (Serv. *l. c.*; Isid. *Orig.* xviii. 7). Now the *aclis* or *aclys* is said by Servius to have been obsolete in his time, and therefore imperfectly known; but it is described (he adds) as a club a foot and a half long, studded with points, and furnished with a thong, so that it can be recovered by the thrower (ad *Aen.* vii. 730, where Virgil himself mentions the thong, *flagellum*). As far as the two can be distinguished, the *aclys* seems to have been more of a club, the *cateia* more of a spear. Papias (*s. v.*) makes it a Persian word: later writers consider it Celtic, which, as Conington observes (ad *Aen.* l. c.), would agree with Virgil's *Teutonico ritu*, the Celtae and Teutones being often confounded. The weapon was also called *teutona* from the name of the people (Isid. *l. c.*; Aelfric, *Gloss. Saxon.* ap. Lersch). The *francisca* or *francisque*, the peculiar weapon of the Franks, is described as a two-edged axe used as a missile and carried in the belt: a modification perhaps of the *aclys* rather than the *cateia*. Cf. Lersch, *Antiq. Verg.* (Bonn, 1843), § 40, *de cateia et aclyde*. [J. Y.] [W. W.]

CATELLA. [CATENA.]

CATE'NA, dim. CATELLA (ἅλυσις, dim. ἁλύσιον, ἁλυσίδιον), a chain. The true chain in which the metal links are joined together by soldering can be traced as far back as the 8th century B.C; and beyond that, relics of the Bronze age show rings interlaced by very laborious processes without the aid of solder. This is seen especially in the bronze bits of primitive antiquity which have been discovered in Italy [FRENUM]. In the classical period the art of chain-making was quite as well understood as in modern times, and the variety of patterns was as great. The specimens of ancient chains which we have in bronze lamps, in scales [LIBRA], and in ornaments for the person, especially necklaces [MONILE], are equally elegant and ingenious. Besides a plain circle or oval, the separate link is often shaped like the figure 8, or as in the accompanying cut from a steelyard in the British Museum, a figure 8 with one of its loops turned at right angles to the other. We find also a bar with a circle at each end, and other forms, some of which are here shown. The links are also found so closely entwined that the chain resembles plaited wire or thread, like the gold chains now manufactured at Venice. This is represented in the lower figure of the woodcut.

Catena, chain. (British Museum.)



Catenae, chain links. (British Museum.)

The chains which were of superior value, either on account of the material or of the workmanship, are commonly called *catellae*, the diminutive expressing their fineness and delicacy, as well as the smallness of their size. These ornamental chains were sometimes given as rewards to the soldiers (Liv. xxxiv. 31), but they were commonly worn by women (Hor. *Ep.* i. 17, 55; Pollux, x. 167; Philippides, fragm. 32, Meineke), either on the neck (περὶ τὸν τράχηλον ἁλύσιον, Menand. fr. 252, Meineke), round the waist (Plin. *H. N.* xxxiii. § 40), or over one shoulder, as in some of the pictures from Herculaneum and Pompeii. They were used to suspend pearls, or jewels set in gold, keys, lockets, and other trinkets (Petron. 67, quoted under CAPSA). [J. Y.] [W. W.]

CATERVA'RII. [GLADIATORES.]

KATHARMI. [LUSTRATIO.]

CATHEDRA (*καθέδρα*), a seat; French, *chaire, chaise;* Eng. *chair:* but the term was more particularly applied to a seat with a back but no arms, whereas the *sella*, however splendid in its material or dignified in its associations, had neither. The back was usually curved or hollow, and low enough for the arm to rest upon it with ease, as in the annexed woodcut,

Cathedra, chair. (From a Greek vase.)

taken from Sir William Hamilton's work on Greek vases. On the cathedra is seated a bride, who is being fanned by a female slave with a fan made of peacock's feathers: under her feet is a footstool.

There was also the cathedra longa, *chaise longue* or easy chair; and, more luxurious still, the cathedra supina or reclining chair. Then as now, they were often made of wicker-work: [*salices*] *supinarum in delicias cathedrarum aptissimae* (Plin. *H. N.* xvi. § 174). The cathedra was more used by women than by men (hence *femineae*, Mart. iii. 63, xii. 38; cf. Hor. *Sat.* i. 10, 91; Propert. v. 5, 37). It was a mark of effeminacy when a man was seen *strata* (cushioned) *positus longaque cathedra* (Juv. ix. 51). To sit on cathedrae at table was, however, less luxurious than the ordinary reclining posture, and was considered proper for boys [ARVALES, p. 199 a; CENA]. The seat was not stuffed, but a cushion was commonly placed upon it; and a cover might also be thrown over the back.

Professorial chair. (Visconti.)

Another sort of cathedra was a sedan-chair, in which women were accustomed to be carried about, instead of in a lectica. The *nuda cathedra* of Juvenal (i. 65), in which the successful forger is carried *supinus*, is probably an uncurtained lectica; it is insolence rather than effeminacy which here provokes the rage of the satirist: cf. Cic. *Phil.* ii. 24, § 58, "aperta lectica mima portabatur."

The above illustration shows a professorial chair (Juv. vii. 203; Mart. i. 77) from Visconti (*Icon. Grec.* i. pl. 35). (Compare Böttiger, *Sabina*, vol. i. p. 35; Scheffer, *de Re Vehic.* ii. 4; Mommsen-Marquardt, vii. [*Privatleben*], p. 705.) [W. S.] [W. W.]

CATILLUS. [CATINUS.]

CATI'NUS or CATI'NUM, dim. CATILLUS or CATILLUM, a dish or platter on which viands were served up. Other names for similar table utensils will here be noticed; but it must be admitted that the differences of shape, materials, or use are not always clearly indicated. Even the distinction, so essential to our notions, between dishes and plates does not seem to have been observed (Hor. *Sat.* i. 3, 92); there is in fact no Greek or Latin word for "a plate" in the modern sense. Varro describes the catinus as deep enough to hold the gravy of meat or vegetables: *Vasa in mensa escaria, ubi pultem aut jurulenti quid ponebant, a capiendo catinum nominarunt, nisi quod Siculi dicunt κάτινον, ubi assa ponebant* (*L. L.* v. 120). They were mostly of earthenware, and were kept in various sizes: to have the *catinus* too small for its contents showed a want of style (Hor. *Ep.* ii. 4, 77). The historic turbot of Domitian required a dish made on purpose (Juv. iv. 131 ff.); Vitellius had gone a step beyond this, and built a special furnace to bake a gigantic *patina* in (Plin. *H. N.* xxxv. § 163). The *patina*, dim. *patella* (Hor. *Ep.* i. 5, 2), was also commonly of earthenware; it was bowl-shaped, and occurs frequently in Horace in the sense of a dish (*Sat.* i. 3, 80; ii. 2, 95; ii. 8, 43, 55, 72; *Ep.* i. 15, 34); but it was likewise used for cooking, and then had a cover (Plaut. *Pseud.* iii. 2, 51; Dig. 30, 7, 18, § 3). The actor Aesopus had a *patina* worth 100,000 sesterces; the material is not described (Plin. *H. N.* x. § 141). PAROPSIS (*παροψίς*) was in Greek applied either to the dish or its contents, as is proved by Athenaeus (ix. p. 367 b, &c.), with abundant quotations from the Comic poets: though Atticists tried to restrict the word to the latter sense (*παροψὶς τὸ ὄψον, οὐχὶ δὲ τὸ ἀγγεῖον· τοῦτο δὲ τρύβλιον ἢ λεκάριον καλοῦσιν*, Phryn. p. 176 Lobeck, p. 265 Rutherford). In Roman writers it is always the former: originally a square or oblong side-dish for delicacies (*quadrangulum et quadrilaterum vas*, Isid. *Orig.* xx. 4, 10), it came to mean any dish (Juv. iii. 142; St. Matt. xxiii. 25, 26). There was also an *apsis* or *absis*, either round or semicircular, like modern salad-plates (Dig. 34, 2, l. 19, § 6, and l. 32, § 1; ABSIS); and *gabatae*, said to have been of a deep shape (Isid. *Orig.* l. c. § 11; Mart. vii. 48, xi. 31). The LANX varied in form, but seems to have been always of metal; huge silver *lances* were among the most costly objects of Roman extravagance (Plin. *H. N.* xxxiii. § 145). We also find a *paropsis* in silver (Dig. 34, 2, l. 19, § 9). The Greek *πίναξ*, a board and so a wooden trencher, might be of other materials, *e.g.* silver (Philippid. fr. 9, Meineke); but silver dishes were thought vulgar by the Greeks, at least in those times (Ath. vi. p. 430 a).

The *catillus* was a saucer for pickles or other condiments (Hor. *Sat.* ii. 4, 75; cf. Mart. xi. 27, 5, *paropside rubra Allecem*, where a paropsis of red pottery is small enough to serve the same purpose). (Mommsen-Marquardt, vii. [*Privatleben*], 705.) [W. S.] [W. W.]

. **CAUPO.** The nature of the business of a *caupo* is explained by Gaius (Dig. 4, 9, 5): "Caupo . . . mercedem accipit non pro custodia, sed ut viatores manere in caupona patiatur . . . et tamen custodiae nomine tenetur." Thus he lodged travellers in his house, and was answerable for the safe custody of their property while remaining there, his liability being of two distinct kinds.

1. He was answerable as on a quasi- or implied contract to take extreme care of such property: "nautae caupones stabularii quod cujusque salvum fore receperint nisi restituent in eos judicium dabo" (Dig. 4, 9, 1, pr.); he was responsible for *custodia*, and not merely for *culpa*, so that loss of or damage to such property not attributable to *damnum fatale* or *vis major* (Dig. *ib.* 3, 1) fell on his shoulders, though for unavoidable calamity—such as robbery, fire, or the like—he could not be called to account. The introduction of the praetorian action ("recepti nautarum cauponum," &c.) was due to the desire to exact a high responsibility where great confidence was placed (Dig. *ib.* 1, pr.): the civil actions on hire (*locati conducti*) or bailment (deposit) would often lie against the *caupo*, but the former was of no use unless there had been at least *culpa levis*, and the latter availed only in cases of *dolus* and *culpa lata*. But the obligation of *custodia* could be excluded by express agreement between the parties.

2. He was answerable as on a quasi-delict (as we should say, he was vicariously liable in tort) for theft of such property by his employés or slaves, or for all damage done to it by them while under his charge (*Inst.* iv. 5, 3; Dig. 47, 5; 44, 7, 5, 6), and he seems to have been similarly liable when the actual delinquent was merely another person staying in the house (Dig. 47, 5, 1, 6). The penalty in this case was double the value of the property stolen, or double the loss occasioned by damage (Dig. 47, 5, 1, 2); and here, too, the action was *in factum*, i.e. praetorian in origin (*Inst.* loc. cit.). [J. B. M.]

CAUPO'NA signified: 1. An inn, where travellers obtained food and lodging; in which sense it answered to the Greek words *πανδοκεῖον*, *καταγώγιον*, and *κατάλυσις*. 2. A shop, where wine and ready-dressed meat were sold; in Greek *καπηλεῖον*. The person who kept a caupona was called *caupo* or *copo*; a hostess is *copa*, rarely *caupona*.

1. *Greek Inns.* In the earliest ages of Greece, as in the East at all times and in newly settled colonies, there was no provision for the entertainment of travellers, and the duty of hospitality was universally acknowledged [HOSPITIUM]. The growth of traffic rendered inns necessary; and in later times they appear to have been very numerous. The great number of festivals which were celebrated in the different towns of Greece, besides the four great national games, to which persons flocked from all parts of the Hellenic world, must have required a considerable number of inns to accommodate strangers, not only in the places where the festivals were celebrated, but also on the roads leading to those places.

The accommodation provided was however far from luxurious; and the character both of the houses and of their landlords was very indifferent. Inns were regarded as little better than brothels: *πανδοκεῦσαι καὶ πορνοβοσκῆσαι* are joined together, Theophr. *Char.* 6; *καπηλεῖα καὶ πορνεῖα*, Poll. ix. 34; the orgies of Demetrius Poliorcetes in the Acropolis suggest to a comic poet that "he took it for an inn:"

> *ὁ τὴν ἀκρόπολιν πανδοκεῖον ὑπολαβὼν*
> *καὶ τὰς ἑταίρας εἰσαγαγὼν τῇ παρθένῳ*

(Philippid. *fr.* 25 M. *ap.* Plut. *Demetr.* 26). And besides the charges of fraud and adulteration to which they were liable in common with other *κάπηλοι* or retail dealers, the hosts were often accused of more serious crimes. Two stories told by Cicero, but taken from Greek life, both turn on murders committed by innkeepers for the sake of gain (*de Inv.* ii. 4, § 14; *de Div.* i. 27, § 57). The higher classes used these *πανδοκεῖα* as little as possible; yet in default of other accommodation the public ambassadors of Athens were sometimes constrained to lodge and even to transact diplomatic business in them (Aeschin. *de F. L.* § 97; Dem. *de F. L.* p. 390, § 158=175).

The word *καπηλεῖον* signified, as has been already remarked, a place where wine and ready-dressed provisions were sold. *Κάπηλος* signifies in general a retail trader, who sold goods in small quantities. (For the distinction between *κάπηλος* and *παλιγκάπηλος*, which are not synonymous, cf. Aristoph. *Plut.* 1156 with the scholia; pseudo-Dem. i. *Aristog.* p. 784, § 46; Dem. *c. Dionysod.* p. 1285, § 7; Büchsenschütz, *Besitz und Erwerb*, p. 455, n.). The term, however, is more particularly applied to a person who sold ready-dressed provisions, and especially wine on draught (*ὁ κατὰ τὴν κοτύλην πωλῶν ὥσπερ οἱ νῦν λεγόμενοι κάπηλοι*, Schol. Aristoph. *l. c.*; Plat. *Gorg.* p. 518 B). When a retail dealer in other commodities is spoken of, the name of his trade is usually prefixed: thus we read of *προβατοκάπηλος* (Plut. *Pericl.* 24), *ὅπλων κάπηλος* (Aristoph. *Pax*, 1175), *ἀσπίδων κάπηλος* (*id.* 439), *βιβλιοκάπηλος*, &c. These *καπηλεῖα* were not resorted to as clubs (*λέσχαι, ἑταιρεῖαι*), or for purposes of good fellowship, but merely for sottish drinking; and hence were extremely disreputable. Isocrates tells us that in the "good old times" (*i.e.* the democracy of Solon and Cleisthenes) no respectable (*ἐπιεικὴς*) slave would have ventured to eat or drink in a *καπηλεῖον*: whereas in his own time young men of the greatest respectability (*ἐπιεικέστατοι*), driven by an absurd prejudice from the schools of philosophy and rhetoric, spent their whole time in these and similar establishments, in drinking, gambling, and debauchery (Isocr. *Areiop.* § 49; *Antid.* § 287). We are not surprised to read of the low estimation in which inn-keepers were held (Theophr. *Char.* l. c.; Plat. *Legg.* xi. pp. 918, 919). (Compare Becker-Göll, *Charikles*, ii. 1 foll.; Hermann-Blümner, *Privataltherth.* § 53, pp. 497–500.)

2. *Roman Inns.* A Roman wayside inn for the reception of travellers was called not only *caupona* but also *taberna*, *deversorium* and *taberna deversoria* (the last in Plaut. *Men.* ii. 3, 81; Varr. *R. R.* i. 2, 23). Along all the great roads of Italy there were inns, as we see from the description which Horace gives of his journey from Rome to Brundusium (1 *Sat.* v.). They were built as a speculation by neighbouring

proprietors (Varr. *l. c.*), and either let to a landlord or managed by slaves. They usually included a *stabulum* for horses and mules: hence in the Digest *caupones* and *stabularii* are more than once mentioned together (4, 9, l. 1, 5; *ib.* l. 5, pr.). Where the traffic was greatest, there might be several in the same place: to take the Appian way alone, we find the station Tres Tabernae (Cic. *ad Att.* ii. 12 and 13; *Act. Apost.* xxviii. 15); Forum Appii *differtum cauponibus* (Hor. *l. c.* 4); Tabernae Caediciae near Sinuessa (Fest. *Epit.* p. 45 M.); *Caudi cauponas* (Hor. *l. c.* 51). From Plautus downward, these hostelries occur repeatedly in Latin literature. Ambassadors were usually received at the public expense in decent lodgings [LEGATUS]; but the Rhodian embassy of B.C. 167 was driven to a *sordidum deversorium* (Liv. xlv. 22). Clodius, when wounded, was carried *in tabernam proximam in Bovillano* (Ascon. *Argum. ad* Cic. *pro Mil.*; in another passage it is *cauponula*). Cicero mentions a *copo de via Latina* suborned as a false witness (*pro Cluent.* 59, § 163), and the discreditable tippling of Antonius in a *cauponula* a few miles from Rome on the Via Flaminia (*Phil.* ii. 31, § 77). Cynthia drives past a *taberna* on her way to Lanuvium, and the remarks of the tavern-brawlers disgust the poet-lover (Propert. v. 8, 19). The sprightly Virgilian *Copa* shows us, in a very modern fashion, the competition between rival establishments and the advertiser's art in full operation. The accommodation at these places was generally of a poor kind, but extremely cheap. In Polybius' time in Cisalpine Gaul there were no items in the bill; the inclusive charge (inquired beforehand, it should be added) rarely exceeded half an as (Polyb. ii. 15). For the early imperial period we have the record of the well-known relief at Aesernia, representing a hostess reckoning with a parting guest. The dialogue between the two is given at length, and the charges are: bread and a pint of wine, 1 as; meat (*pulmentarium*), 2 asses; mule's provender, 2 asses; and another item, for which we refer the curious to the inscription itself. (This relief is figured in the *Bullettino Napolitano*, vi. 1, and thence in D. and S.; the inscription in Mommsen, *Inscr. Regn. Neap.* 5078=Orelli-Henzen, 7306).

At Rome there must have been many inns to accommodate strangers, but they are hardly ever spoken of. We, however, find frequent mention of houses where wine and ready-dressed provisions were sold, and which appear to have been numerous in all parts of the city. The houses where people were allowed to eat and drink were called almost indiscriminately *cauponae*, *popinae*, *thermopolia*, and *tabernae vinariae*. The speciality of the *thermopolia* is noticed under CALDA. These places were principally frequented by slaves and the lower classes (Cic. *pro Mil.* 24, § 65; Hor. 1 *Ep.* xiv. 21); and are qualified by such epithets as *nigra*, *fumosa* (Verg. *Copa* 3, cf. Hor. 1 *Sat.* v. 73), *immunda* (Hor. 2 *Sat.* iv. 62; Lucil. *fr.* 1, 19), *uncta* (probably "greasy," though it has also been taken in a good sense, Hor. 1 *Ep.* xiv. 21). Amongst other discomforts they were only furnished with stools to sit upon instead of couches, whence Martial (v. 70) calls them *sellariolas popinas*. This circumstance is illustrated by a painting found at Pompeii in a wine-shop, representing a drinking-scene. There are four persons sitting on stools round a tripod table. The

A wine-shop. (From a painting at Pompeii.)

dress of two of the figures is remarkable for the hoods, which resemble those of the capotes worn by Italian sailors and fishermen at the present day. They use cups made of horn instead of glasses, and from their whole appearance evidently belong to the lower orders. Above them are different sorts of eatables hung upon a row of pegs.

From the moral point of view the Roman inns, whether lodging-houses, or mere drink-shops, were no better than the Greek. Hence we find *salax taberna*, Cat. 37, 1; *fornix* joined with *uncta popina*, Hor. *l. c.*; and the legal aspect in Dig. 23, 2, 43, § 9. Nor are other records wanting. Behind the wine-shop at Pompeii, where the painting described above was found, is the too celebrated *Lupanar*, the contents of which are now under lock and key in the Naples Museum. The Aesernian inscription already mentioned tells the same tale. Wine- or eating-shops used for immoral purposes were called *ganeae* (Cic. *in Pis.* 6, § 13; *ganeum*, Ter. *Adelph.* iii. 3, 5); and are often classed with the *lustra* (Cic. *pro Sest.* 9, § 20; *Phil.* xiii. 11, § 24; Liv. xxvi. 2). Naturally, therefore, persons who kept houses of public entertainment of any kind were held in low estimation; the common opinion as to their honesty is expressed by the epithets *perfidus* and *malignus* which Horace gives to them (1 *Sat.* i. 29; v. 4).

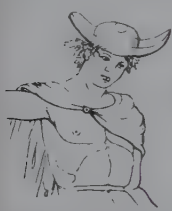
Under the emperors many attempts were made to regulate the popinae, but apparently with little success. Tiberius forbad all cooked provisions to be sold in these shops (Suet. *Tib.* 34; here *popinae* are coupled with *ganeae*): and Claudius commanded them to be shut up altogether (Dio Cass. lx. 6; cf. Suet. *Claud.* 38). They appear, however, to have been soon opened again, if they were ever closed; for Nero restricted them to the sale of cooked vegetables, and prohibited meat (Suet. *Ner.* 16; Dio Cass. lxii. 14); and an edict to the same effect was also published by Vespasian (Dio Cass. lxvi. 10). (Zell, *Die Wirthshäuser der Alten*, in his *Ferienschriften*, Freiburg, 1826; Becker-Göll, *Gallus*, iii. pp. 27–45; Mommsen-Marquardt, vii. [*Privatl.*], pp. 452–7.) [W. S.] [W. W.]

CAUSA LIBERA'LIS. [ASSERTOR.]

CAUSAE PROBA'TIO. [CIVITAS.]

CAU'SIA, a broad-brimmed felt hat, which was part of the national costume of the Mace-

donians and neighbouring nations (*e.g.* the Illyrians, Plaut. *Trin.* iv. 2, 10). The name is obviously derived from its keeping off the heat of the sun (καῦσις, καύσων); but, as the native poet Antipater of Thessalonica tells us, it was a protection against bad weather generally (ἐν νιφετῷ), and also served as a helmet (*vp.* Brunck, *Anal.* ii. 111). It was familiar to the Greeks of the Macedonian period (Menand. *fr.* 313, Meineke; Polyb. iv. 4, 5); and to the Romans as early as the time of Plautus (*Mil. Glor.* iv. 4, 42, where it is part of a sailor's dress; *Pers.* i. 3, 75; the mushroom-shaped hat of *Trin.* iv. 2, 9, must have been an exaggerated causia). A purple (ἁλουργής) causia was worn regularly by the Macedonian kings as part of the royal costume (Val. Max. v. 1, § 4); the diadem or white scarf was wrapped round it and the ends



Hermes wearing the Causia. (From a fictile vase.)

Royal Causia, with diadem. (From a Macedonian coin.)

hung down behind. (See the second illustration.) Hence we read of the καυσία and διάδημα as worn together by Alexander the Great (Arr. *Anab.* vii. 22), and his imitator Caracalla (Herodian, iv. 8, § 5); and of the καυσία διαδηματοφόρος of the last of the Ptolemies (Plut. *Anton.* 54). These purple hats, of course without the diadem, were sometimes distributed as the highest military decoration (Plut. *Eum.* 8 *fin.*). The illustrations are taken from a fictile vase, and an early Macedonian coin of Alexander I. (about B.C. 500–460). [J. Y.] [W. W.]

CAUTIO has a variety of meanings, corresponding in the main with those of the verb from which it is formed, of which the following are the most prominent.

1. The giving of security for the future performance of a legal obligation. The value of such security varied with its form. First, it might be a merely personal undertaking by the party liable (*nuda cautio*, Dig. 5, 1, 2, 6; Cod. 6, 38, 3), which would be actionable in itself if clothed in the form of stipulation (*stipulatio cautionalis*, Dig. 46, 5, 1, pr.), though not if it were made simply by oath (*cautio juratoria*, *Inst.* iv. 11, 2; Cod. 12, 1, 17, pr.): in Justinian's time the oath of persons of high rank seems to have been regarded as equally good security with an actionable promise given by others less exalted (Cod. 12, 22, 8). Secondly, the promise, though actionable perhaps in itself, might be fortified by the promisor's giving the promisee a right of pledge or *hypotheca*, or by the subsidiary liability of sureties: in these cases, as, on the person primarily liable failing, recourse might be had to the pledge or sureties, the *cautio* was said to be *idonea*. And from the act by which the security was given, *cautio* came also to mean the protection which it afforded: "plus cautionis in re est (*i.e.* when a thing is pledged) quam in persona" (Dig. 50, 17, 25).

Roman Law made a very extensive use of *cautiones*, especially those fortified by sureties (*satisdatio*) for the protection of legal rights which otherwise might have been brought into jeopardy. Thus the defendant in an action was frequently required to give security *judicatum solvi*, that the judgment, if it went against him, should be satisfied (Gaius, iv. 91, 102), or "pro praede litis et vindiciarum," that the property, the title to which was in question, should be delivered up if found to belong to the plaintiff; and if the plaintiff appeared in any action by an attorney or procurator, the latter had to bind himself with sureties "ratam rem domiuum habiturum," that his principal would be bound by his acts (Gaius, iv. 98). Of much the same kind are the *stipulationes judiciales de dolo* and *de persequendo servo*, &c., mentioned by Justinian in *Inst.* iii. 18, 1: unless they were entered into by the party from whom they were required, the judge might refuse to proceed with the action. Similarly the praetor and aedile often had occasion, in the discharge of their constitutional functions, to require persons to give security by means of a *cautio* (*Inst.* iii. 18, 2). The "praetorian stipulations" are there exemplified by those *damni infecti* and *legatorum*. By the first the owner of land or houses threatened with damage from the defective condition of adjoining premises could demand security from the owner of or other persons having interests in the latter, and in default was entitled to be put in possession (Cic. *Top.* 4, 22; Dig. 39, 2, 7, pr.): the second was employed when a legacy was given under a condition or from a specified future day, or was disputed; the legatee being entitled to security with sureties for its future payment, or in default to be put in possession (Dig. 36, 4, 5, pr.). And the obligation of a vendor under Roman law to indemnify the purchaser in case his title proved defective originated (according to Theophilus) in the aedile's requiring all vendors to enter into a *stipulatio dupli*, i.e. to promise the purchaser twice the purchase-money if the property were recovered from him by some one having a better title (Dig. 21, 2, 60). Other illustrations may be found in the following:—Guardians and curators were as a rule required to give security "rem pupilli salvam fore," that the property entrusted to them should not be squandered, misappropriated, or wrongly administered (Gaius, i. 199). Persons who had a usufruct (Dig. 7, 9) or right of *usus* over property had to bind themselves in the same way that it should be returned to the owner when their interest determined: analogous to this is the *cautio* in respect of quasi-usufruct referred to by Justinian in *Inst.* ii. 4, 2. In many cases a *heres* could not safely pay legacies unless the legatee gave security to refund, in case the will under which he claimed should turn out to be bad (Dig. 5, 3, 17). The *cautio Muciana* applied to the case of testamentary conditions, which consisted in not doing some act, which, if done, would deprive the *heres* of the *hereditas*, or the legatee of the legacy: the contingent right of the person who would take in the event of the condition being broken was secured in this manner.

The security was very commonly attested by a written instrument, which is itself called *cautio* or *chirographum* ("cautio chirographi mei," Cic. *ad Fam.* vii. 18), though the *chirographa* mentioned by Gaius (iii. 134) seem to be different: they were writings actually creating an obligation between *peregrini*, whereas the *chirographum* of a *civis* was merely evidence of a liability which arose on some other ground (Savigny, *Verm. Schriften*, i. p. 246). Hence—

2. The common use of *cautio* in the legal literature of the middle and later empire to denote a memorandum acknowledging an existing debt or liability (*cautio pollicitationis*, Dig. 4, 2, 9, 3; *depositionis*, Dig. 36, 3, 18, 1; *dotalis*, Dig. 31, 89, 5), especially acknowledgment of loans of money (Dig. 12, 1, 40, pr.; 44, 7, 29; Cod. 5, 14, 11; cf. *Inst.* iii. 21). And by a slight change of meaning it comes to signify in other passages the acknowledgment of payment or performance, *i.e.* a receipt (Dig. 22, 3, 15; Cod. 9, 1, 2; Cic. *Brut.* 5, 18).

3. Very rarely *cautio* is used as equivalent simply to "contract," agreement: "*privatorum cautione* legibus non esse refragandum" (Dig. 35, 2, 15, 1). [J. B. M.]

CAVAE'DIUM. [DOMUS.]

CA'VEA. [THEATRUM.]

CAVE'RE in legal language means (1) to take precautions on behalf of any one (Dig. 22, 3, 9). (2) To procure from another a promise which will support an action, especially a promise in the nature of a warranty ("ab emptore, venditore, [sibi] cavere; lege venditionis cautum est," Dig. 18, 7, 6, pr.; 39, 2, 44, 1). (3) To give security, whether personal (*personis*) or real (*rebus*), the latter denoting a pledge or hypotheca (Dig. 50, 16, 188, 1). (4) To acknowledge either a debt (especially by the contract of stipulation, Dig. 3, 3, 35, 2, or by a written memorandum, Dig. 16, 3, 26, 2) or payment of a debt (Dig. 46, 3, 5, 3). (5) To ordain, of a statute (Cic. *Legg.* ii. 24, 61; Dig. 4, 4, 2); of a senatus consult (Dig. 33, 2, 1); of the edict (Dig. 2, 6, 1); of a testament (Cic. *Legg.* ii. 21, 53). (6) Of a lawyer or jurisconsult, to give advice: "Sin autem quereretur, quisnam jurisconsultus vere nominaretur, eum dicerem, qui legum et consuetudinis ejus, qua privati in civitate uterentur . . . ad cavendum peritus esset" (Cic. *de Orat.* i. 48, 212; *ad Fam.* iii. 1, vii. 6). [J. B. M.]

CE'ADAS (Κεάδας) or CAE'ADAS (Καιάδας) was a deep cavern or chasm, like the *Barathron* at Athens, into which the Spartans were accustomed to thrust persons condemned to death. (Thuc. i. 134; Strab. viii. p. 367; Paus. iv. 18, § 4; Suidas, *s. v.* Βάραθρον, Καιάδας, Κεάδας.) [W. S.]

CEDIT DIES. [LEGATUM.]

CEL'ERES, according to Livy (i. 15, 8), a body-guard of 300 chosen by Romulus to attend him in peace and war. Livy leaves it uncertain whether they were cavalry or infantry; according to some accounts (cf. Dionys. ii. 13, 16, 29), they were infantry, while according to others (id. ii. 64) they included both, or were only cavalry. The last view is that which has been usually taken, and it has been regarded as confirmed by the meaning of the name, derived ἀπὸ τῆς περὶ τὰς ὑπουργίας ὀξύτητος, as Plutarch says (*Rom.* 26). Some identify them with the *equites*: it is an objection to this view that the third tribe, the Luceres, could not have been added before the time of Tullus Hostilius (cf. Schwegler, *Röm. Gesch.* i. 583); and that the *equites* were only raised to 300 after the addition of this tribe. Niebuhr's theory which identifies the *celeres* with the *patricii* is of all views the least tenable; but it is impossible to frame any satisfactory explanation in the fragmentary and contradictory condition of our authorities. Perhaps it is best to reject altogether Livy's definition of them as constituting a body-guard, and simply regard them as the cavalry, with Mommsen.

It has been commonly supposed that the *celeres* were under the command of a *tribunus celerum*, who stood in the same relation to the king as the *magister equitum* did in a subsequent period to the dictator. But Mommsen (*Hist.* i. 78, note) has shown that the authority for this view is late and quite untrustworthy, and that the *tribuni celerum* were three in number, bearing the same relation to the cavalry as the three *tribuni militum* to the infantry. (Lyd. *de Mag.* i. 14; Pompon. *de Orig. Jur.* in Dig. 50, tit. 2, s. 2, §§ 15, 19; Dionys. iv. 71; cf. Becker, *Handbuch der Römisch. Alterth.* vol. ii., part i., p. 338.) [W. S.] [A. S. W.]

CELLA. 1. In its primary sense, *cella* means a store-room ("Ubi quid conditum esse volebant, a celando cellam appellarunt," Varro, *L. L.* v. 162), of which the following were the principal descriptions:—*Cella penaria* or *penuaria*, where all kinds of provisions (*penus*) were stored, especially those of which a stock was laid in for a long time (Varro, *l. c.*; Cic. *de Sen.* 16, 56; *Verr.* ii. 2, 5; Suet. *Aug.* 6; Gell. iv. 1; Dig. 32, 9, 3); *cella promptuaria*, *promptuarium*, or *promum*, the larder, where meat and other things required for immediate consumption were kept (Plaut. *Amph.* i. 1, 4; Cat. *R. R.* 11, 3; Tert. *Resurr.* 27, *Ux.* ii. 4 (*promum*); Apul. *Apol.* p. 369); *cella olearia*, the magazine of an olive-yard in which the oil was stored, and which, according to the treatises on farming, ought to be lighted from the south, that the oil might not be chilled in winter, while the *cella vinaria* should have a northern aspect, to avoid excessive heat and great changes of temperature (Cato, *R. R.* 13, where the equipment of the *cella olearia* is described; Varro, *R. R.* i. 13; Pallad. i. 20; Columella, i. 6, xii. 50; Vitruv. i. 4, 2, vi. 6, 3). The *cella vinaria* described in the above-cited authors is the store-room of a vineyard, in which the new wine was kept in *dolia* or *cupae*, while older wine was put into *amphorae* and matured in the *apotheca*. The *cella vinaria* was partly underground (Becker-Göll, *Gallus*, iii. pp. 51, 422). The *cella vinaria* of a wine-merchant was discovered in 1789 under the walls of Rome. It was raised a little above the level of the ground, and divided into three compartments, the first ornamented with arabesques and a mosaic pavement, the second unpaved and containing a row of very large *dolia* two-thirds imbedded in sand, while the third was a narrow gallery, 6 ft. high and 18 ft. long, with various earthenware vessels, also partially sunk in the sand and ranged in double rows against each wall.

The slave to whom the charge of these stores was intrusted was called *cellarius* (Plaut. *Capt.*

iv. 2, 115; Sen. *Ep.* 122; Orelli, *Inscr.* 5732, 6287), *a rationibus cellae* (Orelli, 2891), or *promus* (Colum. xii. 3, § 9; Hor. *Sat.* ii. 2, 16), and sometimes *promus condus* and *procurator peni* (Plaut. *Pseud.* ii. 2, 14), who had under him a *subpromus* (Plaut. *Mil. Glor.* 3, 2, 24). This answers to our butler and housekeeper.

Under the empire all the provisions required for a Roman camp were preserved in a *cellarium* (Cod. Theod. 1, 10, 3; Marquardt, *Röm. Alterth.* v. p. 225).

2. Any number of small rooms clustered together like the cells of a honeycomb (Verg. *Georg.* iv. 164; *Aen.* i. 433), and the niches of a dovecote or poultry-house (Colum. viii. 8, 3) were also termed *cellae*. Hence the name was applied to the dormitories of slaves and menials (Cic. *Phil.* ii. 27, 67; Hor. *Sat.* i. 8, 8; Becker-Göll, *Gallus*, i. p. 276), to the bedrooms of an inn (Petr. *Sat.* 29; 77, 4), and to the vaults of a brothel (Petron. 8, 4; Juv. vi. 128). The price of each female was inscribed: hence *cella inscripta* means a brothel (Mart. xi. 45, 1). *Cella* was also used of a poor man's garret (Mart. vii. 20, 21; viii. 14, 5). Hence the phrase *pauperum cellae* denotes the small apartments of affected simplicity to which the rich Roman of the empire sometimes retired to take refuge from the ennui of luxury (Sen. *Ep.* 18, 7; 100, 6; *Cons. ad Helv.* 12: cf. Mart. iii. 48; Becker-Göll, *Gallus*, i. p. 115). *Cella ostiarii* (Vitruv. vi. 10; Petron. 29), or *janitoris* (Suet. *Vitell.* 16), is the porter's lodge.

3. In the baths the *cella calda'ria*, *tepidaria*, and *frigidaria*, were those which contained respectively the warm, tepid, and cold bath. [BALNEAE.]

4. The interior of a temple—that is, the part included within the outside shell, *σηκός* (see the lower woodcut in ANTAE)—was also called *cella* (Vitruv. iii. 1; Cic. *Phil.* iii. 12, 30). [TEMPLUM.] [J. H. F.] [W. S.]

CELLA'RIUS. [CELLA.]

CELOX (*κέλης*, *κελήτιον*), derived from *κέλλω*, *cello*, "to urge on," means a swift boat. The Greek word also means "a race-horse;" and some maintain (*e.g.* the Schol. on Thuc. i. 53, and Graser) that from this is derived the meaning "boat." This peculiar build of boat is said to have been invented by the Rhodians (Plin. *H. N.* vii. § 208). It was much used by pirates (Phot. 154, 10; Liv. xxxvii. 27); but was more especially employed as attendant on the fleet (Isid. *Orig.* xix. 1, 22), either for bringing news (Xen. *Hell.* i. 6, 26) or negotiating with the enemy (Thuc. i. 53; cf. Plaut. *Mil.* iv. 1, 39). Further, each state appears to have had such boats for various official purposes, just as we hear of *δημοσίαι ἄκατοι* at Athens (cf. Plaut. *Capt.* iv. 2, 93). Built for swiftness, they were necessarily narrow, and Appian (*B. C.* ii. 56 *fin.*) calls one *ὀξύ*. They had no decks, and only one bench of oars (Polyb. v. 62, 3: *τούτων κατάφρακτα μὲν εἴκοσι διαφέροντα ταῖς κατασκευαῖς ἐν οἷς οὐδὲν ἔλαττον ἦν τετρήρους, τὰ δὲ λοιπὰ τριήρεις καὶ δίκροτα καὶ κέλητες*). When Isidore (*l. c.*) says *celoces* were biremes or triremes, he means worked by two or three pairs of oars, not having two or three benches of rowers (Jal, *Glossaire Nautique*, art. *Celes*). Each oarsman probably pulled two oars, else we should not find the epithet *πεντέσκαλμος* (Ephipp. *fr.* 3, Mein.) applied to the *κέλης*; for then the carage would be uneven: or else only one side of oars was counted. We also hear of *κελήτιον δίσκαλμον* (Synes. *Ep.* 167 A); and the Schol. on Thuc. iv. 9 tells us that a *κελήτιον* was a small vessel rowed by a single man. But we must suppose the piratical vessels to have been manned by a fairly large crew; still, perhaps, less than forty (Thuc. iv. 9). It was the build, then, not the size, which was the distinctive feature of the *κέλης*. In order to be independent of the weather, it appears to have been always rowed. (See Varro in Nonius, 527, ed. D. Gottofred: "Nautae remivagam movent celocem.") In many points of employment, it will be seen that these *κέλητες* resembled our gunboats.

A slightly different build of vessel, rather more round, like our brigantine, also used by pirates (Suidas, *s. v.*), was the *ἐπακτροκέλης* (Aeschin. *c. Timarch.* § 191), which (according to the *Etym. M.*) combined the properties of an *ἐπακτρίς* or transport for carrying away the spoils, and of a *κέλης* for swiftness in pursuit and flight. (See generally Scheffer, *Militia Navalis*; Jal, *Glossaire Nautique*; and especially B. Graser, *De veterum re navali*, § 59.) [L. C. P.]

CENA, less correctly COENA (*δεῖπνον*), the principal meal of the Greeks and Romans, corresponding to our dinner rather than supper. As the meals are not always clearly distinguished, it will be convenient to give a brief account of all of them under the present head.

1. GREEK. The materials for an account of the Greek meals, during the Classical period of Athens and Sparta, are almost confined to incidental allusions of Plato and the comic writers. Several ancient authors, termed *δειπνολόγοι*, are mentioned by Athenaeus; but, unfortunately, their writings only survive in the fragments quoted by him. His great work, the *Deipnosophistae*, is an inexhaustible treasury of this kind of knowledge, but ill-arranged, and with little attempt to distinguish the customs of different periods.

The poems of Homer contain a real picture of early manners, in every way worthy of the antiquarian's attention. As they stand apart from all other writings, it will be convenient to exhibit in one view the state of things which they describe. It is not to be expected that the Homeric meals should at all agree with the customs of a later period; indeed it would be mere waste of time to attempt adapting the one to the other. Athenaeus (i. p. 8), who has entered fully into the subject, remarks on the singular simplicity of the Homeric banquets, in which kings and private men all partake of the same food. It was common enough for royal personages to prepare their own meals (*Il.* ix. 206–218; compare Gen. xxvii. 31), and Ulysses (*Od.* xv. 322) declares himself no mean proficient in the culinary art:—

> Πῦρ τ' εὖ νῆσαι, διὰ δὲ ξύλα δαὶ κεάσσαι
> Δαιτρεῦσαί τε καὶ ὀπτῆσαι καὶ οἰνοχοῆσαι.

Three names of meals occur in the *Iliad* and *Odyssey* — *ἄριστον*, *δεῖπνον*, *δόρπον* or *δόρπος*. The word *ἄριστον* uniformly means the early (*ἅμ' ἠοῖ*, *Od.* xvi. 2) as *δόρπον* does the late meal; but *δεῖπνον*, though generally meaning the mid-day meal, is sometimes used where we should expect *ἄριστον* (*Od.* xv. 397, xix. 320) or

even δόρπον (*Od.* xvii. 170). We should be careful, however, how we argue from the unsettled habits of a camp to the regular customs of ordinary life.

In the Homeric age it was usual to sit at table (καθέζονται δ' ἐν τεῖσ συνδείπνοις οἱ ἥρωες, οὐ κατακέκλινται, Ath. i. p. 17 f); and this custom, we are told, was kept up in historical times by the Cretans (Heracl. *Pol.* c. 3, § 6, *ap.* Müll. *Fragm.* ii. 212; Pyrgion *ap.* Ath. iv. p. 143 e). Each guest had generally his own table (but see *Od.* i. 138; *Il.* xxiv. 625, ix. 216), and an equal share of food was placed before each (hence δαὶς ἐΐση), except when a specially distinguished guest was honoured by getting a larger portion (*Il.* vii. 321; *Od.* xiv. 437, xx. 280, 293). What strikes us as peculiar in the Homeric dinners is their religious character. They partake more or less of the nature of a sacrifice, beginning with an offering of part of the meat to the gods (*Od.* xiv. 446; *Il.* ix. 219), and both beginning and ending with a libation of wine (*Od.* iii. 40, xix. 447), while the terms for slaughtering animals for a meal (ἱερεύειν, θύειν) and for the slaughtered animals (ἱερήϊα) are borrowed from the language of religious ceremony.

The description of Eumaeus's dinner to Ulysses gives us a good picture of a dinner in the Homeric age in humble society (*Od.* xiv. 420 *sqq.*): "Therewithal he cleft logs with the pitiless axe, and the others brought in a well-fatted boar of five years old; and they set him by the hearth, nor did the swineherd forget the deathless gods, for he was of an understanding heart. But for a beginning of sacrifice, he cast bristles from the head of the white-tusked boar upon the fire, and prayed to all the gods that wise Odysseus might return to his own house. Then he stood erect, and smote the boar with a billet of oak which he had left in the cleaving, and the boar yielded up his life. Then they cut the throat and singed the carcase, and quickly cut it up, and the swineherd took a first portion from all the limbs, and laid the raw flesh on the rich fat. And some pieces he cast into the fire after sprinkling them with bruised barley-meal, and they cut the rest up small, and pierced it, and spitted and roasted it carefully, and drew it all off from the spits, and put the whole mess together on trenchers. Then the swineherd stood up to carve, for well he knew what was fair, and he cut up the whole, and divided it into seven portions. One, when he had prayed, he set aside for the nymphs and for Hermes, son of Maia, and the rest he distributed to each. And he gave Odysseus the portion of honour, the long back of the white-tusked boar . . . and made burnt offering of the hallowed parts to the everlasting gods, and poured the dark wine for a drink offering, and set the cup in the hands of Odysseus, the waster of cities, and sat down by his own mess. And Mesaulius bare them wheaten bread . . . So they stretched forth their hands upon the good cheer spread before them."

It does not much differ from the description of a dinner in a higher rank of society given by Achilles to Ulysses (*Il.* ix. 219 *sqq.*): "He cast down a great fleshing-block in the fire-light, and laid thereon a sheep's back and a fat goat's, and a great hog's chine rich with fat. And Automedon held them for him, while Achilles carved. Then he sliced well the meat, and pierced it through with spits, and Menoitios' son, that godlike hero, made the fire burn high. Then, when the fire was burned down and the flame waned, he scattered the embers and laid the spits thereover, resting them on the spit-racks, when he had sprinkled them with holy salt. Then when he had roasted the meat and apportioned it in the platters, Patroklos took bread and dealt it forth on the table in fair baskets, and Achilles dealt the meat. And he sate him over against godlike Odysseus by the other wall, and bade his comrade Patroklos do sacrifice to the gods; so he cast the first fruits into the fire. Then put they forth their hands to the good cheer lying before them."

In the palace of Telemachus, before eating, a servant brings Athena, who is habited as a stranger, the χέρνιψ, or lustral water, "in a golden pitcher, pouring it over a silver vessel" (*Od.* i. 136). At the marriage feast of Hermione in the palace of Menelaus, music and dancing (μολπή τ' ὀρχηστύς τε· τὰ γάρ τ' ἀναθήματα δαιτός, *Od.* i. 152) are introduced: "Among them a divine minstrel was singing to the lyre, and as he began the song two tumblers (κυβιστητῆρε) in the company whirled through their midst" (*Od.* iv. *init.*).

Beef, mutton, swine's and goat's flesh were the ordinary meats, generally eaten roasted, though sometimes boiled (*Il.* xxi. 363). Fish (see below, p. 394 *a*) and fowls were almost unknown (Eustath. *ad* Hom. *Od.* xii. 330). Many sorts of wine are mentioned, notably the Maronean and the Pramnian. Nestor had wine eleven years old (*Od.* iii. 391). A small quantity was poured into each guest's cup to make a libation with (ἐπαρξάμενοι δεπάεσσιν), before the wine was regularly served out for drinking. The guests drank to each other (δειδίσκεσθαι. *Od.* iii. 40; *Il.* ix. 225); and a second libation to the gods closed the repast (*Od.* iii. 332).

(For a fuller account of the meals in the Homeric age, see Brosin, *De coenis homericis.*)

The Greeks of a later age usually partook of three meals, called ἀκράτισμα, ἄριστον, and δεῖπνον. The last, which corresponds to the δόρπον of the Homeric poems, was the evening meal or dinner; the ἄριστον was the luncheon; and the ἀκράτισμα, which answers to the ἄριστον of Homer, was the early meal or breakfast.

The ἀκράτισμα was taken immediately after rising in the morning (ἐξ εὐνῆς, ἕωθεν, Aristoph. *Aves*, 1286). It usually consisted of bread dipped in unmixed wine (ἄκρατος), whence it derived its name. (Plut. *Symp.* viii. 6, § 4; Schol. *ad* Theocr. i. 51; Athen. i. p. 11.)

Next followed the ἄριστον or luncheon. The time at which it was taken is uncertain, though we may conclude from many circumstances that it was about the middle of the day, and that the meal answered to the Roman *prandium*, as Plutarch (*Symp.* viii. 6, § 5) asserts. The time of the πλήθουσα ἀγορά, at which provisions seem to have been bought for the ἄριστον, was from nine o'clock till noon. In Aristophanes (*Vesp.* 605–612) Philocleon describes the pleasure of returning home after attending the courts, and partaking of a good ἄριστον. It was usually a simple meal, but of course varied

according to the habits of individuals. Thus Ischomachus, in describing his mode of life to Socrates, who greatly approves of it, says, *Ἀριστῶ ὅσα μήτε κενὸς μήτε ἄγαν πλήρης διημερεύειν* (Xen. *Oecon.* xi. 18).

The principal meal, however, was the *δεῖπνον*. It was usually taken rather late in the day, frequently not before sunset (Lysias, *de Caed. Eratosth.* § 22). Aristophanes (*Eccl.* 652) says:

Σοὶ δὲ μελήσει
Ὅταν ᾖ δεκάπουν τὸ στοιχεῖον λιπαρὸν χωρεῖν ἐπὶ δεῖπνον·

that is, towards sunset.

The Athenians were a social people, and were very fond of dining in company (Plut. *Symp.* 7). Entertainments were usually given, both in the Heroic ages and later times, when sacrifices were offered to the gods, either on public or private occasions; and also on the anniversary of the birthdays of members of the family, or of illustrious persons, whether living or dead. Plutarch (*Symp.* viii. 1, § 1) speaks of an entertainment being given on the anniversary of the birthdays both of Socrates and Plato.

Dining clubs were very common, the members of which contributed each a certain sum of money, called *συμβολή*, or brought their own provisions with them. When the first plan was adopted, they were said *ἀπὸ συμβολῶν δειπνεῖν*, and one individual was generally entrusted with the money to procure the provisions and make all the necessary preparations. Thus we read in Terence (*Eunuch.* iii. 4)—

"Heri aliquot adolescentuli coimus in Piraeo,
In hunc diem ut de symbolis essemus. Chaeream ei rei
Praefecimus: dati annuli: iocus, tempus constitutum est."

When the second plan was adopted, they were said *ἀπὸ σπυρίδος δειπνεῖν*, because the provisions were brought in baskets (Athen. viii. p. 365). This kind of entertainment is spoken of by Xenophon (*Mem.* iii. 14, § 1). In Homer the word *ἔρανος* corresponds with the later *ἀπὸ συμβολῶν δεῖπνον* (e.g. *Od.* i. 226), while *εἰλαπίνη*, which is opposed to *ἔρανος* (*Od.* l. c.), denotes a public entertainment on a festival, or some such occasion (Athen. viii. p. 362 e; *Il.* xviii. 491; Eur. *Med.* 193, *Hel.* 1337).

The most usual kind of entertainments, however, were those in which a person invited his friends to his own house. It was expected that they should come dressed with more than ordinary care, and also have bathed shortly before; hence, when Socrates was going to an entertainment at Agathon's, we are told that he both washed and put on his shoes—things which he seldom did. (Plato, *Symp.* 174 A.) As soon as the guests arrived at the house of their host, their shoes or sandals were taken off by the slaves, and their feet washed (*ὑπολύειν* and *ἀπονίζειν*). In ancient works of art we frequently see a slave or other person represented in the act of taking off the shoes of the guests, of which an example is given, from a terra-cotta in the British Museum. After their feet had been washed, the guests reclined on the *κλῖναι* or couches. (*Καὶ ἃ μὲν ἔφη ἀπονίζειν τὸν παῖδα, ἵνα κατακέοιτο*, Plato, *Symp.* 175 A.)

Sitting at meals was, as has already been remarked, the practice of the Heroic age, but in the Classical period was confined to Crete (see p. 392 *a*). Women, however, when admitted to banquets on extraordinary occasions, such as

Slave taking off the shoes of a guest. (British Museum.)

a marriage (for they were generally excluded from table when guests were invited), took the sitting posture (Lucian, *Conv.* 13), and so did children (Xen. *Symp.* i. 8; Aristotle, *Polit.* vii. 17, p. 1336 b, 9). A very common representation on funeral monuments is the family meal, with the husband reclining, and the wife and children sitting at his side. Where women are represented as reclining at a meal, they are meant for Hetaerae (Becker-Göll, *Charikles*, ii. p. 302).

It was usual for only two persons to recline on each couch. Thus Agathon says to Aristodemus, *Σὺ δ', Ἀριστόδημε, παρ' Ἐρυξίμαχον κατακλίνου*, and to Socrates, *Δεῦρο, Σώκρατες, παρ' ἐμὲ κατάκεισο.* (Plat. *Symp.* p. 175 A, C.) Also at a banquet given by Attaginus of Thebes to fifty Persians and fifty Greeks, we are told that one Persian and one Greek reclined on each couch. In ancient works of art we usually see the guests represented in this way; but sometimes there is a larger number on one long *κλίνη*: see the cut under the article Symposium. The manner in which they reclined—the *σχῆμα τῆς κατακλίσεως*, as Plutarch (*Symp.* v. 6) calls it—will be understood by referring to the woodcut already mentioned, where the guests are represented reclining with their left arms on striped pillows (*ὑπαγκώνια*), and having their right free; whence Lucian (*Lexiph.* c. 6) speaks of *ἐπ' ἀγκῶνος δειπνεῖν*. (Compare Aristoph. *Vesp.* 1210.)

After the guests had placed themselves on the *κλῖναι*, the slaves brought in water to wash their hands (*ὕδωρ κατὰ χειρὸς ἐδόθη*); and then the dinner was served up, the expression for which was *τὰς τραπέζας εἰσφέρειν*, as in Aristoph. *Vesp.* 1216:—

Ὕδωρ κατὰ χειρός· τὰς τραπέζας εἰσφέρειν·
Δειπνοῦμεν· ἀπονενίμμεθ'· ἤδη σπένδομεν.

By *τὰς τραπέζας εἰσφέρειν* we are to understand not merely the dishes, but the tables themselves (Philoxen. *ap.* Athen. iv. p. 146 f). It appears

that a table, with provisions upon it, was placed before each κλίνη: and thus we find in all ancient works of art which represent banquets or symposia, a small table or tripod placed before the κλίνη: and when there are more than two persons on the κλίνη, several of such tables. These tables are evidently small enough to be moved with ease.

In eating, the Greeks had no knives or forks, but made use of their fingers only, except in eating soups or other liquids, which they partook of by means of a spoon (μύστρον), or a piece of bread scooped out in the shape of a spoon (μυστίλη, Pollux, vi. 87, x. 89; Aristoph. *Eq.* 1164; Suidas, *s. v.* μυστίλη). After eating, they wiped their fingers on pieces of bread, called ἀπομαγδαλιαί (Pollux, vi. 93), which were then thrown to the dogs (Aristoph. *Eq.* 415). Napkins (χειρόμακτρα) were not used till the Roman period.

It appears that the arrangement of the dinner was entrusted to certain slaves (Plato, *Symp.* p. 175 B). The one who had the chief management of it was called τραπεζοποιός or τραπεζοκόμος (Athen. iv. p. 170 e; Pollux, iii. 41, vi. 13). The Greek word for a *menu* was γραμματίδιον (Athen. ii. p. 49 d).

It would exceed the limits of this work to give an account of the different dishes which were introduced at a Greek dinner, though their number is far below those which were usually partaken of at a Roman entertainment. The most common food among the Greeks was the μάζα (Dor. μάδδα), a kind of frumenty or soft cake, which was prepared in different ways, as appears by the various names which were given to it (Pollux, vi. 76). The μάζα is frequently mentioned by Aristophanes. The φυστὴ μάζα, of which Philocleon partakes on returning home from the courts (Aristoph. *Vesp.* 610), is said by the Scholiast to have been made of barley and wine. The μάζα continued to the latest times to be the common food of the lower classes. Wheaten or barley bread was the second most usual species of food; it was sometimes made at home, but more usually bought at the market of the ἀρτοπῶλαι or ἀρτοπώλιδες. The vegetables ordinarily eaten were mallows (μαλάχη), lettuces (θρίδαξ), cabbages (σάφανοι), beans (κύαμοι), lentils (φακαῖ), &c. Pork was the most favourite animal food, as was the case among the Romans; Plutarch (*Symp.* iv. 5, § 1) calls it τὸ δικαιότατον κρέας. Sausages also were very commonly eaten. It is a curious fact, which Plato (*de Rep.* iii. c. 13, p. 404) has remarked, that we never read in Homer of the heroes partaking of fish. In later times, however, fish was one of the most favourite foods of the Greeks, insomuch so that the name of ὄψον was applied to it κατ' ἐξοχήν. (Athen. vii. p. 276 e.) A minute account of the fishes which the Greeks were accustomed to eat is given at the end of the seventh book of Athenaeus, arranged in alphabetical order.

The ordinary meal for the family was cooked by the mistress of the house, or by the female slaves under her direction; but for special occasions professional cooks (μάγειροι) were hired, of whom there appear to have been a great number (Diog. Laërt. ii. 72). They are frequently mentioned in the fragments of the comic poets; and those who were acquainted with all the refinements of their art were in great demand in other parts of Greece besides their own country. The Sicilian cooks, however, had the greatest reputation (Plato, *Rep.* iii. p. 404 D), and a Sicilian book on cookery by one Mithaecus is mentioned in the *Gorgias* of Plato (p. 518 B; compare Maxim. Tyr. *Diss.* iv. 5); but the most celebrated work on the subject was the Γαστρολογία of Archestratus (Athen. iii. p. 104 b).

A dinner given by an opulent Athenian usually consisted of two courses, called respectively πρῶται τράπεζαι and δεύτεραι τράπεζαι. Pollux (vi. 83) indeed speaks of three courses, which was the number at a Roman dinner; and in the same way we find other writers under the Roman empire speaking of three courses at Greek dinners; but before the Roman conquest of Greece and the introduction of Roman customs, we only read of two courses. The first course embraced the whole of what we consider the dinner,—namely, fish, poultry, meat, &c. (ἐδέσματα); the second, which corresponded to our dessert and the Roman *bellaria*, consisted of different kinds of fruit, sweetmeats, confections, &c. (τραγάλια). The Roman first course of salads, vegetables, &c. was unknown to the Greeks in the time of their independence.

When the first course was finished, the tables were taken away (ἄϊρειν, ἐκφέρειν, βαστάζειν τὰς τραπέζας), and water was given to the guests for the purpose of washing their hands. Crowns made of garlands of flowers were also then given to them as well as various kinds of perfumes. (Philyll. *ap.* Athen. ix. p. 408 e.) Wine was not drunk till the first course was finished; but as soon as the guests had washed their hands, unmixed wine was produced in a large goblet, called μετάιπτρον or μεταιπτρίς, of which each drank a little, after pouring out a small quantity as a libation. This libation was said to be made to the "good spirit" (ἀγαθοῦ δαίμονος), and was usually accompanied with the singing of the paean and the playing of flutes. After this libation mixed wine was brought in, and with their first cup the guests drank to Ζεὺς Σωτὴρ. (Xen. *Symp.* ii. 1; Plat. *Symp.* p. 176 A; Diod. Sic. iv. 3; Suidas, *s. v.* Ἀγαθοῦ Δαίμονος.) With the σπονδαί, the δεῖπνον closed; and at the introduction of the dessert (δεύτεραι τράπεζαι) the πότος, συμπόσιον, or κῶμος commenced, of which an account is given in the article SYMPOSIUM. (Becker-Göll, *Charikles*, ii. pp. 335–361.) [B. J.] [W. M. L.]

2. ROMAN. The Roman meals were *jentaculum* (ἀκράτισμα), *prandium* (ἄριστον), *merenda*, and *cena* (δεῖπνον).

Jentaculum, also called *silatum* (Festus, p. 346) because the wine used was sometimes perfumed with seselis or silis, was a slight morning meal taken at different times by early and late risers. Thus we find it taken by schoolboys at cockcrow (Mart. xiv. 233); but generally the Romans used to take it about the third hour (Galen, vi. p. 332, ed. Kuhn), certainly not later than the fourth (Mart. viii. 67, 9). The schoolboys got a kind of pancake (*adipata*); but usually the meal consisted of bread seasoned with salt (Vopisc. *Tac.* 11) or with honey (Galen, *l. c.*), or dipped in wine (Festus, *l. c.*); or of dates and olives (Galen, vi. 412). Alexander Severus used to have milk, eggs, and mulsum (Lampr. *Alex. Sev.* 30). Bread and cheese (Apul. *Met.* i. 18),

and even meat appear to have been sometimes taken (Mart. xiii. 31); but to make *jentaculum* a heavy meal was not in accordance with simple manners.

If one gets up early and eats only a slight breakfast, hunger begins to assert itself about noon or a little later. And as with our own fathers this was the time for the principal meal of the day, viz. dinner, so with the primitive Romans this was the time for *cena* (Fest. 54: "cena apud antiquos dicebatur quod nunc est prandium; vesperna quam nunc cenam appellamus;" cf. p. 338). It was only in later times that *prandium* became customary (Isid. *Orig.* xx. 2, 14). We may fairly translate this word "luncheon." When city-life pushed the dinner-hour later and later, a mid-day meal became essential. It was taken about the sixth hour (*Anth. Pal.* x. 43, and Scholiast), not so early as the fifth (Mart. viii. 67, 9) or as late as the seventh; for C. Caninius Rebilus was nominated Consul suffectus at that hour on Dec. 31, 45 B.C.; and Cicero says (*Fam.* vii. 30, 1), "Ita Caninio consule scito neminem prandisse." But if one took no *jentaculum*, he must needs take *prandium* earlier, and this is the reason why we find Ausonius taking his *prandium* a little after the fourth hour (*Ephemeris* in *Corp. Poet. Lat.*, ed. Walker, p. 1070; ed. Weber, p. 1217). *Prandium* seems to have been properly the name of the soldier's morning meal (Isid. *Orig.* xx. 2, 11; cf. Liv. xxviii. 14, 7). For the ordinary citizen the meal varied from a piece of bread eaten in the hand (Senec. *Ep.* 83, 6) to an elaborate entertainment with hot and cold fish, fowl and meat, with vegetables and fruit (cf. Mayor on Plin. *Ep.* iii. 5, 11). The meats were rather savoury dishes than solids: *e.g.* they were kernels of pork (*glandulae, glandia*, "sweetbreads"? cf. Paley on Mart. vii. 20), ham, pig's-head, &c. (Plaut. *Men.* i. 3, 27; *Curc.* ii. 3, 44). Often, as at our luncheons, the meat of the previous day's dinner was served cold or warmed up (Plaut. *Pers.* i. 3, 25). Wine (Tac. *Ann.* xiv. 2; cf. Cic. *Phil.* ii. 41, 104), hot wine and water (Mart. viii. 67, 7), and mulsum (Cic. *Cluent.* 60, 166) were drunk at it. This latter passage refers to a large wedding breakfast which is called *prandium*.

Merenda was in ancient times an afternoon meal, given to workmen, also called *antecenia* (Isid. *Orig.* xx. 2, 12; 3, 3; Nonius, p. 59). "Merenda ἄριστον δειλινόν· δειλινή" is a gloss in Steph. *Thes.*, ed. Lond., ix. 278. This gloss shows the real nature of the meal. If *prandium* was not taken at mid-day, *merenda* was a late *prandium* taken in the afternoon. Thus Calpurnius (*Ecl.* v. 60) says:—

> "Verum ubi declivi iam nona tepescere sole
> Incipiet *seraeque* videbitur hora *merendae*,
> Rursus pasce greges."

The principal meal of the day was *cena*, "dinner." The eighth hour in summer and the ninth in winter was sometimes the time for the bath (Plin. *Ep.* iii. 1, 8), and after that came dinner, but probably the bath was usually a little earlier. The ninth was considered the normal dinner hour (Cic. *Fam.* ix. 26; Mart. iv. 8, 6), though business must have often deferred it till after the tenth (Mart. ii. 7, 33; vii. 51, 11), and even later (Mart. iii. 36, 5). These were homely repasts: for the more fashionable banquets were the earlier they began (see Palmer on Hor. *Sat.* ii. 8, 3). Banquets which began earlier than the ninth hour were called *tempestiva convivia* (for this phrase, see Marquardt, *Privatleben*, 291, note 3, and Reid on Cic. *Sen.* 14, 46) or *de die cenare* (Catull. 47, 5). The *cena* always lasted for what would seem to us a very long time. Even Pliny the Elder, who was so miserly of his time, used to spend three hours over his dinner (Plin. *Ep.* iii. 5, 13), Spurinna longer (*ib.* iii. 1, 9), and old Cato used to remain conversing over this meal till late at night (Cic. *Sen.* 14, 46). The business of the day was done and the time for enjoyment had arrived (*Anth. Pal.* x. 43); there was accordingly no necessity to break into the meal till bed-time, which was much earlier than with us, as the Romans got up at daybreak. Symposia of course lasted till midnight, and even morning (Hor. *Od.* iii. 21, 23, *et passim*). The ancient Romans, like the ancient Greeks, used to sit at dinner (Isid. *Orig.* xx. 11, 9), and Columella (xi. 1, 19) thinks the vilicus should not recline except on holidays; and Cato the Younger, in sign of mourning, always sat at meals after the battle of Pharsalia (Plut. *Cat. Min.* 56). However, in the times with which we are best acquainted, the Romans dined in the *atrium* (Serv. on *Aen.* i. 730), in the circle of the family, the men reclining, the wife sitting on the lectus (Val. Max. ii. 1, 21), the children beside the couches ("ad fulcra lectorum," Suet. *Claud.* 32), or on a lower couch (Suet. *Aug.* 64), and with a separate and more frugal table (Tac. *Ann.* xiii. 16); the subordinate persons (Plaut. *Capt.* iii. 1, 11; Suet. *Vit. Ter.* p. 292, ed. Roth) and slaves (Senec. *de const. Sap.* 15, 1) on benches (*subsellia*). It was customary for the wife and children to dine with the men, except apparently in times of mourning (Suet. *Cal.* 24); though of course there were gentlemen's dinner-parties (*e.g.* Hor. *Sat.* ii. 8).

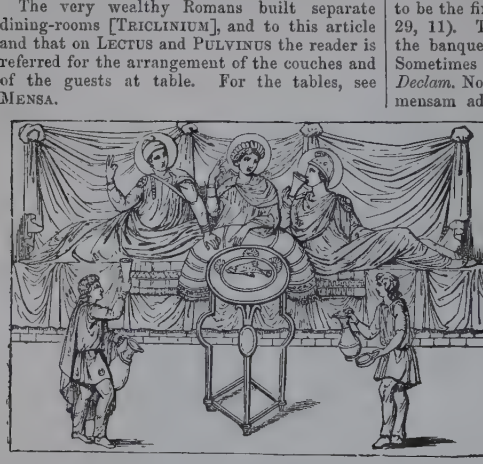
On the other hand, we find cases of women reclining, where there was conceived to be nothing bold or indelicate in their posture. Thus, in the following cut, taken from Montfaucon (*Ant. Exp. Suppl.* iii. 66), which seems intended to represent a scene of perfect matrimonial felicity, the husband and wife recline on

A family Feast. (Montfaucon.)

a sofa of rich materials. A three-legged table is spread with viands before them. Their two sons are in front of the sofa, one of them sitting, in the manner above described, on a low

stool, and playing with the dog. Several females and a boy are performing a piece of music for the entertainment of the married pair.

The very wealthy Romans built separate dining-rooms [TRICLINIUM], and to this article and that on LECTUS and PULVINUS the reader is referred for the arrangement of the couches and of the guests at table. For the tables, see MENSA.



A Feast. (Vatican Virgil MS.)

During the later republic and empire the number of guests at a private dinner-party was usually nine, sometimes less (Gell. xiii. 11, 2), but to have more was considered unseemly (Cic. *Pis.* 27, 67). Generally uninvited guests (*umbrae*) were brought by one of the invited guests to make up the nine (Hor. *Sat.* ii. 8, 22; *Epist.* i. 5, 28), or perhaps a client was asked, in order not to leave a place empty (Juv. v. 17). The guests used to dress for dinner; the dinner dress (*vestis cenatoria*, Mart. x. 87, 12, xiv. 135; στολὴ δειπνῖτις, Dio Cass. lxix. 18) being generally a light highly-ornamented coloured tunic (*prasina synthesis*, Mart. x. 29, 4; χιτώνιον ἄνθινον, Dio Cass. lxiii. 13). It cannot be supposed that the changing of one's *synthesis* during dinner was other than vulgar ostentation (Mart. v. 79, 2); but it was sometimes required by religious ceremonials [ARVALES]. Dress sandals (*soleae*) were generally worn in the house of the host, but were taken off (*demere soleas*) before reclining for the meal. They were taken charge of by the guest's own slave whom he brought with him: for each guest had his own footman (*a pedibus*) to wait on him at table (Plaut. *Truc.* ii. 4, 16; Petron. 58 and 62; Mart. xii. 88, 2; Senec. *de Benef.* iii. 26, 27). If the guest did not come in a litter but walked, he often came in boots (*calcei*, Plin. *Ep.* ix. 47, 3). The regular expression for rising from table was *soleas poscere* (Hor. *Sat.* ii. 8, 77).

The places were pointed out to the guests by the *nomenclator* (Ath. ii. p. 47 e); and when they had taken up their reclining position (*accumbere*, *discumbere*) at table, water was brought round and poured over the hands of each guest (Plaut. *Pers.* v. 1, 17), and the hands wiped in a towel or napkin [MANTELE, MAPPA] provided by the host, though sometimes brought by the guest, in order to carry away the presents that the host frequently gave [APOPHORETA]. Later *mantele* was used for a table-cloth (Isid. *Orig.* xix. 26, 6; cf. Fest. 133). It was not till towards the end of the 1st century A.D. that table-cloths began to be used. Martial appears to be the first to allude to them (ix. 59, 7; xii. 29, 11). There was plainly no table-cloth in the banquet of Nasidienus (Hor. *Sat.* ii. 8, 11). Sometimes apparently grace was said (Quintil. *Declam.* No. 301, p. 583, ed. Burmann: "adisti mensam ad quam cum venire coepimus invocamus deos"), and then the first of the three parts of the meal was proceeded with.

This was called *promulsis* or *gustatio*, *gustus*; also *frigida mensa* (ψυχραὶ τράπεζαι). The cold dishes of this part of the meal used in early times to occupy a place at the conclusion (Plut. *Quaest. Conviv.* viii. 9, 28; Mart. xiii. 14; Verg. *Moret.* 76). It consisted rarely of substantial meats (Macrob. *Sat.* ii. 9, 12), mostly of *hors d'œuvre* which whetted the appetite, and also served the purpose of the modern dinner-pill (Galen, vi. 333), *e.g.* shell-fish (Hor. *Sat.* ii. 4, 28), vegetables with savoury sauces (Mart. iii. 50, 4; x. 48, 7), olives (Hor. *Sat.* ii. 2, 46), mushrooms (Juv. v. 147), also eggs; from which came the expression *ab ovo ad mala* (Hor. *Sat.* i. 3, 6), to signify from the beginning to the end of the meal: cf. Cic. *Fam.* ix. 20, where the end of the meal is represented by roast veal (*assum vitulinum*). See further for the edibles which constituted the *gustus*, Apicius, 4, 5; Plin. *Ep.* i. 15; Macrob. *Sat.* l. c.; Celsus, ii. 29; Mart. x. 48, 7–12; v. 78, 3–5. The drink was *mulsum*, mead, a mixture of wine and honey; plain wine was too strong (Hor. *Sat.* ii. 4, 26). Hence the term *promulsis*, i.e. the mulsum taken before the chief portion of the meal. Compare Martial's (v. 78, 3) calling the *gustus* προπίνειν.

After this followed the *cena* proper, which in early times (Serv. on *Aen.* i. 641), and even later in simple families, was the whole dinner (Mart. x. 48, 3). It is from Lucullus that Athenaeus (vi. p. 274 e) dates the beginning of extravagance in dining. When this part of the meal consisted of several courses (*fercula*, *missus*)—we hear of six, Augustus never had more (Suet. *Aug.* 74), and seven (Juv. i. 94, and Mayor's note), but the usual number was three (Mart. xi. 31)—the separate courses were called *prima*, *altera*, *tertia cena* (Mart. *l. c.*), and appear to have followed in a regular order (Lucian, *de Merc. Cond.* 15). Each course was brought in on a tray (*repositorium*, Petron. 33), which was generally of wood, but sometimes of silver (Plin. *H. N.* xxxiii. § 146); and the arrangement of the viands on each dish and of the dishes on these trays was a branch of art (Juv. vii. 184; cf. Petron. 35 and 69), the artist being called *structor*. Indeed, the arranging of the whole dinner was such an important function that it required a special major-domo called *triclíniarcha* (Henzen, Index, p. 189; cf. Petron. 23), with his "decuries" of special *servi tricliniarii* (Henzen, 6367; cf. Plaut. *Pseud.* i. 2, 30). It was probably only at the imperial court that there were tasters (*praegustatores*, Tac. *Ann.* xii. 66). Between the

promulsis and the *cena*, as well as after each course of the *cena*, the *repositorium* was carried away and brought back with the following course, the table having been previously wiped down (Hor. *Sat.* ii. 8, 11), and the bits that had fallen having been gathered up by the *analecta* (Mart. vii. 20, 17). Occasionally the carver (*carptor*, *diribitor*, *scissor*), whose function the *structor* sometimes fulfilled (Mart. x. 48, 15), carved the meat (Petron. 36 and 40) at the open side of the table, and it was carried round by slaves (Petron. 33 and 40; Mart. vii. 48; Ath. iii. p. 100 f). Carving, too, was a branch of art and had its learned professors (*docti Trypheri*, Juv. xi. 137; cf. v. 120). Sometimes the course was put on the table and the guests themselves took what they desired, and in the way they did so it was easy to see what guests had the manners of good society (Lucian, *de Merc. Cond.* 15). There appear to have been *menus* (*γραμματίδια*, Ath. ii. p. 49 d); and to point out the peculiarity of each dish was a part of the nomenclator's duty (Petron. 47; Plin. *H. N.* xxxii. § 63); so that we need not suppose that it was utter vulgarity when Nasidienus and his hanger-on Nomentanus did so (Hor. *Sat.* ii. 8, 43, &c.). Between each course the guests washed their hands (Lampr. *Heliog.* 25): for it must be remembered that the Romans used to eat with their fingers (Mart. v. 78, 6), except in the case of soup, eggs, and shell-fish, for which a COCHLEAR and a LIGULA were used.

The viands served up at luxurious dinner-parties are far too numerous to be described. Elaborate descriptions will be found in Hor. *Sat.* ii. 8; Macrob. *Saturn.* ii. 9, 12; Petron. 33 ff.; also in Becker-Göll, *Gallus*, chap. 8. They contained, as Philo says (*de Vita contempl.* 6 = ii. p. 479 M.), "all the products of land and sea, rivers and air." Copious accounts of the different kinds of foods and drinks are given in *Gallus*, iii. 331–367, 412–442; Marquardt, *Privatleben*, 398–448; Daremberg and Saglio, s. v. *Cibaria*. To admit of the gluttony required to consume such dinners, vomiting was resorted to, rules for which were laid down by physicians (Celsus, i. 3, p. 29, ed. Krause; Galen, vi. 391), an indirect proof of the prevalence of over-eating among the wealthy. But such extravagance must have been confined to the upper classes, and can give us no idea of ordinary family meals (cf. Marquardt, *Privatl.* 318). The bill of fare of a plain dinner is to be found in Martial (x. 48, 13 foll.). The main course consisted of kid, cutlets (*ofellae*), beans, early sprouts (*prototomi*), chicken and cold ham. A similarly frugal dinner is mentioned in Hor. *Sat.* ii. 2, 120–125; Juv. xi. 64–76. While eating, wine was usually drunk (Petron. 34), but in small quantities, for it was thought to blunt the taste (Hor. *Sat.* ii. 8, 38).

After the cena proper "was taken away, and the tables were removed, the offerings to the gods (the *mola salsa*, &c.) were thrown into the hearth; and when a slave announced that the gods were propitious, silence for a short time was observed in respect for the gods. The Greeks called this *θεῶν παρουσίαν*" (Serv. on *Aen.* i. 734). The gods were the Lares. If they were not in the dining-room, they used to be carried in and placed on the table (Petron. 60; cf. Hor. *Od.* iv. 5, 21), or a special table with a salt-cellar and some meat was placed before their shrine (Arnob. *adv. Gentes*, ii. 67).

Thereafter followed the dessert, *mensae secundae* (Hor. *Sat.* ii. 2, 122), also called *bellaria* (Gell. xiii. 11, 7), just as "second course" and "sweets" signify to us the same part of the meal. Other names were *impomenta*, Fest. 108; *ἐπιδειπνίς*, Mart. xi. 31, 7. It consisted of all sorts of pastry (for various kinds, see Becker-Göll, *Gallus*, iii. 363–367), fresh and dried fruits, apples, grapes, &c. (Mart. *ll. cc.*). The *mensae secundae* formed the transition to the COMISSATIO.

At distinguished dinner-parties the company used to be amused in various ways. These amusements were called ACROAMATA (see Reid on Cic. *Arch.* 9, 20). Respectable and cultivated hosts used to afford readings by their anagnostae (Mart. v. 78, 25; Mayor on Juv. xi. 180), often of their own works, and we can well believe that this was an insufferable nuisance (Mart. iii. 44, 15; 50, 4 foll.). It was no doubt a note of culture to ask for some charming poetry (Pers. i. 30). The practice of reading during meals is still kept up in Roman Catholic colleges. Music, too, used to be introduced, sometimes choral and orchestral performances (*symphonia*, Cic. *Verr.* iii. 44, 105; and Wilkins on Hor. *Ars Poet.* 374); with reference to which the sound sense of Martial (ix. 78, 6) declares that the best banquet is that where there is no musician. There used to be actors also (Plin. *Ep.* i. 15, 2), and story-tellers (*aretalogi*, Suet. *Aug.* 74). At "fast" entertainments there used to be all kinds of girls to play, sing, and dance (Liv. xxxix. 6; Hor. *Sat.* i. 2, 1; Mayor on Juv. xi. 162; Plin. *l. c.*), gymnasts (*petauristae*, Petron. 53), fools (*moriones*), "amusing vagabonds" (*scurrae*), &c.: cf. Plin. *Ep.* ix. 17, and Marquardt, *Privatleben*, 327–8. Formal speech-making was happily unknown. These amusements were produced during the *cena* and continued on into the COMISSATIO if such followed.

On Roman meals see especially Marquardt, *Privatleben der Römer*, 257–60, 289–321; Becker-Göll, *Gallus*, iii. 311–370; Daremberg and Saglio, s. v. *Coena*, in which works all the literature on the subject is collected. [L. C. P.]

CENA'CULUM. [DOMUS.]

CENATO'RIA VESTIS. [CENA, p. 396 *a*; SYNTHESIS.]

CENOTAPH'IUM (*κενοτάφιον*, *κενὸς τάφος*, in Virgil *tumulus inanis*), a cenotaph, *i.e.* an empty or honorary tomb. It was erected sometimes as a memorial of a person buried elsewhere (Verg. *Aen.* iii. 304), more often in cases where the body had not been found for burial at all (Xen. *Anab.* vi. 4, § 9; Verg. *Aen.* vi. 505; App. *Mithr.* 96. Compare Thueyd. ii. 34, § 3; Eurip. *Hel.* 1057–60.) [FUNUS.] Cenotaphia were considered as *religiosa*, and therefore *divini juris*, till a rescript of the emperors Ant. Pius and Verus pronounced them not to be so. (Heinecc. *Ant. Rom.* ii. 1.) [R. W.] [W. W.]

CENSI'TOR. [CENSOR, p. 403 *a*.]

CENSOR (*τιμητής*), the name of two magistrates of high rank in the Roman republic. Their office was called *Censura* (*τιμητεία* or *τιμητία*). The *Census*, which was a register of Roman citizens and of their property, was first established by Servius Tullius, the fifth king of Rome. After the expulsion of the kings it was taken by the consuls; and special magistrates were not appointed for the purpose of taking it

till the year B.C. 443. Livy (iv. 8, 5) assigns as the reason of this alteration the appointment in the preceding year of *tribuni militum* with consular power in place of the consuls; as these tribunes might be plebeians, the patricians were unwilling that the right of taking the census and performing the formal sacrifice of purification should pass into their hands. This explanation is very doubtful, considering the comparative unimportance of the office at this time. It is more probable that it had been found to be inconvenient that the chief magistrates should be detained at home by duties necessarily discharged at Rome, when their presence might be required in the field, and this view is confirmed by the fact that no lustrum was held for at least sixteen years before the appointment of censors. The office was at first restricted to patricians, but was probably thrown open to plebeians by the Licinian laws of B.C. 367, and in B.C. 351 C. Marcius Rutilus was the first plebeian censor (Liv. vii. 22). Twelve years afterwards, B.C. 339, it was provided by one of the Publilian laws, that one of the censors must necessarily be a plebeian, and that both might be plebeians (Liv. viii. 12), but it was not till B.C. 280 that a plebeian censor performed the solemn purification of the people (*lustrum condidit*, Liv. *Epit.* 13). In B.C. 131 the two censors were for the first time plebeians.

There were always two censors, because the two consuls had previously taken the census together. If one of the censors died during the time of his office, another had at first to be chosen in his stead, as in the case of the consuls. This, however, happened only once, namely, in B.C. 393; because the capture of Rome by the Gauls in this lustrum excited religious fears against the practice (Liv. v. 31). From this time, if one of the censors died, his colleague resigned, and two new censors were chosen. (Liv. vi. 27, ix. 34, xxiv. 43, xxvii. 6.)

The censors were elected in the comitia centuriata held under the presidency of a consul. (Gell. xiii. 15; Liv. xl. 45.) It was necessary that both censors should be elected on the same day; and accordingly, if the voting for the second was not finished, the election of the first went for nothing, and new comitia had to be held. (Liv. ix. 34.) The comitia for the election of the censors were held under different auspices from those at the election of the consuls and praetors; and the censors were accordingly not regarded as their colleagues, although they likewise possessed the *maxima auspicia* (Gell. xiii. 15). The comitia were held by the consuls of the year very soon after they had entered upon their office (Liv. xxiv. 10, xxxix. 41); and the censors, as soon as they were elected and the censorial power had been granted to them by a *lex centuriata*, were fully installed in their office. (Cic. *de Leg. Agr.* ii. 11, 26; Liv. xl. 45.) As a general rule the only persons chosen for the office were those who had previously been consuls; but a few exceptions occur. At first there was no law to prevent a person being censor a second time; but the only person who was twice elected to the office was C. Marcius Rutilus in B.C. 265, who received in consequence the surname of Censorinus (Plut. *Coriol.* 1; Val. Max. iv. 1, § 3). A law was shortly afterwards passed enacting that no one should be chosen censor a second time (Mommsen, *Röm. Staatsr.* i.^{2} 502, note 2).

The censorship is distinguished from all other Roman magistracies by the fact that it was not conferred for a definite period. The censors were appointed to discharge a special duty, i.e. *ut conderent lustrum*; and although in theory this duty was performed once in every four years (*quinto quoque anno*), in practice the interval varied considerably, partly owing to accidental irregularities, and partly from a later interpretation of the language employed, which made the interval one of five, not four years (cf. Mommsen, *Staatsr.* ii. 331). The period during which the lustra were held with the greatest regularity is the half-century following the outbreak of the Second Punic War; before this time there are numerous irregularities, and after it they occur occasionally. According to Livy (iv. 24; cf. ix. 33), the censors were required by a law of the dictator Mam. Aemilius to resign office within eighteen months of their appointment; but it is a probable conjecture of Mommsen's that this limitation was introduced from the first, and that they were allowed eighteen months from the time of their election for a duty which the consuls had been required to complete within a year. The censors also held a very peculiar position with respect to rank and dignity. No imperium was bestowed upon them, and accordingly they had no lictors. (Zonar. vii. 19.) The *jus censurae* was granted to them by a *lex centuriata*, and not by the curiae, and in official precedence they ranked below the consuls and praetors, and even below the magister equitum. (Mommsen, *Röm. Staatsr.* i. 543, note 3.) But notwithstanding this, the censorship was regarded as, in some respects, the highest dignity in the state, with the exception of the dictatorship; it was a ἱερὰ ἀρχή, a *sanctus magistratus*, to which the deepest reverence was due. (Plut. *Cat. Maj.* 16, *Flamin.* 18, *Camill.* 2, 14, *Aemil. Paul.* 38; Cic. *ad Fam.* iii. 10, 11.) The high rank and dignity, which the censorship obtained, was owing to the various important duties gradually entrusted to it, and especially to its possessing the *regimen morum*, or general control over the conduct and morals of the citizens; in the exercise of which power they were regulated solely by their own views of duty, and were not responsible to any other power in the state. (Dionys. *Excerpt.* xx. 13, Kiessling; Liv. iv. 24, xxix. 37; Val. Max. vii. 2, § 6.) The censors possessed of course the sella curulis (Liv. xl. 45), and during their term of office wore the *toga praetexta* (Zonar. vii. 19; Athen. xiv. p. 660 c), but were honoured at burial with the *toga purpurea* (cf. Polyb. vi. 53, and Mommsen, *Staatsr.* i. 425, note 3). The funeral of a censor was always conducted with great pomp and splendour, and hence a *funus censorium* was voted even to the emperors (Tac. *Ann.* iv. 15; xiii. 2).

The censorship continued in existence for 421 years, namely, from B.C. 443 to B.C. 22; but during this period many lustra passed by without any censor being chosen at all. According to one statement, the office was abolished by Sulla (Schol. Gronov. *ad* Cic. *Div. in Caecil.* 3, p. 384, ed. Orelli), but the authority on which this statement rests is not of much weight, and

the fact itself is not probable (cf. Cic. *in Pis.* 5, 10); for although there was no census during the two lustra which elapsed from Sulla's dictatorship to the first consulship of Pompeius (B.C. 82–70), there is no reference to any law restoring it, and censors reappear in B.C. 70. Its power was limited by one of the laws of the tribune Clodius (B.C. 58), which prescribed certain regular forms of proceeding before the censors in expelling a person from the senate, and the concurrence of both censors in inflicting this degradation. (Dio Cass. xxxviii. 13; Cic. *pro Sest.* 25, 55, *de Prov. Cons.* 19, 46.) This law, however, was repealed in the third consulship of Pompey (B.C. 52), on the proposition of his colleague Caecilius Metellus Scipio (Dio Cass. xl. 57), but the censorship never recovered its former power and influence. During the civil wars which followed soon afterwards no censors were elected; and it was only after a long interval that they were again appointed, namely in B.C. 22, when Augustus caused L. Munatius Plancus and Paullus Aemilius Lepidus to fill the office. (Suet. *Aug.* 37, *Claud.* 16; Dio Cass. liv. 2.) This was the last time that such magistrates were appointed; the emperors in future discharged the duties of their office under the name of *Praefectura Morum.* Some of the emperors sometimes took the name of censor when they actually held a census of the Roman people, as was the case with Claudius, who appointed the elder Vitellius as his colleague (Suet. *Claud.* 16; Tac. *Ann.* xii. 4, *Hist.* i. 9), and with Vespasian, who likewise had a colleague in his son Titus. (Suet. *Vesp.* 8, *Tit.* 6.) Domitian assumed the title of *censor perpetuus* (Dio Cass. liii. 18), but this example was not imitated by succeeding emperors. In the reign of Decius we find the elder Valerian nominated to the censorship without a colleague (Trebell. Pollio, *Valer.* 1, 2); and towards the end of the fourth century it was proposed to revive the censorship (Symmach. *Ep.* iv. 29, v. 9), but this design was never carried into effect.

The duties of the censors may be divided into three classes, all of which were however closely connected with one another: I. *The Census*, or register of the citizens and of their property, in which were included the *lectio senatus*, and the *recognitio equitum;* II. *The Regimen Morum;* and III. *The administration of the finances of the state*, including also the superintendence of the public buildings and the erection of all new public works. The original business of the censorship was at first of a much more limited kind, and was restricted almost entirely to taking the census (Liv. iv. 8); but the possession of this power gradually brought with it fresh power and new duties, as is shown below. A general view of these duties is briefly expressed in the following passage of Cicero (*de Leg.* iii. 3, 7):—"Censores populi aevitates, suboles, familias pecuniasque censento: urbis templa, vias, aquas, aerari [so Mommsen: MSS. *aerarium*] vectigalia tuento: populique partes in tribus discribunto: exin pecunias, aevitates, ordines partiunto: equitum, peditumque prolem describunto: caelibes esse prohibento: mores populi reguto: probrum in senatu ne relinquunto."

I. THE CENSUS, the first and principal duty of the censors, for which the proper expression is *censum agere* (Liv. iii. 3, 22, iv. 8), was always held in the Campus Martius; like all public acts concerning the Roman people, viewed as an *exercitus:* and from the year B.C. 435 a special building called *Villa Publica*, which was erected for that purpose by the second pair of censors, C. Furius Pacilus and M. Geganius Macerinus (Liv. iv. 22; Varr. *R. R.* iii. 2), was used as the censor's office, the actual census, however, being conducted in the open air. But all other business of the censors, including the *recognitio equitum*, was transacted in the forum. An account of the formalities with which the census was opened is given in a fragment of the *Tabulae Censoriae*, preserved by Varro (*L. L.* vi. 86, 87, ed. Müller). After the auspicia had been taken, the citizens were summoned by a public crier (*praeco*) to appear before the censors. Each tribe was called up separately (Dionys. v. 75); and the names in each tribe were probably taken according to the lists previously made out on the basis of the latest *census* by the *curatores* of the tribes. Every paterfamilias had to appear in person before the censors, who were seated in their curule chairs; and those names were taken first which were considered to be of good omen, such as Valerius, Salvius, Statorius, &c. (Festus, s. v. *Lacus Lucrinus;* Schol. Bob. *ad* Cic. *pro Scaur.* p. 374, ed. Orelli.) The censors do not appear to have considered themselves responsible for determining whether a man claiming to be enrolled was really entitled to the franchise; hence the occurrence of a name on the censor's roll was evidence merely that the franchise had been claimed, not that there was any justification for the claim (Cic. *pro Arch.* 5, 11). The census was conducted *ad arbitrium censoris;* but the censors laid down certain rules (Liv. iv. 8, xxix. 15), sometimes called *leges censui censendo* (Liv. xliii. 14), in which mention was made of the different kinds of property subject to the census, and the way in which their value was to be estimated. According to these rules, each citizen had to give an account of himself, of his family, and of his property upon oath, *ex animi sententia.* (Dionys. iv. 15; Liv. xliii. 14.) First he had to give his full name (*praenomen*, *nomen*, and *cognomen*) and that of his father, or if he were a freedman that of his patron, and he was likewise obliged to state his age. He was then asked, *Tu, ex animi tui sententia, uxorem habes?* and if married he had to give the name of his wife, and likewise the number, names, and ages of his children, if any. (Gell. iv. 20; Cic. *de Orat.* ii. 64, 260; Tab. Heracl. 142 (68); Dig. 50, tit. 15, s. 3.) Single women who were *sui iuris* (*viduae*) and orphans (*orbi orbaeque*) were represented by their tutores; their names were entered in separate lists, and they were not included in the sum total of capita. (Comp. Liv. iii. 3, *Epit.* 59.) After a citizen had stated his name, age, family, &c., he then had to give an account of all his property, so far as it was subject to the census. In making this statement he was said *dedicare* or *deferre in censum*, or sometimes *censere* or *censeri*, as a deponent, "to value or estimate himself," or as a passive, "to be valued or estimated:" the censor, who received the statement, was also said *censere*, as well as *accipere censum.* (Comp. Cic. *pro Flacc.*

32, 79; Liv. xxxix. 15.) Only such things were liable to the census (*censui censendo*) as were property *ex jure Quiritium*. At first each citizen appears to have merely given the value of his whole property in general without entering into details (Dionys. iv. 15; Cic. *de Leg.* iii. 3, 7; Festus, s. v. *Censores*); but it soon became the practice to give a minute specification of each article, as well as the general value of the whole. (Comp. Cic. *pro Flacc.* 32, 79; Gell. vii. 11; Plut. *Cat. Maj.* 18.) Land formed the most important article in the census; but public land, the *possessio* of which only belonged to a citizen, was excluded as not being Quiritarian property. If we may judge from the practice of the imperial period, it was the custom to give a most minute specification of all such land as a citizen held *ex jure Quiritium*. He had to state the name and situation of the land, and to specify what portion of it was arable, what meadow, what vineyard, and what olive-ground; and to the land thus minutely described he had to affix his own valuation. (Dig. 50, tit. 15, s. 4.) Slaves and cattle formed the next most important item, as constituting along with the land the necessaries of agriculture, and being *res mancipi* (=*res censui censendo*, Cic. *pro Flacc.* 32, 79). The censors also possessed the right of calling for a return of such objects as had not usually been given in, such as clothing, jewels, and carriages. (Liv. xxxix. 44; Plut. *Cat. Maj.* 18.) They undoubtedly possessed the power of setting a higher valuation on the property than the citizens themselves had put. It is in fact expressly stated that on one occasion they made an extravagant surcharge on articles of luxury (Liv. xxxix. 44; Plut. *Cat. Maj.* 18); and even if they did not enter in their books the property of a person at a higher value than he returned it, they accomplished the same end by compelling him to pay down the tax upon the property at a higher rate than others. The tax (*tributum*) was usually one per thousand upon the property entered in the books of the censors; but on one occasion the censors, as a punishment, compelled a person to pay eight per thousand (*octuplicato censu*, Liv. iv. 24). The censors were aided by certain assessors (*in consilio vocati*) and *iuratores* (Liv. xxxix. 44; Plaut. *Trin.* 878, *Poen. prol.* 56), who administered the oath, *i.e.* asked the formal questions.

A person who voluntarily absented himself from the census, and thus became *incensus*, was subject to the severest punishment. Servius Tullius is said to have threatened the incensus with imprisonment and death (Liv. i. 44); and in the republican period he might be sold by the state as a slave (Cic. *pro Caecin.* 34, 99). In the later times of the republic a person who was absent from the census might be represented by another, and thus be registered by the censors (Varr. *L. L.* vi. 86). Whether the soldiers who were absent on service had to appoint a representative, may be questioned. In ancient times the sudden breaking out of a war prevented the census from being taken (Liv. vi. 31), because a large number of the citizens would necessarily be absent. It is supposed from a passage in Livy (xxix. 37), that in later times the censors sent commissioners into the provinces with full powers to take the census of the Roman soldiers there; but this seems to have been only a special case. It is, on the contrary, probable from the way in which Cicero pleads the absence of Archias from Rome with the army under Lucullus, as a sufficient reason for his not having been enrolled in the census (*pro Arch.* 5, 11), that service in the army was a valid excuse for absence. Before the Social War the *census* of the allies was taken in their own towns: and this practice seems to have continued after they had been admitted to the franchise (Cic. *pro Cluent.* 14, 41).

After the censors had received the names of all the citizens with the amount of their property, they then had to make out the lists of the tribes, and also of the classes and centuries; for by the legislation of Servius Tullius the position of each citizen in the state was determined by the amount of his property. [COMITIA CENTURIATA.] These lists formed a most important part of the *Tabulae Censoriae*, under which name were included all the documents connected in any way with the discharge of the censors' duties. (Cic. *de Leg.* iii. 3, 7; Liv. xxiv. 18; Plut. *Cat. Maj.* 16; Cic. *de Leg. Agr.* i. 2.) These lists, as far at least as they were connected with the finances of the state, were deposited in the aerarium, which was the temple of Saturn (Liv. xxix. 37); but the regular depository for all the archives of the censors was in earlier times the Atrium Libertatis, near the Villa publica (Liv. xliii. 16, xlv. 15), and in later times the temple of the Nymphs (Cic. *pro Mil.* 27, 73), which has recently been discovered *in campo* (*Ephem. Epigr.* i. 35).

Besides the arrangement of the citizens into tribes, centuries, and classes, the censors had also to make out the lists of the senators for the ensuing lustrum, or till new censors were appointed; striking out the names of such as they considered unworthy, and making additions to the body from those who were qualified. This important part of their duties is explained under SENATUS. In the same manner they held a review of the *equites equo publico*, and added and removed names as they judged proper. [EQUITES.]

After the lists had been completed, the number of citizens was counted up, and the sum total announced; and accordingly we find that, in the account of a census, the number of citizens is likewise usually given. They are in such cases spoken of as *capita*, sometimes with the addition of the word *civium*, and sometimes not; and hence to be registered in the census was the same thing as *caput habere*. [CAPUT.]

II. REGIMEN MORUM. This was the most important branch of the censors' duties, and the one which caused their office to be the most revered and the most dreaded in the Roman state. It is not mentioned in connexion with the institution of the censorship (Liv. iv. 8), but it appears in the account of the second *lustrum* (*ib.* iv. 24). Its main purpose was to determine how far each citizen fulfilled his duty towards the state; but the limits of the inquiry were defined only by the discretion of the censors. In this manner the censors gradually became possessed of a complete superintendence over the whole public and private life of every citizen. They were constituted the conservators of

public and private virtue and morality; they were not simply to prevent crime or particular acts of immorality, but their great object was to maintain the old Roman character and habits, the *mos majorum*. The proper expression for this branch of their power was *regimen morum* (Cic. *de Leg.* iii. 3, 7; Liv. iv. 8, xxiv. 18, xl. 46, xli. 27, xlii. 3; Suet. *Aug.* 27), which was called in the times of the empire *cura* or *praefectura morum*. The punishment inflicted by the censors in the exercise of this branch of their duties was called *Nota* or *Notatio*, or *Animadversio Censoria*. In inflicting it they were guided only by their conscientious convictions of duty; they had to take an oath that they would act neither through partiality nor favour; and, in addition to this, they were bound in every case to state in their lists, opposite the name of the guilty citizen, the cause of the punishment inflicted on him,—*Subscriptis censoria*. (Liv. xxxix. 42; Cic. *pro Cluent.* 6, 42–48; Gell. iv. 20.) A citizen was usually required to appear before the censors in his own defence, when threatened with the *nota;* and in some cases a censor required the appearance of a prosecutor, before he would take any action (Cic. *pro Cluent.* 48, 133; cf. Val. Max. iv. 1, 10). In fact, a kind of trial was held, but one not fettered by the ordinary legal forms of procedure.

This part of the censors' office invested them with a peculiar kind of jurisdiction, which in many respects resembled the exercise of public opinion in modern times; for there are innumerable actions which, though acknowledged by every one to be prejudicial and immoral, still do not come within the reach of the positive laws of a country. Even in cases of real crimes, the positive laws frequently punish only the particular offence, while in public opinion the offender, even after he has undergone punishment, is still incapacitated for certain honours and distinctions which are granted only to persons of unblemished character. Hence the Roman censors might brand a man with their nota censoria in case he had been convicted of a crime in an ordinary court of justice, and had already suffered punishment for it. The consequence of such a nota was only *ignominia* and not *infamia* (Cic. *de Rep.* iv. 6, 6) [INFAMIA], and the censorial verdict was not a *judicium* or *res judicata* (Cic. *pro Cluent.* 42, 117), for its effects were not lasting, but might be removed by the following censors, or by a lex. A nota censoria was moreover not valid, unless both censors agreed. The ignominia was thus only a transitory capitis deminutio, which does not even appear to have deprived a magistrate of his office (Liv. xxiv. 18), and certainly did not disqualify persons labouring under it for obtaining a magistracy, for being appointed as judices by the praetor, or for serving in the Roman armies. Mam. Aemilius was thus, notwithstanding the animadversio censoria, made dictator. (Liv. iv. 31.)

A person might be branded with a censorial nota in a variety of cases, which it would be impossible to specify, as in a great many instances it depended upon the discretion of the censors and the view they took of a case; and sometimes even one set of censors would overlook an offence which was severely chastised by their successors. (Cic. *de Senect.* 12, 42.) But the offences which are recorded to have been punished by the censors are of a threefold nature.

1. Such as occurred in the private life of individuals, *e.g.* (*a*) The dissolution of matrimony or betrothment in an improper way, or for insufficient reasons. (Val. Max. ii. 9, § 2.) (*b*) The obligation of marrying was frequently impressed upon the citizens by the censors, and the refusal to fulfil it was punished with a fine [AES UXORIUM]. But celibacy in itself can hardly have been visited with a *nota;* for, however undesirable, it cannot have been regarded as a *probrum*. (*c*) Improper conduct towards one's wife or children, as well as harshness or too great indulgence towards children, and disobedience of the latter towards their parents. (Plut. *Cat. Maj.* 17; compare Cic. *de Rep.* iv. 6, 16; Dionys. xx. 3.) (*d*) Inordinate and luxurious mode of living, or an extravagant expenditure of money. A great many instances of this kind are recorded. (Liv. *Epit.* 14, xxxix. 44; Plut. *Cat. Maj.* 18; Gellius, iv. 8, xvii. 21, 39; Vell. ii. 10; Val. Max. ii. 9, § 4.) At a later times the leges sumptuariae were made to check the growing love of luxuries. (*e*) Neglect and carelessness in cultivating one's fields. (Gell. iv. 12; Plin. *H. N.* xviii. § 11.) (*f*) Cruelty towards slaves or clients. (Dionys. xx. 3.) (*g*) The carrying on of a disreputable trade or occupation (Dionys. *l. c.*), such as acting in theatres. (Liv. vii. 2.) (*h*) Legacy-hunting, defrauding orphans, &c.

2. Offences committed in public life, either in the capacity of a public officer or against magistrates. (*a*) If a magistrate acted in a manner not befitting his dignity as an officer, if he was accessible to bribes, or forged auspices. (Cic. *de Senect.* 12, 42; Liv. xxxix. 42; Val. Max. ii. 9, § 3; Plut. *Cat. Maj.* 17; Cic. *de Div.* i. 16, 29.) (*b*) Improper conduct towards a magistrate, or the attempt to limit his power or to abrogate a law which the censors thought necessary. (Liv. iv. 24; Cic. *de Orat.* ii. 64, 260; Val. Max. ii. 9, § 5; Gellius, iv. 20.) (*c*) Perjury. (Cic. *de Off.* i. 13; Liv. xxiv. 18; Gell. vii. 18.) (*d*) Neglect, disobedience, and cowardice of soldiers in the army. (Val. Max. ii. 9, § 7; Liv. xxiv. 18, xxvii. 11.) (*e*) The keeping of the equus publicus in bad condition. [EQUITES.]

3. A variety of actions or pursuits which were thought to be injurious to public morality might be forbidden by the censors by an edict (Gellius, xv. 11), and those who acted contrary to such edicts were branded with the nota and degraded. For an enumeration of the offences that might be punished by the censors with ignominia, see Mommsen, *Staatsr.* ii. 364–368.

The consequence of the censor's *nota* was the removal of the citizen thus censured from the tribe to which he belonged, and his degradation to the *aerarii*. The former act was the main one, and therefore in exact language is always mentioned first ("tribu movere et aerarium facere:" Liv. iv. 24, 7; xxiv. 43, 3; xliv. 16, 8; xlv. 15. 8), though sometimes the order is reversed. In the earlier times, when the tribes represented the freeholders [TRIBUS], this degradation brought with it the serious disadvantage that the degraded citizen paid taxes on

the whole of his property, and not merely on his landed estate. But after the changes introduced by Appius Claudius, by which the *aerarii* were included in the *tribus urbanae*, and the distinction between *aerarii* and *tribules* thus ceased to exist, the phrase *tribu movere*, or what was now the same thing *in aerarios referre*, came to mean the removal from the country to the less respectable city tribes. In the case of a senator this degradation involved the loss of his place in the senate, which could however be recovered by subsequent election to a curule office. (Cic. *pro Cluent.* 42, 117.) In the case of an *eques*, it accompanied the *ademptio equi*. Women, as not included among the *tribules*, did not come at all under the control of the censors.

III. THE ADMINISTRATION OF THE FINANCES OF THE STATE was another part of the censors' office. In the first place the *tributum*, or property-tax, had to be paid by each citizen according to the amount of his property registered in the census, and, accordingly, the regulation of this tax naturally fell under the jurisdiction of the censors. (Comp. Liv. xxxix. 44.) [TRIBUTUM.] They also had the superintendence of all the other revenues of the state, the *vectigalia*, such as the tithes paid for the public lands, the salt works, the mines, the customs, &c. [VECTIGALIA.] All these branches of the revenue the censors were accustomed to let out to the highest bidder for the space of a lustrum or five years. The act of letting was called *venditio* or *locatio* (cf. Fest. p. 376, *venditiones dicebantur olim censorum locationes*), and seems to have taken place in the month of March (Macrob. *Sat.* i. 12), in a public place in Rome (Cic. *de Leg. Agr.* i. 37; ii. 21, 55). The terms on which they were let, together with the rights and duties of the purchasers, were all specified in the *leges censoriae*, which the censors published in every case before the bidding commenced. (Cic. *ad Qu. Fr.* i. 1, § 12, *Verr.* iii. 7, 18, *de Nat. Deor.* iii. 19, 49; Varr. *de Re Rust.* ii. 1.) For further particulars see PUBLICANI. The censors also possessed the right, though probably not without the concurrence of the senate, of imposing new vectigalia (Liv. xxix. 37, xl. 51), and even of selling the land belonging to the state (Liv. xxxii. 7). It would thus appear that it was the duty of the censors to bring forward a budget for a lustrum, and to take care that the income of the state was sufficient for its expenditure during that time. So far their duties resembled those of a modern minister of finance. The censors, however, did not receive the revenues of the state. All the public money was paid into the aerarium, which was entirely under the jurisdiction of the senate; and all disbursements were made by order of this body, which employed the quaestors as its officers. [AERARIUM; SENATUS.]

In one important department the censors were entrusted with the expenditure of the public money; though the actual payments were no doubt made by the quaestors. The censors had the general superintendence of all the public buildings and works (*opera publica*); and to meet the expenses connected with this part of their duties, the senate voted them a certain sum of money or certain revenues, to which they were restricted, but which they might at the same time employ according to their discretion. (Polyb. vi. 13; Liv. xl. 46, xliv. 16.) They had to see that the temples and all other public buildings were in a good state of repair (*aedes sacras tueri* and *sarta tecta exigere*, Liv. xxiv. 18, xxix. 37, xlii. 3 [where Madvig rightly emends *locare tuendi* for *loca tuenda*], xlv. 15), that no public places were encroached upon by the occupation of private persons (Liv. xliii. 16), and that the aqueducts, roads, drains, &c. were properly attended to. [AQUAEDUCTUS; VIAE; CLOACA.] The repairs of the public works and the keeping of them in proper condition were let out by the censors by public auction to the lowest bidder, just as the *vectigalia* were let out to the highest bidder. These expenses were called *ultro tributa*,—a remarkable phrase, probably intended to imply the complete discretion which the senate desired to reserve to itself in conceding or refusing the application of a magistrate for the usual grants; and hence we frequently find *vectigalia* and *ultro tributa* contrasted with one another. (Liv. xxxix. 44, xliii. 16; cf. *Lex Municip.* l. 73: "publiceis vectigalibus, ultrove tributeis.") The persons who undertook the contract were called *conductores*, *mancipes*, *redemptores*, *susceptores*, &c.; and the duties they had to discharge were specified in the *Leges Censoriae*. The censors had also to superintend the expenses connected with the worship of the gods, even for instance the feeding of the sacred geese in the Capitol, the contract for which was always the first given out. (Plut. *Quaest. Rom.* 98; Plin. *H. N.* x. § 51; Cic. *pro Rosc. Am.* 20, 57.) Besides keeping existing public works in a proper state of repair, the censors also constructed new ones, either for ornament or utility, both in Rome and in other parts of Italy, such as temples, basilicae, theatres, porticoes, fora, walls of towns, aqueducts, harbours, bridges, cloacae, roads, &c. These works were either performed by them jointly, or they divided between them the money which had been granted to them by the senate. (Liv. xl. 51, xliv. 16.) They were let out to contractors, like the other works mentioned above; and when they were completed, the censors had to see that the work was performed in accordance with the contract: this was called *opus probare* or *in acceptum referre*. (Cic. *Verr.* i. 57, 149; Liv. iv. 22, xlv. 15; Lex Puteol. in *C. I. L.* i. 163.) When there were no censors in office, their financial duties lapsed to the consuls, who often appear as giving out contracts for buildings, &c.

The aediles had likewise a superintendence over the public buildings; and it is not easy to define with accuracy the respective duties of the censors and aediles: but it may be remarked in general that the superintendence of the aediles had more of a police character, while that of the censors had reference to all financial matters.

After the censors had performed their various duties and taken the census, the *lustrum* or solemn purification of the people followed. When the censors entered upon their office, they drew lots to see which of them should perform this purification (*lustrum facere* or *condere*, Varr. *L. L.* vi. 86; Liv. xxix. 37, xxxv. 9, xxxviii. 36, xlii. 10); but both censors were obliged of course to be present at the ceremony. [LUSTRUM.]

In the Roman and Latin colonies and in the municipia there were censors, who likewise bore the name of *quinquennales*. They are spoken of under COLONIA.

A census was usually taken in the provinces, even under the republic (Cic. *Verr.* ii. 53, 131; 56, 139); but there seems to be no single instance of a general census under the empire, with the exception of that mentioned by St. Luke (ii. 2) in the time of Augustus: on which see Mommsen, *Staatsr.* ii. 412, and Meyer, *ad loc.* (Cf. Joseph. *Ant. Jud.* xvii. 13, § 5; xviii. 1, § 1; 2, § 1.) As a rule the census of the various provinces was taken quite independently, often called *censitores*, sometimes by persons of equestrian rank, charged with the census of particular communities or groups of communities, sometimes by imperial *legati pro praetore* appointed for whole provinces (Tac. *Ann.* ii. 6; vi. 41; xiv. 46), sometimes by officials of still higher rank for several provinces together. It was quite in accordance with the principles of imperial government that while the lists, upon which taxation and levies were based, should be kept with great accuracy, and regularly transmitted to Rome, no public or general statement should be made as to the results so obtained (cf. Mommsen, *Staatsr.* ii. 410–413). At Rome the census still continued to be taken under the empire, but the old ceremonies connected with it were no longer continued, and the ceremony of the lustration was not performed after the time of Vespasian. The two great jurists, Paulus and Ulpian, each wrote works on the census in the imperial period; and several extracts from these works are given in a chapter in the Digest (50, tit. 15), to which we must refer our readers for further details respecting the imperial census.

The word *census*, besides the meaning of "valuation" of a person's estate, has other significations, which must be briefly mentioned: 1. It signified the amount of a person's property, and hence we read of *census senatorius*, the estate of a senator; *census equestris*, the estate of an eques. 2. The lists of the censors. 3. The tax which depended upon the valuation in the census. The Lexicons will supply examples of these meanings.

(Becker, *Handbuch der römischen Alterthümer*, vol. ii. part ii. pp. 191–247, with additions and corrections by Mommsen, *Staatsrecht*, vol. ii. pp. 319–461. Compare Niebuhr, *History of Rome*, vol. ii. p. 397; Arnold, *History of Rome*, vol. i. p. 346, &c.; Göttling, *Römische Staatsverfassung*, p. 328, &c.; Gerlach, *Die römische Censur in ihrem Verhaltnisse zur Verfassung*, Basel, 1842; Lange, *Röm. Alterthümer*, i. 667–690; Dureau de la Malle, *Économie Politique des Romains*, vol. i. p. 159, &c.) [W. S.] [A. S. W.]

CENSUA'LES. [CENSOR.]

CENSUS. **1.** GREEK. The Greek term for a man's property as ascertained by the census, as well as for the act of ascertaining it, is *τίμημα*. The only Greek state concerning whose arrangement of the census we have any satisfactory information, is Athens; for what we know of the other states is only of a fragmentary nature, and does not enable us to form an accurate notion of their census. Previous to the time of Solon no census had been instituted at Athens, as a citizen's rights were always determined by birth; but, as Solon substituted property for birth, and made a citizen's rights and duties dependent upon his property, it became a matter of necessity to ascertain by a general census the amount of the property of the Athenian citizens. According to his census, all citizens were divided into four classes: 1. *Πεντακοσιομέδιμνοι*, or persons possessing landed property which yielded an annual income of at least 500 medimni of dry or liquid produce. 2. *Ἱππεῖς*, *i.e.* knights or persons able to keep a war-horse, wore those whose lands yielded an annual produce of at least 300 medimni, whence they are also called *τριακοσιομέδιμνοι*. 3. *Ζευγῖται*, *i.e.* persons able to keep a yoke of oxen (*ζεῦγος*), were those whose annual income consisted of at least 150 medimni. 4. The *Θῆτες* contained all the rest of the free population, whose income was below that of the Zeugitae. (Plut. *Sol.* 18, and the Lexicographers, *s. vv.*) These classes themselves were called *τιμήματα*: and the constitution of Athens, so long as it was based upon these classes, was a timocracy (*τιμοκρατία* or *ἀπὸ τιμημάτων πολιτεία*). The highest magistracy at Athens, or the archonship, was at first accessible only to persons of the first class, until Aristides threw all the state offices open to all classes indiscriminately. (Plut. *Arist.* 1, 22.) The maintenance of the republic mainly devolved upon the first three classes, the last being exempted from all taxes. Sometimes we indeed find mention of a *θητικὸν τέλος*, and the expression *θητικὸν τελεῖν*, to pay the tax of *θῆτες* (Lex *ap.* Dem. *c. Macart.* p. 1067, § 54; Bekker, *Anecd. Graec.* p. 261; *Etym. M.* s. v.); but this cannot be understood of a special tax which the fourth class had to pay, but must be explained in a more general sense, for *τέλος τελεῖν* means generally, to perform the duties arising out of persons being connected with one or other of the classes, and need not therefore refer to any special tax.

In regard to the duties which the above-mentioned census imposed upon the first three of the classes, we must distinguish certain personal obligations or liturgies (*λειτουργίαι*) which had to be performed by individuals according to the class to which they belonged [LEITURGIAE], and certain taxes and burdens which were regulated according to the classes; so that all citizens belonging to the same class had the same burdens imposed upon them. As the land in the legislation of Solon was regarded as the capital which yielded an annual income, he regulated his system of taxation by the value of the land which was treated as the taxable capital. There is a passage in Pollux (viii. 130, 132) in which he says that a pentacosiomedimnus expended one talent on the public account, a *ἱππεὺς* thirty minae, and a *ζευγίτης* ten minae. Now this seems to be impossible; for, as Solon (Plut. *Sol.* 23) reckoned the medimnus of dry produce at one drachma, we must suppose that a member of the first class was reckoned to have an annual income of 500 drachmae, or the twelfth part of a talent. But the difficulty may be solved in this manner. The valuation which Solon put upon the land of an Athenian citizen was in reality neither the real value of the property, nor the amount of the property tax, but only a certain portion of the real property which was treated as the taxable capital. Solon in his census ascertained a person's landed property

from its net annual produce; and the number of medimni which it was supposed to produce were reckoned as so many drachmae. But the produce was probably not calculated higher than was done when the estate was let out to farm. The rent paid by a farmer was probably not much more than 8 per cent., as it was in the time of Isaeus (*Or.* 11 [*Hagn.*], § 42). Now, if we suppose that in the time of Solon it was $8\frac{1}{3}$ per cent., the net produce of an estate was exactly $\frac{1}{12}$ of the value of the property, and accordingly the value of the property of a person belonging to the first class was one talent; in the second, 3600 drachmae; and in the third, 1800 drachmae. Solon, in taxing the citizens, was wise enough to see that the same standard could not be applied to all the three classes; for the smaller a person's income is, the smaller ought to be the standard of taxation. Accordingly, a person belonging to the first class, being the wealthiest, had to pay a tax on his entire property, while only a portion of the property of the persons belonging to the two other classes was regarded as taxable capital; viz. persons of the second paid the tax only of $\frac{5}{6}$, and persons of the third class only of $\frac{2}{3}$ of their property. Lists of this taxable property (**ἀπογραφαί**) were kept at first by the naucrari, who also had to conduct the census (Hesych. *s. v.* **ναύκλαροι**), and afterwards by the demarchi (Harpocrat. *s. v.* **δήμαρχοι**). As property is a fluctuating thing, the census was repeated from time to time, but the periods differed in the various parts of Greece, for in some a census was held every year, and in others every two or four years. (Aristot. *Polit.* v. 8.) Every person had conscientiously to state the amount of his property; and if there was any doubt about his honesty, it seems that a counter-valuation (**ἀντιτίμησις**) might be made. Now, supposing that all the taxable capital of the Athenian citizens was found to be 3000 talents, and that the state wanted 60 talents, or $\frac{1}{50}$ part of it, each citizen had to pay away $\frac{1}{50}$ part of his taxable property: that is, a person of the first class paid 120 drachmae (the 50th part of 6000); a person of the second, 60 drachmae (the 50th part of 3000); and a person of the third class, 20 drachmae (the 50th part of 1000). It is, however, not improbable that persons belonging to the same class may have had to pay a different amount of taxes according as their property was equal to the minimum or above it; and Böckh, in his *Public Economy of Athens*, has made out a table, in which each class is subdivided into three sections.

This system of taxation according to classes, and based upon the possession of productive estates, underwent a considerable change in the time of the Peloponnesian war, though the division into classes itself continued to be observed for a considerable time after. As the wants of the republic increased, and as many citizens were possessed of large property without being landed proprietors, the original land-tax was changed into a property-tax. In this manner we must explain the proposal of Euripides, shortly before B.C. 393, to raise 500 talents by imposing a tax of one-fortieth part. (Aristoph. *Eccles.* 823, &c.) For the taxable capital, viz. 20,000 talents, far exceeds the amount of all the landed property in Attica. This property tax, which was substituted for the land tax, was called **εἰσφορά**, concerning which see EISPHORA. Compare LEITURGIAE; and for the taxes paid by resident aliens, METOECI. (Böckh, *Publ. Econ. of Athens*, p. 495, &c., 2nd edition; comp. Schömann, *Antiq.* i. 455, E. T.)

2. ROMAN. [CENSOR.] [L. S.]

CENTE'SIMA, namely *pars*, or the hundredth part, also called *vectigal rerum venalium*, or *centesima rerum venalium*, was a tax of one per cent. levied upon all goods that were exposed for public sale, probably not only at Rome and in Italy, but throughout the empire. This tax, as Tacitus (*Ann.* i. 78) says, was introduced after the civil wars, and its produce assigned to the *aerarium militare*. Tiberius reduced the tax to one-half per cent. (*ducentesima*), after he had changed Cappadocia into a province (A.D. 17), and had thereby increased the revenue of the empire (Tac. *Ann.* ii. 42), but apparently raised it to one per cent. again after the fall of Sejanus (Dio Cass. lviii. 16). Caligula in the beginning of his reign abolished the tax altogether for Italy, as is attested by Suetonius (*Calig.* 16) and also by a coin of Caligula of A.D. 39, on which we find R. CC. (i.e. *ducentesima remissa*), and by Dio Cassius (lix. 9). Suetonius, in speaking of this remission, calls the tax *ducentesima*, probably ignoring the restoration by Tiberius to the original amount. It seems to have been soon re-imposed, probably by Caligula, for we find it exacted at a later date. (Dig. 50, 16, 7; Cod. Just. xii. 19, 4. Cf. Marquardt, *Röm. Staatsverw.* ii. 269.) [L. S.] [A. S. W.]

CENTE'SIMAE USU'RAE. [FENUS.]

CENTO (**κέντρων**, Schol. *ad* Aristoph. *Nub.* 449; Suidas, *s.v.*), dim. CENTUNCULUS, patchwork, a covering or garment consisting of several pieces of cloth sewed together, worn by slaves (Cat. *R. R.* 2, 3; 10, 5; Fest. p. 234, M.), also by soldiers when working in the trenches (Caes. *B. C.* iii. 44); used as a coverlet for beds (Macrob. *Sat.* i. 6, § 10; Sen. *Ep.* 80, 8); as a curtain hung up instead of a door (Juv. vi. 121; Petron. 7; cf. Mart. i. 35, 5); placed under the pack-saddles of mules (Liv. vii. 14, 7; Veget. *Vet.* ii. 59, 2); also as a cap under the helmets of soldiers to prevent chafing of the head (Amm. xix. 8, 8). Centones were also hung upon earthworks and similar fortifications, to protect them from fire, and to blunt the force of weapons (Caes. *B. C.* ii. 9; Dig. 33, tit. 7, s. 12, § 18). Workmen called *Centonarii* were employed to make centones for this use in war (Cod. Theod. 14, tit. 8, s. 1; 16, tit. 10, s. 20, § 4). Makers of patchwork for clothes were also called by the same name (*Vestiarius Centonarius*, Orelli, *Inscr.* 4296; Petron. 45).

Cento was likewise the name given to a poem made up from lines or parts of lines of other poets, like the *Cento Nuptialis* of Ausonius, made up from Virgil. [W. S.]

CENTONA'RII. [CENTO.]

CENTUM'VIRI. The history of the court of the Centumviri is obscure. It formed one of the two permanent courts or collegia of plebeian judges, instituted probably by Servius Tullius (Niebuhr, i. 472), and exercising jurisdiction at least from the time of that king until, perhaps, the fall of the Western Empire. The other

collegium—that of the decemviri—was, according to Pomponius (Dig. i. 2, 2, 29; confirmed by Plin. *Ep.* v. 21, and Dio Cass. 54, 26), in some way combined with the centumviri in the presidential functions, though they had an exclusive jurisdiction in questions relating to freedom. The actual number of centumviri varied at different periods. Festus (s. v. *centumviralia judicia*) says that they were nominated by the praetor, three being taken from each of the thirty tribes: the ninety thus obtained would, with the presiding decemviri, make up the exact sum which the name denotes. When the number of tribes was increased in B.C. 241 to 35, there were 105 centumviri; but the old name was retained, according to Festus, "quo facilius nominarentur," and under the empire the number had risen to 180 (Plin. *Ep.* vi. 33). At this time it is improbable that they were any longer selected from the tribes, between whose number and their own there was no relation: from the passage of Dio Cassius referred to above, one might conjecture that they were taken by lot from the *decuriae judicum* instituted by Augustus, and from Ovid (*Trist.* ii. 96) that no one could escape the duty if drawn. It would seem that under the republic the court had no jurisdiction unless the whole number of members sat together, for it was only in the aggregate that they represented the people; but later (probably under Augustus) it was divided into four divisions or sub-courts, which sat and judged apart and independently of each other for the quicker despatch of business (Quintil. *Inst.* xiii. 5, 6), though some causes were heard by two divisions sitting together (*ib.* v. 2, 1), and others even by the whole united body (*ib.* vi. 33), which then (Plin. *Ep.* v. 21), as under the republic, was presided over by a praetor. The old custom was for the court to sit in the open forum, but in Quintilian's time (xii. 5, 6) the four divisions sat on raised seats (*tribunalia*) in the Basilica Julia.

The procedure before the centumviri was always that of the *legis actio* called *sacramentum*. Even when the *legis actiones* in the aggregate were swept away by the Lex Aebutia, *circ.* 240 B.C. (Voigt), the old process was expressly retained by that statute for *centumviralia judicia* (Gaius, iv. 31; Gell. xvi. 10); so that where an action was to be tried in this manner the solemn formalities of *sacramentum* (described by Gaius, iv. 16, 17) had first to be gone through *in jure*, before the praetor, who then remitted it for trial to the centumviri: but the latter were never instructed (like a *judex privatus*) by formula [ACTIO], probably because they could get all the information which a judge got from the formula from the praetor himself, who was their president.

It seems to be the better opinion that the jurisdiction of the centumviri was limited to civil causes: the assumption that they dealt also with criminal matters (for which the only substantial authority is Phaedrus, *Fab.* iii. 10) is rebutted by Dionys. iv. 25, and appears improbable from all our knowledge of the subject. The civil suits which fell under their cognisance specially were those known as Real actions (Cic. *de Orat.* i. 38, 173), while the decemviri were more particularly concerned with questions of status (*libertas, civitas, familia*: Cic. *pro Caec.* 33, 97; *pro Domo* 29, 78). The Real actions comprise all suits claiming property or *jura in re aliena*, such as a right of way, a usufruct, &c., and those relating to inheritances; the scope of the centumviral jurisdiction is denoted by the planting of the *hasta* (the symbol of Quiritarian ownership) in the ground where the court was sitting (Suet. *Octav.* 36; Quintil. *Inst.* v. 2, 1; Gaius, iv. 16), and by the use of the *festuca* in the sacramental procedure.

The constant tendency, however, was to narrow the jurisdiction of the centumviral court. The effect of the Lex Aebutia was to establish an alternative procedure in Real actions: they might in future be tried before the centumviri by *sacramentum*, or before a single judex (instructed by formula), either by *formula petitoria* or *per sponsionem* (Gaius, iv. 91); and all the evidence goes to show that either the praetor or the parties preferred trial by a single judex. At least, under the empire, actions relating to inheritances and *causae centumvirales* are almost considered synonymous expressions (Plin. *Ep.* v. 1, 7; Quintil. *Inst.* iii. 10, 3, vii. 2, 5; Paul. *Sent. rec.* iv. 16, 2; Hieron. *Ep. ad Dom.* 50), and it is not improbable that the Lex Julia de judiciis privatis of Augustus (Gaius, iv. 30) limited the centumviri to causes of this kind. The special sphere of their activity was the *Querela inofficiosi testamenti*; a remedy which had entirely originated in the practice of their court. Cicero (*de Orat.* i. 38, 56; *pro Caec.* 18, 53) and Quintilian (*Inst.* iv. 2, 5) speak of the subtle nature of many of the questions which came before the centumviri; and the younger Pliny, who practised in their court (*Ep.* ii. 18), makes frequent allusion to it in his letters (i. 5, v. 50, ix. 23): it is also referred to in Dig. 5, 2, 13; *ib.* 17, pr.; 34, 3, 30; and in Cod. 3, 31, 12, pr.; 6, 28, 4, pr.

Fuller information on the subject will be found in Bethmann-Hollweg, *Ueber die Competenz des Centumviralgerichts* (Savigny, *Zeitschrift*, v. 11); Tigerström, *de judiciis ap.ud Romanos*; C. A. Schneider, *de Centumviralis judicii apud Romanos origine*; Zumpt, *Ueber Ursprung, Form, und Bedeutung des Centumviralgerichts*; C. Janssen, in *Monogr. über verschied. Theile der Rechtswissenschaft.* [J. B. M.]

CENTU'RIA. [AGRIMETATIO, p. 85 *a*.]

CENTU'RIA. [COMITIA; EXERCITUS.]

CENTURIA'TA COMI'TIA. [COMITIA.]

CENTU'RIO. [EXERCITUS.]

CENTUSSIS. [AS.]

CEPOTA'PHIUM (κηποτάφιον), a tomb in a garden, of which Virgil's tomb on the hill of Posilipo is a well-known example. For further details on the practice of burying in gardens, see FUNUS. There is a monograph by Van Goens, *de Cepotaphiis*, 1763. [W. W.]

CERA (κηρός), wax. For its employment by the athletae, see CEROMA; in painting, see PICTURA; as a writing material, see TABULAE and TESTAMENTUM. [W. S.]

CERCU'RUS (κέρκουρος, κερκοῦρος), a light, swift-sailing vessel, used both in war and in commerce, is first mentioned in the Persian wars (Herod. vii. 97). Its invention is attributed by Pliny (*H. N.* vii. § 208) to the Cypriotes, by others to the Corcyraeans (Suid. *s. v.*), while some modern writers derive its name from its

resemblance to a fish of this name (Plin. *H. N.* xxxii. § 152). This kind of ship is mentioned by several writers. (Harpocrat., Hesych. *s. v.*; Diod. *Excerpt.* 506, 61; Lucil. *ap.* Non. 533, 27; Plaut. *Merc.* i. 1, 86; *Stich.* ii. 2, 44; Liv. xxxiii. 19.) [NAVIS.] [W. S.]

CERDO (κέρδων), a name applied to slaves or lower class of workmen (Juv. iv. 153, viii. 182; Pers. iv. 51), sometimes with the additional name of the trade, as *sutor cerdo*, a cobbler (Mart. iii. 59); *cerdo faber*, a smith (Spon, *Misc. Erud. Ant.* 221). [W. S.]

CEREVI'SIA. [CERVESIA.]

CERIA'LIA, CERIA'LES LUDI (the spelling *Cereales* is incorrect: Mommsen, *Staatsr.* ii. 451, note 2), festivals celebrated at Rome in honour of Ceres. In B.C. 493 the worship of Demeter (under the name of the old Italian goddess Ceres) was introduced at Rome by the direction of the keepers of the Sibylline books, and a temple was built in her honour (*aedes Cereris Liberi Liberaeque*, usually called *aedes Cereris*) near the Circus Maximus. The ritual was entirely Greek, the priestesses were Greeks, and the prayers offered were in Greek (Cic. *pro Balb.* 24, 55; *de Leg.* ii. 9, 21; 15, 37). In connexion with this worship, games were instituted under the direction of the plebeian aediles. The festival was properly a plebeian one, but the patricians were invited to take part in it (Gell. xviii. 2, 11). At first the games were held only on extraordinary occasions (Liv. x. 23; xxx. 39), but afterwards they were celebrated annually from the 12th to the 19th of April, the last day being called especially the *Cerialia*. This spring festival was intended to commemorate the return of Proserpine to earth; hence all who took part in it were dressed in white. No bloody sacrifice was permitted, except that of a sow (Ov. *Fast.* iv. 414); the offerings consisted of cakes, honey, and incense. It was celebrated with games in the circus, but with no scenic representations before the time of Augustus (Ritschl, *Parerga*, p. 287). On the last day there was in the country a procession round the fields (Verg. *Georg.* i. 345), in the town a procession to the circus (Ov. *Fast.* iv. 389; Varro, *de Re Rust.* i. 2, 11).

A second festival, the *sacrum anniversarium Cereris*, was held in August (Liv. xxii. 56), and was a thanksgiving feast, belonging to the *sacra publica* (Cic. *de Leg.* ii. 9, 21), but observed only by women, who were dressed in white, and brought the first-fruits to the goddess. They prepared themselves for it by fasting and separating themselves from their husbands for nine days. (Ov. *Met.* x. 431 ff.) (Marquardt, *Röm. Staatsv.* iii. pp. 346–350; Preller, *Röm. Myth.* pp. 432 ff.) [A. S. W.]

CE'RNERE HEREDITA'TEM. [HERES.]

CER'NUUS. [SALTATIO.]

CERO'MA (κήρωμα), "a wax composition," with different references:—

1. A *plaster*, with wax as the principal ingredient (Hippocr. 397, 48; 398, 54; 402, 27, ed. Foesius); or, like *cerion*, an *ulcer* exuding wax-like matter (Plin. Val. i. 25 *fin.*).

2. A mixture of oil, wax, and earth, with which athletes under the Roman empire rubbed themselves before wrestling (Mart. iv. 19, vii. 32; Plin. *H. N.* xxxv. § 168; Plut. ii. 638 D): *femineum ceroma* (Juv. vi. 246). To avoid this dirty compound getting on the hair, a cap (*galericulum*) was used (Mart. xiv. 50). Prof. Mayor on Juv. iii. 68 gives a copious collection of passages showing the injurious effects which the sensible Romans considered as having arisen from this insane practice, which was supposed healthy, and indeed from the gymnasia generally: cf. Marquardt, *Privat.* 115–6. We may quote one: Plin. *H. N.* xxix. § 26, "Illa perdidere imperii mores, illa quae sani patimur, luctatus, ceromata ceu valitudinis causa instituta [cf. Lucian, *Anachars.* 29], balineae ardentes quibus persuasere in corporibus cibos coqui ut nemo non minus validus exiret." Probably the practice existed before: cf. Schol. *ad* Ar. *Eq.* 492, where κηρωματισταί are placed together with ἀλείπται in explanation of παιδοτρίβαι. In *Diocl. Ed.* vii. 64, we find κηρωματίτης (oddly enough among a number of intellectual teachers) as a recognised trainer of boys, and a rate fixed for his services. (Cf. Hermann-Blümner, pp. 350–51.)

3. The place where this unguent was rubbed on (*elaeothesium*, Vitruv. v. 11); hence generally the wrestling ring: ἐν παλαίστραις καὶ κηρώμασι (Plut. ii. 790 F, 190 E; Senec. *Brev. Vit.* xii. 3; Plin. *H. N.* xxxv. § 5; Arnob. *adv. Gentes*, iii. 23, "curat Mercurius ceromas:" he considers the word to belong to the first declension). [L. C. P.]

CERTA'MINA. [ATHLETAE.]

CERTI, INCERTI AC'TIO are names used to denote two varieties of Roman actions, viz. those in which what is claimed is a determinate sum of money, thing or things, and those in which the claim is for something indeterminate, respectively.

Whether an actio is *certi* or *incerti* is to be ascertained by looking at the *intentio* of its formula. In actions which were Real in form as well as in substance (*i. e.* those tried *per formulam petitoriam*, Gaius, iv. 92) the object or right claimed was specified in the *intentio* (Gaius, iv. 3), so that the action may be said to be *certi*, as Gaius (iv. 54) seems to have considered it. But it is in personal actions, especially those on contract, that the opposition is most strongly marked. Where the plaintiff's contention was that a specific sum of money or a specific object was due to him from the defendant, the *intentio* was *certa*, and ran (*e. g.*) "si paret reum decem sestertios dare oportere (condictio certi)," or "si paret reum tritici vini &c. centum modios dare oportere (condictio triticaria)." But where what he claimed was not of this determinate character, but he merely asked that a sum of money due to him as damages should be ascertained by the judge, the *intentio* was *incerta*, and was characterised by the words "quicquid [reum] dare facere oportet" (Gaius, iv. 47, 136, 137). This was the case in *condictio incerti* and in the *bonae fidei judicia*. The terms *certa* and *incerta* are also applied by Gaius (iv. 49–52) to another constituent part of the formula, viz. the *condemnatio*, which was *certa* when a specific sum of money was fixed in it, *incerta* when not. The first was the case only where the claim was for an ascertained sum of money (Gaius, iv. 50). In all other actions the *condemnatio* would either be absolutely *incerta* (or *infinita*, Gaius, iv. 51), as in a Real action, or *incerta cum taxatione*, e. g. "judex reum

decem milia condemna:" here the judge might fix the damages below the sum named, but he could not exceed it without rendering himself liable to an action (Gaius, iv. 52). [J. B. M.]

CERU'CHI. [NAVIS.]

CERVE'SIA, CERVI'SIA, CEREVI'SIA (*ζῦθος*), ale or beer, a beverage scarcely ever drunk by the ancient Greeks and Romans, although it was very generally used by the surrounding nations, whose soil and climate were less favourable to the growth of vines ("in Gallia, aliisque provinciis," Plin. *H. N.* xxii. § 164; Theophrast. *de Caus. Plant.* vi. 11; Diod. Sic. iv. 2, v. 26; Strab. xvii. 2, 5; Tac. *Germ.* 23).

Herodotus's statement that the Egyptians drank "barley-wine" is supported by the inscriptions, in which it is called *hak*, *hank* or *hcnk*, and by Strab. xvii. 1, 14, and Diod. i. 34, who describes it as a beverage almost as fragrant as wine and calls it *ζῦθος*: while Columella (x. 114) tells us that the *radix Assyria* and lupine entered into its composition, the former doubtless to give it fragrance, the latter to serve the same purpose as the modern hop. But the methods of its preparation varied (Strab. ii. 5). A similar drink was made by the Ethiopians from millet and barley (*ib.* xvii. 2, 2).

The beer or barley-wine of Crete was known as *κόρμα* or *κοῦρμι* (Diosc. ii. 110). A similar beverage passed under the name of *βρῦτον* in the North of Greece and Asia Minor, being made of barley by the Phrygians and Paeonians, of barley or of roots by the Thracians, while the Paeonians also made *παραβίας* or *παραβλή* from millet and fleabane (*κόνυζα*). Of the barley drink called *πῖνον* Aristotle tells us that those inebriated by it fall on the back and on no other part of the body (Athen. x. p. 447). We are told by Xenophon that the Armenians, instead of drinking their ale or beer out of cups, placed it before them in a large bowl (*κρατήρ*). This being full to the brim with the grains as well as the fermented liquor, the guests, when they pledged one another, drank together out of the same bowl by stooping down to it, although, when this token of friendship was not intended, they adopted the more refined method of sucking up the fluid through tubes of cane (Xen. *Anab.* v. 5, 26). *Ζῦθος* was the drink of Lusitania (Strabo, iii. 3, 7); in Spain it was known as *caelia* or *cerea* (Plin. *l. c.*; cf. Athen. i. 16 c), while *cervesia* was the name used in Gaul, where other drinks of the sort were common (Plin. *l. c.*; Jul. Afric. *Cest.* 25). Thus Posidonius, *ap.* Athen. iv. p. 152 c, says that while the richer classes in Gaul import wine from Italy and the district of Marseilles, the poor drink a beer made from wheat with or without the addition of honey, which is called *κόρμα*. This Gallic use of beer is illustrated by a curious circular bottle found in Gaul and preserved in the Musée Carnavalet at Paris: it bears the legend "ospita reple lagona Cervesa" (*Revue archéologique*, 1868, xviii. p. 226; cf. *Gazette archéologique*, iii. p. 176; Daremberg and Saglio, *s. v.*).

The beverage of the Germans was made from barley or wheat (Tac. *Germ.* 23). The beer of Illyria and Pannonia was called *sabaia* or *sabaium* (Hieron. *Isai.* v. 19; cf. Dio Cass. xlix. 36; Priscus, *Ecl. Hist. Goth.* p. 183 Nieb.); and at the court of Attila in Pannonia a beverage called, in the tongue of the country, *μέδος* (mead?), or one made from barley and called *κάμον*, was used (Müller, *Fragm. Hist. Gr.* iv. p. 83). The contempt felt by the Greeks and Romans for this barbarian drink is expressed in an epigram of the Emperor Julian (*Anth. Pal.* ix. 365):—*Τίς; πόθεν εἶς Διόνυσε; μὰ γὰρ τὸν ἀληθέα Βάκχον οὐ σ' ἐπιγινώσκω· τὸν Διὸς οἶδα μόνον· κεῖνος νέκταρ ὄδωδε, σὺ δὲ τράγου*, &c.

In the Edict of Diocletian (ii. 11, ed. Waddington) the maximum for *cervesia* and *camum* is fixed at 4 denarii the sextarius, for *zythum* at 2 denarii, while even *vinum rusticum* is fixed at 8 denarii. As an illustration of the low esteem in which it was held by the physicians, the following opinion of Dioscorides may serve:—*(ζῦθος) διουρητικὸς καὶ νεφρῶν καὶ νευρῶν ἀπτικὸς, καὶ μάλιστα μηνίγγων κακωτικὸς, πνευματωτικός τε καὶ γεννητικὸς κακοχυμιῶν καὶ ἐλεφαντιάσεως ποιητικός.* [J. Y.] [J. H. F.]

CERVI, so called from their resemblance to the horns of a stag (Varr. *L. L.* v. 117), were branches of trees interlaced with their points projecting, used in war as palisading or *chevaux-de-frise*, in front of or upon earthworks or fortifications (Caes. *B. G.* vii. 72; Liv. xliv. 11, 4; Serv. *ad* Verg. *Ecl.* ii. 29; Tib. iv. 1, 84), and sometimes, where there were no fortifications, stuck simply in the level ground (Sil. It. x. 413, 414). [W. S.]

CERVI'CAL (*προσκεφάλαιον, ποτίκρανον*) properly denotes a pillow or cushion to support the head or shoulder, on a bed or dining couch (Mart. xiv. 146; Suet. *Ner.* 6; Plin. *H. N.* xx. § 217, xxviii. § 47). The word is also used, like its Greek equivalents, in a less special sense to denote any cushion (Juv. vi. 353; Petron. 32, 1; 78, 5; Plato, *Rep.* i. p. 328 C; Theocr. xv. 2). [PULVINUS.] [J. H. F.]

CERYX (*κήρυξ*). [CADUCEUS; FETIALIS.]

CES'SIO BONO'RUM. [BONORUM CESSIO.]

CES'SIO IN JURE. [IN JURE CESSIO.]

CESTICILLUS, a porter's knot, pad for carrying burdens, is known to us only through the gloss in Festus (*s. v.*). The Greek word is *τύλη* (Aristot. *ap.* Diog. Laërt. ix. 53, where it is said to have been invented by Protagoras), or *σπεῖρα*, from its being twisted into a circular shape (Apollod. ii. 5, 11, § 14). For an illustration, see ARCULUM. [W. W.]

CESTROSPHE'NDONE. [FUNDA.]

CESTRUM. [PICTURA.]

CESTUS. [CAESTUS.]

CESTUS (*κεστός*). In Hom. *Il.* xiv. 214, an adj., applied to the girdle (*ἱμάς*) of Aphrodite, on which were embroidered all manner of enticements to love (Schol. *ap.* Ebeling). It means "perforated;" *i.e.*, with holes made by the needle—"embroidered," *acu pictus*—and is derived from the same root (viz. *κας* = *ferire*) as *κεάζω* (Fick, *Vergl. Wörterb.* i. 531), or *κεντέω* for *κενστός* (all ancient gramm., Pott, Ahrens). It is to be considered the same as the *στρόφιον, ταινία, μίτρα, στηθοδεσμός, fascia pectoralis, mammillare*, which is found on statues of Aphrodite worn next the skin ("ceston de Veneris sinu calentem," Mart. xiv. 206: cf. K. O. Müller, *Arch. der Kunst*, §§ 339. 3, 377. 5; and Baumeister, *Denkmäler*, &c. p. 366, fig. 393). It was accordingly made of some soft substance (Catull. 64, 65; Prop. v. 9, 48). In Mart. xiv. 66 *pellis* is probably what we should call kid. Its object was to support and some-

times compress too full bosoms, like the modern corset, but it was not used, like the latter, to pinch in the figure. The Greeks and Romans were strangers to this injurious practice (Baumeister, *l. c.*; Becker-Göll, *Charikles*, iii. 226; *Gallus*, iii. 251). Accordingly, every girl did not wear one. Winckelmann (*ap.* Müller, *l. c.*) and Saglio (*Dict.* i. 1176) consider that, owing to its splendour, the κεστὸς of Aphrodite was a belt worn *outside* the dress. Sometimes Aphrodite is represented as holding the κεστὸς in her hand (*Arch. Zeit.* 1866, 261; cf. Mart. vi. 13); sometimes Cupid wore it on his neck (Mart. xiv. 206). [L. C. P.]

CETRA or CAETRA (καιτρέα, καίτρα), a target, *i.e.* a small round shield, made from an animal's hide (Isid. *Orig.* xviii. 12; Curt. iii. 4; Varr. *ap.* Non. p. 82, 18), those of elephant's hide having the reputation of being impenetrable (Plin. *H. N.* xi. § 227). The *caetra* is compared by Livy (xxviii. 5, xxxi. 36) to the *pelta* of the Greeks and Macedonians; it was sometimes painted (*versicolor*, Sil. iii. 278), and troops advanced to battle clashing it against their weapons (*ib.* iii. 348, x. 231). It was properly a barbarian arm (see, however, Verg. *Aen.* vii. 732; Suet. *Calig.* 19), and was especially used by the Iberians (Caes. *B. C.* i. 39, 48; Luc. *Phars.* vii. 232; Diod. Sic. v. 33; Hesych.), the Mauritanians (Strabo, xvii. p. 828), and the Britons (Tac. *Agric.* 36). It is usually identified with the target of the Scottish Highlanders, and may be seen "covering the left arms" (Verg. *l. c.*) of the two accompanying figures, which

Cetra. (From a MS. of Prudentius.)

are taken from a MS. of Prudentius, probably written in this country as early as the ninth century (*Cod. Cotton. Cleop.* C. 8). (Cf. Morelli, iii. n. 3; Cohen, *Monn. Cons. Caecilia.*) [PELTA.] [J. Y.] [J. H. F.]

CHALKEIA (χαλκεῖα), a very ancient festival celebrated at Athens, which was originally of an agrarian character; but afterwards it assumed a different type. At first it was solemnised in honour of Athena, surnamed Ergane, and by the whole people of Athens, whence it was called Ἀθήναια or Πάνδημος. (Suidas, *s. v.*; *Etym. M.*; Eustath. *ad Il.* ii. p. 284, 36.) At a later period, however, it was celebrated only by artisans, especially smiths, and in honour of Hephaestus, whence its name was changed into Χαλκεῖα. (Pollux, vii. 105.) It was kept on the 30th day of the month of Pyanepsion, the day after the Apaturia. (Suidas, Harpocrat., Eustath. *l. c.*) Menander had written a comedy called Χαλκεῖα, a fragment of which is preserved in Athen. xi. p. 502. (Comp. Welcker, *Die Aeschyl. Trilog.* p. 290; A. Mommsen, *Heortologie*, p. 311, 40.) [L. S.]

CHALCIDICUM is defined by Festus as a sort of building (*genus aedificii*, P. Diac. p. 52 M.), so called from the city of Chalcis; and explained by Vitruvius and the Glossary of Isidore as an annexe or appurtenance to a basilica. The mention in Vitruvius is merely incidental: "Sin autem locus erit amplior in longitudine, chalcidica in extremis partibus constituantur, ut sunt in Julia Aquiliana" (v. 1, § 4). The gloss in Isidore is extremely corrupt, but points to a cloister or portico outside the building, suitable for a promenade (*deambulatorium*), and either in front (*vestibulum*) or at the sides (*peribolum*, *peripterum*). Dio Cassius (li. 22), describing the buildings erected by Augustus in 20 B.C., mentions τό τε Ἀθήναιον καὶ τὸ Χαλκιδικὸν ὀνομασμένον καὶ τὸ βουλευτήριον τὸ Ἰουλίειον, "the temple of Minerva, the so-called Chalcidicum and the Curia Julia." This is according to the reading of Reimarus: Bekker omits καὶ before τὸ Χαλκιδικόν, making τὸ Ἀθήναιον τὸ Χαλκιδικόν, "the temple of Minerva called Chalcidica." The correction is the less probable, as elsewhere the temple of Minerva Chalcidica is mentioned among Domitian's buildings (*Catal. Viennensis* ap. Roncalli, col. 243; Burn, p. 110). The *Monumentum Ancyranum* agrees with the text of Dio in connecting the *chalcidicum* with the *curia Julia* or new senate-house of Augustus: "curiam cum Chalcidico, forum Augustum, basilicam Juliam" (*Mon. Ancyr.* tab. vi. line 34, Zumpt). Other public buildings, then, besides basilicas, might have a chalcidicum attached to them.

All doubt is removed by the building called *fullonica* at Pompeii, on the front of which the name chalcidicum may still be read, together with the following inscription (Mommsen, *Inscr. R. Neap.* 2204):

EUMACHIA . L. F. SACERD. PUB.****
***** CHALCIDICAM . CRYPTAM . PORTICUS
*** SUA. PEQUNIA . FECIT . EADEMQ . DEDICAVIT.

Other inscriptions are in Mommsen, *I. R. N.* 2423; Orelli, 1303, 3287, 3290, 3295.

The chalcidicum was an entrance-hall to a public building, designed for the shelter of persons waiting to be admitted, or who might transact their business under it; it was wholly or partially roofed, and might take the form either of a deep porch, or in some cases of a cloistered court. Such a vestibule is found in many Christian basilicas; the former type occurs in St. John Lateran and Sta. Maria Maggiore at Rome, the latter in St. Ambrogio at Milan. The foundations show that a chalcidicum of this kind once existed in front of the vast basilica of Constantine at Rome (Burn, p. 167). The vestibule of a basilica described by Procopius (*de Aedif. Justin.* i. 10) is twice designated by the term χαλκῆ. This might suggest a covering of bronze plates [cf. CHALCIOICIA], and another possible derivation for the word; but the received explanation is far more probable. "The name also occurs in connexion

with a building at Capua [of the year 99 B.C.; *C. I. L.* i. 659; Mommsen, *I. R. N.* 3561; Henzen, 6089]; and hence it has been conjectured by Urlichs that the name is derived from the fact that this kind of building was introduced into Italy by the Chalcidian colonists of Cumae in Campania. Urlichs further endeavours to show that the Chalcidicum of Augustus was an enclosed court with cloisters round it, standing on the left of the Curia Julia, nearly on the spot now occupied by the church of Sta. Martina." (Burn, p. 111.)

There is no reason to suppose that the word is used in any other sense than this. When Arnobius says (*adv. Gent.* iv. 33, p. 149), "scribuntur dii vestri in tricliniis caelestibus atque in *chalcidicis* aureis cenitare," it does not follow that chalcidicum could be used for a dining-room (*cenaculum*, *cenatio*). The distinction between *triclinia* and *chalcidica*, and the outdoor habits of southern countries at all times, justify the usual meaning (comp. οἱ ἐννέα ἄρχοντες εἱστιῶντο ἐν τῇ στοᾷ, Hyperid. *fr.* 165 ed. Turic. = 142 Blass). And when Ausonius in his *Periochae* translates Hom. *Od.* xxiii. 1,

Γρηῢς δ' εἰς ὑπερῷ' ἀνεβήσατο καγχαλόωσα,

by "*Chalcidicum* gressu nutrix superabat anili," we may regard this as an incorrect rendering of ὑπερῷον. (Rich, *s. v.*; Saglio, *s. v.*; Burn, *Rome and the Campagna*, pp. xli. 102, 110, 111, 129, 167.) [A. R.] [W. W.]

CHALCIOI'CIA (χαλκιοίκια), an annual festival, with sacrifices, celebrated at Sparta, in honour of Athena, surnamed Χαλκίοικος, i.e. the goddess of the brazen-house. (Paus. iii. 17, § 3, x. 5, § 5; and Goeller *ad* Thucyd. i. 128, &c.) Young men marched on the occasion in full armour to the temple of the goddess; and the ephors, though not entering the temple, but remaining within its sacred precincts, took part in the sacrifice. (Polyb. iv. 35, § 2.) [L. S.]

CHALCUS (χαλκοῦς or χαλκίον). We have spoken, under AES, of the use of bronze or copper for money, which began in most parts of the Greek world about B.C. 400. At Athens, the *chalcus*, or copper *par excellence*, is said by Pollux (ix. 65) to have been equivalent to the eighth of an obol: in some other places it was the sixth of an obol, and contained seven lepta.

The Scholiast to Aristophanes, *Ranae*, 720, says that copper coins (χαλκία) were first issued at Athens in the archonship of Callias, B.C. 406; and Aristophanes (*loc. cit.*) seems to be speaking of them. In the *Ecclesiazusae* (816) the same writer speaks of the demonetization of certain copper coins, and the reversion to a silver currency. It seems likely that the coins referred to in both these passages are the pieces still extant with the head of Athena on one side, and an owl with two bodies and one head on the other, which resemble the silver diobols of Athens. Coins of late period struck in Syria bear the inscription χαλκοῦς, which declares their value. Δίχαλκα and other multiples of the *chalcus* were also struck at Chios and other places. When, however, bronze coins do not bear inscriptions stating their value, the latter cannot with certainty be fixed. [P. G.]

CHA'RILA (ἡ χαρίλα), one of the three festivals celebrated at Delphi every ninth year, as a thanksgiving for having been delivered at one time from a famine. (Plut. *Quaest. Gr.* 55.) [L. S.]

CHARISTIA. [CARISTIA.]

CHARTA. [LIBER.]

CHEIRONOMI'A (χειρονομία). The movement of the hands was an important part of Greek and Roman dancing [SALTATIO], and had the name of χειρονομία. Herodotus, in the story of Hippoclides standing on his head before the guests of Clisthenes, uses the curious expression τοῖσι σκέλεσι ἐχειρόνομησε (vi. 129). It was also a feature of any pantomimic performance ("chironomon Ledam," Juv. vi. 63). [PANTOMIMUS.] The word is also used in the sense of σκιαμαχία, or sparring. (Plat. *Legg.* viii. p. 830 C; Paus. vi. 10, § 3.) [PUGILATUS.] [W. M. L.]

CHEIROTONI'A (χειροτονία). In the Athenian assemblies two modes of voting were practised, the one by ballot [PSEPHUS], the other by a show of hands (χειροτονεῖν). The latter was the usual mode of conducting business. Secret voting in general was only used when the personal interests of individuals were concerned; as when the question was the condemnation or acquittal of a person put on his trial, the remission of a punishment (especially of ATIMIA), or of a pecuniary fine payable to the state, the conferring of citizenship on strangers, or finally the banishment of a citizen by ostracism. Open voting was employed on questions of public policy, such as war or peace, in voting upon laws, and in some special kinds of trials on matters which concerned the people, as upon προβολαὶ and εἰσαγγελία. In the elections of magistrates (ἀρχαιρεσίαι), some were chosen by lot (ἀρχὴ κληρωτή); others, and these of course the more important, *e.g.* the στρατηγοί, by show of hands (ἀρχὴ αἱρετὴ or χειροτονητή). The grammarians attempt a distinction between αἱρετὴ and χειροτονητή, which however is rejected by modern scholars (*Arg.* ii. *ad* Dem. *Androt.* p. 588). But the undoubted distinction between ψηφίζεσθαι and χειροτονεῖν is not always observed: we find the word ψηφίζεσθαι used where the voting was really by show of hands (Lys. *c. Eratosth.* §§ 44, 75; Dem. *Olynth.* i. § 2).

The χειροτονία was taken first on the affirmative, then on the negative side of the question at issue: the number of hands was counted each time by the herald; and the president, upon the herald's report, declared whether the ayes or noes had the majority (ἀναγορεύειν τὰς χειροτονίας, Aeschin. *c. Ctes.* § 3).

It is important to understand clearly the compounds of this word. A vote condemning an accused person is καταχειροτονία: one acquitting him, ἀποχειροτονία (Dem. *c. Mid.* p. 516, § 6; p. 553, § 120; p. 583, § 214): ἐπιχειροτονεῖν is to confirm by a majority of votes (*Lejes ap.* Dem. *de Cor.* pp. 235, § 9, 261, § 105): ἐπιχειροτονία τῶν νόμων was a revision of the laws, which took place at the beginning of the Attic year in the month of Hecatombaeon: ἐπιχειροτονία τῶν ἀρχῶν was a vote taken in the first assembly of each prytany on the conduct of the magistrates: in these cases, those who voted for the confirmation of the law, or the continuance in office of the magistrate, were said ἐπιχειροτονεῖν, those on the other side ἀποχειροτονεῖν (Dem. *c. Timocr.* p. 706, § 20; *c. Theocrin.* p. 1330, § 27; Harpocrat. and Suidas, *s. v.* Κυρία ἐκκλησία): διαχειροτονία is a vote

for one of two alternatives (Dem. *c. Androt.* p. 596, § 9; *c. Timocr.* p. 707, § 25; *c. Neaer.* p. 1346, §§ 4, 5): *ἀντιχειροτονεῖν* to vote against a proposition: *προχειροτονία* is the show of hands on the previous question, *i.e.* whether the people desired further discussion or not (Dem. *c. Timocr.* p. 703, § 11). The compounds of *ψηφίζεσθαι* have similar meanings (Schömann, *Assemblies*, pp. 120, 125, 231, 251, 330; *Antiq.* i. p. 335, E. T.). [P. S.] [W. W.]

CHELE (*χηλή*), derived from *χα-*, "to gape" (Vaníček, 237). Thus it is used for cracks in the feet (Poll. iv. 198), for a cloven hoof (Eur. *Bacch.* 619), and thence for a hoof in general, even a solid one (Id. *Phoen.* 42). But usually *χηλὴ* signifies something hooked or forked: thus the claws of a crab (Plut. ii. 98 D), the talons of a bird (Soph. *Ant.* 1003), the claws of a wild beast (Eur. *Hec.* 90; Theocr. *Epigr.* vi. 4). We find it also applied to a kind of two-pronged hooked probing needle, used to pull out a polypus (Hipp. 471, 54). As regards military engines, *χηλὴ* was sometimes used for the notch of the arrow or other missile discharged from the catapult; also for the two "fingers" of the "hand" (*manucla*, Vitruv. x. 15), which in that engine grasped the back-drawn string. See Heron, *Belop.* 141: *ἡ μὲν γὰρ τοῦ εὐθυτόνου* (sc. *τοξότις*) *στρογγύλη γίνεται ἐπείπερ εἰς τὴν τοῦ οἰστοῦ ἐμπίπτει χηλήν* ("notch"). *ταύτην δὲ ἡ κατάγουσα χεὶρ διπλῆ γίνεται, κεχηλωμένη* ("bifurcated") *πρὸς τὸ μεταξὺ τῶν χηλῶν*

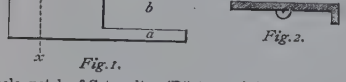


Fig. 1. *Fig. 2.*

Chele, notch of Catapult. (Rüstow and Köchly, p. 384.)

δέξασθαι τὸ τοῦ βέλους πάχος. The figure shows a horizontal section of the "hand" of the engine and its two "fingers" (*χηλαί*), *a*, *a*, turning on an axis, *x*, *x*. The space between *b* must be at least as wide as the thickness of the missile. What really gripped the cord were vertical prongs running down from *a*, *a* (see a vertical section of *a* in fig. 2). For the whole explanation of military engines, from which this is taken, see Rüstow and Köchly, *Geschichte des Griechischen Kriegswesens*, Aarau, 1852, pp. 378–405. The reading *χηλὴν* in Vitruv. x. 17, 7, is wrong: it should be *χελώνιον* (see Rüstow and Köchly, *Griechische Kriegsschriftsteller*, Leipzig, 1853, i. 232).

Further, *χηλὴ* is applied to a breakwater which curves out and presents the form of a claw (see Arnold on the *χηλὴ* at Potidaea in Thuc. i. 63), and to the spur of a mountain (Suidas, *s. v. χηλὴ ὄρους*).

In astronomy that part of the heavens next Virgo embraced by the arms of the Scorpion was called *Chelae* by early writers and by the poets (Verg. *Georg.* i. 33; Ov. *Met.* ii. 195), even after Geminus (80 B.C.) had separated that portion as a new sign, and called it *Ζυγός* (Libra). [L. C. P.]

CHELIDON'IA (*χελιδόνια*), a custom observed in the island of Rhodes, in the month of Boëdromion, the time when the swallows returned. During that season boys, called *χελιδονισταί*, went from house to house collecting little gifts, ostensibly for the returning swallows (*χελιδονίζειν*), and singing a song which is still extant. (Athen. viii. p. 360; compare Ilgen, *Opusc. Phil.* i. p. 164, and Eustath. *ad Odyss.* xxi. *sub fin.*) It is said to have been introduced by Cleobulus of Lindus, at a period when the town was in great distress. The chelidonia, which have sometimes been called a festival, seem to have been nothing but a peculiar mode of begging, which on the occasion of the return of the swallows was carried on by boys in the manner stated above. Many analogies may still be observed in various countries at the various seasons of the year. [L. S.]

CHELYS. [Lyra.]

CHEME (*χήμη*), derived from *χα-*, "to gape;" hence it means "a yawn" (Hesych.); also the "cockle," from its gaping double shell (Arist. *H. A.* v. 15, 4). Lat. *chama*. For varieties of cockles, see Pliny, *H. N.* xxxii. § 147. But its best known signification is that of a small measure of capacity, about the size of a cockle-shell (cf. *κόγχη*). Its exact size is variously related.

1. In Galen's table of liquid measures *χήμη μικρά* = *μύστρον μικρόν* = $\frac{1}{12}$ *κοτύλη* = $\frac{1}{24}$ of 27·36 centilitres = 2·28 centilitres = 2·28 × 0·0176 Eng. pints = 0·04 Eng. pints. In the table called that of Cleopatra's cosmetics, a similar measure is called *ἐλάττων κόγχη*. It was equal to two cochlearia.

2. In this table of Cleopatra there is a special section devoted to very small measures of capacity, arranged according to weight in drachmas. One drachma of oil or wine (see Hultsch, *Metrologie der Griechen*, &c. p. 110, n. 5) represented the capacity of $\frac{1}{60}$ of an Attic *κοτύλη*. In this table the *χήμη ἡ μεγάλη* is a capacity for holding three drachmas : ·. $\frac{3}{60}$ Attic *κοτύλη* = 1·368 centilitres = 0·024 Eng. pint. The *χήμη ἡ μικρά* is $\frac{2}{3}$ of this = 0·016 Eng. pint.

3. In the table of Dioscorides the *χήμη* is $\frac{1}{4}$ of the *κύαθος* (which is itself $\frac{1}{6}$ of a *κοτύλη*) = 1·14 centilitres = 0·02 Eng. pint. This latter is the Ptolemaic reckoning (*Metrologie*, 625). It was = one cochlear.

The symbol for *χήμη* was χ. Evidence for most of the above statements will be found in F. Hultsch, *Metrologici Scriptores*, Index, *s. vv. χήμη* and *chema*. [L. C. P.]

CHENISCUS. [Navis.]

CHERNIBON or CHEIRONIPTRON (*χερνιβεῖον* [in Hom. *Il.* xxiv. 304 it is *χέρνιβον*] or *χειρόνιπτρον*), a basin used for holding the lustral water at a sacrifice; and generally a basin for washing the hands in. Lat. *malluvium*. Pollux (vi. 92) says the term *χειρόνιπτρον* embraced both jug (*πρόχους*) and basin (*λέβης*): cf. Serv. *ad Aen.* iii. 466, "lebes pro vase capitur, in quod aqua, dum manus abluuntur, decidit." The water, whether sacrificial or not, was called *χέρνιψ*. In the state religious ceremonies, this basin was of gold (Andoc. *c. Alcib.* § 29). The *λέβης* in Hom. *Od.* i. 137 is of silver. For another example of a silver basin, see Hermann-Blümner, p. 168, note 4. At private dinners, before the dishes were brought in, servants handed round water for washing the hand: *ὕδωρ κατὰ χειρός* (Ar. *Vesp.* 1216). This was called *ἀπονίζειν* (Plat. *Symp.* 175 A). At

the end of the meal, too, water was handed round for a similar purpose (Hermann-Blümner, p. 245). The view of Ar. Byz. *ap.* Athen. 408 f, that *κατὰ χειρὸς* refers to the washing before dinner, and *ἀπονίψασθαι* to that after dinner, is disproved, not only by the passages of Homer there cited, but also by the passages from Philyllius and Menander quoted by Athenaeus a few lines previously. The water was poured over the hands of the guests in both cases (Philox. *ap.* Athen. 409 e). We must remember that the Greeks and Romans used to eat with their fingers (Hermann-Blümner, p. 242, note 4; Marquardt, *Röm. Privatl.* 308, note 3). At these dinners the jug and basin were usually of silver, both in Greece, as we have seen, and at Rome (Dig. 34, 2, 19, 12). The shape was round; both shallow and deep ones are found represented, and sometimes they had highly ornamented covers: see the pictures in Saglio, *Dict.* i. 1101. [L. C. P.]

CHERNIPS (*χέρνιψ*). [CHERNIBON.]

CHEROSTAE. [HERES.]

CHILIARCHUS. [EXERCITUS.]

CHIRAMAX'TUM (*χειράμαξα, χειραμάξιον*), any wheeled carriage drawn by the hand. Its use may have varied between a "perambulator" for children and a "Bath chair" for invalids: the only classical passage (Petron. 28) leaves this point uncertain. [W. S.] [W. W.]

CHIRIDO'TA. [TUNICA.]

CHIRO'GRAPHUM, the Latin equivalent of the Greek word *χειρόγραφον*, means, in its original and widest sense, a document in the handwriting of a person interested in the truth of the facts contained in it: it is used in this general sense by Cicero without reference to legal transactions (cf. Cic. *ad Att.* ii. 20, 5; *Phil.* ii. 4, 8); it was, however, a means of securing evidence against a debtor (cf. Cic. *ad Fam.* vii. 18, "cautionem chirographi mei"), and so it came to signify specially a written acknowledgment of a debt. In Cicero's time the usual term for an instrument which contained an acknowledgment of a debt, was not *chirographum*, but *syngrapha* (*συγγραφή*) (Cic. *pro Rabir. Post.* 3; *de Har. Resp.* 13; *Phil.* ii. 37, 95; *ad Att.* v. 21, 11, vi. 1, 2). Syngraphae appear to have been common securities for debts in the provinces, and were of Greek origin. According to the statement of the Pseudo-Asconius (*ad* Cic. *in Verr.* ii. 1, 36), a syngrapha was a particular kind of chirographum; it differed from other chirographa in that a debt acknowledged in it was presumed to exist, whether there had been any real value received or not, whereas other chirographa were not binding unless they were acknowledgments of actual debts for money received. Hence, if Asconius is to be believed, the syngrapha was a written obligation, but the mere chirographum was not. Asconius points out as another characteristic of syngraphae, that they were executed by both parties, not simply by the debtor, and that they were taken charge of for both parties instead of creditors having the exclusive right to their custody.

The distinction made by Asconius between the legal effect of syngraphae and chirographa is shown by the superior authority of Gaius (iii. 134) not to be well founded. It is thought that Asconius—who, as Niebuhr has shown, cannot have written earlier than the fourth century—misunderstood the allusions of Cicero to syngraphae, and so attached an exceptional importance to them (Savigny, *Verm. Schr.*, vol. i. *de Litt. Obl.*). Gaius, in the passage above referred to, after describing the Roman literal contract, which was made by transcriptive entries in a family account book (*codex*), proceeds to say: "There appears to be another literal obligation created by chirographa and syngraphae, which were written acknowledgments of debts or promises to pay, unaccompanied by stipulation, a mode of contract proper to aliens." According to the ordinary interpretation of this passage, Gaius is here referring to particular forms of contract current among aliens. Gneist, however, supposes that Gaius is pointing to a general distinction between Roman and Greek law. In Roman law a written agreement was not actionable in itself, but only evidence of a stipulation having been entered into. In Greek law, on the other hand, informal written agreements were enforceable; so Gaius intends to say in this passage, that among aliens any written acknowledgment of a debt was actionable without a stipulation. This principle of Greek law, if it was one, was never adopted into Roman. In the legislation of Justinian the term *syngrapha* does not occur; and chirographum does not mean, as in the above passage of Gaius, a written contract, but is equivalent to cautio, an evidentiary document containing the terms of a stipulation or loan or a receipt on account of payment of a debt. The words *instrumentum* and *epistola* are used in a similar sense. But though a cautio or chirographum of a debt was not binding as a contract, its existence was presumptive evidence of a debt, if the debtor allowed it to remain in the creditor's hands for a certain period. Justinian in his Institutes (iii. 21) goes so far as to say, that after the prescribed period the debtor is bound by his writing; but the accuracy of this statement is much questioned. So again a chirographum of a stipulation was presumptive evidence of a stipulation having been entered into (*Inst.* iii. 19, § 12).

Precautions were taken for securing such documents as chirographa against falsification [CAUTIO; FALSUM]. The formal requisites, if any, for the validity of chirographa and syngraphae cannot be determined. According to Gneist, the word *συγγραφὴ* did not signify among the Greeks any particular form of written contract, since the words *συνθήκη* and *συμβόλαιον* are used as synonymous with it; it was usual, however, to seal obligations in writing and to entrust them to a third party. At a later time the word *χειρόγραφον*, especially in its Latin form, came to be used; but between syngraphae and chirographa, Gneist thinks, there was no essential difference, both being documents of an informal character, not requiring seals or the attestation of witnesses as essentials to their validity. It seems probable that at one time the syngrapha was a common act of creditor and debtor; but a chirographum might be the act of the debtor alone. If it could be supposed that a passage extracted by Heimbach from the MS. of a dictionary written in the 13th century rested on any early authority, there would be some analogy between

the form of a syngrapha and an old English deed of indenture. The extract is as follows: —"Nota, quod chirographus et syngraphus saepe accipitur indifferenter. Differunt tamen proprietate, quod chirographus dicitur conscriptio manuum seu cautio, quae fit propria manu debitoris et committitur creditori; syngraphus dicitur conscriptio in duorum scilicet scripto. Antiquitus enim creditor et debitor insimul in ligno vel in charta scribebant et nomen debitoris et nomen creditoris et testes et summam pecuniae; et in medio hoc sibi syngraphum capitalibus locis et per medium dividebant. Postea si creditor plus exigeret, quam deberet, vel si debitor denegaret depositum, uterque afferebat partem, quam habebat, ut duae partes convenirent, et id propterea syngraphum dictum est. Syngraphus et dicitur nomen aliquod vel scriptura in re aliqua confirmanda scripta. Sic in cartis publicis omnino non usus tantum scribit, sed plures, ad confirmationem chartae." (Heimbach, *Creditum*, § 520.) (Gneist, *Die Formellen Verträge;* Heimbach, *Creditum*, § 498, &c.; Walter, *Gesch. des Röm. Rechts*, §§ 606–608; Puchta, *Inst.* iii. § 274; Danz, *Lehrbuch der Gesch. des Röm. Rechts*, § 60; Savigny, *Verm. Schriften*, vol. i. *de Litt. Obl.*) [E. A. W.]

CHIRONOM'IA, CHIRON'OMUS. [CHEIRONOMIA.]

CHIRŪ'RGIA (*χειρουργία*), surgery. The practice of surgery was at first considered by the ancients to be merely a part of a physician's duty; but, as in later times the two branches of the profession were to a great extent separated, it will perhaps be more convenient to treat of it under a separate head. Without touching upon the disputed questions, which is the *more ancient*, or which is the *more honourable* branch of the profession; or even trying to give such a definition of the word *chirurgia* as would be likely to satisfy both the physicians and surgeons of the present day; it will be sufficient to determine the sense in which the word was used by the *ancients:* and then to give an account of this division of the science and art of medicine, as practised among the Greeks and Romans, referring to the article MEDICINA for further particulars.

The word *chirurgia* is derived from *χείρ*, the hand, and *ἔργον*, a work, and is explained by Celsus (*de Med.* lib. vii. Praefat.) to mean that part of medicine *quae manu curat*, "which treats ailments by means of the hand;" in Diogenes Laërtius (iii. 85) it is said to cure *διὰ τοῦ τέμνειν καὶ καίειν*, "by cutting and burning;" nor (as far as the writer is aware) is it ever used by ancient authors in any other sense. Omitting the fabulous and mythological personages, Apollo, Aesculapius, Chiron, &c., the only certain traditions respecting the state of surgery before the establishment of the republics of Greece, and even until the time of the Peloponnesian war, are to be found in the Iliad and Odyssey. There it appears that surgery was almost entirely confined to the treatment of wounds; and the imaginary power of enchantment was joined with the use of topical applications. (*Il.* iii. 218; xi. 515, 828, 843, &c.) The Greeks received surgery, together with the other branches of medicine, from the Egyptians; and, from some observations made by the archaeologists who accompanied the French expedition to Egypt in 1798, it appears that there are documents fully proving that in very remote times this extraordinary people had reached a degree of proficiency of which few of the moderns have any conception. Upon the ceilings and walls of the temples at Tentyra, Karnac, Luxor, &c., bassi-rilievi are seen, representing limbs that have been cut off with instruments very similar to those which are employed for amputations at the present day. The same instruments are again observed in the hieroglyphics, and vestiges of other surgical operations may be traced, which afford convincing proofs of the skill of the ancient Egyptians in this branch of medical science. (Larrey, quoted in Cooper's *Dict. of Pract. Surg.*)

The earliest remaining surgical writings are those in the Hippocratic Collection, where there are ten treatises on this subject, of which however only one is considered undoubtedly genuine. Hippocrates (B.C. 460–357 ?) far surpassed all his predecessors (and indeed most of his successors) in the boldness and success of his operations; and though the scanty knowledge of anatomy possessed in those times prevented his attaining any very great perfection, still we should rather admire his genius, which enabled him to do so much, than blame him because, with his imperfect information, he could not accomplish more. The scientific skill in reducing fractures and luxations displayed in his works *De Fracturis, De Articulis*, excites the admiration of Haller (*Biblioth. Chirurg.*); and he was most probably the inventor of the *ambe*, an old surgical machine for dislocations of the shoulder, which, though now fallen into disuse, enjoyed for a long time a great reputation. In his work *De Capitis Vulneribus* he gives minute directions about the time and mode of using the trephine, and warns the operator against the probability of his being deceived by the sutures of the cranium, as he confesses happened to himself. (*De Morb. Vulgar.* lib. v. tom. iii. p. 561, ed. Kühn.) Amputation, in the modern sense of the word, is not described in the Hippocratic Collection; though mention is made of the removal of a limb at the joint, after the flesh has been completely destroyed by gangrene. (*De Artic.* tom. iii. p. 248.) The author of the "Oath," commonly attributed to Hippocrates, binds his pupils not to perform the operation of lithotomy, but to leave it to persons specially accustomed to it (*ἐργάτῃσι ἀνδράσι πρήξιος τῆσδε*); from which it would appear as if certain persons confined themselves to particular operations.

The names of several persons are preserved who practised surgery as well as medicine, in the times immediately succeeding those of Hippocrates; but, with the exception of some fragments, inserted in the writings of Galen, Oribasius, Aëtius, &c., all their writings have perished. Archagathus deserves to be mentioned, as he is said to have been the first foreign surgeon that settled at Rome, B.C. 219. (Cassius Hemina, in Pliny, *Hist. Nat.* xxix. § 12.) He was at first very well received, the *jus Quiritium* was conferred upon him, a shop was bought for him at the public expense, and he received the honourable title of *Vulnerarius;* which, however, on account of his frequent use of the knife and cautery, was soon changed by the Romans (who were unused to such a mode of practice) into that of *Carnifex*. Asclepiades, who lived at the

beginning of the first century B.C., is said to have been the first person who proposed the operation of tracheotomy. (Cael. Aurel. *de Morb. Acut.* i. 14, § 111; iii. 4, § 39.) Ammonius of Alexandria, surnamed Λιθοτόμος, who is supposed to have lived rather later, is celebrated in the annals of surgery for having been the first to propose and to perform the operation of *lithotrity*, or breaking a calculus in the bladder, when found to be too large for safe extraction. Celsus has minutely described his mode of operating (*de Med.* vii. 26, § 3, p. 436), which in some respects resembles that of Civiale and Heurteloup, in the early part of the present century, and proves that, however much credit they may deserve for perfecting the operation and bringing it out of oblivion into public notice, the praise of having originally thought of it belongs to the ancients. "A hook or crotchet," says Celsus, "is fixed upon the stone in such a way as easily to hold it firm, even when shaken, so that it may not revolve backward; then an iron instrument is used, of moderate thickness, thin at the front end, but blunt, which, when applied to the stone and struck at the other end, cleaves it: great care must be taken that the instrument do not come into contact with the bladder itself, and that nothing fall upon it by the breaking of the stone." The next surgical writer after Hippocrates, whose works are still extant, is Celsus, who lived at the beginning of the first century A.D., and who has devoted the four last books of his work *de Medicina*, and especially the seventh and eighth, entirely to surgical matter. It appears plainly from reading Celsus, that since the time of Hippocrates surgery had made very great progress, and had, indeed, reached a high degree of perfection. We find in him the earliest mention of the use of the ligature for the arrest of haemorrhage from wounded blood-vessels (v. 26, § 21, p. 262); and the Celsian mode of amputation was continued down to comparatively modern times (vii. 33, p. 451). He is the first author who gives directions for the operation of lithotomy (*de Med.* vii. 26, § 2, p. 432), and the method described by him (called *the apparatus minor*, or *Celsus's method*) continued to be practised till the commencement of the sixteenth century. It was performed at Paris, Bordeaux, and other places in France, upon patients of all ages, even as late as the latter part of the seventeenth century; and a modern author (Allan *On Lithotomy*, p. 12) recommends it always to be preferred for boys under fourteen. (Cooper's *Dict. of Pract. Surg.*, art. "Lithotomy.") He describes (vii. 25, § 3, p. 428) the operation of *infibulatio*, which was so commonly performed by the ancients upon singers, &c., and is often alluded to in classical authors. (See Juv. *Sat.* vi. 73, 379; Seneca, in Lactant. *Divin. Instit.* i. 16; Mart. *Epigr.* vii. 82, 1, ix. 28, 12, xiv. 215, 1; Tertull. *de Corona Mil.* 11.) He also describes (vii. 25, § 1, p. 427) the operation alluded to by St. Paul (1 Cor. vii. 18), περιτετμημένος τις ἐκλήθη; μὴ ἐπισπάσθω. Compare Paulus Aegineta (*de Re Med.* vi. 53), who transcribes from Antyllus a second method of performing the operation.

The following description, given by Celsus, of the necessary qualifications of a surgeon, deserves to be quoted:—"A surgeon," says he (lib. vii. *Praefat.*), "ought to be young, or, at any rate, not very old; his hand should be firm and steady, and never shake; he should be able to use his left hand as readily as his right; his eyesight should be clear, and his mind not easily startled; he should be so far subject to pity as to make him desirous of the recovery of his patient, but not so far as to suffer himself to be moved by his cries; he should neither hurry the operation more than the case requires, nor cut less than is necessary, but do everything just as if the other's screams made no impression upon him."

Perhaps the only surgical remark worth quoting from Aretaeus, who lived in the first century A.D., is that he condemns the operation of tracheotomy, and thinks "that the heat of the inflammation becomes greater from the wound and contributes to the suffocation, and the patient coughs; and even if he escapes this danger, the lips of the wound do not unite, for both are cartilaginous and unable to grow together." (*De Morb. Acut. Cur.* i. 7, p. 227, ed. Kühn.)

Omitting Scribonius Largus, Moschion, and Soranus, the next author of importance is Caelius Aurelianus, who is supposed to have lived about the beginning of the second century A.D., and in whose works there is much surgical matter, but nothing that can be called original. He rejected as absurd the operation of tracheotomy (*de Morb. Chron.* iii. 4, § 39). He mentions a case of ascites that was cured by tapping (*ib.* iii. 8, § 128), and also a person who recovered after being shot through the lungs by an arrow (*ib.* ii. 12, § 144).

Galen, the most voluminous and at the same time the most valuable medical writer of antiquity, is less celebrated as a surgeon than as an anatomist and physician. He appears to have practised surgery at Pergamus, but, upon his removal to Rome (A.D. 165), he entirely confined himself to medicine, following, as he says himself (*de Meth. Med.* vi., *in fine*, tom. x. p. 455), the custom of the place. His writings prove, however, that he did not entirely abandon surgery. His Commentaries on the treatise of Hippocrates, *De Officina Medici*, and his treatise *De Fasciis*, show that he was well versed even in the minor details of the art. He appears also to have been a skilful operator, though no great surgical inventions are attributed to him.

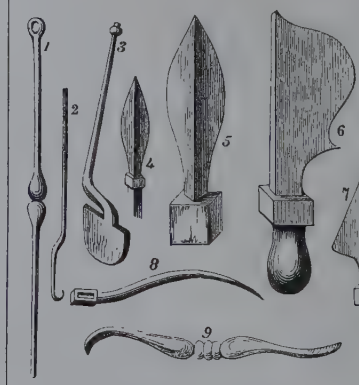
Antyllus, who lived some time between Galen and Oribasius, is the earliest writer whose directions for performing tracheotomy are still extant, though the operation (as was stated above) was proposed by Asclepiades about three hundred years before. Only a few fragments of the writings of Antyllus remain, and among them the following passage is preserved by Paulus Aegineta (*de Re Med.* vi. 33):—"When we proceed to perform this operation, we must cut through some part of the windpipe, below the larynx, about the third or fourth ring; for to divide the whole would be dangerous. This place is commodious, because it is not covered with any flesh, and because it has no vessels situated near the divided part. Therefore, bending the head of the patient backward, so that the windpipe may come more forward to the view, we make a transverse section between two of the rings, so that in this case not the cartilage, but the membrane which unites the cartilages together, is divided. If the operator be a

little timid, he may first stretch the skin with a hook and divide it; then, proceeding to the windpipe, and separating the vessels, if any are in the way, he may make the incision."*

Oribasius, physician to the Emperor Julian (A.D. 361), professes to be merely a compiler; and though there is in his great work, entitled Συναγωγαὶ Ἰατρικαί, *Collecta Medicinalia*, much surgical matter, there is nothing original. The same may be said of Aëtius and Alexander Trallianus, both of whom lived towards the end of the sixth century A.D. Paulus Aegineta has given up the fifth and sixth books of his work *De Re Medica* entirely to surgery, and has inserted much useful matter, derived in a great measure from his own observation and experience. Albucasis translated into Arabic great part of these two books as the basis of his work on Surgery. Paulus was particularly celebrated for his skill in midwifery and female diseases, and was called on that account, by the Arabians, *Al-Kawâbeli*, "the Accoucheur" (Abulpharaj, *Hist. Dynast.*, p. 181, ed. Pococke). He lived probably towards the end of the seventh century A.D., and is the last of the ancient Greek and Latin medical writers whose surgical works remain. The names of several others are recorded, but they are not of sufficient eminence to require any notice here. For further information on the subject both of medicine and surgery, see MEDICINA; and for the legal qualifications, social rank, &c., both of physicians and surgeons, among the ancient Greeks and Romans, see MEDICUS.

The surgical instruments from which the accompanying engravings (Nos. 1 to 19) are made, were found by a physician of St. Petersburg, Dr. Savenko, in 1819, at Pompeii, in Via Consularis (*Strada Consulare*), in a house which is supposed to have belonged to a surgeon. They are now preserved in the museum at Portici. The engravings, with an account of them by Dr. Savenko, were originally published in the *Revue Médicale* for 1821, vol. iii. p. 427, &c. They were afterwards inserted in Froriep's *Notizen aus dem Gebiete der Natur- und Heilkunde*, for 1822, vol. ii. n. 26, p. 57, &c. The accompanying figures are copied from the German work, in which some of them appear to be badly drawn. Their authenticity was at first doubted by Kühn (*De Instrumentis Chirurg., Veteribus cognitis, et nuper effossis*, Lips. 1823, 4to), who thought they were the same that had been described by Bayardi in his *Catal. Antiq. Monument. Herculani effos.*, Nap. 1754, fol., n. 236–294. When, however, his dissertation was afterwards republished (*Opusc. Academ. Med. et Philol.*, Lips. 1827, 8vo, vol. ii. p. 309), he acknowledged himself to be completely satisfied on this point, and has given in the tract referred to, a learned and ingenious description of the instruments and their supposed uses, from which the following account is chiefly abridged. It will, however, be seen at once, that the form of most of them is so simple, and their uses so obvious, that very little explanation is necessary. Altogether they give a very high idea of both the science and the practice of surgery among the Romans.

1, 2. Two probes (*specillum*, μήλη) made of iron; the larger six inches long, the smaller four and a half. 3. A cautery (καυτήριον) made of iron, rather more than four inches long. 4, 5. Two lancets (*scalpellum*, σμίλη), made of copper, the former two inches and a half long, the other three inches. It seems doubtful whether they were used for blood-letting, or for opening

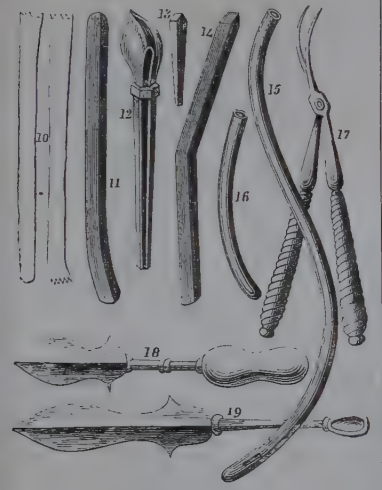


Surgical Instruments.

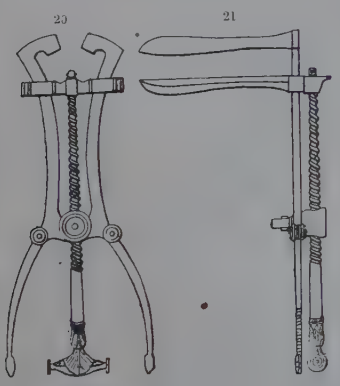
abscesses, &c. 6. A knife, apparently made of copper, the blade of which is two inches and a half long, and in the broadest part one inch in breadth; the back is straight and thick, and the edge much curved; the handle is so short that Savenko thinks it must have been broken. It is uncertain for what particular purpose it was used: Kühn conjectures that (if it be a surgical instrument at all) it may have been made with such a curved edge, and such a straight thick back, in order that it might be struck with a hammer, and so amputate fingers, toes, &c. 7. Another knife, apparently made of copper, the blade of which is of a triangular shape, two inches long, and in the broadest part eight lines in breadth; the back is straight and one line broad, and this breadth continues all the way to the point, which, therefore, is not sharp, but guarded by a sort of button. Kühn thinks may have been used for enlarging wounds, &c., for which it would be particularly fitted by its blunt point and broad back. 8. A needle, about three inches long, made of iron. 9. An elevator (or instrument for raising depressed portions of the skull), made of iron, five inches long, and very much resembling those made use of in the present day. 10–14. Different kinds of forceps (*volsellae*). No. 10 has the two sides separated from each other, and is five inches long. No. 11 is also five inches long. No. 12 is three inches and a half long. The sides are narrow at the point of union, and became broader by degrees towards the other end, where, when closed, they would form a kind of arch. It should be noticed that it is furnished with a movable ring, exactly like the tenaculum forceps employed at the present day. No. 13 was used for pulling out hairs by the roots (τριχολαβίς).

* This operation appears to have been very seldom, if ever, performed by the ancients upon a human being. Avenzoar (p. 15) tried it upon a goat, and found it might be done without much danger or difficulty; but he says he should not like to be the first person to try it upon a man.

No. 14 is six inches long, and is bent in the middle. It was probably used for extracting foreign bodies that had stuck in the oesophagus or gullet, or in the bottom of a wound. 15. A male catheter (*aenea fistula*), nine inches in length. The shape is remarkable from its having the double curve like the letter S, which is the form that was re-invented in the last century by the celebrated French surgeon, J. L. Petit. 16. Probably a female catheter, four inches in length. Celsus thus describes both

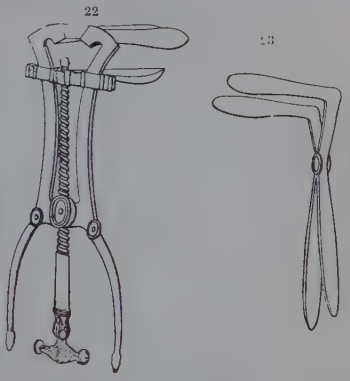


Surgical Instruments.



Surgical Instruments.

male and female catheters (*de Med.* vii. 26, § 1, p. 429):—"The surgeon should have three male catheters, of which the longest should be fifteen, the next twelve, and the shortest nine inches in length, and he should have two female catheters, the one nine inches long, the other six. Both sorts should be a little curved, but especially the male: they should be perfectly smooth, and neither too thick nor too thin." 17. Supposed by Froriep to be an instrument for extracting teeth (*ὀδοντάγρα*, Pollux, iv. § 181); but Kühn, with much more probability, conjectures it to be an instrument used in amputating part of an enlarged uvula, and quotes Celsus (*de Med.* vii. 12, § 3, p. 404), who says that "no method of operating is more convenient than to take hold of the uvula with the forceps, and then to cut off below it as much as is necessary." 18, 19.



Surgical Instruments.

Probably two spatulae. Nos. 20–23 are perhaps the most interesting of all, as showing the means employed by the Romans in the exploration of some of the internal cavities of the body, for the discovery and treatment of disease. They are taken from Bened. Vulpes, *Illustraz. di tutti gli Strumenti Chirurgici*, &c., Napoli, 4to, 1847, Mem. 4, p. 39, &c., where there is a detailed and learned description of them. Nos. 20–22 are three different views of the same instrument, viz., a dilator vaginae with *three* branches (*διόπτρα*, Paul. Aegin. vi. 73). No. 23. A dilator ani (*ἑδροδιαστολεύς*, id. vi. 78, p. 324, l. 3, ed. Briau). [W. A. G.]

CHITON (*χιτών*). [TUNICA.]

CHITO'NIA (*χιτώνια*), a festival celebrated in the Attic village of Chitone in honour of Artemis, surnamed Chitona or Chitonia, from her wearing as huntress the loose tunic, or from the place in which she was worshipped. (Schol. *ad* Callimach. *Hymn. in Artem.* 78.) The Syracusans also celebrated a festival of the same name, and in honour of the same deity, which was distinguished by a peculiar kind of dance, and a playing on the flute. (Athen. xiv. p. 629; Steph. Byz. *s. v.* Χιτώνη.) [L. S.]

CHLAINA (*χλαῖνα*). [LAENA; PALLIUM.]

CHLAMYS (*χλαμύς*), a short mantle. This term, being Greek, denoted an article of the AMICTUS or outer raiment, which was in general characteristic of the Greeks, and of the Oriental races with which they were connected, although both in its form and in its application it approached very near to the LACERNA and PALUDAMENTUM of the Romans, and was itself to some extent adopted by the Romans under the emperors. It was for the most part

woollen; and it differed from the ἱμάτιον, the usual amictus of the male sex, in these respects, that it was much smaller; also finer, thinner, more variegated in colour, and more susceptible of ornament. It moreover differed in being oblong instead of square, its length being generally about twice its breadth. (Plut. *Alex.* 26; Plin. *H. N.* v. § 62.)

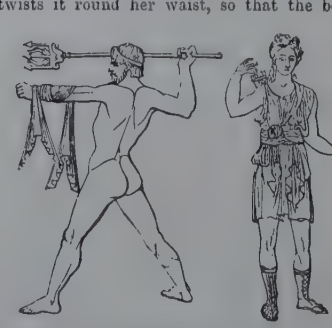
The chlamys came originally from Macedonia and Thessaly (Ammon. p. 146; Plin. *l. c.*; Poll. vii. 46, x. 124). It was the dress of hunters, of travellers, especially on horseback (Xen. *An.* vii. 4, § 4; Plaut. *Poen.* iii. 3, 6, 31), and of soldiers (Aelian, *V. H.* xiv. 10; Plaut. *Pseud.* ii. 4, 45; *Epid.* iii. 3, 55). It seems to have been part of the usual dress of a Spartan (Aristoph. *Lys.* 988; Juv. viii. 101), and was worn at Athens by the ephebi from about seventeen to twenty years of age. (Philemon, p. 367, ed. Meineke; *ephebica chlamyde*, Apuleius, *Met.* x. p. 253; Pollux, x. 164; λαβεῖν τὸ χλαμύδιον, Athen. vi. p. 240 c). In the frieze of the Parthenon representing the Panathenaic procession, several of the riders have the chlamys. It does not appear to have been much worn by children, although one was given with its brooch to Tiberius Caesar in his infancy (Suet. *Tib.* 6).

The chlamys as worn by youths, by soldiers, and by hunters, differed in colour and fineness, according to its destination, and the age and rank of the wearer. The χλαμὺς ἐφηβικὴ was probably yellow- or saffron-coloured; and the χλαμὺς στρατιωτικὴ, scarlet. On the other hand, the hunter commonly went out in a mantle of a dull unconspicuous colour, as best adapted to escape the notice of wild animals (Poll. v. 18). The more ornamental mantles, being designed for females, were tastefully decorated with a border (*limbus*, Verg. *Aen.* iv. 137; *maeander*, v. 251); and those worn by Phoenicians, Trojans, Phrygians, and other Asiatics, were also embroidered, or interwoven with gold (Verg. *ll. cc.*, iii. 483–4, xi. 775; Ovid. *Met.* v. 51; Val. Flacc. vi. 228). Actors had their chlamys ornamented with gold (Poll. iv. 116).

The usual mode of wearing the mantle was to pass one of its shorter sides round the neck, and to fasten it by means of a brooch (πόρπη, *fibula*), either over the breast, in which case it hung down the back, reaching to the calves of the legs; or over the right shoulder, so as to cover the left arm, as is seen in the cut under CAUSIA, and in the well-known example of the Belvedere Apollo. In other instances, it was made to depend gracefully from the left shoulder, of which the bronze Apollo in the British Museum (see right-hand figure) presents an example; or it was thrown lightly behind the back, and passed over either one arm or shoulder, or over both (as in left-hand figure, taken from Hamilton's Vases, i. 2); or, lastly, it was laid upon the throat, carried behind the neck, and crossed so as to hang down the back, as in the figure of Achilles under BALTEUS, and sometimes its extremities were again brought forward over the arms or shoulders. In short, the remains of ancient art of every description show in how high a degree the mantle contributed, by its endless diversity of arrangement, to the display of the human form in its greatest beauty; and Ovid has told us how sensible the ephebi were of its advantages in the account of the care bestowed upon this part of his attire by Mercury (*Met.* ii. 735). The aptitude of the mantle to be turned in every

Chlamys. (The figure on the left from a painting on a vase; that on the right from the Brit. Mus.)

possible form around the body made it useful even for defence. The hunter used to wrap his chlamys about his left arm when pursuing wild animals, and preparing to fight with them (Poll. v. 18; Xen. *Cyneg.* vi. 17). Alcibiades died fighting with his mantle rolled round his left hand instead of a shield. The annexed woodcut exhibits a figure of Poseidon armed with the trident in his right hand, and having a chlamys to protect the left. It is taken from a medal which was struck in commemoration of a naval victory obtained by Demetrius Poliorcetes, and was evidently designed to express his sense of Poseidon's succour in the conflict. When Artemis goes to the chase, as she does not require her mantle for purposes of defence, she draws it from behind over her shoulders, and twists it round her waist, so that the belt of



Chlamys. (Poseidon from a coin, and Artemis from a statue in the Vatican.)

her quiver passes across it, as shown in the statues of this goddess in the Vatican (see woodcut).

It appears from the bas-reliefs on marble vases that dancers took hold of one another by the chlamys, as the modern Greeks still do by their scarves or handkerchiefs, instead of taking one another's hands.

Among the Romans the chlamys came more into use under the emperors. Caligula wore one enriched with gold (Suet. *Calig.* 19).

Alexander Severus, when he was in the country or on an expedition, wore one dyed with the coccus (*chlamyde coccinea*, Lamprid. *Al. Sev.* 40; cf. Matt. xxvi. 28, 31). [J. Y.] [W. M. L.]

CHLOEIA or **CHLOÏA** (χλόεια or χλοιά), a festival celebrated at Athens in honour of Demeter Chloë, or simply Chloë, whose temple stood near the Acropolis. (Hesych. *s. v.* χλοιά; Paus. i. 22, § 3; Athen. xiv. p. 618; Soph. *Oed. Col.* 1600, with the Scholiast.) It was solemnised in spring, on the sixth of Thargelion, when the blossoms began to appear (hence the names χλόη and χλόεια), with the sacrifice of a goat and much mirth and rejoicing. (Eupolis, *apud* Schol. *ad* Soph. *Oed. Col.* l. c.) [L. S.]

CHOENIX (χοῖνιξ, -ῖκος, in Attic feminine, in Hellenistic masculine). The Schol. on Ar. *Plut.* 276, where χοῖνιξ means some kind of shackle or stocks for putting the legs in (cf. Dem. *de Cor.* 270, § 129), says χοῖνιξ δὲ πᾶν περιφερές· διὸ καὶ τὸ μέτρον χοῖνιξ καλεῖται. Accordingly χοινίκη or χοινικίς, "the nave," and χοινίκιον, "the trepan," mentioned by Celsus, viii. 3: χοινικίδες, rings serving as stands, Dem. *c. Androt.* p. 616, § 72; *c. Timocr.* p. 756, § 180. But χοῖνιξ is best known as a dry measure of capacity. In Hom. *Od.* xix. 118, a χοῖνιξ of corn is the ordinary wages for a day's work. It was the minimum daily allowance on which a man could adequately live (Herod. vii. 187), and was what slaves received (Thuc. iv. 16, and Arnold *ad loc.*): cf. κενεὰν ἀπομάσσειν (Theocr. xv. 95), χοίνικα ἀπομάσσειν (Lucian, *Navig.* 25), also ἐπὶ χοίνικος καθῆσθαι, to think only of to-day's bread (Plut. ii. 703 E). Hence the Corinthians, who had vast numbers of slaves, were called "choenix-measurers" by the Pythia (Boeckh, *Pol. Ec.*, Eng. Trans., p. 91). The capacity of the χοῖνιξ varied (see F. Hultsch, *Metrologici Script.*, Index, *s. v.*).

1. The Attic χοῖνιξ was = 2 sextarii = 4 κοτύλαι = 1·094 litres = 1·922 Eng. pints: cf. Ar. *Nub.* 645, where the ἡμίεκτον (= ½ μέδιμνος) is called τετράμετρον, *i.e.* = 4 χοίνικες. See Hultsch, *Metrologie der Griechen*, &c. p. 105, and esp. note 4. The Pontic χοῖνιξ appears to have been the same = 2 sextarii.

2. The Aeginetan measures are to the Attic = 11⅛ : 8 . ·. the Aeginetan χοῖνιξ would be = 5½ Attic κοτύλαι (*Metrol. der Griech.* 501) = 1·516 litres = 2·668 Eng. pints. This is also the Boeotian measure (*ib.* 543).

3. In the Ptolemaic measures (*i.e.* those used in Syria and Egypt) the μέδιμνος was = 1½ Attic μέδιμνοι; but there were 96 instead of 48 χοίνικες in it . ·. a Ptolemaic χοῖνιξ = ¾ Attic χοῖνιξ = 0·8208 litres = 1·443 Eng. pints.

The symbol for χοῖνιξ is $\overset{\nu}{\chi}$ or $\overset{\text{οι}}{\chi}$ (*Metrol. Script.* 219, 17). [L. C. P.]

CHOES (χόες). [DIONYSIA.]

CHORAULES. [CHORUS; TIBICEN.]

CHORE'GIA. [CHOREGUS.]

CHORE'GUS (χορηγός). I. GREEK. The *choregia* (χορηγία) was one of the ordinary services (ἐγκύκλιοι λειτουργίαι) at Athens, and consisted in providing a properly-trained chorus for one of the festivals. It was a very heavy burden, involving great trouble and expense; but during the flourishing period of Greek freedom this was counterbalanced by the emulation which subsisted among the different choregi and the honour it brought them from their fellow-citizens.

Originally, there was a choregus elected by each tribe (Introd. to Dem. *Midias*, p. 510, line 8). The choregi used to be appointed eleven months before the festival. The ἐπιμεληταὶ of each tribe looked out for the fitting persons to fulfil the duty of choregi, and probably proposed them (προὐβάλλοντο οἱ χορηγοί, Dem. *Mid.* 519, § 13; cf. Arg. p. 510). Usually the most well-to-do were appointed choregi in turn, but sometimes public-spirited individuals voluntarily undertook the duty even when not in their turn: *e.g.* Demosthenes (*l. c.*). On the choregi being proposed, the archon used to allot them (χορὸν διδόναι) to as many as he thought deserving from among the poets who applied to him for a chorus (χορὸν αἰτεῖν). Then there was a drawing of lots among the choregi (Antiph. *de Chor.* § 11) as to who should get first choice of the διδάσκαλοι. The duty of the διδάσκαλος (who was sometimes the poet, and then he had a ὑποδιδάσκαλος: see Photius, *s. v.*) was with the help of musicians—generally flute-players, sometimes harpists—to teach (διδάσκειν, συγκροτεῖν) the choristers the words, songs, and dances. In an emergency we find a single individual taking the place of διδάσκαλος and αὐλητής, *e.g.* Telephanes (Dem. *Mid.* 520, § 17). The relative importance of the functions of the διδάσκαλος and the αὐλητὴς in course of time came to be reversed, the musical element becoming more and more important. The lot now decided who should have the first choice of flute-players (Dem. *Mid.* 519, § 13), and the flute-player came to be mentioned in the διδασκαλίαι (see below).

The next duty of the choregus was to collect the chorus. The members of the chorus had to be citizens. At the Lenaea metics were allowed to act as choristers and even as choregi (Schol. on Aristoph. *Plut.* 953). But at all other festivals only citizens could serve under penalty of 1000 drachmae for each foreign chorister (Plut. *Phoc.* 30). The collecting (συλλέγειν) of the chorus was effected by means of officers of the tribe called χορολέκται. This was hard in the case of boys, as parents did not like to let their children incur the moral risks of the theatre; and that these were not insignificant is evident from the law of Solon forbidding any one younger than forty years to form a chorus of boys (Aeschin. *Tim.* 33, § 12). Fines and confiscations of goods, accordingly, had often to be employed (Antiphon, *de Chor.* § 11). Meanwhile the choregus had to provide a place for training the chorus (διδασκαλεῖον, χορηγεῖον, Poll. iv. 106), which was often in his own house (Antiphon, *l. c.*), but in some demes we find public buildings for the purpose (cf. Hesych. Μελιτέων οἶκος).

In the flourishing times of Athens the greatest emulation existed among the rival choregi: some spent their whole patrimony in the service (Dem. *Mid.* 534, § 61). And indeed no wonder: for it must have been a proud moment when the choregus, leading his own chorus (cf. Athen. 633 a) and in splendid array, was crowned victor before his assembled fellow-countrymen (Dem. *Mid.* 532, § 55). The prize was a bronze tripod, which became the property of the tribe (Dem. *Mid.* 516, § 5). Accordingly, owing to the

emulation, the very strictest observance of the laws relating to the festivals was required. Among these laws there was one that, if a stranger was brought in as a chorister, a rival choregus might take him by the hand and lead him out (Andoc. *in Alcib.* § 20; cf. Dem. *Mid.* 534, § 60), but not interrupt him while performing. In the heat of competition, too, there were frequent violations of law, and special enactments for the laying of plaints with regard to misdeeds at the festivals (Dem. *Mid.* 517, § 8; 562, § 147). The crime of assault of a choregus during the festival appears to have been *ὕβρις*, though Demosthenes all through his speech against Midias tries to make out that, inasmuch as the festival was a religious ceremony, the offence he as choregus had sustained should be considered *ἀσέβεια* (Arg. p. 510; cf. 532, § 55).

No one was liable for the choregia nor for any of the regular services unless he had a property of at least three talents (Isaeus, *de Pyrrh. hered.* § 80; Dem. *Aphob.* i. 833, § 64): for the expenses that fell upon the choregus were great. The state certainly defrayed part of them (Introd. to *Mid.* p. 510), and the lessee of the theatre who received the entrance money must have supplied a considerable sum towards the outlay (Boeckh, *Staatshaushaltung der Athener*, i. 540, ed. 1886). But still much remained for the choregus; principally the expenses which attached to the chorus directly. For he had not merely to train the chorus or have it trained, but he had also to feed (Introd. to *Mid.* l. c.) them during the time of training, and right good cheer used to be provided (Plut. *de glor. Athen.* c. 6). At Corcyra we find the members given an equivalent in money, *σιτηρέσια* (*C. I. G.* 1845, line 23). The choregi used at times to give drugs to the choristers to improve their voice; and this proved fatal in one case (see the whole speech of Antiphon, *de Choreuta*). They had to provide the dresses (Aristot. *Eth. Nic.* iv. 2, 20; Athen. 103 f), which were often most expensive—*e.g.* Demosthenes once (*Mid.* 520, § 16) had golden crowns for his chorus and a gold-embroidered robe for himself—and also at times the accessories of the play; *e.g.* in Aristoph. *Pax*, 1023, the animal for sacrifice. Besides, too, they appear to have had to pay the choristers (Xen. *Resp. Ath.* i. 13). An additional chorus (*παραχορήγημα*) had sometimes to be provided. Each choregus provided the chorus for a whole tetralogy; but whether the actual choristers were the same in all four plays is uncertain (see Hermann-Müller, *Bühnenalterthümer*, p. 333). The choregus had not to pay the actors (Boeckh, *op. cit.* p. 542). Interesting statistics as to the expenses of the different kinds of choruses are to be found in Lysias, *Ἀπολογία δωροδοκίας*, § 2 fol.—a passage which should be read with the sober criticism of Boeckh, pp. 542–5. The speaker spent on a tragic chorus 30 minae; on a chorus of men at the Thargelia, 2000 drachmas; on a Pyrrhic chorus of Ephebi at the Panathenaea, 800 drachmas; on a chorus of men at the Dionysia and on the dedication of the tripod, 5000 drachmas; on a cyclic chorus at the lesser Panathenaea, 300 drachmas; on a chorus of boys, 15 minae; on a comic chorus with dedication of the dress, 16 minae; on a chorus of youthful pyrrhicists, 7 minae. Thus we see that a comic chorus cost much less than a tragic one, just as an ordinary chorus of men cost less than a chorus of flute-players (Dem. *Mid.* 565, § 156). The dedication of the tripod, too, seems to have considerably increased the expenditure, as may be seen by comparing 30 minae (= 3000 drachmas) with 5000. The reason was that the prize tripod (*τρίπους χορηγικός*) was generally dedicated to Dionysus, either on the top of a pillar (see Baumeister, *Denkmäler*, fig. 422) or on the top of a round, open, temple-like structure. A fine example of such a structure is the celebrated Monument of Lysicrates and the Thrasyllus monument. From the inscriptions engraved on the architraves of these temples the didascaliae were mainly compiled (Wordsworth, *Athens and Attica*, p. 153). A whole street lined with such shrines to hold dedicated tripods, and hence called **Τρίποδες**, was on the east side of the Acropolis (Paus. i. 20, 1), and was a fashionable promenade in the time of Demetrius of Phalerum (Athen. 542). For a full account of the Street of Tripods, see Baumeister, *Denkm.* s. v.; Athen. pp. 188–9.

The expense, accordingly, of the choregia was great. So when the state became poor, single private individuals became unable to bear the burden, and the decline of public spirit so noticeable in the Demosthenic age showed them unwilling. Thus the *Aeolosicon* of Aristophanes and the *Odysseus* of Cratinus had no choral odes, nor parabases, but this latter for another reason (see Platonius in the Tauchnitz Aristophanes, vol. i. pp. 7, 8); and neither has the *Plutus*. The first step to remedy this state of things was the *συγχορηγορία*: *i.e.* two tribes or two individuals uniting to supply a chorus. This took place first in the archonship of Callias, 406 B.C. (Schol. on Ar. *Ran.* 404). The first documentary evidence of the joint choregia that we have is the inscription found on the Temple of the Winds at Athens (Köhler in *Hermes*, ii. 23). See also Antiphon, *de Chor.* § 11. Later in the time of Demetrius of Phalerum (316–307 B.C.) the state undertook the choregia, appointed each year an *ἀγωνοθέτης* to produce all the choruses for the different festivals, and bore all the expense.

The inscriptions on the monuments varied. In the fifth cent. B.C. the name of the tribe comes first, that of the choregus second, and of the trainer third: e.g. *C. I. G.* 212, **Οἰνηὶς ἐνίκα παίδων** (*sc.* **χορῷ**), **Εὐρυμένης Μελεσῶνος ἐχορήγει, Νικόστρατος ἐδίδασκε** (cf. Plut. *Aristid.* c. 1, § 2). In the fourth cent. the choregus or choregi come first, the tribe is frequently omitted, and the flute-player occasionally mentioned and before the trainer (see Köhler, *l. c.*). Of the choregia of the state we have the following:—*C. I. G.* 225, **ὁ δῆμος ἐχορήγει, Πυθάρατος ἦρχεν** (271 B.C.) **Ἀγωνοθέτης Θρασυκλῆς Θρασύλλου Δεκελεεύς, Ἱπποθωντὶς παίδων ἐνίκα Θέων Θηβαῖος ἤυλει Πρόνομος Θηβαῖος ἐδίδασκεν.** Note the non-Athenian trainers. For other important inscriptions of the choregia, see Köhler in *Mittheilungen des arch. Instit. in Athen*, vol. iii.

The choregia was not confined to Athens; it is found at Siphnos (Isocrat. *Aegin.* 17), Ceos (*C. I. G.* 2363), Aegina (Herod. v. 83), Mytilene (Antiphon, *de caede Herod.* 77), Thebes (Plut. *Aristid.* 1). At Lasos in Caria (Lebas, *Inscr.* iii.

252–299) a voluntary choregus sometimes undertook the whole expense; but more usually each citizen paid a subscription of 200 drachmas and each metic 100 towards the expenses of the festival. This does not seem to have been formally a tax, but a subscription fixed by custom and enforced by public opinion.

For the *choregia* generally, see Boeckh, *Die Staatshaushaltung der Athener*, i. 539–548, ed. Fränkel; Krebs in Saglio's *Dict. des Antiquités*, s.v.; Bernard Arnold in Baumeister's *Denkmäler*, s. v. Hermann-Müller, *Die griechischen Bühnenalterthümer*, esp. § 22.

II. Roman. The *choragus* among the Romans (Plaut. *Pers.* i. 3, 79; *Trin.* iv. 2, 16) was a lender of costumes and properties (cf. Festus, p. 52, *choragium instrumentumum; scaenic* and Plaut. *Capt.* Prol. 61); and to him the aediles used to give a contract for supplying the necessary accessories for a play. In Plaut. *Curc.* iv. 1, the choragus delivers a sort of parabasis. Under the Empire the *Procurator summi choragii*, appointed probably by Domitian, was a regular imperial minister, with a great many subordinates, and had charge of the whole supply of decoration, machinery, and costume necessary for the performance of the various shows as well in the amphitheatre as in the theatre. A subdivision of this office was the *ratio ornamentorum*, which had special reference to the "get up" of the actors. Under Gordian we find the name had vanished. Apuleius (*Apol.* i. 13) had spoken of the *choragium thymelicum;* but the functionary called *logista thymelae* now took the place of the *proc. summi choragii*. In the fourth century, at Rome the *praef. urbis*, in the East the *praef. praet.*, and in Africa the *proconsul* looked after the games. In the fifth century, at Rome, Milan, and Carthage, we find this done by *tribuni voluptatum*. On the whole point see especially Hirschfeld, *Verwaltungsgeschichte*, i. 182–186. [L. C. P.]

CHOROB'ATES (χοροβάτης), an instrument for determining the slope of an aqueduct and the levels of the country through which it was to pass. From the description given of it by Vitruvius, it appears to have differed but very slightly from a common carpenter's level, which consists of a straight rule supporting a perpendicular piece, against which hangs a plumb-line. The chorobates had two perpendiculars and plumb-lines, one at each end, instead of a single one in the middle. (Vitruv. viii. 5, 1; cf. Hesych. *s. v.* χοροβατεῖν.) [P. S.]

CHORUS. 1. Greek. The word χορὸς in Greek signifies both a place for dancing (Hom. *Od.* viii. 260; cf. εὐρύχορος and καλλίχορος) and the collection of dancers, but is more especially confined to the latter. In early times we find harvest festivals and weddings (Hes. *Scut.* 282) celebrated with bands of dancers (Hom. *Il.* xviii. 567). There is a detailed picture of young men and maidens dancing on the shield of Achilles (*Il.* xviii. 590 ff.). Another kind of chorus mentioned in the Iliad is the paean the Greeks sang as they marched to the ships after the death of Hector (*Il.* xxii. 391). It is to be remarked that in early times the song and the dance were assigned to different persons.

But it is especially in the service of the gods, and most of all in that of Apollo and Dionysus (cf. Dem. *Mid.* p. 530, § 51), that bands of dancers appear prominently. In religious ceremonies, poetry, music, and dancing were all united; and the strong impulse of the Greeks to give expression to their feelings led to the dance being, as all artistic dancing ought to be, of a more or less imitative nature. "It is the imitation of words by gestures (σχήμασιν) which has developed the whole art of dancing," says Plato (*Legg.* vii. 816 A; cf. Athen. i. 15). There were dances of the Curetes in Crete in honour of Zeus (Hes. *Fragm.* 91, ed. Didot), and in very early times dances in the worship of Apollo at Delos (Hom. *Hymn. Apoll. Del.* 249); but dance and song were first fully developed by the Apolline religion of Delphi, which was the guiding spirit and good genius of Dorian life. And the chorus was very suitable to the Doric character, according to which everything was public and collective, and which so strenuously demanded subordination of the one to the whole. But the choruses of the Dorians, performed to the music of the cithara, were most of them stately and measured, partaking much of the nature of gymnastic and military exercises (cf. Athen. xiv. 628) [Gymnopaedia, Pyrrhica]; though the hyporchema, introduced into Sparta from Crete by Thaletas, was a spirited song and dance, performed to the music of the flute as well as of the cithara. [Hyporchema.] The Doric chorus was quadrangular, and analogies are found between it and the divisions of infantry (Müller, *Dor.* iii. 12, 10). There were choruses of boys, men, and old men at the different Spartan festivals (Plut. *Lycurg.* 21); and the matrons and maidens danced likewise (*ib.* 14); choruses of youths and maidens combined being called ὅρμοι (Lucian. *de Salt.* § 12). We must not fail, however, to remember, as Grote (chap. 29) warns us, that the term "dance" is to be taken in a wide sense for "every variety of rhythmical accentuated conspiring movements or gesticulations or postures of the body, from the slowest to the quickest." For Sparta the Doric choral style was fixed by Alcman, and remained unaltered during three centuries. Further it is to be noticed that as the chorus was much developed at the same time in Argos, Sicyon, and other parts of Peloponnesus, the Doric dialect came to be regarded as the artistic dialect for choral song (cf. Curtius, *Hist. of Greece*, ii. 83, Eng. trans.), and was used by all choral writers, whether Aeolian or Ionian, being retained in the language of the chorus even in Attic tragedy.

But in the Apolline religion beside Apollo stood Dionysus, the god of the peasantry, to whom the dithyramb was sung by the votary "when all-ablaze in soul with wine's thunder" (οἴνῳ συγκεραυνωθεὶς φρένας), as Archilochus says (*Fragm.* 72, ed. Bergk). Originally the dithyramb was the spontaneous song, telling the tale of Dionysus and his fortunes, which the chorus, which represented itself as Satyrs and others of his faithful attendants, guided by its leader (ἔξαρχος), sang to the music of the flute, as it danced the while round the altar of the god. [Dithyrambus.] The Satyrs were half goats (τράγοι), their song was the "goat-song" (τραγῳδία); and they were originally the sole performers in what afterwards became the elaborate tragedy. But there was another sort of chorus belonging to the old phallus cult which,

under the guidance of its leader, sang phallic songs and danced in revel through the roads, with faces smeared with wine-lees, in the worship of Dionysus, "the jolly god," the friend of love and wine. This was the wild song of the revel (*κωμῳδία*), and the origin of Greek comedy. Thus the chorus was the foundation of the two main kinds of Greek drama (Aristot. *Poet.* iv. 14). But as the word "chorus" in connexion with the ancient Greeks most naturally suggests the chorus in the developed forms of the drama, it is to the antiquities of the chorus in this sense that we must confine the present article, referring the reader for information on the dithyramb to the special article on the subject; as to the manner in which the original chorus developed into the drama, to the articles COMOEDIA and TRAGOEDIA; and for the various kinds of figures (*σχήματα*) and special technical details of dancing, to the article SALTATIO.

It is practically to the chorus of the Attic dramatists that we have to confine our remarks; and they may be conveniently arranged under the following heads:—

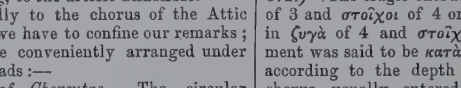
1. *Number of Choreutae.* — The circular dithyrambic chorus, as systematised by Arion for public exhibition in the city, consisted of 50 members (Simonides, 147 (203), ed. Bergk). The early tragic chorus consisted of 12, and is said to have been raised by Sophocles to 15 (Suidas, *Σοφοκλῆς*). It has been supposed accordingly that the dithyrambic chorus of 50 was first arranged in a quadrangular form, which required only 48, and afterwards was divided into four choruses, one for each of the dramas of a tetralogy. Pollux (iv. 110) declares that up to the production of the *Eumenides* the tragic chorus consisted of 50, but that the people were so frightened at so many horrible figures that thereafter the number of the chorus was lessened. But this is a mere story, invented to account for the change of numbers. Again it was from the country dithyramb, not from the city dithyramb as organised by Arion, that the drama arose: this latter is to be regarded as the elder sister rather than as the parent of the Attic drama; and in the country dithyrambic chorus we have no evidence how many choreutae took part. At any rate, in the chorus of Attic tragedy there were originally 12 and afterwards 15; and where 14 are mentioned (*e. g.* in Tzetzes, *Prol. ad Lycophr.* 254, Müller), the coryphaeus is omitted. Whether the same choreutae took part in all four plays of a tetralogy or not, is a disputed point, and there does not appear to be sufficient evidence forthcoming to decide it (see A. Müller, *Die griechische Bühnenalterthümer*, p. 333). There were certainly 12 choreutae in the *Persae* and *Septem* (A. Müller, *op. cit.* 202, note 3), and most probably in the *Ajax* (Muff, *Die chorische Technik des Sophokles*, pp. 53, 79); but it remains an undecided question whether there were only 12 in the *Agamemnon* and *Eumenides*, as is the view of Wecklein (*Neue Jahrbücher für Philologie*, Suppl. xiii. p. 217), who holds that Aeschylus had a chorus of 12 in *all* his plays, or 15, as is attested by the Scholiasts on *Eumen.* 586 and on *Equites* 589, and is maintained by R. Arnoldt (*Der Chor im Agamemnon*, 65 ff.).

The *Satyric* chorus appears to have consisted of the same number as the tragic chorus. The very scanty evidence on the matter points to 15 (Tzetzes, *l. c.*; R. Arnoldt, *Die chorische Technik des Euripides*, 308 ff.).

But the chorus of *comedy* consisted of 24 (Schol. on *Aves*, 297). Only half a tragic chorus was given to the comic poet, and the same choreutae had to appear in the three comedies of each Agon (O. Müller, *Eumenides*, p. 54).

2. *Movements and divisions of the Chorus.*— The dramatic chorus, unlike the cyclic, was quadrangular (*τετράγωνον σχῆμα*, Tzetzes, *l. c.*), one of the features which it borrowed from the Dorians (Athen. v. 181 c). As Pollux tells us (iv. 108, 109), the entry of the chorus was called *πάροδος*, its final departure *ἔξοδος* or *ἄφοδος*, its temporary departure *μετάστασις*, and its return after such departure *ἐπιπάροδος*. (Examples of the latter due to change of scene in the *Eumenides*, 307; *Ajax*, 866; and *Alcestis*, 872.) The tragic chorus was arranged in *ζυγὰ* of 3 and *στοῖχοι* of 4 or 5; the comic chorus in *ζυγὰ* of 4 and *στοῖχοι* of 6. The arrangement was said to be *κατὰ ζυγὰ* or *κατὰ στοίχους*, according to the depth (Poll. iv. 108). The chorus usually entered the orchestra *κατὰ στοίχους*, by the door at the right of the spectators. It rarely made its entrance otherwise, *e.g.* on the stage, as in the *Eumenides* (cf. v. 185), and in the *Lysistrata* by half the chorus (Schol. on v. 321); or hovering over it, as in the *Prometheus* (128–283). Other examples in A. Müller, *op. cit.* pp. 125–127.

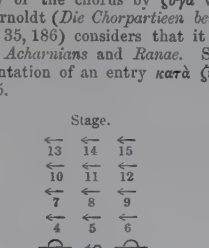
The arrangement of a chorus of 15 at its entrance may be represented thus:—



The members of the row (*στοῖχος*) next the spectators, viz. 1, 2, 3, 4, 5, were called *ἀριστεροστάται* (a term retained even when the chorus on very rare occasions, as coming from the country, entered by the door on the left), or *πρωτοστάται*. Here were the best-looking and most skilled choristers (Schol. in Aristid. p. 535, 18 *sqq.*), the middle place No. 3 (cf. Photius, *s. v. τρίτος ἀριστεροῦ*), or No. 2 in a chorus of 12, being occupied by the leader of the chorus, *κορυφαῖος*; and before and behind him were the *παράσταται*, subordinate leaders of divisions of the chorus. The leader, who was also the arranger of the chorus, bore the titles *ἡγεμὼν τοῦ χοροῦ*, *χοροστάτης*, *χορολέκτης*, *χοροποιός*, and in early times he was the *χορᾳγός*. (That all these titles were applied to the leader is shown with great wealth of proof by Sommerbrodt, *Scaenica*, pp. 12–15.) The members of the third row were called *δεξιοστάται* or *δεξιόστοιχοι* or *τριτοστάται* (Poll. ii. 161; iv. 106); and those of the second row, which contained the most inferior choristers, were called *λαυροστάται*, as forming a kind of alley (*λαύρα*) between the first and third rows. What the *ὑποκόλπιον τοῦ χοροῦ* was (Photius, *s. v.*), whether the whole of the second row (Muff, *op. cit.* p. 5, note 3) or only the middle members of it, viz. 7, 8, 9, (Sommerbrodt, *op. cit.*

p. 8), remains disputed. The ψιλεῖς ("exposed"), or, as they are occasionally called, κρασπεδῖται ("fringe men")—which were the same (Hesych. *s. v.* ψιλεύει)—were the two extreme ζυγά: viz. 1, 6, 11, and 5, 10, 15.

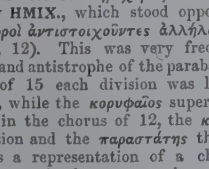
The entry of the chorus by ζυγὰ was very rare. R. Arnoldt (*Die Chorpartieen bei Aristophanes*, pp. 35, 186) considers that it was the case in the *Acharnians* and *Ranae*. Subjoined is a representation of an entry κατὰ ζυγὰ of a chorus of 15.



Here 2 is the κορυφαῖος: 1 and 3, the παράστατα: 1, 2, 3, the ἀριστεροστάται: 13, 14, 15, the δεξιοστάται: the three intervening ζυγά, the λαυοστάται. Rows 1 to 13 and 3 to 15, the ψιλεῖς or κρασπεδῖται. Either row 2 to 14, or Nos. 5, 8, 11, formed the ὑποκόλπιον τοῦ χοροῦ.

The chorus sometimes did not enter in order at all, but severally (καθ' ἕνα or σποράδην); cf. Poll. iv. 109. An obvious example is the *Oedipus Coloneus*, v. 117 foll. (Muff, *op. cit.* 272.)

When the chorus arrived in the orchestra and had to enter into a dialogue with the actors, they made an evolution, so that the ἀριστεροστάται stood facing the stage. When the stage was not occupied by actors, and specially in the parabasis (see below), the chorus turned round, or perhaps made a regular evolution round (Schol. on *Pax*, 733) and faced the audience (*Proleg. de Comoedia* vii. in *Schol. in Aristoph.* p. xvii., ed. Dübner). They appear to have mounted the stage occasionally, as in the *Oedipus Coloneus*, 856 (Muff, *op. cit.* 291); probably in the *Helena* (1627–1642), the *Ares* (353–400), &c., if we are not merely to suppose that the chorus stood sufficiently close to the actors to be able to touch them. The chorus sometimes divided into two ἡμιχόρια, each denoted in MSS. by HMIX., which stood opposite one another (χοροὶ ἀντιστοιχοῦντες ἀλλήλοις, Xen. *Anab.* v. 4, 12). This was very frequent in the strophe and antistrophe of the parabasis. In the chorus of 15 each division was led by a παραστάτης, while the κορυφαῖος superintended the whole; in the chorus of 12, the κορυφαῖος led one division and the παραστάτης the other. Subjoined is a representation of a chorus of 15 divided in two in the most usual way:—



though no doubt many of the other possible orderly arrangements were often employed. Notwithstanding the statement of Pollux (iv. 107), there seems to have been a difference between ἡμιχόρια and διχόρια or ἀντιχόρια. The latter is that permanent division of age or sex or rank which is found, for example, in the *Lysistrata* and the *Aves*, where the chorus consists of a male and female group (A. Müller, *op. cit.* p. 219). The Scholiast on the *Equites*, 589, says that in such cases the more distinguished group, *e.g.* here the male division, consisted of 13, and the less distinguished of 11; but this is very questionable. There is no certain example of such διχόρια in the extant tragedies, though it has been assumed in the *Supplices* of Aeschylus and Euripides (R. Arnoldt, *Die chorische Technik des Euripides*, pp. 72 ff.). But the chorus at times used further to divide into στοῖχοι and ζυγά, and even into individual choristers. A remarkable example of this latter is in the *Agamemnon* during the murder scene; and it has been suggested that in this and similar cases all the choristers speak each his own distich *together*, and not one after another (Mahaffy, *History of Greek Literature*, i. 267). When a chorister had to take the part of an actor, such was called παρασκήνιον, says Pollux (iv. 109), who however omits the really essential point that, as the name indicates, his part must be spoken, not *on* the stage but from the *side scenes* (παρασκήνια). A παρασκήνιον was an example of what is called παραχορήγημα—that is, anything outside what the choregus was strictly bound to supply, but it is especially applied to an additional chorus, as, for example, that of the θεράποντες in the *Hippolytus* (cf. Sommerbrodt, *Scaenica*, 173–4).

3. *The songs of the Chorus.*—As the chorus entered the orchestra, it, or as some say the coryphaeus alone, usually sang the πάροδος, a term like our "march," applied also to a species of music. Aristotle (*Poet.* 12) defines it as πρώτη λέξις ὅλη τοῦ χοροῦ. It was very frequently in anapaests. The στάσιμα were the regular choral odes which were sung after the chorus had taken up its position on the θυμέλη, and had duly arranged itself. These στάσιμα served to divide the play into acts. They generally consisted of one or more στροφαί, that portion which was sung as the chorus moved from left to right, ἀντιστροφαὶ as it moved from right to left, while the conclusion of the ode was sung standing and called ἐπῳδός (Schol. on Eur. *Hec.* 647). This of course can only refer to the στάσιμα which was sung by the whole chorus, and not by two half-choruses. That the strophae and antistrophae of all the stasima of Sophocles were sung by half-choruses, while the whole chorus sang the ἐπῳδός, is the view of Muff (*op. cit.* p. 24 *et passim*) and Christ (*Metrik*, 652). The introduction of the strophe, antistrophe, and epode into the original monostrophic chorus is attributed to Stesichorus, though it must be remembered that Alcman had a chorus of fourteen strophes, of which the last seven were in a different metre to the first seven (Grote, ch. 29). The ἐξόδιοι νόμοι or μέλη ἐξόδια (not ἔξοδος, which is the term for the whole of the last act: see Aristot. *Poet.* 12, and Muff, p. 45) were sung by the chorus, or the coryphaeus, as the chorus moved off the stage to the left of the spectators: like the πάροδος, it was usually in anapaests. A dirge between the chorus and the actors, as in the *Choëphoroe* (306 ff.) and the

Electra of Sophocles (121 ff.), was called κομμός (Aristot. *l. c.*). The dialogue which the MSS. by the heading ΧΟΡ. seem to intimate was held between the actor and the chorus was either sustained on the part of the former by the coryphaeus, or, as seems very probable, the choral parts in κομμοί are to be assigned to individual choristers. (See the full discussion in Muff, *op. cit.* pp. 41, 42.) It is generally said that the dialogue of the coryphaeus with the actor was called καταλογή, while the παρακαταλογή was what was delivered by the individual choristers in opposition to μέλος or song of the whole chorus (see B. Arnold, p. 388). But it is more correct to assume that the καταλογή were the iambic trimeters which were *declaimed* by the actors, and the παρακαταλογή the trochaic verses which they sang in a kind of recitative with musical accompaniment (see Muff, *op. cit.* 46; Zielinski, *Die Gliederung der altattischen Komödie*, 313).

The *parabasis* is the distinctive feature of the chorus of the old comedy. In it the chorus, making an evolution and facing the audience, addressed them with remarks on personal matters or on topics of the day (cf. Schol. on *Eq.* 508; *Pax*, 733). It consisted of several parts, all of which can be seen in the *Aves*:—(1) The κομμάτιον (675–683), a short lyrical piece, sung while the chorus was making the evolution to face the audience. (2) The παράβασις proper or ἀνάπαιστοι (684–735), the address of the coryphaeus to the audience, generally in anapaestic tetrameters catalectic (in the *Nubes* in Eupolidean metre). The concluding portion of this was called the μακρὸν or πνῖγος (probably 722–735), as it had to be recited in one breath (Hephaest. p. 135; Poll. iv. 112). (3) στροφὴ or ᾠδή (736–751), a short lyrical hymn. (4) ἐπίρρημα (752–767), trochaic tetrameters catalectic, sung in recitative to a musical accompaniment by the coryphaeus. It is a sort of addition to the parabasis proper, and is an address to the people, giving advice, &c. (5) ἀντιστροφὴ or ἀντῳδή (768–782), corresponding to the στροφή. (6) ἀντεπίρρημα (784–799), corresponding to the ἐπίρρημα. In many MSS. of Aristophanes the στροφὴ and ἀντιστροφὴ are assigned each to a semi-chorus; but Müller (*op. cit.* 219, note 3) does not think much weight is to be attached thereto. Sometimes the separate parts of the parabasis are in different portions of the play, as in the *Pax*.

4. *The dances of the Chorus.*—As derived from the dithyramb, of course the chorus danced. The term ὀρχήστρα, and the old name ὀρχησταί given to poets, proves this further (Athen. i. 22). But it must be remembered that the term "dance" is to be regarded as equivalent to any "rhythmical movement." There were three kinds of dances: a special one for each of the different kinds of drama—the grave and stately ἐμμέλεια for tragedy, the frolicsome σίκιννις for the Satyric drama, and the licentious κόρδαξ for comedy (Lucian. *de Salt.* 26; Bekker, *Anecd.* p. 101, 16). Aristophanes (see *Nubes*, 540) does not appear to have used the κόρδαξ. In some cases—as, for example, in the στάσιμα—the dance was generally quite a secondary feature; but there can be no doubt that the chorus danced (*i.e.* moved rhythmically) while singing the στάσιμα. It is stated in so many words (Aristoph. *Thesm.* 953); and the term στάσιμα means what is sung, not while the chorus remains stationary (Schol. on Eur. *Phoen.* 202), but what is sung after they had taken up their position in rank and were no longer settling themselves (Hermann, *Epist. doctr. metr.* § 665). That the contents of many stasima point to the accompaniment of dancing, Muff (*op. cit.* 33, 34) considers very likely, taking as example the celebrated chorus in the *Oedipus Coloneus*, 608 ff. Sometimes the coryphaeus sang while the chorus danced. Those entrances and exits which were not regular marches were often accompanied with the dance; and there appears to have been a certain amount of rhythmical movement in the κομμοί (A. Müller, *op. cit.* p. 222). The dance took a much more prominent position, and a more lively movement was adopted, in the ὑπορχήματα, and in this respect they are distinctly contrasted with the στάσιμα (Schol. on Soph. *Trach.* 216). Other examples of ὑπορχήματα in *Ajax*, 693; *Oed. Tyr.* 1086. It appears that the coryphaeus used to give the first few steps of the dance (ἐνεδίδου τοῖς ἄλλοις τὰ τῆς ὀρχήσεως σχήματα πρῶτος, Dion. Hal. vii. 72). To help the evolutions and dancing of the chorus lines (γραμμαί) were drawn on the thymele to guide them (Hesych. *s. v.* γραμμαί), just as in the ballet at present. After the Peloponnesian war the art of dancing declined. Carcinus had introduced a kind of very quick ballet which consisted of pirouettes and rapid twirlings of the legs, and this style of dancing became popular (cf. Aristoph. *Vesp.* ad fin., and Curtius, *History of Greece*, iv. 104). As to the steps and figures of dancing, reference must be made to Chr. Kirchhoff, *Die orchestische Eurythmie der Griechen*, and to the article SALTATIO.

5. *The musical accompaniment of the Chorus.*—Originally the accompaniment was played on a kind of stringed instrument called κλεψίαμβος (Athen. xiv. 636; see Muff, *op. cit.* 47); afterwards by one flute-player (seldom by more than one), playing on a double flute (A. Müller, *op. cit.* p. 210, note 2). The flute was chosen as the instrument, since it best harmonised with the human voice (Aristot. *Prob.* xix. 43). Dressed in splendid garments and wearing a crown, the flute-player marched before the chorus at their entrances and their exits. During the performance he remained on the thymele or on the steps of the altar (A. Müller, p. 136, note 1). Sometimes there was also the accompaniment of a *stringed* instrument (Sext. Emp. 751, 17); and both the flute-player and the κιθαριστὴς appear in the great picture of the Satyric chorus from the vase of Ruvo, given by Wieseler (*Theatergebäude und Denkmäler des Bühnenwesens*, Taf. vi.), and elaborately discussed by him in *Das Satyrspiel;* it is also reproduced in Baumeister's *Denkmäler*, fig. 422. The διαύλιον appears to have been a symphony by the flute-player, the voices not joining in (Hesych. *s. v.*; cf. Schol. on *Ran.* 1264). When the chorus were to sing or dance, the flute-player gave the signal (διδόναι τὸ ἐνδόσιμον) by pressing with his foot an instrument called κρούπεζα, which was some sort of a wooden rattle (κρόταλον): cf. Poll. vii. 87; Hesych. *s. v.* κρούπεζα. The flute accompaniment of the σίκιννις was called σικιννοτύρβη (Athen. xiv. 618 c).

6. *The personnel of the Chorus.*—They were always men, citizens, of free birth (Dem. *Mid.* 532, § 56), and generally young. Only at the Lenaea were metics allowed to serve in the chorus (Schol. on *Plutus*, 953). Originally the choreutae served voluntarily (Aristot. *Poet.* 5), but often in later times pressure had to be put on them by the choregus or chorolectes to make them serve (Antiphon. *de Chor.* § 11). They were supported by the choregus during the time of training (Argum. *ad* Antiph. *de Chor.*), and after the performance he gave them a sumptuous meal (cf. Aristoph. *Ach.* 1155). They were also paid by the choregus (Xen. *Rep. Ath.* i. 13), but we do not know the amount. The state granted the choreutae the privilege of exemption from military service (Dem. *Mid.* 519, § 15). As there was danger of a fracas often taking place between the choruses of rival choregi, special ἐπιμεληταί were appointed by the state to keep order among the choristers (Suidas, *s. v.* ἐπιμεληταί), though Sommerbrodt (*Scaenica*, note 3) thinks their function was to see that the choristers did not fall into confusion in making their evolutions.

As to the characters the chorus represented: while the actors were mostly heroes, the chorus represented members of the people, and these of the most various kinds,—old and young, men and women, Greeks and foreigners, even Ocean nymphs in the *Prometheus*, and inspired Bacchantes in the *Bacchae*. The chorus of the Satyric drama always represented Satyrs; and in comedy we have all kinds of fantastic forms, such as clouds, frogs, birds, &c.

7. *The dress of the Chorus.*—They regularly wore masks [PERSONA], in order to appear in similar style to the actors (Theophr. *Char.* 6; Poll. iv. 142). The garments used in tragedy were a short chiton and the himation, though generally special choruses were dressed in character: thus the Eumenides wore black garments and black felt Arcadian hats (Ἀρκαδικοὶ πίλοι: see Suidas, *s. v.* Φαιός); and the Bacchae wore Bacchic costume. They also appear to have worn a tight-fitting garment (σωμάτιον) over a certain amount of padding (προστερνίδιον, προγαστρίδιον), and the term σωμάτιον is sometimes applied to this padding (A. Müller, *op. cit.* p. 230). Sophocles (*Vit. Soph.* 128, 30) is said to have introduced κρηπῖδες, which had very thin soles. But as they are said to have been worn by actors as well as by the chorus, we cannot be sure that the statement is very reliable, as we know that the actors generally wore cothurni. Perhaps, as Wieseler (*op. cit.* xi. 5) thinks, the subordinate actors used to wear them. Further, the chorus had all sorts of accessories where necessary, such as staves, drums, torches, thyrsi, &c., which they used to lay aside before beginning the dance (Schol. on *Pax*, 729).

The Satyrs' dress was merely an apron (περίζωμα) of goat-skin round the loins, to which was attached the tail and the phallus, the latter made of red leather; they had besides often a goat's skin round their shoulders. They appeared to be naked, but really they wore a flesh-coloured tight-fitting garment. On their feet they had very thin shoes, though in the pictures they appear to have had bare feet (cf. Wieseler, *op. cit.* vi. 3). On the vase-painting of Ruvo we find one chorister with a short sleeveless tunic, and the χλανὶς ἀνδινή, which is mentioned as a peculiarly Satyric dress (Poll. iv. 118).

We have no clear evidence of the costume of the older comedy. It appears to have consisted of the σωμάτιον, χιτών, and ἱμάτιον, the latter being laid aside before dancing (*Thesm.* 655). The ἱμάτια of the chorus in the *Nubes* were elaborately adorned (Schol. on *Nub.* 289). Of course the chorus wore the erect phallus, but this ceased to be worn in the new comedy (A. Müller, p. 257). On their feet they had sandals (σανδαλίσκοι): cf. Aristoph. *Ran.* 404.

8. *Gradual disappearance of the Chorus.*—The practice of introducing into tragedies choral odes which had no special relevancy to the play, as was especially done by Agathon, was a sign of the growing feeling that the chorus was not an essential part of the drama. However, we find mention of a tragic chorus in the Demosthenic age (*Mid.* 533, § 58), and of a Satyric chorus in the time of Sositheus, 284 B.C. (*Anth. Pal.* vii. 707, 3). But from Delphic inscriptions of 260 B.C. quoted by Wescher and Foucart (*Inscript. de Delphes*, Nos. 3–6), in which no choreutae appear, these scholars have supposed that the chorus of tragedy had disappeared by that date. The absence of the choral songs and of the chorus as a participator in the action is the external mark which, in a considerable measure, distinguishes the middle and new comedy from the old. The discontinuance of the comic choregia is attributed to a decree of Cinesias (Schol. on *Ranae*, 153). There were no choregi when Aristophanes produced the *Aeolosicon* (389 B.C.), and the *Plutus* (2nd edition). But we must not suppose that the discontinuance of the chorus was sudden, for the chorus sometimes appears even in the middle and new comedy (Boeckh, *Staatshaushaltung*, i.[3] 545–6; Meineke, i. 441).

The literature on the subject of the chorus is very extensive. The most important works are: B. Arnold, art. *Chor* in Baumeister's *Denkmäler des klassischen Alterthums*, pp. 383–391; Sommerbrodt, *Scaenica*; Muff, *Die chorische Technik des Sophokles*; R. Arnoldt, *Die chorische Technik des Euripides*; F. Castets in Daremberg and Saglio, art. *Chorus*; A. Müller, *Die griechischen Bühnenalterthümer*. In the two last works full reference is made to the numerous works on the subject.

2. ROMAN.—The chorus among the Romans belonged especially to the *crepidatae*, i.e. the tragedies modelled on and derived from the Greek ones; but it also appears in the national tragedy of the Romans, the *praetextatae* (see O. Ribbeck, *Die römische Tragödie im Zeitalter der Republik*, 607, 631 ff.). Even though Diomedes (491, 29, Keil) declares that the Roman comedy had no chorus, yet this is only true generally, for there is an undoubted chorus of fishermen in the *Rudens* of Plautus. It was probably the whole company of actors (*caterva*), not a chorus, which said the "Plaudite" with which comedies end (cf. Cic. *Sest.* 55, 118). There appear to have been choruses in the pantomimus and in the pyrrhica of the empire (Friedländer, *Darstellungen*, ii.[3] 434, 443). There was no fixed number of choreutae (Diomedes, *l. c.*). As that part of the theatre which was the Greek orchestra was given up to the spectators at Rome, the chorus had to occupy the stage (Vitruv. v. 6, 2).

The Roman chorus took more part in the action of the drama than did the Greek chorus (O. Jahn, in *Hermes*, ii. 227: cf. Hor. *Ars Poet.* 193). It was led by a *magister chori*, who had his place in the middle of the chorus, and so was called *mesochorus* (Plin. *Epist.* ii. 14, 6). The musical accompaniment was played by a choraules on a double flute (Diom. *l. c.*). Between the acts the chorus (probably in tragedy) and the tibicen (in comedy) used to sing or play (Donatus, *Arg. ad Andriam*); and Horace (*Ars Poet.* 194) especially urges that the subject of the songs should be pertinent to the action of the drama. The chorus was composed of men who were professionals (*artifices*), and who were for the most part slaves (Ribbeck, *op. cit.* 639, 657). As the chorus of the Romans sometimes represented women (*e.g.* in Ennius's *Medea*; cf. Cic. *Fam.* vii. 6), they must have worn masks. They were probably dressed after the manner of the Greeks, and the dresses appear to have been very splendid, as was the whole production of plays at the end of the republic and during imperial times; *e.g.* purple chlamydes were wanted for a chorus of soldiers, as is told in a well-known story (Hor. *Epist.* i. 6, 40).

Besides B. Arnold (*op. cit.*), O. Ribbeck (*op. cit.*), see Gaston Boissier in Daremberg and Saglio, and Friedländer in Mommsen-Marquardt, vi. 523. [L. C. P.]

CHOUS (χοεύς, χοῦς), a Greek liquid measure containing 12 κοτύλαι or 5·76 English pints. It was equal to the Roman congius of six sextarii. At first the name seems to have meant simply a pitcher or flagon (from χέω); hence the χόες or "pitcher feast" on the second day of the Anthesteria [DIONYSIA]. According to the grammarian Crates of Mallus (περὶ Ἀττικῆς διαλέκτου, *ap.* Ath. xi. 495 a, b), the χοῦς had originally a similar form to the Panathenaic amphorae, and was also called πελίκη: but afterwards took the shape of the οἰνοχόη or ὄλπη. This use of the word throws light on some statements which might otherwise surprise us. At an ἔρανος or contributory feast each guest brought his provisions in a κίστη, his wine in a χοῦς (Aristoph. *Acharn.* 1086): in the comic poet Eubulus a man orders a χοῦς of mixed wine from a καπηλεῖον, and a κάνθαρος to drink it out of (*Fragm.* 80–82, Meineke); on the day of the χόες a prize was given to the person who first emptied his χοῦς: and Milo of Croton is said to have drunk off three χόες of wine at one draught. In these cases it is not the large measure here described, but a jug or pitcher that is to be thought of. The distinction drawn by Suidas, alone among the grammarians, between a χοῦς of four κοτύλαι and a χοεὺς of twelve, has not found much favour: on the forms of the word, see L. and S. (Pollux, x. 73; Wurm, *de Pond.* &c., pp. 127, 136, 141, 198; Hussey, *Ancient Weights*, pp. 211–213; Hultsch, *Metrologie*, pp. 80, 82, 87.) [P. S.] [W. W.]

CHREOUS DIKĒ (χρέους δίκη), a simple action for debt, belongs to the class of cases arising upon an alleged breach of contract, like the actions ἀργυρίου, ἀφορμῆς, συμβολαίων, or συνθηκῶν. It must have been the usual mode of proceeding open to creditors (Caillemer, *9me Étude*, p. 31); but there is little information as to the precise distinction between it and kindred suits. In all these cases, small debts under ten drachmas were recoverable before the itinerant magistrates, δικασταὶ κατὰ δήμους, afterwards called the Forty (οἱ τετταράκοντα): above that amount, they came before the courts of the thesmothetae. If the cause could be classed among the ἔμμηνοι δίκαι, as, for instance, when the debt arose upon a mercantile transaction, the thesmothetae would still have jurisdiction in it, though one of the parties to the suit were an alien, otherwise it seems that when such a person was the defendant, it was brought into the court of the polemarch. (Meier, *Att. Proc.* p. 55.) If the cause were treated as a δίκη ἐμπορική, as above mentioned, the plaintiff would forfeit a sixth part of the sum contested, upon failing to obtain the votes of one-fifth of the dicasts (Suid. *s. v.* ἐπωβελία); but we are not informed whether this regulation was applicable, under similar circumstances, in all prosecutions for debt. We have examples of χρέους δίκη in a speech of Lysias against Aeschines, the disciple of Socrates (Lys. *Fragm.* i. ed. Teubner, B. ed. Oxon.): and in the speech against Timotheus, included among the orations of Demosthenes. [J. S. M.] [W. W.]

CHRONOLOG'IA (χρονολογία) is the science by which time is measured according to the courses of the stars, and more especially of the sun and moon; but in the more limited sense in which we have to treat of chronology here, it is a part of history, and teaches us to assign each historical event to the date to which it belongs. The reduction of any given date in antiquity to the corresponding year, month, or day, in our modern computation of time, is sometimes a matter of great difficulty, and often of absolute impossibility; for nearly all the nations of antiquity began their year at a different time, some used solar and others lunar years, and others again a combination of the two; nearly all, moreover, had different eras, that is, points of time from which subsequent and preceding years are counted; and in addition to this there occur a great many changes and fluctuations in one and the same nation; and the historians whose works have come down to us are not always very precise in marking the time to which the events belong, so that we must have recourse to all manner of combinations, or are left to conjectures.

For the manner in which the Greeks and Romans calculated their years and months we refer to the article CALENDARIUM, and we shall here confine ourselves to an account of the manner in which those nations calculated and stated the events of their history. The Greeks reckoned their years generally according to their magistrates, in the early times according to the years of the reign of their kings, and afterwards according to their annual magistrates. At Athens the year was called by the name of one of the nine archons, who from this circumstance was called ἄρχων ἐπώνυμος or the archon *par excellence*; and at Sparta the years were called after one of the five ephors, who for this reason was likewise termed ἐπώνυμος. (Thucyd. ii. 2; Xenoph. *Anab.* ii. 3, § 10; Polyb. xii. 12; Paus. iii. 11, § 2.) But the years of the Athenian archons and the Spartan ephors, coinciding with the civil year in those states, did not coincide with each other, for the ephors entered upon their office in the Attic month of Boëdromion,

while the archons originally entered upon theirs in the beginning of Gamelion, and ever since the year B.C. 490, at the beginning of Hecatombaeon. In Argos time was counted according to the years of the high priestess of Hera, who held her office for life (ἠρεσίς: Thucyd. ii. 2; Suid. *s. v.* Ἡρεσίδες); and the inhabitants of Elis probably reckoned according to the Olympic games, which were celebrated every fifth year during the first full moon which followed after the summer solstice. In this manner every Greek state or city calculated time according to its own peculiar or local era, and there was no era which was used by *all* the Greeks in common for the ordinary purposes of life. Historians, therefore, down to the middle of the third century B.C., frequently made use of the average age attained by men, in order to fix the time in a manner intelligible to all Greeks. Herodotus (ii. 142) calculates that three generations of men are equivalent to a century (*saeculum* is sometimes so used in Latin, but not *aetas*). Timaeus, who flourished about B.C. 260, was the first historian who counted the years by Olympiads, each of which contained four years. The beginning of the Olympiads is universally fixed in the year 3938 of the Julian period (a cycle suggested by Joseph Scaliger, which commences B.C. 4714), or in B.C. 776. If we want to reduce any given Olympiad to years before Christ, *e.g.* Ol. 87, we take the number of the Olympiads actually elapsed,—that is, 86,—multiply it by 4, and deduct the number obtained from 776, so that the first year of the 87th Ol. will be the same as the year 432 B.C. If the number of Olympiads amounts to more than 776 years,—that is, if the Olympiad falls after the birth of Christ,—the process is the same as before; but from the sum obtained by multiplying the Olympiads by 4, we must deduct the number 776, and what remains is the number of the years after Christ. This calculation according to Olympiads, however, does not seem to have been ever applied to the ordinary business of life, but to have been confined to literature, and more especially to history. Some writers also adopted the Trojan era, the fall of Troy being placed by Eratosthenes and those who adopted this era, in the year B.C. 1184. After the time of Alexander the Great, several other eras were introduced in the kingdoms that arose out of his empire. The first was the Philippic era, sometimes also called the era of Alexander or the era of Edessa; it began on the 12th of November B.C. 324, the date of the accession of Philip Arrhidaeus. The second was the era of the Seleucidae, beginning on the 1st of October B.C. 312, the date of the victory of Seleucus Nicator at Gaza, and of his re-conquest of Babylonia. This era was used very extensively in the East. The Chaldaean era differed from it only by six months, beginning in the spring of B.C. 311. Lastly, the eras of Antioch, of which there were three, but the one most commonly used began in November B.C. 49. In Europe none was so generally adopted, at least in literature, as the era of the Olympiads; and as the Olympic games were celebrated 293 times, we have 293 Olympic cycles, that is, 1172 years, 776 of which fall before and 396 after Christ. But when the Greeks adopted Christianity, they probably ceased to reckon by Olympiads, and adopted the Julian year. The practice of dating from the birth of Christ was introduced by Dionysius Exiguus in A.D. 532. (Corsini, *Fasti Attici*, Florence, 1744–56, 4 vols. 4to; Ideler, *Handbuch der mathem. und technisch. Chronol.* Berlin, 1825, 2 vols. 8vo; Clinton, *Fasti Hellenici*, Oxford, 1830–1834, 3 vols. 4to.)

The Romans in the earliest times counted their years by their highest magistrates, and from the time of the republic according to their consuls, whose names were registered in the Fasti. This era, which may be termed the *aera consularis*, however did not begin at all times at the same point; for in the earliest times of the republic the consuls entered upon their office on the calendae of Sextilis, at the time of the decemvirate on the ides of May, afterwards on the ides of December, and at a still later time on the ides of March, until in B.C. 153 the consuls began regularly to enter upon their office on the 1st of January. This constant shifting was undoubtedly one of the causes that produced the confusion in the consular era, of which Livy (ii. 18, 21, &c.) complains. Great confusion also arose from the incompleteness or the deliberate falsification of the records, and the interruption caused by *interregna*, so that it is quite impossible to draw up satisfactory *Fasti Consulares*. (Cf. *C. I. L.* i. 403–551, with Mommsen's important commentary.) Varro, Cicero, Tacitus, and even Gaius, date events by the number of years which had elapsed since the expulsion of the kings. The earliest use of a fixed point from which to date is in the dedication of the Temple of Concord by Cn. Flavius, "cciii. annis post Capitolinam dedicatam" (Plin. xxxiii. § 19). The consular era was the one commonly used by the Romans for all practical purposes, the date of an event being marked by the names of the consuls, in whose year of office it had happened. But along with this era there existed another, which as it was never introduced into the affairs of common life, and was used only by the historians, may be termed the historical era. We have no instance of the use of this era at Rome before the time of Augustus; but in the case of other Italian towns a similar practice was employed much earlier (Plin. iii. § 114.) It reckoned the years from the foundation of the city (*ab urbe condita*); but the year of the foundation of the city was a question of uncertainty among the Romans themselves, although all agreed in the day of the month, *i.e.* April 21st, the Parilia (Dionys. i. 88). M. Terentius Varro and Atticus placed it in the third year of the 6th Olympiad, that is, B.C. 753. (Plut. *Rom.* 12; Vell. Pat. i. 8; Censorin. *de Die Nat.* 17.) This era was adopted by Velleius Paterculus, Pliny, Tacitus, A. Gellius, Dio Cassius, Eutropius, and others. Next to the Varronian era, the most celebrated was that of M. Porcius Cato, who placed the foundation of Rome in the first year of the 7th Olympiad, or in the spring of B.C. 751. (Dionys. i. 74; Syncell. *Chronog.* p. 194 a.) The date fixed upon in the *aera Capitolina* (so called from the Fasti Capitolini), by Polybius (Dionys. *l. c.*; Cic. *de Rep.* ii. 10), Diodorus, and Cornelius Nepos, was one year later; Q. Fabius Pictor placed the foundation in the first year of the 8th Olympiad, *i.e.* 747 B.C. (Dionys. *l. c.*), and Cincius Alimentus even placed it about the fourth year of the 12th Olympiad, *i.e.* B.C. 729. Ennius, on the other hand, placed the building

of Rome about 700 years before his own time; that is, at least 100 years earlier than most other writers (Varro, *de Re Rust.* iii. 1); and Timaeus went so far as to regard the foundation of Rome contemporaneous with that of Carthage, placing it 38 years before the first Olympiad. But no reliance can be placed on any of these statements; as however it is necessary to have one point to start from, the Varronian era has been adopted by modern writers. [L. S.] [A. S. W.]

CHRYSELEPHANTI'NA, sc. *agalmata*. This term, though resting on no better authority than that of the Scholiast on Aristophanes (*Eq.* 1169), is now customarily used to denote those gold and ivory statues which were the highest attainments of Greek plastic art.

The use of these costly materials seems to have been originally a development of the early art of wood-carving. The first artists who produced chryselephantine statues were pupils of Dipoenus and Scyllis, the Cretan "Daedalids." Though we hear of no such works by these masters themselves, they used ivory in conjunction with ebony (Paus. ii. 22, 5); by gilding the wood, a quite common proceeding, the transition would be made. The appropriateness of the two materials would then suggest the restriction of the ivory to nude parts, of gold to drapery, &c., a core of wood still underlying the whole. Such probably were the works of Doryclidas, Theokles, Dontas, and other artists of the earlier portion of the 6th century B.C. We do not hear of many chryselephantine works of importance during the late archaic or transitional period; but some of the "Xoana" mentioned by authors may belong to this class, the name being constantly applied even to later specimens. But the construction of colossal figures, such as the Olympian Zeus and Athene Parthenos of Phidias, or the Argive Hera of Polycletus, can have had little in common with mere wood-carving. For these, of course, a most elaborate internal framework was necessary; attempts have been made to restore by conjecture these figures and the processes by which they were constructed, as by M. Quatremère de Quincy in *Le Jupiter Olympien*. In the latter portion of the 5th century B.C. the pupils of Pheidias found many states able and willing to grant the enormous expenditure necessary for the erection of a chryselephantine colossal figure; but in later times opportunities for such enterprises could but rarely occur. Kings, however, came to arrogate to themselves a distinction formerly appropriated to the gods: thus the portrait-statues by Leochares in the Philippeum at Olympia were of gold and ivory. So late as the time of Herodes Atticus these materials seem to have been still in request for the most magnificent statues. [E. A. G.]

CHRYSEN'DETA were metal dishes (*lances*) used by the Romans for serving up food at table. Martial mentions them several times (ii. 43; ii. 53; vi. 94; xi. 30; xiv. 97) as in use by the wealthy, and specially notices mullet as being served upon them. The derivation of the word, and the epithet *flava* applied to them by Martial (ii. 43, *flava tegunt chrysendeta mulli*), render it probable that these dishes were made of silver, and were adorned (probably on the rim) with ornaments in relief, wrought in gold and attached by means of soldering or riveting. Such ornaments (as explained under EMBLEMA) were called *emblemata* and *crustae* [cf. CAELATURA]. In the *Origines* of Isidore of Seville (xx. 4, § 8) *chrysendeta* are defined simply as *gilded* vessels (*vasa deaurata*), but they must originally have been something more than this, or they would not have acquired the special name of "gold-inlaid" (*chrysendeta*, χρυσένδετα). There is no good reason for accepting the view of some commentators on Martial that *chrysendeta* were vessels inlaid with precious stones. [W——K W——H.]

CHRYSOASPIDES. [ARGYRASPIDES.]

CHRYSOUS (χρυσοῦς). [AURUM.]

CHTHON'IA (χθόνια), a festival celebrated at Hermione in honour of Demeter, surnamed Chthonia (Eurip. *Herc. Fur.* 608). A description of it is given by Pausanias (ii. 35, § 4, &c.), and it is also mentioned by Aelian (*H. A.* xi. 4). The Lacedaemonians adopted the worship of Demeter Chthonia from the Hermioneans, some of whose kinsmen had settled in Messenia (Paus. iii. 14, § 5); hence we may infer that they celebrated either the same festival as that of the Hermioneans, or one similar to it. [L. S.]

CHYTRA (χύτρα, χύτρος), a pot, generally of earthenware, for cooking. The *chytra* was an indispensable utensil, even in the poorest houses, and allusions to it are innumerable in Aristophanes (*Ach.* 1175; *Equit.* 745, 1173; *Eccl.* 845, 1092; *Ran.* 505; *Vesp.* 828, 938; *Pac.* 802). Besides being placed upon the fire, in order to boil water or cook victuals, the *chytra* was used sometimes to carry fire, just as is now done by the modern inhabitants of Greece, Italy, and Sicily (Xen. *Hellen.* iv. 5, § 4; Aristoph. *Lys.* 297); and another very

Chytra resting on a Chytropus. (Vase in the British Museum.)

remarkable use of these vessels of earthenware among the Greeks was to put infants into them to be exposed (Aristoph. *Ran.* 1188). Hence the exposure of children was called ἐγχυτρίζειν (Hesych. *s. v.*), and the miserable women who

practised it ἐγχυτριστρίαι (Suidas, *s. v.*). The *chytropus* (χυτρόπους) was the stand on which the *chytra* was often placed to be heated (Hes. *Op. et D.*, 748), as seen in the painting on a vase in the British Museum (see woodcut) representing Medea boiling an old ram, with a view to persuade the daughters of Pelias to put him to death (Ovid, *Met.* vii. 318–321; Hygin. *Fab.* 24). The pot has a round bottom, and is supported by a tripod, under which is a fire. The ram, restored to youth, is in the act of leaping out of the pot. It was sometimes called λάσανον (Poll. x. 24, 99). [W. M. L.]

CHY'TROPUS. [CHYTRA.]

CIBO'RIUM (κιβώριον) properly is the shell of the Egyptian bean plant (*colocasia*), the bean itself being called *κύαμος*. These shells, and indeed the leaves too (Plin. *H. N.* xxi. § 87), were made into drinking cups (Nic. *ap.* Ath. 72 a), and were no doubt of the same shape as the original shell, broad at the top and becoming narrow towards the bottom (Didym. *ap.* Ath. xi. 477 e). From their shape they appear very similar to that kind of cup called *φοσκύφιον*, if we may adopt the acute emendation of Ussing (*De nominibus vasorum Graecorum*, p. 133) in Didymus (*l. c.*). They were smooth and large (Hor. *Od.* ii. 7, 22), and often were wrought in a costly manner (Ath. xi. 477 e). No certain specimen of one can be given. For the meaning of *ciborium* in ecclesiastical Latin, see *Dict. of Christ. Antiq.*, art. ALTAR. [L. C. P.]

CID'ARIS. [TIARA.]

CILI'CIUM (δέρρις), a hair-cloth. The material of which the Greeks and Romans almost universally made this kind of cloth, was the hair of goats. The Asiatics made it of camel's-hair. Goats were bred for this purpose in the greatest abundance, and with the longest hair, in Cilicia; and from this country the Latin name of such cloth was derived. Lycia, Phrygia, Spain, and Libya also produced the same article. The cloth obtained by spinning and weaving goat's-hair was nearly black, and was used for the coarse habits which sailors and fishermen wore, as it was the least subject to be destroyed by being wet; also for horse-cloths, tents, sacks, and bags to hold workmen's tools (*fabrilia vasa*), and for the purpose of covering military engines and the walls and towns of besieged cities, so as to deaden the force of the ram, and to preserve the woodwork from being set on fire. (Aristot. *H. A.* viii. 28; Aelian, xvi. 30; Varr. *R. R.* ii. 11; Verg. *Georg.* iii. 312; Liv. xxxviii. 7, 10; Plin. *H. N.* viii. § 203; Avien. *Ora Mar.* 218–221; Veget. *Ars Vet.* i. 42; as *adj.*, *vela*, Dig. 33, 7, 12, § 17; *udones*, Mart. xiv. 140.) [J. Y.] [W. S.]

CIL'LIBA (κιλλίβας, *cillibantium*). 1. In Greece, a trestle or stand for anything, especially for a shield (Aristoph. *Ach.* 1122 et Schol.; Hesych. *s. v.*). 2. In Rome, a dining table, at first square (Varro, *L. L.* v. 118), then round. (Festus, "cillibae mensae rotundae.") [W. M. L.]

CINCTUS GABI'NUS. [TOGA.]

CINERA'RIUS. [CALAMISTRUM.]

CIN'ERES. [FUNUS.]

CIN'GULUM (*ζώνη, ζώνιον, ζωστήρ, cinctura, zona*). Passing over the *cestus* [CESTUS] and *strophium* or *fascia pectoralis*, also called ἀναδεσμός or στηθοδεσμός [STROPHIUM], which was a band worn by women inside the tunic to support the breast, and recollecting that ταινία and μίτρα [MITRA] are generic terms for ribbons or bands worn round the body, whether over or under the tunic or round the head (in Latin, *taenia* is apparently used only for the latter), we find the following meanings assigned to *cingulum* and the Greek and Latin words given above:—

1. A girdle worn by women over the tunic, just under the breast (Verg. *Aen.* i. 492).

2. A girdle worn both by men (Petr. 21, 2) and women (Varr. *L. L.* v. 114) just above the hips, also called *zona* (Ov. *Fast.* ii. 320; Mart. xiv. 151). The distinction said by Moeris (*Att.* p. 124) to subsist between *ζώνη* and *ζώνιον*—that the former is used only of men's girdles, the latter of women's—is disproved by Aesch. *Suppl.* 457; Plat. *Alc.* i. 123 B; Herod. i. 51; Eur. *Hec.* 762. The tunic was generally tucked up and made to hang in a fold (κόλπος) over the girdle (*ἀναζώννυσθαι, συζώννυσθαι, succingere*). This was especially done when any rapid motion was required; hence *ζώννυσθαι*, "to gird up one's loins" for battle (*Il.* xi. 15) or for labour (Hes. *Op.* 343), and compare εὔζωνος ἀνήρ, used for a fairly quick walker (Thuc. ii. 97), as is also *alte praecinctus* by Horace (*Sat.* i. 5, 6). Similarly *succinctus* (Juv. iv. 24) and *praecinctus* (Hor. *Sat.* ii. 8, 70) are used of "trim" attendants at table. Conversely, when one was in deshabille at home, he was *discinctus* (Hor. *Sat.* ii. 1, 73), a term also applied to any "loose" character (Hor. *Epod.* 1, 34; cf. Suet. *Caes.* 45). The long tunics of the Ionian women (Müller, *Arch.* 339, § 7) hung in deep folds over the girdle; hence they and other women were called *βαθύκολποι* or *βαθύζωνοι* by Homer (*Il.* xviii. 339; ix. 594). These girdles were often simple cords, and the ends had tassels affixed; but often, too, they were very splendid. An elegant golden girdle found in Ithaca has as clasp a knot of metal ornamented with garnets; from each side are suspended Silenus' heads holding each three strings, from which hang pomegranates (see fig. 1475 in Saglio's *Dict. des Antiq.* i. p. 1174). Often, too, these girdles had kinds of braces which crossed on the breast and stretched over the shoulders, as in the annexed woodcut representing Creon, taken by Saglio from an ancient vase.

Cingulum.
(From an ancient vase.)

3. The bride's girdle (*ζώνη παρθενίη*, Hom. *Od.* xi. 245). Among the Romans it was knotted in what was called the knot of Hercules (an amulet against *fascinatio*, Marquardt, *Privatleben*, 43, note 3; also against wounds, Plin. *H. N.* xxviii. § 63). This girdle was made of sheep's wool, and was loosed by the bridegroom on the marriage bed (Festus, *s. v. Cingulo*). It was also called *incingulum* (Non. 47, 27).

4. A soldier's belt (*ζωστήρ*). The term

ζωστὴρ is very rarely applied to a woman's belt (Paus. i. 31, § 1); it is nearly always applied to a man's, and only now and then to the belt of one who was not a soldier (Hom. *Od.* xiv. 72; Theocr. vii. 18). It is generally used for the military belt. In Homer it is a belt which fitted close (*Il.* iv. 134), covering the stomach (*Il.* v. 539) and lapping partly over the lower part of the cuirass (ὅθι διπλόος ἦντετο θώρηξ, *Il.* iv. 133). The clasps (ὀχῆες) were sometimes of gold, and appear to have fastened behind (*Il.* xx. 413–415). It was usually made of leather, but was often highly adorned, sometimes with silver plates (*Il.* xi. 236), sometimes with purple dye (*Il.* vi. 219); hence the epithets δαιδάλεος and παναίολος (*Il.* iv. 135, 186). This is quite different from the ζῶμα or apron-like piece of armour stretching from the navel, where the θώρηξ ended, to the knees, and which was regarded as a part of the θώρηξ, so much so that in one passage the latter term is applied to it (*Il.* iv. 135). It was very probably made of leather, and it shone brightly (φαεινός, *Od.* xiv. 482). Helbig, however (*Das homerische Epos*, p. 202), after Aristarchus, supposes that ζῶμα is strictly the lower projecting rim of the archaic θώρηξ, and then put sometimes for the θώρηξ itself (*Il.* iv. 187, compared with 136). He thinks the ζῶμα of the *Odyssey* was a kind of light girdle, something like the μίτρη, worn on special occasions which required great rapidity of movement, instead of the θώρηξ. The term ζῶμα is also applied to the waistcloth or drawers (*subligaculum*) worn by athletes (*Il.* xxiii. 683), though διάζωμα is the more usual word in this sense. Again, the ζωστὴρ differed from the μίτρα [MITRA], which in the Homeric armour was a thin pliant (cf. perhaps αἰολομίτρης, *Il.* v. 707) band of bronze (*Il.* iv. 187), lined probably on the inside with wool, which was immediately next the chiton under the ζῶμα (cf. Buchholz, *Die homerischen Realien*, ii. 1, 372–3, and Helbig, *l. c.* p. 200).

Cingulum is the proper term in Latin for a soldier's belt, which went round the waist. Therein it differed from the *balteus*, which nearly always went over the left shoulder and under the right arm, and to which the sword was attached. It is highly noticeable that the sword generally hangs on the right side, though such is not the invariable rule (Joseph. *B. J.*, iii. 5, 5). It is to the *balteus* that we are to refer *cingi* in the sense of "being a soldier" (*e.g.* Dig. 5, 4, 3), and *discingi* when used as a mark of degradation (*e.g.* Liv. xxvii. 13, 9; Val. Max. ii. 7, 9; Suet. *Oct.* 24; Herodian, ii. 13, 8, ἀποζώσαι). All military duties were performed *accinctus*, i.e. with the sword on (Tac. *Ann.* xi. 18; Veget. iii. 8). It is very rarely that we find the *cingulum* supporting the sword, and that only as a rule in the case of horsemen (see figs. 1490 and 1491 in Saglio, *op. cit.*). *Cingulum* is, however, sometimes found as a generic term, embracing both the *balteus* and the *cingulum* proper (Trebell. *Salonin. Gallien.* 2); and, as such, the *cingulum* became the insignia for all military officials: and when in the later empire the civil offices too were considered as species of military service, it was regarded as a mark of their rank also (Cod. Just. xii. 8, 2, pr.; 33 (34), 5). Hence *cingulum habere*, "to have high official position" (Cod. Just. xii. 49 (50), 3): cf. ζώνης τυχεῖν, *Anth. Pal.* xi. 238; "cingulo exui" (Cod. Just. vii. 38, 2); "in officio sacrarum privatarum cingulum militiae sibi sumere" (Cod. Theod. vi. 30, 18); "cingulum deponere" (Cod. Just. xii. 52 (53), 3); ζώνην ἀποθέσθαι (Lyd. *de Mag.* iii. 4; cf. Glossarium *ad* Cod. Theod. s. v. *Cingulum*). Accordingly we are not surprised to find that all the higher officials had to wear the *cingulum* in appearing before the emperor (Johann. Chrys. *Homilia ad* 1 *Cor.* 26). The right of wearing the *cingulum* belonged only to the classes of officials which were above the *honorarii*; these are specified in Cod. Just. xii. 8, 2, pr. The belt was generally made of leather; that of the Praefectus Praetorio described by Lydus (*de Magistr.* ii. 13), of purple leather. The fastening of this belt is further described as consisting of a golden crescent with a golden prong (περονή), which latter fitted into the other end of the belt, which had gold plates on it, and which was fashioned into the shape of a grape (βότρυς). The method of fastening the *cingulum* generally was that of our ordinary strap-buckles. Representations of Roman soldiers of the republic (*e.g.* fig. 1488 in Saglio, *op. cit.*) often show the cross-straps which we have already noticed going over the shoulders, and also the apron-like piece of armour (ζῶμα). Hanging down from the centre of the belt were strips of leather, studded with flat plates of metal or buttons (see the cut taken from I. Müller's *Handb. d. klass. Alterth. Wissen.* iv. Taf. ii. fig. *g*).

Roman soldier with Cingulum. (From I. Müller's *Handbuch.*)

From the extremities of the thongs hung ornaments, examples of which are given by Saglio, figs. 1498–1500, and which are as various as the pendants on our watch-chains. On certain statues of Imperial times there appears a narrow girdle wound round that species of cuirass which ended in a ζῶμα. This girdle is always knotted in a kind of bow-knot, with the ends tucked in. Saglio (*op. cit.* i. p. 1181) thinks it a mark of command. The statue believed to be that of Aetius on the diptych of Monza shows us the *balteus* no longer strapped round the shoulder, but hanging obliquely from its fastening on the right side of the *cingulum*, and supporting the sword on the left side, in a manner not unlike the way in which swords are worn at present.

5. *Zona* is often used in the sense of "a purse" (Hor. *Epist.* ii. 2, 40; Liv. xxxiii. 29, 4; Gracchus *ap.* Gell. xv. 12). It was probably an inner girdle fastening the tunic, and not the regulation *cingulum*. The practice of carrying money in the belt is not alluded to in classical Greek; but ζώνη is used in that sense in St. Matthew x. 9. (Cf. Wilkins on Horace *l. c.*)

6. *Cingula* is used for a girth (μασχαλιστήρ) (Calp. *Ecl.* vi. 41; Ov. *Rem. Am.* 236). In

this sense it is always feminine (Isid. *Orig.* xx. 16, § 4).

7. *Cingulus* is used for *ζώνη* in the sense of a zone of the earth (Cic. *Rep.* vi. 20, 21). In this sense it is masculine. [L. C. P.]

CIN'IFLO. [CALAMISTRUM.]

CIPPUS. 1. Originally the trunk of a tree with its branches lopped off, left standing in the ground as a stump or sunk in it: in a wooden fortification described by Caesar (*B. G.* vii. 73) the cippi are further sharpened to a point and serve as *chevaux de frise*.

2. From the similarity of form, a low column of stone, sometimes round, more often rectangular. Stone cippi were set up by the Agrimensores to mark the divisions of lands, and are mentioned in the gromatic writers (Hygin. *de Gener. Controv.* p. 127, Lachmann; Sic. Flacc. *de Condic. Agr.* p. 138 ff.; *Lib. Coloniar.* i. pp. 211, 218, 221, 222; cf. AGRIMENSORES, p. 83 *b*). The most frequent use of the cippus, however, was as a sepulchral monument. Such cippi are among the commonest finds of the excavator, and are to be seen in the local museums of most Roman cities, as for instance at Bath. Several fine specimens are in the Townley collection at the British Museum, one of which is given in the first of the following woodcuts. The in-

Cippus. (British Museum.)

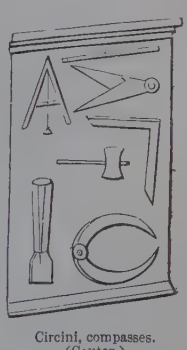
scription is to the memory of Viria Primitiva, wife of L. Virius Helius, who died at the age of eighteen years, one month, and twenty-four days. Our second example is from a cippus preserved in the Vatican Museum. As features common to the two, and therefore probably characteristic of these monuments in general, we may notice the festoons of fruit and flowers suspended from rams' heads at the corners, and the sphinxes below; between the latter we see in the one instance the head of Pan, in the other a Nereid riding upon a sea-monster. The letters D. M. in the first cut are explained by the DIS MANIBUS which form the sole inscription on the second. On several cippi we find the letters S. T. T. L., that is, *sit tibi terra levis* (cf. Pers. *Sat.* i. 37). These two uses of the cippus, as a boundary and a tombstone, were often combined; it was usual to inscribe on it the extent of the burying

Cippus. (In the Vatican.)

ground both along the road (*in fronte*) and in depth (*in agrum*), and likewise the words *hoc monumentum heredes non sequitur;* in order that it might not pass over to the heredes and be sold by them at any time. (Hor. *Sat.* i. 8, 12, 13; Orelli, *Inscr.* Nos. 4379, &c.) [W. S.] [W. W.]

CIRCENSES LUDI. [CIRCUS.]

CIR'CINUS (*διαβήτης*: *καρκίνος*, Sext. Emp. *M.* x. 54; *Anth. P.* vi. 295), a compass. The compass used by statuaries, architects, masons, and carpenters, is often represented on the tombs of such artificers, together with the other instruments of their profession or trade. The annexed woodcut is copied from a tomb found at Rome. (Gruter, *Corp. Inscript.* t. i. part ii. p. 644.) It exhibits two kinds of compasses: viz. the common kind used for drawing circles and measuring distances, and one with curved legs, probably intended to measure the thickness of columns, cylindrical pieces of wood, or similar objects. The common kind is described by the Scholiast on Aristophanes (*Nub.* 178), who compares its form to that of the letter A. [See cut under NORMA.] The compass was accounted an ancient invention,



Circini, compasses. (Gruter.)

being attributed to Perdix, the nephew of Daedalus, who through envy threw him over the precipice of the Athenian acropolis (Ov. *Met.* viii. 241), or to Daedalus himself (Diod. Sic. iv. 76), but it must be observed that circles in early works of art are obviously traced without its aid. It is doubtful whether the

τόρνος (Theogn. 805; Herod. iv. 36; Plat. *Phileb.* 56 B; Eur. *Bacch.* 1066; Hesych.) was a pair of compasses or a more primitive device for drawing a circle, consisting of a pin at the end of a string. [J. Y.] [J. H. F.]

CIRCITO'RES, CIRCUITO'RES ("vigilias circuire"). [CASTRA, p. 337 *a*.]

CIRCUMLI'TIO. [PICTURA.]

CIRCUMLU'VIO. [ALLUVIO.]

CIRCUS, a building used by the Romans for chariot races and other amusements, the general form of which was derived from the ἱππόδρομος of the Greeks: see HIPPODROMUS. Its name is derived from the circuit made by the racing chariots. (Varr. *L. L.* v. 153.)

The *Circus Maximus* in Rome was for long the only building of the kind, and appears to have been the model from which all later *circi* were copied; its perfectly developed architectural form was a very slow growth, the beginning of which dates back from quite pre-historic times. Vitruvius does not mention the circus in his treatise on Roman Architecture. According to the legend, Romulus held the *Consualia* or games in honour of the Latin deity Consus, an equestrian Neptune, in the *vallis Murcia*,* a long narrow depression between the Palatine and Aventine hills. It was during the celebration of these games that the rape of the Sabine women is said to have taken place. (Verg. *Aen.* viii. 635, and Servius' note; Val. Max. ii. 4, § 3.) Even during the Imperial period an altar to Consus existed in the centre of this valley: it is mentioned by Tacitus (*Ann.* xii. 24) as one of the points which marked the line of the sacred *pomoerium* round the walls of the primitive *Roma Quadrata*. The long level bottom and sloping sides of the Vallis Murcia made it a naturally convenient place for races to be held and seen by a crowd of spectators, who probably stood or sat on the grassy slopes of the two hills long before any architectural structure was erected.

Wooden seats (*fori*) for the people are said to have been first constructed by Tarquinius Priscus (Liv. i. 35; cf. i. 56; Fest. p. 84; Dionys. iii. 68), and these were frequently burnt and rebuilt in the same material: restorations in 327 B.C. and 174 B.C. are mentioned by Livy (viii. 20, and xli. 27). In the time of Julius Caesar some of the seats were for the first time constructed of stone, but even then and many years later the upper tiers and galleries were still of wood: very serious accidents are recorded to have happened under many of the emperors, owing to the failure of the wooden seats when crowded with people. No less than 1000 people are said to have been killed in this way during the reign of Antoninus Pius. (See Roncalli, *Chron. Vet.* vol. ii. col. 244.) Dionysius (iii. 68), who describes the Circus Maximus as it was after Julius Caesar's improvements, says that it then held 150,000 people. A destructive fire in 31 B.C. was followed by important restorations (Dio Cass. l. 10); and Augustus added a magnificent marble *pulvinar* or imperial box, and placed in the centre of the *spina* the Egyptian obelisk which now stands in the Piazza del Popolo (Suet. *Aug.* 43–5; Plin. *H. N.* xxxvi. § 71). In A.D. 36 another fire destroyed the upper tiers of seats on the Aventine side, and a great part of the circus was then restored and enlarged by Claudius, who rebuilt in white marble the *carceres*, which were then of tufa, and replaced the old wooden *metae* by new ones of gilt bronze (Tac. *Ann.* vi. 45; Suet. *Claud.* 21). After this restoration the circus contained seats, partly of marble and partly of wood, for 250,000 spectators, showing that it had been much enlarged since the rebuilding of Julius (Plin. *H. N.* xxxvi. § 102). In the reign of Domitian the marble seats were carried still higher, and thenceforth the danger of fire was much diminished: though wooden galleries (*maeniana*; the form *maeniani* also is used) appear to have existed at the top of the *cavea* for many years later. Great additional splendour was given to the Circus Maximus by Trajan, as is recorded on the reverse of some of his first brasses; and from his time the building must have been among the most magnificent structures of the Roman world. The whole *cavea* with its tiers of seats, the *carceres*, the emperor's *pulvinar*, and the central *spina* were then of gleaming white marble, decorated with gold and colours, studded with jewel-like glass mosaics and adorned with long lines of columns made of richly-coloured Oriental marbles, and rows of large statues in marble and gilt bronze, together with costly metal screens and richly sculptured thrones for officials of rank (Plin. *Paneg.* 51). Still further accommodation was added by Constantine; and Constantius set on the *spina* a second obelisk, which his father had transported from Heliopolis. (Aur. Vic. *Caes.* 40; Amm. Marc. xvii. 4.) This now stands in the piazza of the Lateran. After this final enlargement the circus held, according to the *Notitia*, the almost incredible number of 385,000 people. The best MS. of the *Notitia* gives 485,000 as the number of possible spectators in the circus: this probably includes the crowds of people outside the circus on the upper slopes of the two hills, who would have a distinct though distant view of the whole *arena*. It is impossible to discover with absolute accuracy what the size of the Circus Maximus was when complete; it cannot, however, have been less than 2000 feet long, by more than 600 feet wide, measuring outside. Even in the time of Julius Caesar it was three stadia (about 1860 English feet) in length, by one (620 feet) in width, and half a stadium in the depth of its *cavea* (Plin. *H. N.* xxxvi. § 102; cf. Juv. xi. 192–201).

Existing remains of the Circus Maximus. — In spite of its enormous size very little now remains of the great circus, but the excavations of recent years have brought to light some very interesting portions of the substructures; and these, with the help of some drawings made in the 16th century, when a considerable portion of the circus was still very complete, enable us to form a fairly accurate notion of its plan and general construction. Additional help is given by the well-preserved remains of the Circus of Maxentius. (See below, p. 436.) Though quite different in ground-plan, yet in the arrangement of the seats and in its external façade the Circus

* According to Varro (*L. L.* v. 154) and Pliny (*H. N.* xv. § 121), its name was derived from an altar to the *Dea Murcia* (Venus), so named from the myrtle plants which grew there. Different derivations are given by other writers.

Maximus once very closely resembled the Colosseum. Step-like seats (*gradus*) of white marble rose in tiers one above another along the whole length of the *cavea*, which formed two long parallel lines meeting in a semicircle at one end—that near the *Porta Capena*—and closed at the other end (in the Forum Boarium) by the *carceres* or starting chambers surmounted by the magistrates' *pulvinar*. These rows of seats were divided into blocks (*cunei*) by passages or gangways (*praecinctiones*), and each block had its own staircases and means of exit and entrance (*vomitoria*) quite independently of the other *cunei*. These marble seats were supported on raking vaults made of concrete, resting on piers formed of large blocks of *tufa* or *peperino*. The undersides of the vaults were richly decorated with delicate stucco reliefs, painted and gilt; and the stonework of the piers was covered with fine hard stucco made of powdered marble, and ornamented with painting. From the interior of the circus nothing but marble or gilt bronze was visible; the stone and stucco being only used for the structures under the seats. Externally the façade at the ends of the circus consisted of two tiers of marble arches with engaged columns between them and a third story unpierced by arches: each tier having its own entablature—a design similar to that of the Colosseum, except that the latter has three orders of open arches. The circus was far more magnificent in appearance, as the Colosseum arcades are of travertine stone, while the whole façade of the circus was of marble. Part of this exterior façade is fortunately shown in the great oil painting in the Museum at Mantua, representing a bird's-eye view of Rome as it was in the 15th century; it is published in facsimile by De Rossi in his valuable work *Piante di Roma anteriori al XVI^mo. Secolo*, Rome, 1879. An interesting etching of the 16th century shows a large portion (now destroyed) of the concrete vaults which supported the long line of the *cavea* seats. (See Du Perac, *Vestigj di Roma*, Rome, 1575.) Excavations made a few years ago under the church of S. Anastasia, at the foot of the S.W. slopes of the Palatine, have exposed a long series of chambers, which formed part of the immense substructures of the circus. The chambers were used for *lupanaria* (Juv. iii. 65), for refreshment stalls (Dionys. vii. 72), and other purposes. These open on to a road, paved with *silex* blocks, which appears to have run at the foot of the Palatine along the whole N.E. side of the circus, and led from the Forum Boarium to the Porta Capena. This substructure appears to be of the 1st century B.C., and probably is part of the work carried out by Julius Caesar.

Other buildings of early date, some even of republican times, face on to the other side of this road, and show that an extensive group of structures once covered the slopes between the circus and the upper part of the Palatine, forming as it were a continuation of the circus up the sides of the hill. (See Middleton, *Ancient Rome in* 1885, p. 287, and fig. 10 at p. 83.)

As the seats of the *cavea* to a great extent follow the natural slopes of the ground, it is evident that the façade with its triple tier of orders could not have run all along the length of the building, and would only be required at the two ends, the *carceres* and the semicircle, where the building crosses the bottom of the valley.

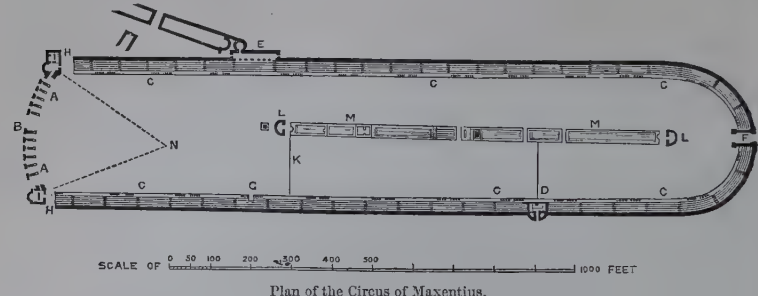
Owing to their lofty position, the palace of Augustus and other imperial buildings at the verge of the Palatine overlooking the Vallis Murcia must have commanded a very complete though somewhat distant view of the races in the circus. Some of the emperors built additions to their palaces to enable them to see the circus games without leaving the summit of the Palatine. The *Domus Gelotiana* was built by Caligula for this purpose (Suet. *Cal.* 18); and extensive remains still exist of a lofty *pulvinar* which was added to the palace of Sept. Severus by Heliogabalus and Alexander Severus.

The *carceres* of the circus faced on to the small Forum Boarium, and what are possibly remains of the substructures of the *carceres* still exist close outside the apse of S. Maria in Cosmedin. These remains consist of walls and arches of *peperino* and *travertine*, probably of the time of Julius Caesar, with later restorations in brick-faced concrete. When the foundations for the gas-works were being dug, remains of the *spina* were found and destroyed: no part of it is now visible. Throughout the Middle Ages the circus was used as a quarry for stone and marble: great quantities of both were taken by various popes to build the present basilica of St. Peter, and thus it happens that so little now exists of this once magnificent and gigantic structure.

Arrangement of the Circus.—The drawing on the next page, which shows the plan of the Circus of Maxentius, will also serve to illustrate the arrangement of the Circus Maximus, from which it was evidently copied, though on a smaller scale. At the foot of the *cavea* with its tiers of seats (*gradus*, *subsellia*, CC) a marble platform (*podium*) was constructed, which ran along the long sides and curved end, *i.e.* was co-extensive with the *gradus* or *subsellia*. On this *podium* stood a row of marble thrones for the use of the more dignified officials of Rome, both secular and religious. These resembled the marble thrones in the great Dionysiac theatre at Athens, and, like them, were inscribed with the title of the official who occupied each. Possibly some of the thrones used in the circus were actually brought with other spoils from Greece. Several marble thrones of pure Hellenic work still exist in the churches of Rome, where they were used for episcopal *cathedrae*. The finest of these is in the apse of S. Pietro in Vincoli. At the front edge of the *podium* was a screen of bronze *cancelli*, richly decorated and gilt.

According to Livy (i. 56), the Roman senate from a very early period possessed the privilege of having special seats in the circus, but according to Suetonius (*Claud.* 21) it was not till the reign of Augustus that any reserved seats existed. (Cf. Suet. *Aug.* 44; *Ner.* 11). In any case Augustus arranged for a new and complete classification of the spectators: he reserved the *podium* for the senate and others of high rank (Juv. ii. 147), and allotted special seats for soldiers, married plebeians, boys and their tutors (*paedagogi puerorum*), women and other classes (cf. the *Mon. Ancyranum*, ed. Mommsen, 1883, p. 53). Till this classification

the fact that men and women sat together in the circus had been one of its peculiarities as a place of amusement,—a fact often alluded to by Ovid (*Ars Am.* i. 96). Cushions (*pulvini*) were used, especially by ladies, on the hard marble seats, and footstools (*scabella*) were



Plan of the Circus of Maxentius.

A A. Carceres.
B. Porta Pompae, entrance in centre of the carceres.
C C. Gradus, seats of the spectators.
D. Tribunal Judicum.
E. Pulvinar, seat of the emperor.
F. Porta Triumphalis.
H H. Entrances between the carceres and gradus.
I I. Towers.
K. Alba linea, starting line.
L L. Metae.
M M. Spinae.
N. (See p. 434 *a*.)

sometimes introduced, though each *gradus* was so low—only 13 to 14 inches high—that these can have been of but little use: see Ovid, *Ars Am.* i. 160–2.

A large number of interesting inscriptions have been found at different times, which throw much light on the way in which the seats were apportioned, in the circi and amphitheatres of Rome.* The *cavea* was divided into bands called *maeniana* by the horizontal passages, *ambulacra* or *praecinctiones:* there were probably three of these divisions or *maeniana* in the Circus Maximus, without counting the gallery at the top. The lowest of these divisions was called *maenianum primum*, and the highest was called *summum:* each of these bands of seats was also divided by flights of steps into *cunei*, which were numbered: each line of seats (*gradus*) in each *cuneus* was also numbered; and as there were no divisions to separate one place from the next, each *gradus* was measured, and allotment was made to various classes of a fixed number of feet measured from one end. Thus, for example, the space allotted to a *collegium* of priests might be described as follows: "In the 1st *maenianum*, in the 12th *cuneus*, nine feet of *gradus* 4 and 5." A passage in Ovid (*Am.* iii. 2, 19) seems to allude to some system of marking lines on the *gradus* to distinguish the space allowed for each person—"cogit nos linea jungi," but no allusion to this method occurs in the inscriptions of the *Fratres Arvales*.

In addition to the *cavea* proper and its *podium*, various state boxes were constructed of marble, with columns and arches to support the entablature and roof of each. One series of these (*cubicula* or *suggestus*) was over the *carceres*, and appears to have been occupied by the giver of the games (*editor spectaculorum*) and his friends. Another elevated box (the *tribunal judicum*, D) was placed at one side for the umpires, who decided which chariot first crossed the line chalked on the *arena* in front of them: the phrase "ad cretam praesidebant" occurs in the celebrated inscription of A.D. 80 which was found among the ruins of the College of the *Fratres Arvales*, a little way outside the Porta Portuensis, Rome (see Henzen, *Act. Fr. Arv.* p. 37).

A separate *pulvinar* or state box (E) for the imperial family, of great size and magnificence, was erected on the Palatine side of the Circus Maximus (Suet. *Claud.* 4). An interesting relief of the 3rd century A.D., found at Foligno, represents the presiding magistrate or *editor* of the games seated in his box over the *carceres:* he holds in his hand a bag of money, which he is about to give to the winning charioteer, who has driven up and is saluting him from below (see *Ann. Inst.* 1863, tav. D, and 1870, tav. LM; and cf. *ib.* for 1839, tav. iv.). A similar scene is represented on several of the ivory consular diptychs of the 4th and 5th centuries (see Gori, *Thesaur. vet. dipt.*, Florence, 1759). The chief of these is the celebrated leaf of a 4th century diptych in the Museo Quiriniano at Brescia. On this the presiding Consul sits in his *pulvinar:* in the *arena* below four quadrigae are racing round the *spina*, which, like that on the Lyons mosaic, is a long tank of water. The way in which the reins were looped round the body of the driver (*auriga*) is clearly shown: each holds in his hand what seems to be a combination of whip and goad: they all wear *fasciae* round their legs and bodies. The horses' legs are also closely bound round with thongs. A glass bowl of the 4th century found at Trèves has a very minute representation of a circus engraved in relief: the *spina* is shown with the usual ornaments, and each of the *metae* stands on a lofty pedestal with a door opening into it (see Fröhner, *La Verrerie antique*, Paris, 1879, p. 96).

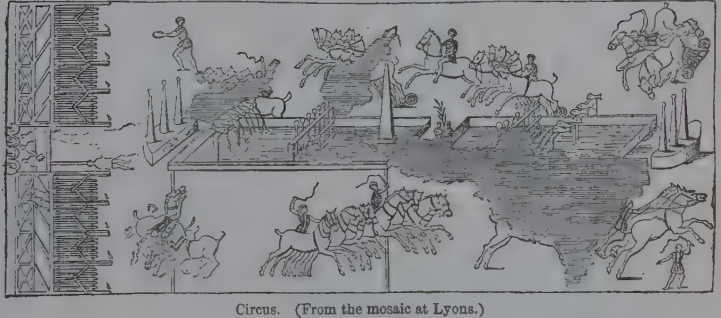
On the ivories the Consul, or other president of the games, is usually represented in the *pulvinar*, magnificently robed in the *toga picta*

* *C. I. L.* vi. part i. p. 506; Orelli, 3065; Henzen, *Acta Fratr. Arval.*, Berlin, 1874; Hubner, *Iscrizioni sui sedili;* and Lanciani, *Iscriz. d. Anfit. Flav.*, Rome, 1884. In these inscriptions the form maenianus occurs.

and rich *pallium*. In some cases he holds in his hand the *mappa* or napkin with which he gave the signal for the start. Under the later empire, pro-consuls and governors of provinces usually celebrated the commencement of their office by providing circus games, and hence the frequent occurrence of these subjects on consular diptychs. The starting end of the circus was formed by a row of small vaulted chambers (*carceres*, A A), each large enough to hold one chariot and its horses. At the time of its greatest splendour there appear to have been 12 *carceres* in the Circus Maximus (Cassiod. *Var. Ep.* iii. 51), but a smaller number was more usual. Each *carcer* had two doors—one behind, by which the chariot entered, and one in front opening into the *arena*. This latter doorway was closed by folding doors, with open grilles (*cancelli*) in the panels; these were thrown open at the start by slaves, two to each doorway, who flung them open simultaneously at the given signal.

In early times the race apparently began from the *carceres*, but afterwards the actual start took place from a line marked on the *arena* in white chalk or lime (*alba linea*), and hence sometimes called *creta* (Senec. *Ep.* 108) or *calx* (Cic. *de Am.* 27) (K). A similar white line for the finish was drawn across the *arena* opposite the judges' box (*tribunal judicum*, D), at a point unequally distant from the two *metae*. Thus Cicero (*Senec.* 23) uses the metaphor "quasi decurso spatio ad carceres a calce revocari," and Horace (*Ep.* i. 16, 79) speaks of "mors ultima linea rerum" (see also Cassiod. *Var. Ep.* iii. 51). The starting line was drawn opposite the *metae* which were nearest to the *carceres*. It is difficult to understand how the white line for the finish could remain unobliterated by the rush and trampling of the horses and chariots in their seven laps. There is however no reason to think that a chalked rope was used, as has been suggested.

These lines are both shown distinctly on a large mosaic of the 3rd or 4th century which was found at Lyons (see Artaud, *Mosaïque découv. à Lyon*, 1806). Another fine mosaic found at Barcelona gives a very detailed view of



Circus. (From the mosaic at Lyons.)

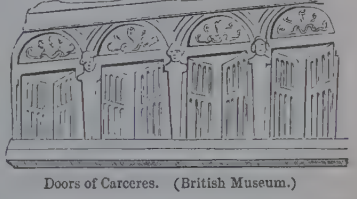
a circus race of quadrigae: the *spina* is low and wide, and is covered with statues, shrines, altars, and columns, as well as having the dolphins and eggs. Each horse has its name written by it. (See *Ann. Inst.* 1863, tav. D.)

The accompanying figures, fragments of an-

Doors of Carceres opened by slaves. (Relief at Velletri.)

cient reliefs, show some of the *carceres* of a circus. One of these (in the Museum at Velletri) represents the slaves pulling the folding-doors open with ropes (ὕσπληγξ, Dionys. iii. 68). The ropes are not shown in the cut, though they are distinctly visible in the relief itself: these slaves are probably the *tentores*, one of the classes forming the *familia quadrigaria*. It must have been very difficult to be sure that these slaves would act with perfect uniformity of movement; and this was probably the reason why the later method of starting from a line marked on the *arena* was introduced.

The other cut shows a similar set of *carceres*,



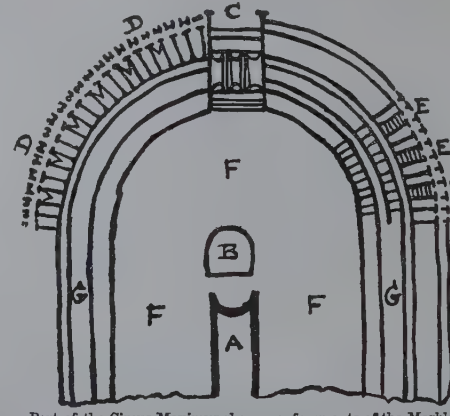
Doors of Carceres. (British Museum.)

but without the slaves. The doors necessarily opened outwards: it is a blunder in the perspective that makes them open inwards in the second of these reliefs. In both cases pilasters with terminal figures or *Hermae* separate the doorways. The existing remains of the *carceres* in the circus at Bovillae, near Rome, have engaged columns instead of *Hermae*.

Each *carcer* received no light except what came in through the open grille of the doors: hence they are called *cryptae* (Sidon. *Carm.* xxiii. 319) and *claustra* (Stat. *Theb.* vi. 399; Hor. *Ep.* i. 14, 9): their narrow openings are called *fauces* (Cassiod. *Var. Ep.* iii. 51). The lofty state

boxes above the *carceres* with their colonnades and arches towered to an imposing height, and the whole structure was known as the *oppidum*, from its resemblance to the gate and towers of a city (Varr. *L. L.* v. 153).

A first brass of Caracalla shows the external façade of the *oppidum*, and a sort of bird's-eye view beyond of the interior of the circus, with its *spina*, central obelisk, and *aediculae*, and statues in quadrigae set at the top of the wall surrounding the *cavea*. It will be seen from the typical plan given above that the *carceres* (A A) are slightly curved on plan, and are constructed on a segmental line, the centre of which is struck from a point midway (N) between the line of the *spina* and the side of the *cavea*. This plan was adopted in order that the chariots in all the *carceres* might have as nearly as possible a portion of equal advantage at the start. The special *carcer* occupied by each chariot was fixed on by drawing lots.



Part of the Circus Maximus shown on fragments of the Marble Plan of Rome.

A. Spina. B. Meta. C. Editor's pulvinar. D. External arcade. E. Stairs. F. Arena. G. Seats.

The *spina* (back-bone, Cassiod. *Var. Ep.* iii. 51) was a long low wall or rather platform of marble (M M), set in the middle of the *arena* to separate the going and returning course of the racers. The line of the *spina* is not parallel to that of the *cavea*, but is slightly inclined so as to leave a wider space at K than that near the semicircular end. The object of this seems to have been that the chariots might have more space where they were crowded together at the start than at other points where some would have begun to tail off.

Games of the Circus on Roman lamp. (British Museum; from Birch, *Ancient Pottery*, p. 516.)

Various mosaics and reliefs show the *spina* (M M) covered with a series of statues and ornamental structures, such as obelisks, small *aediculae* or shrines, columns surmounted by statues, altars, trophies, and fountains. In addition to these were two sets of seven marble eggs (*ova*) at each end of the *spina*—each set mounted on a small *aedicula*, to which access was given by a ladder (Liv. xli. 27). One of these eggs was removed after each lap (*curriculum*) was run (Varr. *Re Rust.* i. 2, 11, and Cassiod. *Var. Ep.* iii. 51), there being usually seven laps to each race (*missus*). According to Livy (xli. 27), these *ova* were first set on the *spina* by the censors in 174 B.C.; but Dio Cassius (xlix. 43) attributes their introduction to Agrippa, in the reign of Augustus. He is, however, probably confusing them with another series of ornaments—seven dolphins, which were set on a similar *aedicula* and served a similar purpose (Juv. vi. 590). These

dolphins must have been too heavy to take down, and were probably merely moved in some way to indicate the number of laps. In the first cut on the preceding page, from a Florentine gem, the *spina*, with the *metae*, dolphins, and other ornaments, and the four quadrigae (the usual number, see p. 438 *a*) in front, are represented. A very similar representation of the circus is given in a gem found at Cilurnum (Chesters in Northumberland) in 1882. It is engraved in Hodgkin's *Letters of Cassiodorus*, p. 231. The second cut on the preceding page, from a Roman lamp, exhibits four quadrigae and the *spina*, with the *ova*, the obelisk, the *metae*, the *carceres* from which the chariots have started, and the seats of the spectators.

In some ancient representations, as in the Lyons mosaic, the dolphins form fountains —water spouting from the mouth of each fish. This shows that they could not have been wholly removed. The eggs had some sacred allusion to the Dioscuri, and the dolphins to Neptune (or Consus), —deities who were the patrons of horses and racing (Tert. *de Spect.* 8). The Lyons mosaic, which no doubt represents the local circus, has what appears to have been a common form of *spina*, consisting of a long tank of water instead of the marble *podium*: statues and other ornaments stand on pedestals in the water. Two

Race in the Circus, showing the Spina, with the Dolphins, Obelisk, and Ova. (Ancient relief.)

sarcophagi in the *Sala della Biga* in the Vatican have reliefs which represent a chariot race of Cupids in the Circus Maximus, and show clearly the *spina* and its ornaments, among which are statues of Apollo Helios, Cybele, Victory, a quadriga and an obelisk, as well as the eggs and dolphins. The *metae* are shown at each end: a similar relief is given in the above cut.*

The *metae* (L L), the goals, were three tall conical objects (Ov. *Met.* x. 106; Hor. *Carm.* i.

Metae. (British Museum.)

1, 5) set on a semicircular plinth, at a short distance from each end of the *spina*. From the time of Claudius, they were of gilt bronze decorated with bands in relief, as is shown in the annexed cut from a relief in the British Museum. These formed the turning-points for the chariots. The *primae metae* are not, as might be expected, the ones nearest to the start, but those near the semicircular end of the circus, round which the chariots made their *first* turn. Tertullian (*de Spect.* v. 8) mentions that the ancient altar of Consus in the Circus Maximus was *ad primas metas;* it appears to have been in the *spina*, and was only exposed to view during the progress of the games.

Remains of the *spina*, stripped of all its rich marble decorations, exist in the Circus of Maxentius (Nibby, *Circo detto di Caracalla*, Rome, 1825), at Vienne in France (*Bull. Inst.* 1861, p. 143), and in the circus of Carthage (Falbe, *L'emplacement de Carthage*, p. 40).

The *arena* or sandy floor of the circus, like that of the Colosseum, was on some occasions strewn with glittering particles of mica, red lead, or perfumes, by the ostentatious extravagance of some of the emperors (Suet. *Cal.* 18; Plin. *H. N.* xxxiii. § 90, xxxvi. § 162). That part of the *arena* which formed the course for the chariots was known as the *spatium* (Juv. vi. 582: cf. Verg. *Georg.* i. 513, iii. 203; Cic. *Sen.* 23, 83). The space near the *carceres* was known as the *circus primus*, while that on each side of the *spina* was the *circus interior* (Varr. *L. L.* v. 154).

Before the construction of amphitheatres in Rome, the Circus Maximus was used for gladiatorial fights with wild beasts and other scenes of butchery. The Ancyraean inscription records that Augustus had no less than 3500 wild beasts slaughtered in the circus, forum, and amphitheatre, in twenty-six exhibitions.

In order to keep the beasts from reaching the

* See also a fine medallion of Gordianus III. (Grueber, *Roman Medal.* 1874, xli. 4.)

spectators on the *cavea*, Julius Caesar constructed a canal (*euripus*) ten feet wide and ten feet deep all round the *arena*: this was supplied by a stream which still runs through the site of the circus, near the modern Via de' Cerchi (Suet. *Caes.* 39). After the erection of the amphitheatre of Statilius Taurus in the reign of Augustus, the Circus Maximus appears to have been no longer used for fights with beasts, and the *euripus* was therefore filled up by Nero (Plin. *H. N.* viii. § 21). It was, however, again introduced in later times (Lamprid. *Heliog.* 23).

Entrances to the Circus.—The principal doorway was at B (see plan) in the middle of the *carceres*: the procession (*pompa*) before the games entered through this door, which was therefore called the *Porta Pompae*. At the opposite end of the circus (F) was the *Porta Triumphalis*, through which the winning chariots left the *arena*. This door in the curved end of the Circus Maximus, together with the *primae metae* and part of the *spina*, are shown on fragments of the marble plan of Rome (Jordan, *For. Urb. Rom.* Pl. viii.). The position of the *Porta Libitinensis*, through which the bodies of the dead were carried out, is uncertain (Lamprid. *Comm.* 16).

The other Circi of Rome.—Little or no remains now exist above ground of the other great circi of Rome. Next in importance to the Circus Maximus was the *Circus Flaminius*, which gave its name to the *Campus Flaminius*, an important and architecturally very splendid portion of the *Campus Martius*. This circus was founded by and called after the Censor C. Flaminius Nepos, who was killed at Lake Trasimenus in 217 B.C. Extensive remains of its *cavea* and *spina* were found in the 16th century on the site of the Palazzo Mattei. The tower now called *Citrangole* marks the position of the *metae* at one end of the *spina*: and hence it was formerly known as the *Torre metangole*. In early mediaeval times the long open *arena* of the *Circus Flaminius* was used as a rope-walk; and hence the neighbouring church is called *S. Catarina dei funari*. Descriptions of what was found in the 16th century are given by the contemporary antiquaries Fulvio and Ligorio: these are quoted by Nibby in his edition of Nardini's *Roma Antica*, 1819, vol. iii. p. 21.

The *Circus of Caligula and Nero* stood in the *Horti Agrippinae*, at the foot of the Vatican hill (Suet. *Claud.* 21; Plin. *H. N.* xxxvi. § 74). Its *carceres* were towards the hill: part of its site is now occupied by the great sacristy of St. Peter's. The enormous obelisk which now stands in the Piazza of St. Peter's once stood on the *spina*, and remained *in situ* till it was removed to its present position by the architect Fontana in the reign of Sixtus V. This is the only obelisk in Rome that has never been thrown down. An interesting and well-illustrated account of its removal is given by Fontana, *Trasportazione dell' Obelisco Vaticano*, Rome, 1590. No traces of this circus are now visible.

The *Circus of Hadrian* lay to the north-west of his mausoleum, in the *Campus Vaticanus*. No remains are now visible, but part of its substructures were excavated in 1743 (see *Atti della Pontif. Accad.* for 1839).

The extensive remains round the Piazza Navona (Agonale) in the Campus Martius have often been mistaken for those of a circus; but they really belong to the stadium which was founded by Domitian (Suet. *Dom.* 5) and restored by Alexander Severus, under the name of the *Stadium Alexandrinum* (*Hist. Aug. Sev. Alex.* 24).

The *Circus of Maxentius** on the Via Appia, two miles from the walls of Rome, is sufficiently well preserved to show its original form, though it is completely stripped of its marble seats, columns, and other rich decorations. Till 1825 it was thought to be a circus built by Caracalla, but three inscriptions which were then found showed that it was dedicated in A.D. 311 to the memory of Romulus, who died in A.D. 309, by his father Maxentius. The plan of this circus is shown above (p. 432): the greater part of the external wall is still standing, but the raking concrete vaults which supported the seats have mostly fallen in. The walls are of concrete faced with "opus mixtum;" that is, with alternate courses of brick and small blocks of tufa. A number of large amphorae are imbedded in the concrete of the vaults and upper part of the walls, in order to diminish the weight. The lofty wall of the *oppidum* is very perfect, and the concrete core of the *spina* exists along its whole length, together with the foundations of the *metae* at each end. The obelisk which once stood in the centre of the *spina* is now in the Piazza Navona. An early chronicle, printed by Roncalli (*Chron. Vet.* vol. ii. col. 248), records the building of this circus by Maxentius. It is described as being *ad catacumbas*, from the catacombs of S. Sebastian, S. Callixtus, and others which are near its site.

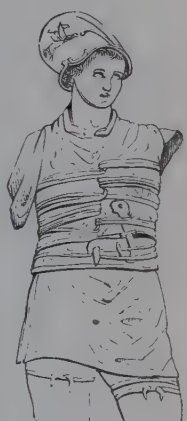
The *Circus of Sallust*, called after the historian Sallust, is supposed to have existed in the valley between the Quirinal and Pincian hills—a space which was occupied by the house and gardens of Sallust (*Horti Sallustiani*), which, soon after the historian's death, became an imperial residence. The *Porticus*, a thousand yards long, in which Aurelian is said to have been in the habit of riding, and which is mentioned as being in the estate of Sallust (Vopisc. *Aurelian.* 49), was possibly part of this circus. The obelisk which now stands at the top of the Trinità de' Monti steps was found at this place, and may once have stood on the *spina*. The temple of Venus Erycina stood in these gardens, and Livy (xxx. 38) states that it was once proposed to hold the games in honour of Apollo by this temple, a fact which seems to add to the probability of a circus having existed on this site. In spite, however, of this evidence, the existence of the circus of Sallust is by no means certain. Both the Circus Maximus and the Circus Flaminius were liable to be flooded during inundations of the Tiber; and then other places had to be used for circus games. Those in honour of Mars, usually held in the Circus Flaminius, were during floods celebrated in the Campus Martialis on the Caelian hill. The existing archway of Dolabella and Silanus, A.D. 10, was probably one of the gates into this enclosure.

* See Nibby, *Circo detto di Caracalla*, Rome, 1825; and Canina, *Rom. Ant.* i. tav. 187.

THE CIRCUS GAMES.—The games in the circus (*Ludi Circenses*) opened with a grand procession (*pompa*), which gathered on the Capitoline hill, passed down the Clivus Capitolinus into the Forum, along the Sacra Via, then branched off along the Vicus Tuscus, and so through the Velabrum into the Forum Boarium, where was the entrance into the circus at the *Porta Pompae*. It then passed once round the *spina*, pausing to offer sacrifices and to salute the imperial *pulvinar*. The gorgeous procession which opens a modern bull-fight in Spain bears much resemblance to the Roman *pompa circensis:* it winds round the *arena*, and then pauses to salute the presiding official, who gives the signal to begin by throwing a key to the chief *espada*. The procession was headed by the presiding magistrate or in some cases by the emperor himself, in a *biga* or *quadriga*, wearing the dress and insignia of a triumphant general: probably a survival from the time when the *ludi circenses* were celebrated in honour of victorious generals. A gold wreath was held over his head by a slave (Liv. v. 14; Juv. x. 35–46; and Dionys. vii. 72). Next came a crowd of noble citizens on foot and on horseback: then the chariots and horsemen who were to take part in the games, accompanied by musicians. Next in order came priests, grouped in their various *collegia*, bearers of holy water, incense and sacrificial implements, and statues of deities in chariots (*tensae*) drawn by horses, mules, or elephants, or else borne in litters (*fercula*) on men's shoulders, and attended by noble Roman youths (Dionys. vii. 72). Statues in litters and in a car drawn by four elephants are shown in an ancient sarcophagus relief figured in *Ann. Inst.* 1839, tav. o. The games mainly consisted of chariot-races; the cars (*currus*) being drawn by various numbers of horses, from two up to ten, and called *bigae, trigae, quadrigae, sejuges, septemjuges*, and so on according to the number attached to each car. In early times *bigae* and *quadrigae* were mostly used; but under the later empire wonderful skill was displayed by some of the drivers in managing a large number of horses. In a *biga* both horses were under a yoke (*jugum*), and were called *equi jugales:* in chariots with four or more horses, only the two in the middle were yoked; those at the sides were merely attached by traces (*funes*), and were therefore called *equi funales*.

The chariots were light structures of wood bound with bronze, high in front and open behind. The *Sala della Biga* in the Vatican is so named from an ancient (restored) marble chariot, possibly a votive offering for victory in the circus. [CURRUS.]

Aurigae.—The drivers (*aurigae* or *agitatores*) were usually slaves or men of low class. They wore a short tunic laced round the body with leathern thongs (*fasciae*): other thongs bound their thighs. The cut in the next column shows the statue of an *auriga*, no doubt some distinguished winner; it is now in the Vatican by the marble *biga:* the arms and legs have been restored, as well as the head. That shown in the cut does not belong to it. The *aurigae* wore a low close-fitting cap—not a bronze helmet. Though belonging to a despised class, the favourite *aurigae* in the degraded times of the empire were much honoured and fêted, and their society was sought after by the dissolute Roman youth. Very great skill, courage, and coolness were required to guide a chariot successfully round the sharp turns of the *metae*, among a jostling crowd of other horses and chariots, especially as each driver tried to upset his rivals. Constant accidents must have happened: almost every ancient representation of a circus race shows one or more chariots overturned: and this was specially dangerous, as the *auriga* drove with the reins looped round his waist. That he might have a chance of cutting himself free in case of accident, he wore a curved knife (*falx*) stuck in his waist-bands: this is shown in the Vatican statue here given. No doubt one of the chief attractions of the circus to the brutal Romans must have been the sight of the crushed limbs of the unfortunate drivers among the struggling hoofs of his fallen horses, or under the wheels of a luckier rival. In spite of these dangers some drivers lived to win an enormous number of victories. The monument of the *auriga* Diocles * (*circ.* A.D. 150) records that he defeated Scorpus, the winner of 2048 races; Pomp. Musclosus, the winner of 3,559; and Pomp. Epaphroditus, who had won 1467 times. Diocles himself, when he retired from his profession at the age of 42, had won 3000 races of *bigae*, and 1462 with more than two horses. The victorious *auriga* received a prize of money; or in some cases, if a slave, he won his freedom. The prize was sometimes called the *brabeum* or *bravium* (βραβεῖον, Prud. *Peristeph.* v. 538; cf. St. Paul, 1 Cor. ix. 24); and the giver of the prize was known as the *brabeuta* (Suet. *Nero*, 53). The winners of important races, on which there was heavy betting, sometimes received enormous sums of money from patrons who had backed them (Juv. vii. 113, 243; Suet. *Claud.* 21; Capitol. *Ver.* 6). Martial (x. 74, 5) mentions one named Scorpus, who, in the reign of Domitian, won no less than fifty purses of gold in one hour's racing. M. Renan in November 1878 read before the Société des Inscriptions in Paris a paper on an interesting inscription found in Rome, which recorded that a Moorish *auriga* named Crescens had during ten years (A.D. 115–124) won 1,556,346 sesterces with four horses called *Circus, Acceptus, Delicatus*, and *Cotynus*. Under the empire wealthy Roman citizens were not ashamed to act the part of *aurigae*, especially after Caligula and Nero had set the example.



Statue of Auriga, driver. (In the Vatican.)

Racehorses.—The horses used for racing

* See Gruter, *Inscr.* 337; and Friedländer, *Sittengesch. Roms*, 2. Anhang, iii. p. 492.

purposes were mostly bred in Spain, Sicily, Mauritania, Northern Greece, and, in late times, in Cappadocia. No expense or trouble was spared in their training, and the Romans were careful not to spoil the horse (in the way the modern English racer is ruined) by using it too soon. As a rule the Roman racer was not broken in till the age of three, nor allowed to run in a race till five. Consequently some of the horses won a surprising number of victories. A horse which had won 100 races was called *centenarius*: in the inscription of Diocles a horse called Tuscus is mentioned as the winner of 429 races: a horse belonging to Diocles himself was a *ducenarius*. Like the modern Romans, the ancients seem to have disfigured their horses by branding on the flank the initial or badge of the owner: this is shown on several mosaic pavements. Entire horses were used, and apparently but few mares were trained for races. Almost all the names of racehorses which exist in mosaic pictures or in inscriptions are those of males (see Friedländer, *De nominibus equorum circensium*, Königsberg, 1875).

The public training-stables of Rome consisted of six or more groups of buildings in *Regio IX.* in the *Campus Martius*, and near the *Circus Flaminius* (see Jordan, *Topogr. der Stadt Rom*, ii. 554). In 1878, in the village of Oued-Atmenia in Algeria, some elaborate mosaic pavements were found in the Villa of Pompeianus, Proconsul of Africa under Honorius, who appears to have been a great breeder of Moorish horses for the circus. Perspective views of the training-stables are represented on these mosaics, and other pictures show the racers in their stalls, carefully clothed from head to foot. The name of each horse is placed by it, e.g. *Altus*, *Pullentianus*, *Delicatus*, *Polydoxus*, &c., and an *auriga* named *Cresconius* is also depicted. Large coloured drawings of these by M. Martin were exhibited in Paris in 1878, and afterwards published by the Soc. Archéol. de Constantine, 1879. The training-stables seem to have been centres of intrigue and villany of all kinds; bribes were given, and horses were "hocussed." Caligula, who spent much of his time in the stables of his favourite *faction*, is said to have poisoned the cleverest drivers of his rivals' horses (see Dio Cass. lix. 5 and 14).

Large sums of money were lost and won on the races (*sponsio*, "betting," Juv. xi. 202, with Mayor's note; Mart. *Ep.* xi. 1, 15). Race-cards (*libelli*) were sold with lists of the horses and names of the drivers: and these were also given in the advertisements of the games which were painted in large letters on conspicuous walls: examples of these have been found at Pompeii. In addition to the chariots and their drivers, men on horseback appear to have galloped with the racers, exciting them with shouts: after the race these *jubilatores*, as they were called, seem to have called out the name of the winner. They are shown on the great mosaic from Lyons and elsewhere (see also the cut representing the metae, p. 435): in some cases these attendants were on foot (*cursores*).

In early times only four chariots ran in each race (*missus*), one for each colour (see below): in later times eight or even ten chariots started together. The starting signal was given by the presiding magistrate, who waved a *mappa* (Liv. viii. 40, 2, xlv. 1, 6; Mart. xii. 29, 9; Suet. *Ner.* 22; Quint i. 5, § 57); and hence Juvenal (xi. 193) calls the circus games *spectacula mappae*. Seven laps or circuits (*curricula*) of the *spina* appear to have been the usual length of each *missus* (see Varro, quoted by Aul. Gell. iii. 10). On one occasion Domitian reduced the number of laps to five in order to get 100 *missus* into one day. In early times very few races were run in a day; even in the time of Julius Caesar they did not usually exceed ten or twelve. Caligula increased the number to twenty, or, on very grand occasions, twenty-four; but in later times, a long succession of races were run throughout the whole day from sunrise to sunset.

Intervals between sets of races were filled up by exhibitions of rope-dancing, tumbling, and feats of horsemanship, very like those of a modern circus. [DESULTOR.]

In addition to these races and games, the young Romans sometimes held reviews and assaults of arms (*armaturae*) in the Circus Maximus: these were sometimes on foot (*armaturae pedestres*), and sometimes on horseback (*equestres*). One variety of this was called the *Ludus Trojae* (Tac. *Ann.* xi. 11; Suet. *Aug.* 43, and *Nero*, 7). Various other entertainments, such as feasts, were sometimes given in the circus (Stat. *Silv.* i. 6, 28); or money was flung among a crowd in the *arena*. On one occasion Probus planted and stocked an artificial forest with wild animals and birds in the Circus Maximus, and finally let in the people to kill and carry off what they could (Vopiscus, *Prob.* 19).

The *Factiones* were companies or organisations of contractors who provided horses, drivers, and all other requisites for the games. The *factio* system was not developed till the time of the empire; under the republic a few citizens of knightly rank provided all the requisites. The giver of the entertainment (*editor spectaculorum*) only found the money, the whole business being managed by the *factiones*. Each *factio* was distinguished by a colour, which was worn by the *aurigae* and other performers in the *ludi*. At first there were only two *factiones*, distinguished by the colours red and white, *russata* and *albata*; next blue (*veneta*) was added, probably in the time of Augustus; and a fourth, green (*prasina*), came in soon after (Juv. xi. 196, and Tertull. *de Spect.* 9). Lastly, Domitian added purple and gold—*purpureus et auratus pannus* (Suet. *Dom.* 7). Under the later empire each *factio* consisted of a sort of *collegium*, carefully organised and ranked in classes of every kind, such as the methodical and bureaucratic Romans delighted in. At the head of each was a *factionis dominus*, and under him were employés, slaves, and artisans of every sort required for the whole management of the *ludi*. The number and classes of a *familia quadrigaria* (a division of a *factio*) are given in an ancient inscription published by Gruter, 336–339. The *familia* consists of 25 *decuriones*,—that is, at least 250 people, who are classified as follows: *aurigae*, *agitatores*, and *quadrigarii*, drivers of four-horse chariots; *conditores* and *succonditores*, grooms and helpers; *sellarii*, saddlers; *sutores*, cobblers; *sarcinatores*, tailors; *margaritarii*, pearl-embroiderers; *medici*, surgeons; *magistri* and

doctores, perhaps trainers and instructors; *viatores*, messengers; *vilici*, farm servants to supply fodder; *tentores*, probably the men who pulled the ropes to open the doors of the *carceres*; *sparsores*, water-men: these probably watered the dry *arena* to prevent clouds of dust from rising, and also brought water to refresh the men and horses.

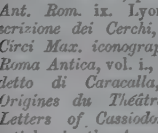
The rivalry between the different colours of the factions and the heavy betting on the races often led to scenes of riot and bloodshed. Even in Rome faction fights frequently took place towards the declining period of the empire, but it was not till after the transference of the Roman capital to Constantinople that these disturbances reached their highest pitch. In the 6th century the great circus at Constantinople was frequently the scene of the most hideous slaughter, and on one occasion in the reign of Justinian the tumult was not suppressed till about 30,000 of the rioters had been killed (see Gibbon, *Decline and Fall*, cap. xl.). A great part of this circus is still well preserved, though stripped of all its rich marble linings and columns.

For the various festivals that were celebrated by circus games, see the separate articles on the CEREALIA, FLORALIA, CONSUALIA, EQUIRIA, and on the LUDI.

For further information the reader should consult Tertullian, *de Spectaculis*; Panvinius, *de Ludis Circensibus*, Venice, 1600; Bulengerus, *de Circo Romano*, printed by Graevius, *Thesaur. Ant. Rom.* ix. Lyons, 1694; Bianconi, *Descrizione dei Cerchi*, Rome, 1789; Bianchini, *Circi Max. iconographia*, Rome, 1828; Canina, *Roma Antica*, vol. i., Rome, 1830; Nibby, *Circo detto di Caracalla*, Rome, 1825; Magnin, *Origines du Théâtre*, Paris, 1838; Hodgkin, *Letters of Cassiodorus*, London, 1886; and articles in the *Ann. Inst. Arch. Rom.* for 1839, 1863, and 1870. [J. H. M.] [W. S.]

CIRRUS. [COMA.]

CISIUM, a gig, *i.e.* a light open carriage with two wheels, adapted to carry two persons rapidly from place to place. Its form is sculptured on the monumental column at Igel, near Treves (see woodcut). It had a box or case, probably under the seat (Festus, s. v. *Ploxinum*). The *cisia* were quickly drawn by horses or mules ("cisi volantis," Verg. *Catal.* viii. 3; Cic. *Phil.* ii. 31, § 77); usually a pair; but a single horse occurs in the illustration here given, and on a sculptured sarcophagus at Pesaro, the ancient Pisaurum; and three are mentioned by Ausonius (*Epist.* viii. 6). Cicero mentions the case of a messenger who travelled fifty-six miles in ten hours in such vehicles, which were kept for hire at the stations along the great roads,—a proof that the ancients considered six Roman miles per hour as an extraordinary speed; this, however, was at night (Cic. *pro Rosc. Am.* 7, § 19).

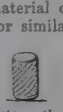


Cisium. (From monument at Igel, near Treves.)

The conductors of these hired gigs were called *cisiarii*, and were subject to penalties for careless or dangerous driving (Dig. 19, 2, 13). In some places we find them stationed on a kind of "cab rank," or at least giving their name to a locality, as at Pompeii (Orelli-Henzen, *Inscr.* 5163) and Cales (*ib.* 6983). But in Orelli 4163, *cisiarius* is, apparently, a builder of cisia; and in another inscription (*C. I. L.* 1129) the *cisiarii Praenestini* are a *collegium* of freedmen, divided into *magistri* and *ministri*, but otherwise unknown. (Marquardt, *Privatl.*, 706, 712.) [J. Y.] [W. W.]

CISSYBIUM (*κισσύβιον*) was a large wooden rustic cup with one handle (Philemon and Neoptolemus *ap.* Ath. 476 f, 477 a), sometimes found mentioned as highly adorned with carvings, and having two handles (Theocr. i. 27). It is mentioned in Homer as belonging to the Cyclops (*Od.* ix. 346) and to Eumaeus (xiv. 78 = xvi. 52). In shape it was rather deep, like the *scyphus* (*Od.* xiv. 78, compared with 112; Eur. *Cycl.* 390, *Androm.* fr. 33; Clitarch. *ap.* Ath. 477 a), which was the cup of rustics (Asclep. *ap.* Ath. 477 d). It somewhat resembled the modern tea-cup (Birch, p. 451). The word is derived from *κισσός*, and means most probably "made of ivy-wood," as is the opinion of the Schol. on Theocr. i. 27, of Eumolp. *ap.* Ath. 477 a, of Athenaeus himself (477 d), of Serenus Sammonicus ("mollibus ex hederae tornentur pocula lignis," xxiii. 3), and most of the moderns (see Seiler, *Wörterbuch des Homeros*, s. v.); but Poll. vi. 97 and Liddell and Scott (*s. v.*), followed by Paley on Eur. *Alc.* 756, consider the name came from the ivy wreaths sometimes found carved round the cup (Theocr. *l. c.*), and compare *corymbatus*, *hederatus*, &c., applied to vessels in this latter sense in Trebell. *Claud.* 17. Birch (p. 378) leaves the question undecided. But would the rustic Eumaeus and the savage Cyclops have had cups with ornamental carving? Panofka gives a specimen (*Recherches*, &c. v. 76), which is approved by Ussing (p. 127). [L. C. P.]

CISTA, CISTELLA (*κίστη*, *κιστίς*) was probably at first a wicker basket used for holding fruits and vegetables and for country purposes in general (Plin. *H. N.* xv. § 60; xvi. § 209). These baskets were sometimes square (Colum. xii. 54), but more usually cylindrical. Afterwards cista came to mean a box or casket used for a variety of purposes, but mostly of a small size; thus distinguished from the *arca* or chest, and rarely in the sense of *capsa*, a book-box (Juv. iii. 206). A money-box might be so called (Cic. *Verr.* iii. 85, § 197; Hor. 1 *Ep.* xvii. 54); in the former passage it is the private treasure of Verres himself, opposed to the *fiscus* of the province. In the Roman comitia the cista was the ballot-box into which the voters cast their *tabellae* (Plin. *H. N.* xxxiii. § 31; Auctor *ad Herenn.* i. 12, § 21; Pseudo-Ascon. in Cic. *Div. in Caecil.* 7, p. 108, ed. Orelli). The form and material of the voters' cista, evidently of wicker or similar work, is represented in the annexed cut from a coin of the Cassia gens. In this sense the cista has often been confounded with the *sitella*, but the latter was the urn from which the names of the tribes or centuries were drawn out by lot. (Manutius, *de Comitiis Romanis*, c. 15, p. 527, ed. Graev.; E. Wunder, *Dissertatio de discrimine verborum* cistae *et* sitellae, in his *Variae Lectiones*, p. clviii.)



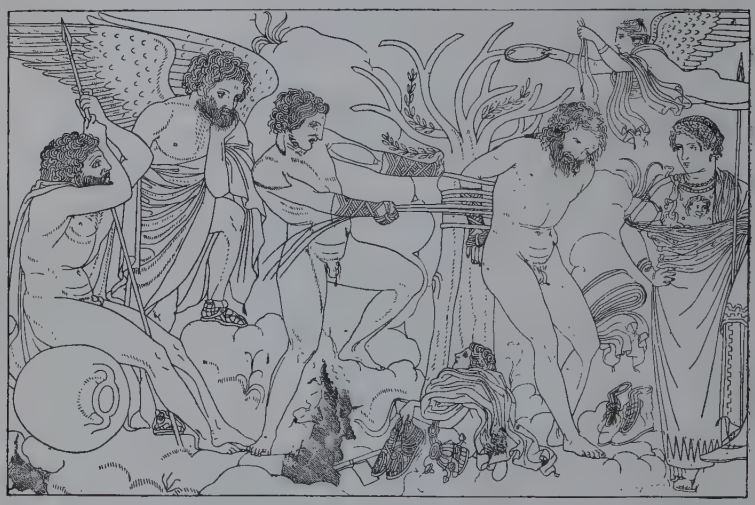
Cista, voting-basket. (From coin of Cassia Gens.)

Another class of cistae, well known from

vase-paintings and from a number of specimens in metal actually preserved, are the toilet- or jewel-cases of Italian ladies. These are mentioned especially in connexion with the children's trinkets, by which recognition is so often brought about in the ancient comedies (Plaut. *Cistell.* iv. 1, 3, and *passim*; *Rud.* ii. 3, 60; Terent. *Eun.* iv. 6, 15). In vase-paintings such cistae are often accompanied by other requisites for the toilet, mirrors, scent-bottles, &c., and thus leave no doubt as to the use for which they were intended. The material indicated is usually basket-work, as in the following specimen from Gerhard's *Etruskische Spiegel* (pl. xiv. 4).

These vases have been found mostly in Magna Graecia, more rarely in Greece Proper or in Etruria. The metal cistae, on the other hand, come almost exclusively from Praeneste, where they were produced on a large scale. The most beautiful of these and the first to be discovered (about the year 1737) is the celebrated Ficoroni cista, now in the Museo

Cista, toilet-basket. (Gerhard.)



Scene from the Ficoroni Cista.

Kircheriano at Rome. Of late years the results of excavation have been unusually fruitful: in 1866 Schoene described 70 Praenestine cistae preserved entire, besides fragments; in 1882 M. Fernique reports the number as reaching 100 (*ap.* D. and S.). Most of these are in bronze; one of silver is in the Capitoline Museum or Palace of the *Conservatori*. They are mostly covered with ornamental designs engraved upon the surface of the metal (*graffiti*); but in the few that have been found elsewhere than at Praeneste (*e.g.* at Bologna and Vulci) repoussé work occurs. The Praenestine workmanship is somewhat rough: the bronze plate was first engraved, then hammered into an oval or cylindrical shape, and finally the feet and rings or handles were put on without much regard to the pattern underneath them. They were, it is clear, turned out cheaply as manufactured articles, not finished artistic products. The Ficoroni cista is of quite exceptional beauty, and a real work of art; it has been made the subject of several monographs, the most important of which is that of Otto Jahn (*Die Ficoronische Cista*, 4to, Leipzig, 1852). It is the only cista with an inscription, NOVIOS PLAUTIOS MED ROMAI FECID; which shows that, though found at Praeneste, it was not made there. Among its ornaments the chief place is occupied by a series of scenes from the Argonautic legend; one of these, the defeat of Amycus king of the Bebryces, is here given after Jahn; another, the building of the Argo, is figured in Daremberg and Saglio.

At one time these cistae were referred to the class called *cista mystica* (see below): this name originated with Visconti, but is now universally rejected as unsuitable (Marquardt, p. 657). Many articles of the toilet have been discovered in them, such as mirrors, sponges, hair-pins [ACUS], and scent-bottles [ALABASTRUM], sufficiently indicating their use in common life. They have been found mostly in the burial-ground at Praeneste, enclosed in stone coffins or cinerary urns.

Cista Mystica. (From a painting on a vase.)

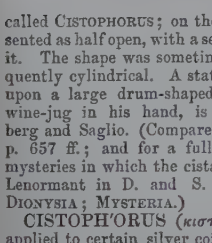
CISTA MYSTICA. The name of cistae was also given to the small boxes which were carried in procession in the Greek festivals of Demeter and Dionysus. These boxes, which were always kept

closed in the public processions, contained sacred things connected with the worship of these deities (Ovid, *A. Am.* ii. 609; Catull. lxiv. 259; Tibull. i. 7, 48, "et *levis* occultis conscia cista sacris," where, as in the class of cistae above described, wicker-work is sufficiently indicated as the material). The mysterious secret is half revealed by numerous pictures, and by the coins

Cista. (British Museum.)

called CISTOPHORUS; on these the cista is represented as half open, with a serpent creeping out of it. The shape was sometimes oblong, more frequently cylindrical. A statue of Silenus sitting upon a large drum-shaped cista, and holding a wine-jug in his hand, is figured by Daremberg and Saglio. (Compare Marquardt, *Privatl.*, p. 657 ff.; and for a fuller discussion of the mysteries in which the cista played its part, Fr. Lenormant in D. and S. i. pp. 1205–1208; DIONYSIA; MYSTERIA.) [W. S.] [W. W.]

CISTOPH'ORUS (*κιστοφόρος*) was a term applied to certain silver coins issued in Western Asia Minor, in consequence of the type with which they were impressed, a Dionysiac *cista* out of which a serpent glides. The other side of the coin bears the name or monogram of the city of issue. "According to Dr. Imhoof (*Die Münzen der Dynastie von Pergamon*, p. 33), this coin originated in Ephesus shortly before B.C. 200, and its use rapidly extended throughout the dominions of Attalus I. of Pergamum. Henceforth the cistophorus became a sort of Pan-Asiatic coin, ... and was issued in vast quantities from numerous Asiatic mints" (Head, *Historia Numorum*, p. 461). (Cf. Liv. xxxvii. 46, 58, 59, xxxix. 7; Cic. *ad Att.* ii. 6, 2, ii. 16, 4, xi. 1, 2; *pro Dom.* 20, 52.) Mommsen assigns a somewhat later date (reign of Eumenes II., B.C. 189–159), and therefore disbelieves the statement of Livy (*l. c.*), that after the defeat of Antiochus III. in B.C. 190, large numbers of *cistophori* were brought to Rome by the conquerors. They continued to be the currency of the Roman province of Asia even under the Antonines, and many bear the heads of early Roman emperors.



Cistophorus. (Head.)

The coins or staters weigh up to 196 grains; the question of their value in exchange has been confused from the fact that the ancient writers sometimes consider them as tetradrachms and sometimes as didrachms. According to Festus (p. 359), the cistophoric stater was regarded as equivalent to three Roman denarii, which, however, it outweighed by about fifteen grains: other authorities give a still lower valuation. The cistophoric drachm, or quarter of the stater, is said by Festus to have been equal to the Rhodian drachm, and it is likely that the whole coinage was introduced by the Pergamene kings to succeed that of Rhodes at a time when the decay of Rhodes had set in. (Mommsen, *R. M.*, pp. 48, 703; *Numismatic Chronicle*, 1883, p. 196.) [P. G.]

CITH'ARA, CITHARISTA. [LYRA.]

CIVI'LE JUS. [JUS CIVILE.]

CIVI'LIS ACTIO. [ACTIO.]

CIVIS. [CIVITAS.]

CIVITAS (*πολιτεία*), citizenship. **1.** GREEK. In the third book of the Politics, Aristotle commences his inquiry into the nature of states with the question, "What constitutes a citizen?" (*πολίτης*). He defines a citizen to be one who is a partner in the legislative and judicial power (1, 4, *μετέχειν κρίσεως καὶ ἀρχῆς*: and 8[b], *ἐξουσία κοινωνεῖν ἀρχῆς βουλευτικῆς καὶ κριτικῆς*). No definition will equally apply to all the different states of Greece, or to any single state at different times; the above seems to comprehend more or less properly all those whom the common use of language entitled to the name.

In the Heroic ages the kings were the commanders in war, offered up certain sacrifices (*ὅσαι μὴ ἱερατικαί*) to the gods, and administered justice (Arist. *Pol.* iii. 9, 7 S. = 14, 12 B.); their authority was however limited by the nobles, to whom sometimes the title of *βασιλῆες* was given (*Od.* i. 394; vi. 54; viii. 41, 390) as well as to the monarch himself. Without their advice and assent no important matter was undertaken, and they shared also in the administration of justice, but to what extent cannot be defined. Gladstone (*Stud. on Hom.* iii. p. 57) thinks that the nobles acted judicially only by an actual or virtual delegation from the king. The freemen assembled only to listen (Arist. Schol. *Il.* ix. 17) and hear the intentions of the king and the nobles announced; Gladstone (p. 126 ff.), however, is of opinion that the function of the people was not so confined: the people was in part a judicial body, and took a real part in the conduct of public affairs.

In Attica the power of the chief king was especially limited by the circumstance that the people was divided into several independent communities, each under its own head (in Plut.

Thes. 32, these heads are called βασιλεῖς). Theseus is said to have united them into a single state and to have made Athens the seat of government and of the administration of justice in all important cases (Thuc. ii. 15), and to have forced the Eupatridae of the different communities to settle at Athens (Plut. *Thes.* 32; cf. Plat. *Critias*, p. 110 C, and *Etym. M.* s. v. Εὐπατρίδαι = Bekk. *Anecd.* 257, 7 ff. In Solon Fragm. 4, 5 ff., ἀστοί = Εὐπατρίδαι). Plutarch (*Thes.* 25) ascribes to Theseus the distribution of the population of Attica into εὐπατρίδαι, γεωμόροι (Poll. viii. 111; γεωργοί, Arist. in Schol. Plat. *Axioch.* p. 371 D: cf. fragm. of lexicon in *Bull. de Corresp. hell.* i. p. 152; ἄποικοι in Arist. fragm. Ἀθην. πολιτ., Berl. Papyrus, 163), and δημιουργοί (ἐπιγεώμοροι τὸ τεχνικὸν ἔθνος, *Etym. M.* l. c.; Dion. Halic. ii. 8 distinguishes εὐπατρίδαι and ἀγροικοι). There is a wide difference of opinion as to the relation existing between these three classes and the four Ionic tribes,—Αἰγικορεῖς, Ἀργαδεῖς, Ὅπλητες and Γελέοντες,—each tribe comprising three phratries and each phratry containing thirty γένη. [TRIBUS.] Some, like Grote (iii. 72), see in the Eupatridae "the wealthy and powerful men, belonging to the most distinguished families in all the various gentes," and consider this triple distinction to be disparate and unconnected with the four tribes; others (Hermann, *Griech. Staatsalt.* § 97, 12) identify the Eupatridae with the Geleontes and Hopletes, and the Geomori and Demiurgi with the Aegicoreis and Argadeis respectively; and a third class (Philippi, *Beitr. z. e. Gesch. d. att. Bürgerrechts*, p. 208, n. 56) hold that the tribes originally comprised the Eupatridae only, and that it was Solon who first gave the mass of the people a place in the system of tribes and phratries. In the earliest times the guidance of public affairs in conjunction with the king, the administration of justice, and the priestly functions belonged exclusively to the Eupatridae (Plut. *Thes.* 25; the three ἐξηγηταί were always of this class, *C. I. G.* i. No. 765); out of their number the four φυλοβασιλεῖς were taken (Poll. viii. 111; hence it follows that others than nobles must have belonged to the tribes; cf. also Draco's law in Dem. *c. Macart.*, p. 1069, § 57, and *C. I. A.* i. No. 61, ἀριστίνδην), and by their side the other two classes were of little political importance, and the Demiurgi perhaps of less even than the Geomoroi (cf. Athen. xxiii. p. 660 d). The ascendency of the Eupatridae continued after the establishment of the archonship through its various changes down to Solon, who introduced a new principle of classification, the timocratic principle, by distributing all the citizens of the tribes (which he did not abolish, Phot. *s. v.* ναυκραρία), without any reference to their γένη and phratries, into four classes (Harpocr. *s. v.* ἱππάς: Plut. *Sol.* 18), according to the amount of produce from their lands (this was changed after the time of the Pisistratids: cf. Thuc. iv. 54, 5, Ἀθηναίους. εἰκοστὴν μόνον πρασσόμενοι τῶν γιγνομένων: Beloch, *Herm.* 1885, p. 245).

It is true that of these four classes only the first three were eligible for public offices (Arist. *Pol.* ii. 9, 4 S. = 12, 6 B), and only the first for the archonship. (Plut. *Arist.* 1; Landwehr, *Philologus*, Suppl. v. p. 118 ff., whom Busolt, *Griech. Gesch.* i. p. 531, n. 1, follows, explains this passage to refer to the Eupatridae, not to the first census class; yet see the question put in the ἀνάκρισις of the archons, εἰ τὸ τίμημα ἔστιν αὐτοῖς, Poll. viii. 85, which was afterwards altered to εἰ τὰ τέλη τελεῖ, Lex. Rhet. Cant. p. 670, 19, and Cratinus in Athen. xi. p. 460 f.). But even the lowest possessed certain important rights and were exempted from military service as hoplites (Harpocr. *s. v.* θῆτες, etc.). According to Grote (iii. 121) and others, "They were invested with the right of choosing the annual archons out of the first class, and the archons and the magistrates generally, after their year of office, were made formally accountable to the public assembly sitting in judgment upon their past conduct." In Grote's opinion the institution of Heliastic courts dates from the time of Pericles; Schoemann, however, ascribes it to Solon, and as we think with justice, so far at least as the first beginnings are concerned: the ἡλιαία is mentioned in a Solonian law (*Lys.* x. 16); and as far as our information goes, magistrates, etc. rendered their account always before a court, not before the popular assembly. (See on the whole question *Att. Proc.*, ed. Lipsius, p. 28 ff.) By Solon's reforms a way was opened to every one, if he succeeded in becoming a landed proprietor, to set himself on an equality in point of law with the nobles (Solon is said to have fixed a limit to the acquisition of land, Arist. *Pol.* ii. 4, 4 S. = 7, 6 B., yet see Dem. *c. Aristocr.* p. 689, § 208); and, on the other hand, the man of noble birth, if he became poor, ceased to belong to the privileged class. The γένη lost all political importance, but continued to exist.

The Berlin Papyrus 163—which, as Bergk (*Rh. M.* 1881, p. 87 ff.) recognised, contains fragments of Aristotle's Ἀθηναίων πολιτεία—gives us fresh information respecting the archonship. There we learn that after a certain Damasias had been ἄρχων for two years, he was driven from office, and that after this an arrangement was come to according to which four Eupatridae, three ἄποικοι, and two Demiurgi should be chosen. The date of this Damasias is variously fixed by scholars: Blass (*Herm.* 1880, p. 366 ff.; 1881, p. 42 ff.) places him between Eryxias, the last who held the archonship for ten years, and Cleon, the first eponymous of the nine annual archons, but the title of the archon, whether appointed for life or for ten years, was βασιλεύς. Bergk identifies him with the archon for 639–8 (Dion. Hal. iii. 36; cf. Gilbert, *Handb. d. gr. Staatsalt.* i. p. 124); yet if at that time the ἄποικοι and Demiurgi had been admitted to the archonship, the reform of Solon would have been a reactionary measure, since by it only the first property class were eligible. Hence Duncker (*Gesch. d. Alterth.* vol. vi. p. 125, n. 2) interprets the passage to mean that the ἄποικοι and Demiurgi had the right of electing three and two archons respectively from amongst the Eupatridae; yet this can scarcely be the meaning of the passage: ἐγέ[νετο δὲ μετ'] αὐτὸ[ν διὰ] τὸ στασιάζειν ἄρχοντας * ἑλέσθαι...τέτταρ]ας μὲν εὐπατριδῶν τρεῖς δὲ ἀποίκων δύο [δὲ καὶ δημι]ουργῶν (Diels, *Abh. d. Berl. Akad.* 1885). There is a second archon Damasias, a contemporary of Thales, between 590 and 580, probably 586–5; and Diels

(cf. Landwehr, p. 195 ff., and Busolt, p. 543) identifies him with the Damasias of the papyrus. By Solon's reform, members of the first property class alone were eligible to the archonship; this compromise settled the proportion of archons who were to be elected from the Eupatridae, ἄποικοι, and Demiurgi respectively, all however to be of the first property class (according to Busolt, p. 544, this arrangement only held good for the year after Damasias), until by Aristeides' reform the disqualification of the other property classes was removed (Plut. *Arist.* 22).

Cleisthenes abolished the old tribes for civil purposes (according to Philippi, p. 172, they continued to exist as religious bodies), and introduced the local distribution according to demes (one hundred, Herod. v. 69; cf. Diels, pp. 25, 26) as the foundation of his new ten tribes. Now the deme became the elementary political division, and a man was described by his own name, followed first by the name of his father and next by that of the deme to which he belonged: *e.g.* Δημοσθένης Δημοσθένους Παιανιεύς. Cleisthenes likewise reformed the phratries and increased their number to 360, each of the old γένη becoming the centre of a new phratry. (Buermann, *Jahrb. f. class. Phil.* Suppl. ix. p. 617. Philippi, *ibid.* 1879, pp. 418, 419, and Sauppe, *De Phratriis Attic.* p. 7, agree with B. as to the fact of an increase, but do not accept his number of phratries.)

Among the citizens we have to distinguish between the naturalised or new citizens (δημοποίητοι, ποιητοί, ποιήσει or δωρεᾷ πολῖται) and the old citizens (φύσει or γένει πολῖται, Dem. *c. Steph.* i. p. 1125, § 78). To speak of the former class first: according to Solon's law (Plut. *Sol.* 24), citizenship could only be conferred upon two classes of foreigners — τοῖς φεύγουσιν ἀειφυγίᾳ τὴν ἑαυτῶν ἢ πανεστίοις Ἀθήναζε μετοικιζομένοις ἐπὶ τέχνῃ; according to the law quoted in [Dem.] *c. Neaer.* p. 1375, § 89, upon those who had rendered the state eminent services (δι' ἀνδραγαθίαν),* such as Thrasybulus (*C. I. A.* i. nº. 59) or Perdiccas, king of Macedonia, Menon the Pharsalian (Dem. *c. Aristocr.* pp. 686, 687, §§ 199, 200), etc. In her better time Athens was chary of bestowing this honour, but in the days of Isocrates (viii. 50) and Demosthenes (*c. Aristocr.* p. 687, § 200) it was given so frequently as to lower its value. Cotys, king of Thrace, received this honour, and so did Python and Heracleides, who murdered him (Dem. *c. Aristocr.* p. 659, § 119). Aristonicus was made an Athenian citizen because of his skill in ball playing (Athen. i. 34, p. 19 a). Cleisthenes, for political reasons, conferred citizenship on foreigners settled in Attica, and on manumitted slaves who had acquired the position of metoeci. (Bernays, *d. heracl. Briefe*, p. 155, thus explains πολλοὺς γὰρ ἐφυλέτευσε ξένους καὶ δούλους μετοίκους, Arist. *Pol.* iii. 1, 10 S. = 2, 3 B.) The Plataeans were admitted to citizenship after the destruction of their town in the fifth year of the Peloponnesian war, the Athenians not forgetting that their whole force had spontaneously joined them at Marathon. When Aristophanes says that the slaves who had fought at Arginusae (Schol. Arist. *Ran.* 706; Andoc. ii. 23) became Plataeans, this must be taken to mean that they were granted land in the territory of Scione which had been handed over to the Plataeans (Thuc. v. 32; Isocr. iv. 109. Kirchhoff, *Abh. d. Berl. Akad.* 1873, pp. 9, 10.) After the defeat at Chaeroneia, Hypereides made, amongst others, the following proposal τοὺς μετοίκους πολίτας ποιήσασθαι (fr. 33, Blass), probably only on condition of their taking their part in the defence of the country.

Citizenship was conferred by the popular assembly in the following way: in the first assembly the people bestowed the gift, but it did not become valid (κύριος), unless it was confirmed by a majority in the ensuing assembly, at which at least 6000 must be present and vote (secret voting by ballot). As the second voting is not mentioned in the oldest inscription bearing on the question (soon after Eucleides, ο and ε being still used for ου and ει),* Szanto (*Rh. M.* 1885, p. 507 n.) concludes that it was not introduced before the beginning of the 4th century. The decree in *C. I. A.* i. 59 (Hicks, *Manual of Gr. Hist. Inscr.* p. 105 ff.) does not help us in this question, for, as Kirchhoff (*Ber. d. Berl. Akad.*, 1861, p. 605) shows, it is merely a former decree confirmed. It had been proposed to grant civic rights to Thrasybulus and Apollodorus (Lys. xiii. 71): a γραφὴ παρανόμων was brought against this proposal, and the court decided for Thrasybulus, but against Apollodorus. Even after the second vote, it was open to every Athenian who considered the candidate undeserving of the honour, to bring a γραφὴ παρανόμων: and instances of reversal following upon this are given by [Dem.] *c. Neaer.* p. 1375, § 91; [Plut.] *Vitt. x. Oratt.* p. 835; Aesch. iii. 195. Fraenkel, *Att. Geschworenegerichte*, p. 35, and Hartel, *Stud. ü. att. Staatsrecht*, p. 271, say that in every case a δοκιμασία before a heliastic court was required, whether a γραφὴ παρανόμων was brought or not. They refer to [Dem.] *c. Neaer.* p. 1381, § 105; yet that was a special occasion, when, owing to the great number of candidates and to the peculiar nature of the case, special measures were needed (*Att. Proc.* p. 255), and Buermann (*Jahrb. f. class. Philol.* Suppl. x., p. 347 ff.) has shown that a δοκιμασία did not become a regular institution until Olymp. 115. Up to that time the formula was (with slight variations): εἶναι τὸν δεῖνα Ἀθηναῖον αὐτὸν καὶ

* For Sparta, see below; for Megara, cf. Plut. *de Monarch.* 9, 285; Dem. *c. Aristocr.* p. 690, § 212. Other Greek states admitted foreigners to citizenship, usually as a reward for services rendered to the state, as Miletus (κατ' εὐεργεσίαν: Dittenberger, *Sylloge Inscr. Gr.* 314), Dyme (συμπολεμήσαντες τὸν πόλεμον καὶ τὰμ πόλιν συνδιασώισαντες, 316), Ephesus (ὅσοι (ἂν) ἀναλάβωσιν τα ὅπλα, etc. 253, 44); in Ephesus and Teos, there were official lists of such new citizens (ἀναγράψαι δὲ αὐτῶι τὴμ πολιτείαν εἰς τὸ ἱερὸν τῆς Ἀρτέμιδος, οὗ καὶ αἱ λοιπαὶ πολιτεῖαι ἀναγεγραμμέναι εἰσίν, 134: on the Artemision, cf. Newton and Hicks, *Greek Inscr. of the Brit. Mus.* iii. nº. 448 foll.; τὸν δὲ ἐπιμήνιον τῶν ταμιῶν ἐπιδοῦναι ὅπως ἀναγραφῆι τὸ ὄνομα αὐτοῦ πατρόθεν ἐν τῆι στήληι, ἐν ᾗι καὶ οἱ ἄλλοι πρόξενοι καὶ εὐεργέται καὶ πεπολιτογραφημένοι εἰσὶν ἀναγεγραμμένοι, 165, ll. 29, 30). (Gilbert, *Handb. d. griech. Staatsalterth.* ii. p. 300, 1, 2).

* Ἐφημ. ἀρχαιολ. 1883, pp. 37, 38: Ἱππαρχον (and some others) Ἀθ[ηναίος ἐν]αι ἀνδραγαθ[ίας ἕνεκα] τῆς ἐς Ἀθηνα[ίος καὶ φυ]λὴν καὶ δῆμο[ν καὶ φρατ]ρίαν ἐλέσθα[ι ἣν περ ἂν] βόλωνται κα[ὶ ἀναγράψ]αι αὐτὸς ἐστ[ήλην λιθί]νην τὸγ γραμ[ματέα τῆς] βολῆς, etc.

ἐκγόνοὺς (2) καὶ εἶναι αὐτῷ γράψασθαι φυλῆς καὶ δήμου καὶ φρατρίας ἧς ἂν βούληται κατὰ τὸν νόμον (3) τοὺς δὲ πρυτάνεις τοὺς τὴν εἰσιοῦσαν πρυτανείαν πρυτανεύοντας δοῦναι περὶ αὐτοῦ τὴν ψῆφον τῷ δήμῳ εἰς τὴν πρώτην ἐκκλησίαν— from Olymp. 115 to Olymp. 124 we find in some instances added (4) τοὺς δὲ θεσμοθέτας εἰσαγαγεῖν αὐτῷ τὴν δοκιμασίαν τῆς δωρεᾶς εἰς τὸ δικαστήριον ὅταν πρῶτον οἷον τ' ᾖ, and soon after the Chremonidean war it ran: δεδόσθαι δὲ αὐτῷ καὶ πολιτείαν κατὰ τὸν νόμον (2) τοὺς δὲ θεσμοθέτας, ὅταν πληρῶσιν δικαστήριον εἰς ἕνα καὶ πεντακοσίους δικαστάς, εἰσαγαγεῖν αὐτῷ τὴν δοκιμασίαν τῆς πολιτογραφίας (3) καὶ εἶναι αὐτῷ δοκιμασθέντι γράψασθαι φυλῆς καὶ δήμου καὶ φρατρίας ἧς ἂν βούληται. Since we find in all such decrees εἶναι or γράψασθαι φυλῆς καὶ δήμου καὶ φρατρίας ἧς (or ὧν) ἂν βούληται, it is clearly proved against the generally received opinion (Philippi, p. 107 ff.) that the δημοποίητοι were enrolled in the phratries as well. Buermann (*Jahrb. f. class. Phil.* Suppl. ix. p. 597 ff.) points also to other reasons leading to the same conclusion. We learn from [Dem.] *c. Neaer.* p. 1376, § 92; p. 1381, § 106, that the law expressly declares μὴ ἐξεῖναι αὐτοῖς (i.e. ὅσους ἂν ποιήσηται ὁ δῆμος πολίτας) τῶν ἐννέα ἀρχόντων γενέσθαι μηδὲ ἱερωσύνης μηδεμιᾶς μετασχεῖν, but that to their descendants μετέδωκεν ὁ δῆμος ἁπάντων, ἐὰν ὦσιν ἐξ ἀστῆς γυναικὸς καὶ ἐγγυητῆς κατὰ τὸν νόμον. Since on the occasion of the ἀρχόντων ἀνάκρισις the candidate was asked if he had a share in the worship of Apollo πατρῷος and Zeus ἑρκεῖος (Aristotle in *Lex. Rhet. Cantabr.* p. 670, 17; Poll. viii. 85; according to Sauppe, *de phratr. Att.* p. 7 ff. Ζεὺς φράτριος and Ἀθηναίη φρατρία since Cleisthenes' reform), *i.e.* in the worship of the phratries, it follows that the children of a new citizen and of an ἀστὴ and ἐγγυητὴ must necessarily belong to a phratry. The sons of a new citizen, born before citizenship was conferred on him, were excluded from the archonship for the same reason as their father: thus Gilbert (i. p. 178) explains Poll. viii. 85, εἰ Ἀθηναῖοί εἰσιν ἑκατέρωθεν ἐκ τριγονίας; whilst Meier (*de bon. damn.* p. 235) supposes that this statement of Pollux and the above of [Demosthenes] refer to different periods. With this exception, the δημοποίητοι enjoyed the same privileges with the citizens by birth. In some decrees the choice of phratries is qualified by additions such as πλὴν ὧν οἱ νόμοι ἀπαγορεύουσιν, etc., perhaps to prevent too many new citizens being in the same phratry, to the disadvantage of the old citizens: in other Greek states they were distributed by lot (Philippi, p. 113, n. 92; *Greek Inscr. of the Brit. Mus.* ii. n°. 237; cf. [Dem.] *c. Neaer.* p. 1380, § 104). The phratries in Cleisthenes' reform occupied therefore a different position from the one usually assigned to them. (Meier, *de Gentil.* p. 15: "curiae suos quaeque mores sequebantur neque plebis sed suis scitis regebantur.")

Aristotle (*Pol.* iii. 1, 9 S. = 2, 1 B.) gives, as a practical definition of a citizen, ὁ ἐξ ἀμφοτέρων πολιτῶν καὶ μὴ θατέρου μόνον, οἷον πατρὸς ἢ μητρός.* The latter class (viz. children of an Athenian father), some maintain, possessed in earlier times civic rights, until by a law of Pericles (μόνους Ἀθηναίους εἶναι τοὺς ἐκ δυεῖν Ἀθηναίων γεγονότας, Plut. *Per.* 37) they were deprived of them: about 5000 were thus excluded, 14,040 remaining in the enjoyment of citizenship. On the ground that such a law having retrospective effect would be extremely harsh, Westermann (*Verh. d. Sächs. Ges. d. Wiss.* 1849, p. 200 ff.) assigns it to Solon's legislation; and Meier (*de bon. damn.* p. 78) holds that Pericles simply proposed a διαψήφισις on the lines of it. (Plutarch calls it a νόμος of Pericles, but cf. Isaeus, 12 argum., and Dem. *in Eubul.* p. 1298 argum.) Schenkl (*Wiener Stud.* 1883, p. 52 ff.) believes that Pericles actually passed a new law; to Solon's law νόθῳ μὴ εἶναι ἀγχιστείαν (Arist. *Av.* 1661), he conjectures, was added by Cleisthenes εἶναι δὲ αὐτῷ πολιτείαν, to provide for the children of those foreigners upon whom he had conferred citizenship, and of non-Athenian mothers (by which provision other classes of νόθοι likewise profited); and Pericles, when there was no longer occasion for such exceptional legislation, passed the law ἐὰν μὴ τύχῃ τις ἐξ ἀμφοῖν ὑπάρχων ἀστῶν, τούτῳ μὴ μετεῖναι τῆς πολιτείας (Ael. *Var. Hist.* vi. 10; cf. Suid. *s. v.* δημοποίητος). Duncker (*Ber. ü. d. Sitz. d. Berl. Akad.* 1883, p. 935 ff.), on the other hand, argues from the later legislation of Aristophon and Nicomenes, that no such law as is ascribed to Solon against μητρόξενοι can have existed, and looks upon the law of Pericles against νόθοι as a mere invention of the rhetors: this fictitious law was joined to the account given by Philochorus (fr. 90, Müller = Schol. Arist. *Vesp.* 715) of what happened when the king of Egypt (Amyrtaeus, not Psammetichus) sent grain to Athens as a present. At that time measures were taken not against νόθοι, but against those who claimed a share in the grain without being citizens by right (παρέγγραφοι, to the number of 4760), and 14,240 therefore does not represent the total number of citizens that remained after the lists had been purged, but the number of those who received the grain; such a total would be too low as compared with the 30,000 mentioned by Herodotus (v. 97; viii. 65), and the 26,000 citizen hoplites and 1200 cavalry for the year 431 (Thuc. ii. 13, 31, but see Boeckh, *Staatsh.* i. p. 50, on Herodotus's statement; according to Hansen, *Ueb. d. Bevölkerungsdichtigkeit Att.* p. 13, the total armed citizen force, including those below and above the ordinary military age—from the 20th to the 50th year—amounted in 431 to 19,100 only). In B.C. 403 Aristophon proposed a law ὃς ἂν μὴ ἐξ ἀστῆς γένηται νόθον εἶναι: it was carried with the amendment of Nicomenes τοὺς δὲ πρὸ Εὐκλείδου ἀνεξετάστους ἀφεῖσθαι (Caryst. fr. 11 b, Müller = Athen. xiii. 577 c—Schol. Aesch. i. 39); cf. Isaeus, viii. 43, and Dem. *in Eubul.* p. 1307, § 30, εἰ καὶ κατὰ θάτερα ἀστὸς ἦν—i.e. *a patre*, according to Schömann, *Antiq. jur. publ. Gr.* p. 197, n. 7, and Philippi, p. 63 ff.; *ab altera utra parte*, according to Platner, *Beitr.* p. 108 (but see p. 325), and Van den Es, *de jur. fam.* pp. 28, 75. This law was still observed in the time of De-

* For Oreos, cf. Dem. *in Aristocr.* p. 691, § 213; for Byzantium, cf. [Arist.] *Oecon.* ii. 2, 3 (Did.), ὄντος δὲ νόμου αὐτοῖς μὴ εἶναι πολίτην ὃς ἂν μὴ ἐξ αὐτῶν ἀμφοτέρων ᾖ; for Cos, cf. Cauer, *Delectus Inscr. Gr.* No. 161 (Gilbert, ii. p. 297).

mosthenes (*in Eubul.* p. 1299, § 2; the diapsephisis of 346–5 was proposed by Demophilus, Aeschin. i. 86, and Schol. i. 77).

But the citizenship of the parents (sometimes the right of intermarriage, *ἐπιγαμία*, was granted, *e.g.* to the Euboeans and Plataeans, Lys. xxxiv. 3; Isocr. xiv. 51 *) was not enough to secure civic rights to their offspring, according to Philippi, p. 79 ff., and Buermann, p. 635 ff. The law, they say, required also certain formalities: the betrothal, *ἐγγύησις*, of the bride by her *κύριος* and the *γαμηλία*; and in the case of heiresses the *ἐπιδικασία* on the part of the archon. Children born by an Athenian woman who was living with the father in a connexion not recognised by law were deprived of all the rights of kinship (*ἀγχιστεία*, Isaeus, vi. 47, etc.) and of all political rights. Yet Caillemer (*Annuaire de l'Association pour encour. des Études Gr.* 1878, p. 184 ff.), whom Lipsius follows (*Att. Proc.* p. 533, n. 143), has ably defended the older view, that citizenship descended to the children of citizens on both sides, even without the legal form of marriage; that such children, without being admitted to the phratries, belonged to a deme, and consequently possessed civic rights (Dem. *in Boeot. de nom.* p. 1002, § 25; p. 1001, § 23; p. 1002, § 28), and that by a formal act of recognition of parentage (*ποιεῖσθαι παῖδας*, Dem. p. 1003, §§ 29, 30; Andoc. 1, 124) they could be made to share all the rights of those born in wedlock. Without this act of recognition such children could only claim the *νόθεια* (Harpocr. *s. v.*).

The registration of a child in the official register of the phratry (*τὸ φρατερικὸν γραμματεῖον*, Dem. *in Leoch.* p. 1092, § 41, or *τὸ κοινὸν γρ.* Isaeus, vii. 16, 17; Harpocr. etc.;—*εἰσάγειν εἰς τοὺς φράτερας*, Isaeus, vi. 21, viii. 19; Dem. *in Boeot. de nom.* p. 995, § 4; *in Macart.* p. 1054, § 13; *in Eubul.* p. 1315, § 54;—*ἐγγράφειν εἰς τοὺς φράτερας*, Dem. p. 995, § 4; Isaeus, vii. 17), on the third day of the Aparturian festival (*κουρεῶτις*), formed a recognition of legitimacy of birth: now the child possessed all the rights of kinship (Suid. s. v. *φράτορες*: *τὸ δὲ γράφεσθαι εἰς τοὺς φράτορας σύμβολον εἶχον τῆς συγγενείας*). An adopted son (*ποιητὸς, θετὸς υἱός*) was probably registered on the same day (in the month of Thargelion in Isaeus, vii. 15, 16, for some special reason). This registration was connected with certain rites, which were, however, not the same in all the phratries: a sheep or a goat (Poll. iii. 52) of a certain weight (Schol. Arist. *Ran.* 810) was sacrificed and distributed (*μερίδες*, Dem. *in Macart.* p. 1078, § 82; Harpocr. *μεῖον*), together with a certain quantity of wine among the phrateres; † and in some phratries and *γένη* the father had to declare upon oath that the child was *ἐξ ἀστῆς καὶ ἐγγυητῆς γυναικός* (*Att. Proc.* p. 543, n. 166).‡ From *C. I. A.* ii. No. 841 b, and Isaeus, vii. 16, Szanto (*Rh. M.* 1885, p. 515 ff.) concludes that the *γεννῆται* and *φράτερες* had a common register, which was kept either by the phratry or by the *γένος*, *e.g.* in Andoc. i. 125, the phratry being, however, responsible. Gilbert (*Jahrb. f. cl. Phil.* 1887, p. 23 ff.) on the other hand sees in the *οἶκος Δεκελειῶν* that portion of the phratry *Δημοτιωνίδαι* (whose *φράτριον* was at Oeon) which was settled at Deceleia; on account of frequent false entries in the *φρατερικόν* on their part, special measures were devised. Busolt (Müller's *Handb. d. cl. Altert.-Wiss.* iv. p. 145) suggests that the second vote in the year succeeding the entry was a general custom from 396–5 onwards; in his opinion *κούρειον* meant the sacrifice for boys, and *μεῖον* that for girls. It would seem that there was a second eisegesis to the phrateres, when the grown-up youth was received amongst the *ἔφηβοι* by the solemn act of cutting off his hair (Plut. *Thes.* 5; Theophr. *Char.* 21) and sacrifice: this was probably called *κούρειον*, for from *C. I. A.* ii. No. 841 b, it is evident that *μεῖον* and *κούρειον* cannot be two names for the same sacrifice; cf. Poll. viii. 107, *καὶ εἰς ἡλικίαν προελθόντων ἐν τῇ καλουμένῃ κουρεώτιδι ἡμέρα ὑπὲρ μὲν τῶν ἀρρένων τὸ κούρειον ἔθυον*. This was merely a religious ceremony, a survival of the ancient Aryan usage (cf. Leist, *Graeco-ital. Rechtsgesch.* p. 67); the civil act took place before the demotae. In the beginning of the calendar year, in the course of which the youth reached his eighteenth year, he was entered in the *ληξιαρχικὸν γραμματεῖον* (called *κοινὸν γρ.* Dem. *in Eubul.* p. 1317, § 60; cf. Bekk. *Anecd.* p. 272, 27 ff.); adopted sons were enrolled later on in the year, probably in the month of Munychion, at the time of the *ἀρχαιρεσίαι* (*C. I. A.* ii. No. 416; Dem. *in Leoch.* p. 1092, § 39; and Isaeus, vii. 27, 28: cf. Lipsius, *Jahrb. f. class. Phil.* 1878, p. 299 ff.); Philippi (*Rh. M.* 1879, p. 610) refers the *ἀρχαιρεσίαι* to the elections of the magistrates of the deme (not of the state), fixes them early in the year, and thus places the enrolment of adopted sons at the same time with that of the others. On this occasion the demotae instituted a kind of *δοκιμασία*: they inquired whether the candidates had attained the necessary age, then with regard to the latter class whether they were of civic descent, and whether those of the former had been legally adopted. A *δημοποίητος* had to prove his rights by a reference to the popular decree which conferred citizenship on him (*κατὰ ψήφισμα πολίτης*, Dem. *in Nicostr.* p. 1252, § 18). Hence we find *δοκιμασθῆναι* used instead of *ἐγγραφῆναι εἰς τοὺς δημότας* or *εἰς τὸ ληξιαρχικὸν γρ.* (Dem. *in Eubul.* p. 1318, §§ 61, 62). A special *δοκιμασία ὀρφανῶν* is mentioned in [Xenoph.] *de Repub. Athen.* 3, 4: Kirchhoff, *Ueb. d. Schrift v. Staate d. Ath.* p. 23, connects this passage with Aristoph. *Vesp.* 576. Orphans, it would seem, were specially examined before a *δικαστήριον* as to their bodily and mental fitness to administer their property (cf. *Lex. Seguer.* p. 235, 13). Wilamowitz-Möllendorff, *Philol. Unters.* i. p. 26, thinks that only the orphans of those who had been killed in war had to undergo this *δοκιμασία*, before they received the *πανοπλία* (Aesch. iii. 154). An Athenian duly enrolled was of age (*αὐτοκράτωρ*, Xen. *Memor.* ii. 1, 21); he could enter upon his patrimony, if an orphan or the son of an *ἐπίκληρος* (Hyper. fr. 194 Bl.; hence

* See also the treaty between Hierapytna and Priansus (*C. I. Gr.* 2556), between Olus and Latus (*C. I. Gr.* 2554), the decree of the Messenians (Dittenberger, 181). (Gilbert, ii. p. 379.)

† Cf. the Gortyn Code, x. 38 foll.; *Rh. M.* Supplem. 1885, pp. 37, 55.

‡ In some inscriptions of Calymna (*Inscr. of the Brit. Mus.* ii. nº. 315–320) the mother made this declaration on oath (*ἐξ ὁρκάτου μητρός* or *ἐξορκάτου ματρός*).

the name λῃξιαρχικόν: cf. Harpocr. *s. v.*) and might marry (Dem. *in Bocot. de dote*, p. 1009, § 4); he now became responsible to the laws (Aeschin. i. 18) and could bring actions (Lys. x. 31; Dem. *in Onet.* i. p. 865, § 6), and had to take his share in the public burdens (Dem. *de Cor.* p. 312, § 257; orphans were ἀτελεῖς the first year, Lys. xxxii. 24). It would seem that enrolment in the φρατερικὸν γραμματεῖον did not *ipso jure* lead to enrolment in the λῃξιαρχικὸν γρ., as Voemel (*Zeitschr. f. A. W.* 1846, p. 122) supposes, especially not in the case of adopted sons: cf. the case of Thrasyllus in Isaeus, vii.; and from Dem. *in Bocot. de nom.* p. 996, § 5, we learn that a person could be entered under different names in the two registers (Schaefer, *Dem. u. s. Zeit*, iii. 2, p. 26 ff.).

At the same time the names of the ἔφηβοι were (before the days of Aristotle) entered εἰς λελευκωμένα γραμματεῖα, together with the name of the archon of the year and also of the previous year, thus forming a list of all the στρατεύσιμοι of each year (Harpocr. *s. v.* στρατεία ἐν τοῖς ἐπωνύμοις): this list was different from the κατάλογος of those actually called out to serve on a particular occasion (Arist. *Eq.* 1369; *Pac.* 1179; *Lys.* xv. 5, xvi. 13: cf. Lange, *Leipz. Stud.* i. p. 164 ff.).

Whether the young citizens were at the same time entered into the πίναξ ἐκκλησιαστικὸς (Dem. *in Leoch.* p. 1091, § 35) and allowed to attend the popular assembly, or had to wait until they were twenty years old, is not quite clear. From instances like that of Glaucon (οὐδέπω εἴκοσιν ἔτη γεγονώς, Xen. *Mem.* iii. 6, 1) and Plat. *Alc.* p. 123 D, it would seem that the law did not prevent it (Schaefer, p. 36). At any rate for one year (Dittenberger, *de ephebis Att.* p. 12), if not for both (Schaefer, p. 33), they had to serve as περίπολοι in the country.

At the age of thirty an Athenian could become βουλευτής (Xen. *Mem.* i. 2, 35) and ἡλιαστής (Poll. viii. 122); at the age of fifty, ἐφέτης (Bekk. *Anecd.* 188, 30; Phot. *s. v.* ἐφέται 2) or διαιτητής (Bekk. *Anecd.* 186, 1; according to Poll. viii. 126, only at the age of sixty). Ἐπιτιμία denotes the undiminished possession of civic rights [ATIMIA]. Special privileges were ἀτέλεια, προεδρία, σίτησις ἐν Πρυτανείῳ [PRYTANEIUM]. (Gilbert, i. p. 188 ff.)

If we would picture to ourselves the true notion which the Greeks embodied in the word πόλις, we must lay aside all modern ideas respecting the nature and object of a state. With us practically, if not in theory, the object of a state hardly embraces more than the protection of life and property. The Greeks, on the other hand, had the most vivid conception of the state as a whole, every part of which was to co-operate to some great end to which all other duties were considered as subordinate. Thus the aim of democracy was said to be liberty; wealth, of oligarchy; and education, of aristocracy. In all governments the endeavour was to draw the social union as close as possible, and it seems to have been with this view that Aristotle laid down a principle which answered well enough to the accidental circumstances of the Greek states, that a πόλις must be of a certain size (*Pol.* iv. 4, 6 S.=vii. 4, 9 B.; *Nic. Eth.* ix. 10, Οὐ γὰρ ἐκ δέκα μυριάδων πόλις ἔτι ἐστίν).

This unity of purpose was nowhere so fully carried out as in the government of Sparta, and in the other Dorian governments. [COSMI.]

The population of the Spartan state consisted of three different classes: the Dorian full citizens, the dependent Perioeci, and the serfs or helots. There seem to have been few slaves in the country acquired either by purchase (cf. Heracl. Pont.; Müller, *Fr. Hist. Gr.* ii. 2, 210, 2, 2) or by capture in war (Schoemann, *Gr. Alterth.* i. p. 201, but see Büchsenschütz, *Besitz u. Erwerb*, p. 172, n. 2). Properly speaking, the helots cannot be said to have had any political rights; yet being serfs of the soil (δοῦλοι τοῦ κοινοῦ, Paus. iii. 20, 6), they were not absolutely under the control of their masters (Poll. iii. 83, μεταξὺ δὲ ἐλευθέρων καὶ δούλων οἱ Λακεδαιμονίων εἵλωτες), and were never sold out of the country, even by the state itself. They cultivated the fields of their Spartan lords, but were bound to surrender only a legally fixed portion of the produce (Plut. *Lyc.* 8; Athen. xiv. p. 657 d); the amount could not be raised by the owners of the soil, so that the helots could acquire a certain amount of private property. When Cleomenes III. offered manumission to every helot who could pay down five minae, 6000 could raise this sum. In war-time the helots were employed as shield-bearers to the hoplites, as light-armed troops (Herod. ix. 28), and during the Peloponnesian war they served as marines (Xen. *Hell.* vii. 1, 12), and sometimes even as hoplites (Thuc. iv. 80; vii. 19, etc.). In the war with Thebes those helots were invited to come forward who were willing to serve as hoplites, the promise of emancipation being held out to them as a reward (Xen. *Hell.* vi. 5, 28); indeed, when they served among the heavy-armed, it seems to have been usual to give them their liberty. Out of the class of helots, emancipated as a reward for military and other services rendered to the state, (according to Arnold, *ad* Thuc. v. 34, out of the children of such emancipated helots,) there grew up a separate class, the νεοδαμώδεις (Poll. iii. 83; not mentioned before the time of the Peloponnesian war). Their number increased fast: in 400 about 1,000 Neodamodes served under Thimbron in Asia, and Agesilaus undertook to carry on the war against Persia with thirty Spartiatae, 2,000 Neodamodes, and 6,000 allies. Probably a fixed place of residence was assigned them; for to the helots of Brasidas it was specially granted οἰκεῖν ὅπου ἂν βούλωνται (Thuc. v. 34). As to their position in the state nothing definite can be said; only so much is certain, that they were not admitted to the rights of Spartan citizenship, as the name might suggest.

The μόθακες or μόθωνες were helot children (generally the sons of Spartans by helot women) who had together with the Spartan children gone through the prescribed course of education and discipline. Some (Hermann, *Griech. Antiq.* i. 25, says all, but cf. Xen. *Hell.* v. 3, 8; Grote, ii. p. 417, calls them "citizens with a certain taint of inferiority") of them enjoyed full civic rights, probably after having been adopted, such as Callicratidas, Lysander, Gylippus (Schoemann, *Opusc.* i. p. 127). As to the peculiar case of emancipation in the first Messenian war, see PARTHENIAE.

The name of Εἵλωτες is derived by some from the name of the town of Ἕλος, whose inhabitants were said to have risen against the Dorians already established in power and to have been reduced by Sparta to this state of degradation (but the inhabitants of Ἕλος are called Ἐλειοι or Ἐλεᾶται or Ἐλεῖται); by others from ΕΛ, therefore "prisoners," or from ἕλος (= δίγλον δάσος, Suid.), "low-land" (E. Curtius, *Pelop.* ii. 288, explains thus the name of the town of Ἕλος), therefore "the dwellers in the low-land on the banks of the river Eurotas" (Gilbert, i. p. 31, n. 2). Müller (*Dorians*, ii. 31) considers them an aboriginal race subdued by the Achaeans, "who immediately passed over as slaves to the Doric conquerors;" Schoemann (*Gr. Alterth.* i. p. 195) dissents from this.

The Περίοικοι* were politically dependent on the Spartans; without having any share in the administration of the state, without even being admitted to the public assemblies of the people, they had to obey the commands of the state and to perform certain services, both with their persons and their properties. They had to pay certain taxes and dues (Strab. viii. p. 365; Plat. *Alcib.* 123 A, ὁ βασιλικὸς φόρος), and in wartime to serve as light-armed troops and as hoplites: thus, in the battle of Plataeae, by the side of 5,000 Spartiatae there fought 5,000 Perioeci as hoplites (Herod. ix. 28), and on one occasion a Perioecos was in command of the fleet (Thuc. viii. 22, cf. 6). They possessed most probably civic rights in the communities (πόλιες πολλαί, Herod. vii. 234; cf. Strab. viii. p. 362 *s. fin.*) to which they belonged, but Sparta seems to have always exercised a controlling supervision. It would appear that the Perioeci were distributed into twenty districts, each presided over by a harmost (Schoemann, *Antiq. Jur. P. Gr.* p. 113, 5; *Griech. Alterth.* i. p. 205: Μέναδρος ἁρμοστὴρ mentioned in an inscr. from Cythera, see *Mitth. d. deutsch. arch. Inst. in Athen*, 5, 231, 239; and about the Κυθηροδίκης sent annually, cf. Thuc. iv. 53); and although Isocrates' account (xii. 177 ff.) of the position of the Perioeci is probably exaggerated, he may be supposed to state a fact when he says, ἔξεστι τοῖς ἐφόροις ἀκρίτους ἀποκτεῖναι τοσούτους ὁπόσους ἂν βουληθῶσιν (cf. Grote, ii. p. 369). Some enjoyed special privileges with regard to military service, as *e.g.* the Sciritae, who formed a special corps of light infantry which was used exclusively for outpost duty in camp, etc. (Xen. *de Rep. Lac.* 12, 3, and Haase *ad l. l.* p. 235), and in battle their place was on the left wing (Thuc. v. 67). In time of peace the Perioeci pursued agriculture (according to Grote, ii. p. 371, they employed helots) and enjoyed the exclusive privilege of engaging in commerce and trades, which were forbidden the Spartans by law (Plut. *Lyc.* 4); and "that their industry was not confined to the mere drudgery of manufactures is shown by the schools of Lacedaemonian embossers and brass-founders, to which Chartas, etc. belonged" (Müller, *Dorians*, ii. p. 26).

The ruling class of citizens derived their name of Σπαρτιᾶται from the capital, whilst the name Λακεδαιμόνιοι is common to them with the Perioeci. Full civic rights did not depend upon birth alone; only those were full citizens (ὅμοιοι) who had fulfilled all the exigencies of the Lycurgean discipline (Xen. *de Rep. Laced.* 10, 7), and continued to contribute and to belong to the συσσίτια (Arist. *Pol.* ii. 6, 21 S.=9, 31 B.; formerly called ἀνδρεῖα, as in Crete, then φιδίτια, 7, 3 S.=10, 5 B.). Those who neglected these two duties were probably excluded from the full civic rights; *i.e.* they were not eligible to honours or public offices, but enjoyed only personal rights: these are probably the ὑπομείονες mentioned by Xenophon (*Hell.* iii. 3, 6). In legal rights all ὅμοιοι were equal, but within them, as Schoemann has it (*Griech. Alterth.* i. p. 217) there were two distinct classes: the minority of rich, influential, cultured citizens, who to a certain extent claimed a kind of superior nobility (the καλοὶ κἀγαθοί of Aristotle, from whom the twenty-eight members of the gerousia were taken: *Polit.* ii. 6, 15 S.=9, 22 B.), and a majority of poor and uncultured members, who, though equal to the former in the eye of the law, were in reality in an inferior position, and might be described in opposition to them as the δῆμος, or mass of the citizens (Schoemann, *Opusc.* i. p. 138 ff.). Susemihl (notes 322[b] and 1264) doubts the existence of a superior nobility among the Spartans, from whom alone the γέροντες were elected, οἱ καλοὶ κἀγαθοὶ being simply the fittest, and the office being "a reward of virtue" (cf. Dem. *in Lept.* p. 489, § 107). If this be so, Aristotle cannot refer to their mode of election when he says: οἱ δὲ γέροντες τοῖς γέρουσιν, οὓς καλοῦσιν οἱ Κρῆτες βουλήν, ἴσοι (*Polit.* ii. 7, 3 S.=10, 6 B.); for the members of the Cretan βουλή were elected from those who had been κόσμοι, and the κόσμοι were chosen ἐκ τινῶν γενῶν. The Ἀπέλλα (Hesych. ἀπελλάζειν· ἐκκλησιάζειν Λάκωνες, etc.; Plut. *Lyc.* 6, etc.), which all Spartans of thirty years and upwards were privileged to attend, elected the Gerontes from the καλοὶ κἀγαθοί (those above sixty were eligible; on the mode of election, Plut. *Lyc.* 26) and the Ephors ἐξ ἁπάντων; decided (βοῇ καὶ οὐ ψήφῳ, Thuc. i. 87) upon a disputed succession to the throne (Herod. vi. 65, 66; Xen. *Hell.* iii. 3, 1), concerning peace and war (Thuc. i. 67; Xen. *Hell.* iii. 2, 23, iv. 6, 3, etc., ii. 2, 20, etc.), treaties with foreign states (Thuc. v. 77), legislative measures, etc. The right of bringing motions before the assembly, and taking part in the debates, seems to have belonged only to the kings, Gerontes, and in later times to the Ephors (see, however, the story in Aesch. i. 180, 181; and Xen. *Hell.* vi. 4, 2). The people sat, as in most Greek states (Thuc. i. 87, 3; Vischer, *Rhein. Mus.* 1873, p. 380). A μικρὰ ἐκκλησία is only once mentioned by Xen. *Hell.* iii. 3, 8. Lachmann (*d. spart. Staatsverf.* 216) sees in it a meeting of the kings, Ephors, and Gerontes; Schoemann (*Gr. Staatsalt.* i. p. 235) an assembly of the ὅμοιοι who happened to be in town, perhaps only of the more aged. (Cf. Dittenberger, *Syll. Inscr. Gr.* n°. 255, l. 41 (Gythion), ἔδοξε τῷ δάμῳ ἐν ταῖς μεγάλαις ἀπέλλαις, etc., and footnote.)

Admission into this citizen class was so rare an occurrence that Herodotus (ix. 35)

* Perioeci existed also at Argos; the Argives admitted some of them to citizenship (Arist. *Polit.* viii. 3, 8 S.= v. 3, 7 B. and note No. 1518 S.). For the ὑπήκοοι in Crete, cf. Cosmi.

declares the naturalisation of two Eleans at the time of the second Persian war to be the only known instance of the kind; but from Plato (*Legg.* i. p. 629 A) we learn that Tyrtaeus was admitted to the citizenship, and according to Plutarch (*Dion*, 17) Dion was also made a Spartan citizen (cf. also Arist. *Polit.* ii. 6, 12 S. =9, 17 B.). Occasionally those were made citizens who had been sent to Sparta as children to share in the prescribed discipline (the τρόφιμοι of Xen. *Hell.* v. 3, 9; cf. Haase *ad* Xen. *de Rep. Lac.* p. 187). The number of Spartans was in historic times continually on the decrease: whilst it amounted to 8,000 in the times of the Persian wars (Herod. vii. 234), it had dwindled down in the days of Aristotle to below 1,000 (*Polit.* ii. 6, 11=9, 16 B.; cf. Plut. *Ag.* 5). In earlier times the Spartans admitted into their ranks a considerable number of non-Dorians, and a greater exclusiveness showed itself probably only after their power was consolidated. Some even think that the third Dorian tribe, Πάμφυλοι, was so called from the foreign elements admitted into it, a view from which Busolt (*Gr. Gesch.* i. p. 108) dissents. No distinction of privileges existed between these three tribes—Τλλεῖς, Δυμᾶνες and Πάμφυλοι—that are found "wherever there were Dorians" (O. Müller, *Dor.* ii. p. 76 ff. Herod. iv. 179 uses probably φυλή in a loose sense when he speaks of the Aegidae as a φυλὴ μεγάλη ἐν Σπάρτῃ. For the Τρνάθιοι in Argos, see an inscription of the third century B.C., published in *Bull. de Corresp. Hell.* 1885, p. 350). These three tribes were divided into twenty-seven phratries (Demetrius of Scepsis in Athen. iv. p. 141 e, f). Besides this, there was a local division of the Spartans into five φυλαί: Πιτάνη, Μεσόα, Λίμναι, Κονόουρα, and Δύμη, with ὠβαί as subdivisions (cf. the rhetra in Plut. *Lyc.* 6, φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα, etc.). [Rhetra.] This division into ὠβαί was extended at a later period to communities of the Perioeci (ὠβὰ τῶν Ἀμυκλαιέων, *Mitt. d. arch. Inst.* iii. p. 165). [H. H.]

2. Roman. Civitas means (1) "state," in the sense of an independent political society, or the whole body of cives or members of such a society: civitates are defined by Cicero (*Somn. Scip.* 3) as "concilium coetusque hominum *jure* sociati:" cf. Dig. 1, 1, 9; *ib.* 11; 1, 2, 2, 4. (2) κατ' ἐξοχήν, the Roman state (e.g. *in civitate*, as distinct from *apud hostes, esse, decedere*, Dig. 28, 6, 28). (3) A *town* within a state, whether regarded as having a corporate existence (Dig. 50, 16, 15; *ib.* 17, pr.; 30, 122, pr. &c.), or merely from the geographical point of view (e.g. *theatra, loca sacra in civitate*, Dig. 1, 8, 6, 1: *in agro vel civitate rem soli possidere*, Dig. 2, 8, 15, 1). (4) The condition or status of a Roman citizen: his rights and duties, as distinguished from those of persons who are not Roman citizens; as in the common phrases *civitatem dare, civitatè donare, civitatem usurpare*. In this article it is proposed briefly to examine what these rights and duties are; how they are shared in greater or less extent by different classes of persons who are members of the Roman state; how they are acquired, and how they are lost.

Under the republic, citizens of Rome seem to be divisible into "cives *optimo jure*" and "cives *non optimo jure*." The first, whether patricians or plebeians, enjoyed the full rights of civitas, which were either public or private. The former are those known as *suffragium* and *honores*,—the right of voting in the comitia (especially the comitia tributa), whether in elections or on debates, and the capacity to fill the praetorship, consulship, and other Roman magistracies. The private rights of civitas are comprised under the two heads of *commercium* and *conubium*,—*commercium* expressing capacity to take part in the dispositions, and under the protection, of the civil law, whether conveyances, contracts, testamentary matters, or litigation; while *conubium* denotes capacity to enter into a lawful Roman marriage, and thus to acquire *patria potestas* over its issue. The *cives non optimo jure* belong to one of these classes: (1) The freedmen of a Roman citizen and their children (Suet. *Claud.* 24); later (as will be seen), these possessed the *jus optimum* in many cases, but under the early republic it was not so. Though excluded from honores and from the comitia of the tribes, they were privileged to vote in the comitia centuriata. (2) Municipes, persons belonging to a city other than and at least originally independent of Rome, upon which the *civitas Romana* had been bestowed. Whether it retained its independence, or whether it was simply regarded as a portion of the Roman state ("quorum civitas universa in civitatem Romanam venit," Paul. Diacon. ex Festo), the municipes had no share in the *jus publicum*. Livy (xxxviii. 36) says that until B.C. 188 the Formiani, Fundani, and Arpinates had the civitas without the suffragium; and at an earlier time, the people of Anagnia received the "civitas sine suffragii latione" (Liv. ix. 43). See Colonia. (3) Roman citizens originally *optimo jure*, on whom loss of suffragium had been inflicted as a punishment. This resulted from Infamia, or from the action of the censors, who were empowered "civem tribu movere et aerarium facere" for offences which seemed not considerable enough to entail complete loss of civitas (Gell. xvi. 13). They were not permitted to share in the honour of military service, but in respect of the private rights they stood on the same footing with *cives optimo jure*.

This distinction of cives into those with and those without the *optimum jus* will perhaps explain the opposition which we sometimes find between the jus Quiritium and the civitas Romana (especially in Pliny: *Ep.* x. 4, 6, 22, 23, 105, 106; cf. Ulpian, *Reg.* 3, 2). When a *Latinus* obtains Roman citizenship, he is most usually said to get the jus Quiritium; when a *peregrinus*, the term commonly used is civitas. The first expresses the difference between a civis Romanus and other members of the Roman state. *Latini* were such members; but from the term *peregrinus*, no inference can be drawn as to whether the individual is a subject of Rome or not.

In the time of the classical jurists, the free subjects of the Roman state might be either *cives, Latini*, or *peregrini* (Ulpian, *Reg.* 5, 4; 19, 4; 20, 8; 11, 6); and similarly (Gaius, i. 12) a slave might by manumission become a member of any one of these classes, though his *peregrinitas* would be a very restricted and unenviable sort of freedom. *Civis*, according to Ulpian, is he who possesses the complete rights of a Roman citizen, public as well as private. The *peregrinus*

had none of the rights of civitas: but he could contract a marriage which the law recognised for certain purposes; he had rights of property protected by praetorian remedies; he could make all the contracts of the *jus gentium* (including the "gentile" forms of stipulation, Gaius, iii. 93), and could even execute a will which the law would sanction if testamentary dispositions were in use in his own state. The condition of *Latinus* was intermediate: he had no *conubium*, and consequently he could not exercise *patria potestas* over his children or found a Roman familia, nor as between his children was the tie of agnation recognised,—they were cognates only; nor had he any of the public rights of civitas. But the *commercium* (unless he were a Latinus Junianus, of which below) belonged to him in its fullest extent.

According to Savigny, the notion of civis and civitas had its origin in the union of the patricians and plebeians as one estate. The *peregrinitas*, in the sense above stated, originated in the conquest of a state by the Romans, when the conquered state did not obtain the civitas; and he conjectures that the notion of *peregrinitas* was applied originally to all citizens of foreign states which had a *foedus* with Rome.

Civitas, then, historically viewed, was in brief as follows:—Originally the Romans divided all persons into *cives* and *peregrini*: apart from public rights, the former had *conubium* and *commercium*; the *peregrini* had neither. But it does not follow that the *peregrinus* was entirely destitute of rights. He had no legal capacity according to the *jus civile*, and it is by the *jus civile* that civitas is determined; but he had a capacity of acquiring rights under the *jus gentium* as expounded in the praetor's edict, and these rights the Roman tribunals, being under the praetor's control, gradually recognised and protected. Thus the following would be *peregrini*: (1) before the time of Caracalla, the inhabitants of almost all the Roman provinces; (2) the citizens of foreign states who were in friendly relation with Rome,—in the language of modern law, "alien amis;" (3) Romans who had lost the civitas by *capitis deminutio minor* [CAPUT]; (4) freedmen who were *dediticiorum numero* (Ulpian, *Reg.* 20, 14; Gaius, i. 13).

Between these two classes of *Latini* and *peregrini*, a third (*Latini*) is interposed in the course of history. Latinitas denotes originally the legal condition of members of the Latin confederation (unless their city had been raised to the rank of a municipium), and of the numerous *coloniae Latinae*: such persons had none of the public rights of civitas, nor had they the *conubium*; but the *commercium* was theirs. By the Leges Julia and Plautia Papiria, following upon the Social War (B.C. 90), the Roman citizenship was extended to all Italy, properly so called, and even to Gallia Cispadana. But Latinitas did not therefore disappear. The practice had perhaps already been instituted by conferring Latinitas or jus Latii on allied or subject towns whom Rome wished to honour or propitiate; at any rate, even after natives of Latium and members of the Latin colonies had become cives under the two statutes mentioned, it was common to make a grant of this semi-citizenship (which conveyed simple *commercium*) to towns in the provinces. Latinity thus has no longer any ethnic or geographical signification; it means simply a particular legal capacity. After the Lex Junia Norbana (A.D. 19) had provided that slaves manumitted in certain informal ways, or manumitted so as not to become cives, should have Latinitas, they were called Latini Juniani, but the statute expressly withdrew from them the element of the *commercium*, which would have enabled them to make, witness, or take under a will (Gaius, i. 22–24). [LATINITAS.]

The commonest way in which civitas was acquired was birth. Children born of a *legitimum matrimonium* (*i.e.* lawful wedlock between two cives, or between a *civis Romanus* and a *Latina* or *peregrina* upon whom *conubium* had been specially conferred: Ulpian, *Reg.* v. 3, 4) were born cives. If there was not *conubium* between husband and wife, but the latter was a civis, the issue were cives unless the husband was a *peregrinus*: "non interveniente conubio [liberi] matris condicioni accedunt, excepto eo qui ex peregrino et cive Romana nascitur; nam is peregrinus nascitur, quoniam lex Minicia ex alterutro peregrino natum deterioris parentis condicionem sequi jubet" (Ulpian, *Reg.* v. 8, 9); the general rule, where there was not *conubium*, being "partus sequitur ventrem." Slaves would become cives by being manumitted in one of the statutory modes (*vindicta, censu, testamento*), unless the case was one in which the Lex Aelia Sentia restricted the *libertus* to a lower status (Gaius, i. 13, 18, 21, 27). A *Latinus* could rise to the status of civitas in a variety of ways: by filling a magistracy in his own colonia Latina (Gaius, i. 95); by marrying a *civis* or *Latina* before seven witnesses and begetting a child who lived a year, and proving these facts before a magistrate (Gaius, i. 66); by marrying a *peregrina*, believing her to be a *civis*, and proving his mistake ("erroris causae probatio," Gaius, i. 67); for other modes see the succeeding paragraphs of Gaius (*ib.* 35; Ulpian, *Reg.* iii. 1–6; Cod. 9, 24, 1, 4).

Upon *peregrini* and *Latini* (except *liberti deditícii*, Gaius, i. 26) civitas could always of course be conferred by statute: for examples, see Liv. vi. 4, xxxiv. 42; Cic. *pro Balb.* 13. Cicero (*ib.* 8, 21) remarks that many of the people of Heracleia and Neapolis made some opposition to accepting the terms offered by the Lex Julia (B.C. 90), and would have preferred their former relation to Rome as *civitates foederatae* to the Roman civitas. That statute gave the civitas not only to the natives of the Italian towns, but also to natives of towns out of Italy who had become citizens of Italian towns before it was enacted. Thus, L. Manlius (Cic. *ad Fam.* xiii. 30), a native of Catina in Sicily, obtained the Roman civitas by virtue of having been enrolled as a citizen of Neapolis (*erat enim in id municipium adscriptus*) before that date. The Lex Plautia Papiria, passed a year later, contained a provision that persons who had been enrolled as citizens of the *foederatae civitates*, and who had a domicile in Italy at that moment, should have the Roman civitas if they gave in their names to the praetor within sixty days ("apud praetorem essent professi," Cic. *pro Archia*, 4, 7). Archias claimed the benefit of this statute as having been enrolled a citizen of Heraclea, and having in the other respects satisfied its conditions. But the relation between the Leges Julia and Plautia

Papiria is differently represented by Dr. Merivale (*Fall of the Roman Republic*, chap. iii.), who thinks that the former gave the civitas only to Umbria, Etruria, and the southern extremities of the Italian peninsula, while the latter extended it to all the other Italian allies and Gallia Cispadana.

Under the empire, when the political rights of the citizen had ceased to have any value, and the personal will of the emperor had practically become the sole legislative organ, he was privileged (*inter alia*) to bestow the civitas on whomsoever he pleased, except *deditícii liberti*: though as the gift of it to a Latinus Junianus would prejudice the patron, the interests of the latter were guarded by an edict of Trajan (Gaius, iii. 72). The extent to which the earlier emperors exercised this power was dwarfed by the edict of Caracalla (A.D. 211–217), which conferred the civitas on all *Latini* and *peregrini* then living under the sway of Rome (Dig. 1, 5, 17), though these classes were at once in some measure replenished by manumission of slaves, the Leges Aelia Sentia and Junia Norbana not having been abrogated. Under the later emperors, the progressive absorption of the *jus civile* in the *jus gentium*, or the substitution of the latter in all departments of private law for the former, tended more and more to minimise the importance of the distinction between *cives* and *non cives*. Justinian speaks of *deditícia libertas* (practically the only form of *peregrinitas* in his empire) as extinct before his time (Cod. 7, 5), and the Latina libertas (of which he says few examples were to be found: *Inst.* i. 5, 3) he extinguished with the repeal of the Lex Junia Norbana (Cod. 7, 6), so that in the 6th century the last trace of the distinctions between freemen in respect of civitas had disappeared, and all subjects were either cives or slaves.

(Savigny, *Zeitschrift*, &c. vol. v. "Ueber die Entstehung, &c. der Latinität;" vol. ix., "Der römische Volksschluss der Tafel von Heraklea;" vol. xi., "Nachträge zu früheren Arbeiten: *System des heutigen römischen Rechts*," vol. ii. p. 27, &c.; Puchta, *Institutionen*, §§ 62–65, 216–218.) [J. B. M.]

CLABULA'RIS or CLAVULA'RIS. The *cursus clabularis* in the Theodosian Code (vi. xxix. 2, § 4, and 5, § 1; and viii. v. 23) and in Ammianus Marcellinus (xx. 4) denotes the system of military transport by means of carriages and vehicles. Johannes Lydus derives the word from *clavus* (κλαβουλάριος ὀχηματικὸς· κλάβον γὰρ τὸν οἶακα καλοῦσι, *de Mensibus*, i. 9). If we may trust the text of Cod. Theod. vi. 29, 2, § 2 ("ne quis . . . rhedam usurpet, cui birotum vel veredum postulare vel clabulare permissum est"), *clabulare* is the name of a wagon, the word here also being used in connexion with the transport service. Hence it has been derived from *clavulae* in the sense of rails. [J. H. F.]

CLANDESTI'NA POSSES'SIO. [INTERDICTUM.]

CLARIGA'TIO. [FETIALES.]

CLASSES. [COMITIA.]

CLASSIA'RII. [EXERCITUS.]

CLAS'SICUM. [CORNU.]

CLATHRI. [DOMUS.]

CLAUSTRUM. [JANUA.]

CLAVA (*ῥόπαλον*, *κορύνη*), a club. The shape of the club is seen in works of art relating to Hercules, who is usually represented with a club (Soph. *Trach.* 512; Aristoph. *Ran.* 47; Prop. iv. (v.) 9, 39; Ov. *Met.* xv. 114; *Her.* ix. 117; Suet. *Ner.* 53), and therefore called *Claviger* (Ov. *Met.* xv. 22, 284; *Fast.* i. 544). Hence the

Hercules wrestling with Nemean lion: the club by his side. (From a Roman lamp.)

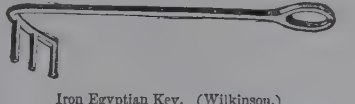
expression "Herculi clavam subtrahere" of an impossible undertaking (Macrob. *Sat.* v. 3, § 16). The club was sometimes carried, instead of the walking-stick, by certain philosophers as a mark of affectation (Sid. Ap. *Ep.* iv. 11, ix. 9; *Carm.* xv. 197). In Homeric times, the club shod with iron, or made of bronze, was used as a mace in fighting (*σιδηρείῃ κορύνῃ*, *Il.* ix. 141; *ῥόπαλον παγχάλκεον*, *Od.* xi. 375); and in the army of Xerxes the Assyrians carried wooden clubs knotted with iron (*ῥόπαλα ξύλων τετυλωμένα σιδήρῳ*, Herod. vii. 63). Peisistratus had a body-guard of club-bearers (*κορυνηφόροι*), as less invidious in a free state than *δορυφόροι*, or men armed with spears (Herod. i. 59; Diog. Laërt. i. 66; Plut. *Sol.* 30). Though the club or mace was not usual in the Greek army, it was used occasionally; and we thus read of Arcadian hoplites carrying clubs (*ῥόπαλα ἔχοντες*, Xen. *Hell.* vii. 5, § 20). Both Daremberg and Saglio and Rich give a figure of Mars, from an ancient Roman fresco-painting of the Villa Albani, where the god carries a mace studded with spikes. In the Column of Trajan the club appears as the weapon of some auxiliary barbarians.

Among the Romans the recruits were taught to fight with a club instead of a sword, against a dummy or stake (*palus*) set in the ground (Cic. *Sen.* 16, 58; Veg. *Mil.* 1, 11; cf. Juv. vi. 247). [W. S.]

CLAVA'RIUM. [CLAVUS.]

CLAVIS (*κλείς*, dim. *κλειδίον*), a key. In Homer the *κλείς* is not a key in the modern meaning of the word, but rather a hook (having a leathern thong) which passed through the door *from the outside*, and caught the bolts (*ὀχῆες*), so as to shoot them home or draw them back, as required (*Od.* xxi. 6, 46–50). In some passages of Homer the word signifies simply a bolt (*Od.* i. 442; xxi. 241; L. & S. *s. v.*). In course of time locks and keys were made, much like those of modern times. Locks were used in Egypt at an early period, and were originally of wood, probably like those now used in Egypt, which are opened by a key fur-

nished with several fixed pins, answering to a similar number that fall down into the movable tongue, into which the key is introduced, when they fasten or open the lock (Wilkinson, *Ancient Egyptians*, i. p. 353). At a later time we find iron keys in Egypt, consisting of a long straight shank, with three or more projecting teeth, like the one figured below The earliest mention of



Iron Egyptian Key. (Wilkinson.)

a key, like our own, which could be taken out of the lock, is in the Book of Judges (Judg. iii. 23, 25; Wilkinson, *l. c.*).

Schliemann found keys of copper and bronze in the remains of the cities in the Troad. The accompanying cut represents a copper key, found close by the so-called Treasury of Priam in the ruins at Hissarlik. "It is four inches long, the head of which (about two inches long and broad) greatly resembles a large safe-key of a bank."

Copper Key found at Hissarlik. (Schliemann, *Troy and its Remains*, p. 333, ed. 1875.)

The cut on the next column represents a curious bronze key, with a ring for suspension, found in the ruins of Novum Ilium. "It has the shape of the so-called quadrangular images of Hermes, with an altar-like base forming one piece with the body, to which a quadrangular projection is fixed on the back, with a hole corresponding to the lock-bolt." (Schliemann, *Ilios*, pp. 620, 621, ed. 1880.)

Pliny (*H. N.* vii. § 198) ascribes the invention of keys to Theodorus of Samos; and the ancient writers speak of Carian (Avien. *Orat. Phen.* 455), and especially of Laconian keys, because originally made by the Lacedaemonians. (Aristoph. *Thesmoph.* 423; Plaut. *Most.* ii. 1, 57; Eustath. *ad Od.* p. 1603, 51; Suid. *s. v.* Λακωνικαὶ κλεῖδες: Müller, *Dorians*, ii. p. 25, Engl. transl.) We learn from Aristophanes (*l. c.*) that the Laconian key had three teeth (τρεῖς γομφίους), probably like the Egyptian key figured above. Keys are mentioned by Aeschylus (*Eum.* 827) and Euripides (*Med.* 661); and Lysias in his speech on the murder of Eratosthenes speaks of the wife shutting the door and taking the key with her (τὴν κλεῖν ἐφέλκεται, c. 4), so that the husband was shut up in his chamber (ἀπεκλείσθην ἐν τῷ δωματίῳ, c. 5). In this case the door must have been locked from the outside.

Many Roman keys have been found, much like our own, the larger ones usually of iron, and the smaller of bronze; but there were also keys made of wood and gold in use in later times. (Augustin. *de Doctr. Christ.* iv. 11 (26).) Besides these there was the βαλανάγρα, a key or hook, which was passed through a hole in the door-post, and raised the βάλανοι or bolts of the lock, like the Egyptian locks described above. (Herod. iii. 155; Polyb. vii. 16, § 5.) It must have been a lock of this kind which the robber in Apuleius (*Met.* iv. 10) opens, by passing his hand through the hole, *qua clavi immittendae foramen patebat*. Mr. Cuming observes that Roman keys, both of bronze and iron, have been found, "which were never intended to turn, the stems being square, and the webs, consisting of from one to five or six teeth, rising from a bar bent at an acute angle to the stem; which teeth would serve the purpose of elevating pegs, as in the Egyptian locks."

Bronze Key found at Novum Ilium. (Schliemann.)

The street door was usually fastened inside by bolts (*pessuli*) and a bar (*sera*), but it also had a key which the *janitor* of the house kept. (Apul. *Met.* ix. 20; cf. iv. 18.) The cut given below represents a key found at Pompeii, and now in the Museum of Naples, the size of which indicates that it was used as a door-key. The tongue with an eye in it, which projects from the extremity of the handle, served to suspend it from the wrist of the *janitor*. The rooms of the house were also opened inside with keys; and hence in both cases we read *subdita clavi pessulos reduco* (Apul. *Met.* i. 14), *clavi pessulis subjecta repandit fores* (*ibid.* ix. 20), where *pessuli* mean the bolts of the lock. The doors often had locks both inside and outside. This is evident from Plaut. *Most.* ii. 1, 57, where a Laconian key is mentioned for locking the door from the outside, compared with verse 78—

"Clavim cedo atque abi intro atque obcjude ostium,
Et ego hinc [*i.e.* foris] obcludam."

(Cf. Achill. Tat. ii. 19.)

When a Roman woman first entered her husband's house, the keys of the store-rooms were handed to her. Hence the form of divorce, in the Twelve Tables, was that the husband took away the keys (*claves ademit, exegit*, Cic. *Phil.* ii. 28, 69); and the wife, when she separated from the husband, sent him back the keys

Door-key found at Pompeii.

(*claves remisit*, Ambros. *Ep.* 65). But the keys of the wine-cellar were not entrusted to the wife, and Fabius Pictor related a story of a married woman having been starved to death by her relatives because she picked the lock of the closet in which the keys of the wine-cellar were kept (Plin. *H. N.* xiv. § 89). The key of the

street door was, as we have already seen, kept by the *janitor*, and the keys of the other departments of the house by slaves to whom such departments belonged (Sen. *de Ir.* ii. 25). To this Martial (v. 35) alludes.

There were false or skeleton keys, called by the Romans *adulterinae* or *adulterae*, used by robbers for entering a house (Sall. *B. J.* 12; cf. Ov. *A. A.* iii. 643). Besides locks fixed permanently on doors, the Romans also had padlocks to be removed at pleasure. Mr. Cuming (see below) gives a specimen of such a padlock, with the corresponding key. Small keys were at times attached to rings to be worn on the hand. [ANULUS, p. 131 *a*.] In the annexed

Keys and Lock. (Guhl and Koner.)

cut from Guhl and Koner, figure *a* represents a ring-key, *b* a lock with wards, for which a key of a complicated form must have been necessary, and *c* a ring with several small keys attached, which probably served to open jewel-cases or other small cases.

The gates of a city were locked by keys (Liv. xxvii. 24, 8; Juv. xv. 158).

The epithet κλειδοῦχος or *claviger*, "key-bearer," is given to several of the gods as having charge or custody of a place. Thus it is an epithet of Janus, as the god of doors (Ov. *Fast.* i. 228; cf. Macrob. *Sat.* i. 9). Hecate, the goddess, who held the keys of Hades, is constantly thus represented in ancient works of art.

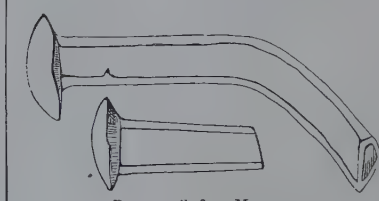
Hecate, holding a key. (Causei, *Museum Romanum*, vol. i. tav. 21.)

On the *clavis trochi*, see TROCHUS.

(On ancient keys, see Cuming, *History of Keys* in *Journal of the British Archaeol. Association*, vol. xii. p. 117 foll.; Wills, *ibid.* vol. xiii. p. 335; Marquardt, *Privatleben d. Röm.* p. 226; Becker-Göll, *Charikles*, ii. p. 148; *Gallus*, ii. p. 327.) [W. S.]

CLAVUS (ἧλος, γόμφος), a nail. In Homer ἧλος is not a nail to fix or fasten, but a *stud* or projecting head used as an ornament (*Il.* i. 246, xi. 29, 633; Athen. xi. p. 488 b), but subsequently it has the sense of a *nail* to fasten with, and is identical with the Latin *clavus* (Pind. *Pyth.* iv. 125; Plat. *Phaedr.* 83 B; Xen. *Cyneg.* 9, 12). Blümner (see below) points out that γόμφος originally signified a peg or bolt, usually made of wood and used in shipbuilding, and that it only subsequently became synonymous with ἧλος and *clavus* (cf. Lucian, *Gall.* 24, 25; Pollux, i. 84). But in Aeschylus (*Sep.* 542) γόμφος signifies a nail, and Polybius (xiii. 7, § 9) speaks of iron nails under the name of γόμφοι.

In early times, before soldering was known, nails were used to join together plates of metal. In the treasury of Atreus at Mycenae, the stones, of which the dome is constructed, are perforated by regular series of bronze nails, which doubtless held together the bronze plates with which the interior was once decorated. Two of these bronze nails are represented in the annexed cut · they are of two-thirds the real size.


Bronze nails from Mycenae.

Hence we read in the poets of brazen chambers (Hom. *Od.* vii. 84–87; Hor. *Carm.* iii. 16; Schliemann, *Mycenae*, p. 44).

Many ancient nails of various sizes and shapes are found in our museums. They are, as might be expected, generally of iron (Pind. Xen. *ll. cc.*; Cat. *R. R.* 18, 9; Plaut. *Trin.* iv. 3, 32; Caes. *B. G.* iii. 13; Vitruv. vii. 3, 1; Plin. *H. N.* xxviii. § 63, xxxiv. § 143), sometimes of bronze (Theophr. *Char.* 5; Plin. *H. N.* xvi. § 51), of hard wood, especially the *cornus* (Xen. *Cyneg.* 9, 12; Cat. *R. R.* 18, 9; Plin. *H. N.* xvi. § 206; Plut. *Mar.* 25), of copper ("clavus cuprinus," Pallad. Ian. 15, 18), and even of silver (Plut. *Alex.* 40). In the ruins of the second city at Hissarlik Schliemann found some very large copper nails with hammerlike

Copper nail found at Hissarlik, one-third of the size. (Schliemann, *Troja*, p. 93, ed. 1884.)

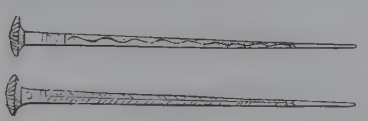
heads, which had been cast together with the nail.

The *clavi muscarii* of Vitruvius (vii. 3, § 11) were probably small nails like our tacks. Large

nails for fastening beams were called *clavi trabales* (Cic. *Verr.* v. 21, 53; Hor. *Carm.* i. 35, 18; Arnob. ii. 13), or *tabulares* (Petron. 75).

The shoes of soldiers were studded with nails, hence called *clavi caligarii* or *caligares* (see references under CALIGA, p. 346). The men received a donative, called *clavarium* (Tac. *Hist.* iii. 50), ostensibly for supplying them with these nails, though the donative was probably more than was necessary for this purpose. There was a similar donative under the name of *calcearium* (Suet. *Vesp.* 8).

The heads of nails were of various shapes and sizes. Some were highly ornamented, like the bronze nails on the doors of the Pantheon at Rome, which were called *bullae*, and some of which are figured under BULLA, p. 318. The annexed cut, representing a Roman nail, is highly ornamented: two of its faces are given, but the pattern varies on each of the four.



Ornamented Roman nail. (Caylus, *Recueil d'Antiq.* vol. v. pl. 96.)

The ornamented head of this nail shows that it was never intended to be driven by the hammer: it may have been used for the hair in the manner shown in the cut under ACUS.

It remains to speak of the symbolical use of the *clavus*, or nail. *Clavum figere* was a proverbial expression, signifying what was unalterably fixed by Fate ("ut hoc beneficium, *quemadmodum dicitur*, clavo trabali diceret," Cic. *Verr.* v. 21, 53; "quod semel destinavi clavo trabulari fixum est," Petron. 75). Hence the goddess Necessitas is armed with a nail (Hor. *Carm.* i. 35, 17, 18; iii. 24, 5, 6), wherewith to fix the decrees of Fate, and is so represented in works of art.

The goddess Necessitas, armed with a nail. (Causei, *Museum Romanum*, vol. i. tav. 28.)

In like manner, in an Etruscan mirror found at Perugia, the winged goddess Athrpa or Atropus is represented as about to drive a nail with a hammer, to indicate the predetermined death of Meleager and Atalanta.

The Etruscan goddess Athrpa or Atropus armed with a nail. (Vermiglioli, *Inscriz. Perug.* vol. i. p. 49.)

At Volsinii, in Etruria, a nail was driven every year in the temple of Nortia, the Fortune of Etruscan mythology, in order to keep a reckoning of the years (Cincius, *ap.* Liv. vii. 3). This custom was introduced into Rome from Etruria, probably by the Tarquins, when they founded the temple of Jupiter Optimus Maximus. An ancient law enacted that a nail should be driven each year by the chief magistrate on the Ides of September into the side of the cella of Jupiter on the Capitol. As the Romans thus kept a reckoning of their years, when letters were yet scarcely in use, this nail was called *Clavus Annalis*. (Liv. *l. c.*; Fest. p. 56, M.; cf. Cic. *Att.* v. 15.) This practice fell into disuse, but was afterwards revived, not for the purpose of marking the year, but from a superstitious feeling that any great calamity, such as a pestilence, would be averted, if this ceremony was performed by the supreme magistrate. Hence we read of a dictator being appointed, more than once, for the sole purpose of driving in the nail (*clavi figendi causa*, Liv. *l. c.* vii. 3, viii. 18, ix. 28). Several superstitions were connected with fixing a nail. Thus Pliny (*H. N.* xxviii. § 63) recommends, as a remedy against epilepsy, driving a nail into the spot where the head of the patient was struck when he fell for the first time. (Blümner, *Gewerbe u. Künste bei Griech. u. Römern*, ii. pp. 230, 307; Daremberg and Saglio, s. v. *Clavus*; Dennis, *Etruria*, ii. p. 25.) [W. S.]

CLAVUS ANNA'LIS. [CLAVUS.]

CLAVUS GUBERNA'CULI. [NAVIS.]

CLAVUS LATUS, CLAVUS ANGUSTUS. It was a common usage with many nations of antiquity to adorn a garment by means of stripes of a different colour, woven in

or sewn on the stuff. As instances we may quote the purple stripe down the middle of the robes worn by the priests of the Sun, instituted by Heliogabalus (Herodian, v. 5, 9); the broad white stripe down the breast of the purple garment of the Persian leader in the Pompeian mosaic of the battle of Issus; the regulations of the mysteries at Andania, which prescribe that the σημεῖα on the women's garments are to be not more than half a finger's breadth (Sauppe, *Abhandl. der kgl. Gesellsch.*, Göttingen, 1860); and among the Romans the female ornament of the *patagium*. But the Romans made a more characteristic use of these adornments by employing them as badges of office or rank (*ornamenta*), as in the case of the *trabea*, the *toga praetexta*, and the *clavi*.

It will be convenient to determine the use of both the *latus clavus* and the *angustus clavus* before discussing their form.

Usage.—The *latus clavus* was, according to tradition, introduced by Tullus Hostilius from the Etruscans (Plin. *H. N.* ix. § 136). It was the distinctive badge of the senatorian order (Hor. *Sat.* i. 6, 28; Ov. *Trist.* iv. 10, 35), and hence it is used to signify the senatorial dignity (Suet. *Tib.* 35; *Vesp.* 2, 4). In distinction to the *angustus clavus* it is called *purpura maior* (Juv. *Sat.* i. 106), and the garment it decorated *tunica potens* (Stat. *Silv.* v. 2, 29). Pliny speaks of this distinctive use as late (*H. N.* xxxiii. § 29); yet its assumption by a *praeco*, the father of L. Aelius Stilo Praeconinus (whose official dress may have included the *angustus clavus*), was, as he admits, remarkable, as also was its use by Horace's praetor of Fundi (*Sat.* i. 5, 36). But there were relaxations of the restriction: thus Augustus wore the *tunica lati clavi* before he assumed the *toga virilis*, and it was afterwards his custom to permit the sons of senators to wear it and attend the discussions of the senate, in order to train them in public affairs. If they were entering on a military career, he also made them military tribunes and prefects. These youths were called *laticlavii* (Suet. *Aug.* 38, 94, *Dom.* 10; Hor. *Sat.* i. 6, 25; Dio Cass. lix. 9, 5: on the contrary, *tribunus angusticlavius*, Suet. *Otho*, 10). Statius speaks of a youth assuming the *latus clavus* together with the *toga praetexta* (*Silv.* v. 2, 29; cf. iv. 8, 59–62). The right of wearing the *latus clavus* was also granted by the emperor as a favour to the sons of knights, as a preliminary step to their entering the senate; if they relinquished or were disappointed in their hopes, they assumed the *angustus clavus* ("clavi mensura coacta est," Ov. *Trist.* v. 10, 29–36; Suet. *Vesp.* 2), but might again assume the *latus clavus*, like Priscus in Horace (*Sat.* ii. 7, 10), who "vixit inaequalis, clavum ut mutaret in horas." In the later empire the *equites* appear to have encroached on the rights of the senate in this respect, and Alexander Severus was only able to insist that knights should be distinguished from senators by the quality of the purple employed (Lamprid. *Alex. Sev.* 27). The senate laid aside the *latus clavus* at times of mourning (Liv. ix. 7) and assumed the *angustus clavus* (Dio Cass. xxxviii. 14; xl. 46).

The *angustus clavus* was a badge of the equestrian order (Vell. Paterc. ii. 88, 2), but less distinctively so than the golden ring (*e.g.* Liv. ix. 7: "lati clavi, anuli aurei positi." Cf. Plin. *H. N.* xxxiii. § 29); for, as we shall see from the extant works of art, it was also worn by *camilli*, *lanistae*, and others not of equestrian rank, as a part of their ceremonial dress.

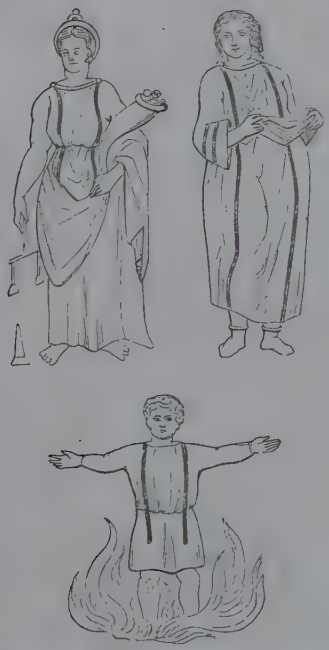
Form.—It is agreed by antiquarians that the *clavi* were purple stripes woven in the fabric (Quint. viii. 5, 28; Plin. *H. N.* viii. § 193; Fest. p. 56, 9) or sewn on it (Dig. 34, 2, 23, § 1; 19, § 5); that they were employed to ornament the tunic, and no other garment; that the *angustus clavus* consisted of two narrow vertical stripes falling from each shoulder, down the front, and, as appears from frescoes, also down the back. But there has been great discussion concerning the form of the *latus clavus*, some contending that it was a single stripe running down the centre of the bosom of the tunica, some that there were two stripes, only differing from the *angustus clavus* in breadth, and, like it, running down the back (as Marquardt maintains). The latter view is now generally held, although it is impossible to conclude the discussion by appealing to any representation of a senator displaying this *ornamentum*, as it was not the custom of ancient sculptors to indicate a distinction of colour by a conventional system of lines.

It must be observed that *latus clavus*, *angustus clavus* are often abbreviated expressions for *tunica lati* or *angusti clavi*. Thus Julius Caesar is said to have worn "lato clavo ad manus fimbriato" (Suet. *Jul.* 45). That the *angustus clavus* consisted of two stripes is proved by Quintilian, xi. 3, 138: "Cui lati clavi ius non erit, ita cingatur, ut tunicae prioribus oris infra genua paulum, posterioribus ad medios poplites usque perveniant . . . ut *purpurae* recte descendant, levis cura est." Though we cannot point to a representation of an *eques* wearing this garb, we find it frequently shown in Pompeian paintings of persons of inferior rank who are in ceremonial dress, especially *camilli* and other attendants on religious rites, and of *lanistae*. In a wall-painting at Pompeii belonging to the worship of the goddess Epona, the two *camilli* and a man leading mules wear the *angustus clavus*. The latter may be a muleteer especially adorned for a festival of the goddess, or a person

Angustus Clavus. (Niccolini, *Case e Monumenti di Pompeii*. III. Anfiteatro, tav. iii.)

of higher rank performing some rite of her worship. (*Annali dell' Inst. Arch.*, 1872, pl. D.)

The illustration given above is from a painting on the wall of the amphitheatre at Pompeii, representing the commencement of a combat between two gladiators, and shows all the attendants wearing this ceremonial dress. It is particularly interesting, because the *clavi* are seen on the back of the tunic of one of the attendants on the left. (Cf. Nissen, *Pompeianische Studien*, p. 352, for other instances.) The *angustus clavus* is also commonly represented on the figures of the paintings in the Catacombs. The female figure on the left hand, from Buonarotti (*Osservazioni sopra alcuni Frammenti di Vasi antichi di Vetro*, tav. xxix. fig. 1), represents the goddess Moneta. The one on the right hand, from a cemetery on the Via Salara Nova, represents Priscilla, an early martyr. The next figure is selected from three of a similar kind, representing Shadrach, Meshach, and Abednego, from the tomb of Pope Callistus on the Via Appia.



Angustus Clavus. (From figures in the Catacombs.)

The *angustus clavus* probably survives in the *clavi* on the dalmatic, which was recognised as an ecclesiastical garb in the earlier part of the fourth century (*Vita Sylvestri I.*, p. 266, Combéfis), though down to A.D. 640 the *clavi* are always represented as black, according to Marriott (*Vestiarium Christianum*, p. lv.). (See *Dict. of Christian Ant.* s. vv. Clavus, Dalmatic.)

Some writers maintain that the drawing on the following page, representing Rome personified, clothed in a robe called cyclas [CYCLAS], shows the *latus clavus* falling in a broad purple stripe down the breast. It is taken from a picture of the 2nd or 3rd century, belonging to the Barberini family. On the contrary, M. Heuzey finds in the paintings of the Catacombs and in the miniatures of the Vatican Virgil attempts to indicate the rank of the wearer by the breadth or narrowness of the *clavi*, which in all cases are similarly arranged, and hence argues that the *latus clavus* differed from the *angustus* only in breadth. But in the wall-paintings of the Catacombs the attempt to draw this distinction appears in some cases to lead to contradictory results in the same picture, and it seems preferable to base this view on the strong support afforded by ancient texts.

Clavus on the Dalmatic. (Mosaic in the church of St. Vitalis in Ravenna.)

Supposed *latus clavus*. (From a painting of Rome personified.)

It is true that the singular (*latus clavus*) is generally used, but this is also true of the *angustus clavus*, which confessedly consisted of two stripes; while the employment of the plural, *latis clavis*, is striking in a passage of Varro, which also insists on the resemblance of the two garments, by using as an illustration of an analogy a tunic, in which of the two pieces (front and back) one has the *lati*, the other the *angusti*, *clavi*. ("Non, si quis tunicam in usu ita [E. Schulze, *inusitate*] consuit, ut altera plagula

sit angustis clavis, altera latis, utraque pars in suo genere caret analogia," *L. L.* ix. 79. Cf. for the use of the plural, Festus, p. 209 a, 23: "tunica autem palmata a latitudine clavorum dicebatur, quae nunc a genere picturae appellatur.") Again, Augustus, among other affectations of simplicity, "usus est . . . clavo nec lato nec angusto" (Suet. *Aug.* 73), which is quite intelligible if the two ornaments differed only in breadth, but inexplicable on the other hypothesis: while Herodian (v. 5, 9) speaks of the stripe down the centre of the tunic worn by the priests of the Sun, instituted by Heliogabalus, as a Phoenician custom (*ἀνεζωσμένοι οἱ μὲν χιτῶνας ποδήρεις καὶ χειριδωτοὺς νόμῳ Φοινίκων, ἐν μέσῳ φέροντες μίαν πορφύραν*).*

As the tunic was composed of a front piece and a back piece sewn together, the passage quoted above from Varro goes to show that the *lati clavi* were worn down the back, as well as down the front. In support of this may be cited Varro, *Sat. Menipp.* 313, Bücheler: "quorum vitreae togae ostentant tunicae clavos," which refers to togas made of such diaphanous material that the *clavi* could be seen through them at the back. With the same intent of displaying this mark of distinction, the wearer of the *tunica laticlavia* is to gird himself so that it may fall low ("paulum cinctis summissior," Quint. xi. 3, 139). Pliny observes that in his time it was becoming a fashion to weave the *tunica lati clavi* of a stuff resembling *gausapa* (*H. N.* viii. § 193). The false derivation quoted from Festus above for *palmata* as applied to *tunica* may possibly indicate that the breadth of the *latus clavus* was about a palm.

The equivalents used in the Greek writers are: — *clavus, σημεῖον: tunica laticlavia, ἡ πλατύσημος: tunica angusticlavia, ἡ στενόσημος: tunica asema* (Lampr. *Alex. Sev.* 33, 4), *ἡ ἄσημος: tunica clavata, ἡ σημειωτός.*

The chief authorities for the subject are Ferrarius, *de Re Vestiaria* (Patavii, 1654); Rubenius, *de Re Vestiaria Veterum, Praecipue de Lato Clavo Libri Duo* (Antwerp, 1665); Ferrarius, *Analecta de Re Vestiaria* (Patavii, 1690); Marquardt, *Röm. Privatleben* (1886), pp. 544 ff.; *Historia Equitum Rom.* pp. 77, 80; E. Schulze in *Rhein. Mus.*, 1875, pp. 120 ff. [A. R.] [J. H. F.]

CLEPSYDRA. [Horologium.]

CLERU'CHI (*κληροῦχοι*). [Colonia.]

CLERUS (*κλῆρος*). [Heres.]

CLETE'RES or CLE'TORES (*κλητῆρες* or *κλήτορες*), summoners. The Athenian summoners were not official persons, but merely witnesses to the prosecutor that he had served the defendant with a notice of the action brought against him, and the day upon which it would be requisite for him to appear before the proper magistrate, in order that the first examination of the case might commence. (Harpocrat.) In Aristophanes (*Nub.* 1246; *Vesp.* 1408) we read of one summoner only being employed, but two are generally mentioned by the orators as the usual number. (Dem. *c. Nicostr.* p. 1251, § 14; *de Coron.* 244, § 55; *c. Boeot.* ii. p. 1017, § 28.) The names of the summoners were subscribed to the declaration or bill of the prosecutor, and were, of course, essential to the validity of all proceedings founded upon it. What has been hitherto stated applies in general to all causes, whether *δίκαι* or *γραφαί*: but in some which commenced with an information laid before magistrates, and an arrest of the accused in consequence (as in the case of an *ἔνδειξις* or *εἰσαγγελία*), there would be no occasion for a summons, nor, of course, witnesses to its service. In the *εὔθυναι* and *δοκιμασίαι* also, when held at the regular times, no summons was issued, as the persons whose character might be affected by an accusation were necessarily present, or presumed to be so; but if the prosecutor had let the proper day pass, and proposed to hold a special *εὔθυνα* at any other time during the year in which the defendant was liable to be called to account for his conduct in office (*ὑπεύθυνος*), the agency of summoners was as requisite as in any other case. Of the *δοκιμασίαι* that of the orators alone had no fixed time; but the first step in the cause was not the usual legal summons (*πρόσκλησις*), but an announcement from the prosecutor to the accused in the assembly of the people. (Meier, *Att. Process*, pp. 212, 576.) In the event of persons subscribing themselves falsely as summoners, they exposed themselves to an action (*ψευδοκλητείας*) at the suit of the party aggrieved. [J. S. M.]

CLIBANARII. [Cataphracti.]

CLIENS contains the same linguistic element as *cluere* (*κλύειν*), "to hear" or "obey:" cf. the affinity in German of *Gehorsam, gehorchen, angehörig, Höriger*, with *hören*, "to hear."

For the origin of clientes and clientela we must go back to the period of Roman history anterior to the incorporation of the plebs in the state. The populus, which alone comprised that state, consisted of the patres familias united in a compact aggregate by the tie of gens, curia, and tribe; but, besides these, there were many other free persons dwelling on Roman territory (mostly refugees from neighbouring tribes, or foreigners who resorted thither for purposes of trade) who possessed no civil rights whatever. As these increased in number, it was found desirable to bring them in some way into connexion with the state organisation; and this was effected by allowing them to attach themselves as *clientes* to a civis, who was called their *patronus*. They became members of his gens (but apparently without any right of voting in the comitia), thereby acquiring the gentile name, and incurring the obligation of military service. The rights of the patronus were modelled on those of the pater over his filius familias: if the cliens committed an offence against him, it was *perduellio* (Dionys. ii. 10), and the only law which protected him against a too harsh exercise of the patron's authority was that of the gods ("patronus si clienti fraudem fecerit sacer esto," XII. Tables in Serv. *ad* Verg. *Aen.* vi. 609; cf. Festus, s. v. *Sacer*). It is apparently of *clientela* in this original form that Dionysius is speaking (*Antiq. Rom.* ii. 9) when he tells us that Romulus gave to the *εὐπατρίδαι* the care of religion, the honores (*ἄρχειν*) the administration of justice and all executive authority. The *δημοτικοὶ* (whom in the preceding chapter he explains

* Johannes Lydus, it is true, says that the *πατέρες* or *πατρίκιοι* wore *χλαμύδες ... πορφύρᾳ κατὰ μέσου διάσημοι· λατικλαβίας αὐτὰς ὠνόμαζον*: but the use of the imperfect shows that he is speaking of an extinct custom, and his account of Roman dress shows much confusion: thus he calls the *tunica* a *χλαμύς*. (*De Mag.* i. 17; and compare *ib.* 32.)

to be the πλήβειοι) had none of these privileges, and were also poor: husbandry and the necessary arts of life were their occupation. Romulus thus entrusted the δημοτικοὶ to the safe keeping of the πατρίκιοι (who are the εὐπατρίδαι), and permitted each of them to choose his patron. And these remarks may be read in the light of Becker's conjecture (*Handbuch der römischen Alterthümer*, ii. p. 125) that the *clientela* was an old Italian institution, which existed among the original stock from which the Roman populus sprung. When Tatius and his Sabines settled in Rome, their clients came there with them (Dionys. ii. 46); and Attius Clausus brought to Rome a large body of clients (*ib.* v. 40; Liv. ii. 16).

The tie of patron and client survived the incorporation of the plebs in the state, though doubtless it now implied a less absolute dependence (Liv. v. 32; vi. 18); it was created by the old applicatio and by the manumission of slaves (*clientem libertum*, Liv. xliii. 16), to denote the latter of which relations the term *patronus* was in later times so much specialised, and the status of cliens was (at least in some cases) hereditary. The plebeians also apparently could now have clientes no less than members of the old populus or patricians. (Hugo, *Lehrbuch*, vol. i. p. 458.) When the Roman dominion extended itself to the provinces, the meaning of the word *clientela* became wider. Provincial towns and civitates, and even those which were friendly but independent, took to placing themselves under the *hospitium* or *clientela* of some distinguished citizen (Dionys. ii. 11; Cic. *in Pison.* 41; *pro Balbo*, 8; Suet. *Octav.* 17; Serv. *ad Aen.* iii. 20), who in this respect might be compared to colonial agents, or persons among us who are employed to look after the interests of the colony in the mother country, except that among the Romans such services were never remunerated directly. (Cic. *Div. in Caecil.* 20, 66; Liv. xl. 44; Tac. *Dial.* 36.)

At the end of the republic and under the earlier empire a person might be cliens of a *patronus* in at least three senses: (1) much in the sense of our "client" in relation to a legal adviser, protector, or advocate (Ovid, *Art. Am.* i. 88; Hor. *Sat.* i. 1, 10; *Ep.* i. 5, 31; ii. 1, 104); (2) through having attached himself (whether a Roman citizen or a foreigner sojourning at Rome) to a distinguished or powerful civis (for this relation, see Becker's *Gallus*, sc. 1, Excursus 4); (3) as libertus or freedman. In all cases the relation was expressed by the word *clientela* (Cic. *ad Att.* xiv. 12), which also denoted the whole body of a man's clients (Tac. *Ann.* xiv. 61).

It is doubtful whether the account of *clientela* given by Dionysius (*Antiq. Rom.* ii. 10, and elsewhere) can be regarded as in all respects true, nor is it always clear to what period of Roman history it is intended to refer. As has been already remarked, there was in the earliest time a close analogy between the relation of patron and client, and that of pater and filius familias; the patron was the client's guardian and protector, as he was the guardian and protector of his own children: "*patrem* primum, deinde *patronum* proximum nomen habere . . ., neque clientes sine summa infamia deseri possunt" (Gell. v. 13). Ihering (*Geist des römischen Rechts*, i. p. 237) conjectures that the principal end of the relation was to enable the patron to bring suits on the client's behalf (attorneys in the conduct of actions being at that time practically unknown: "cum olim in usu fuisset alterius nomine agere non posse," *Inst.* iv. 10, pr.); and that if the client committed a wrong, the patron had (as in the case of slaves and children in power) the option of paying damages or surrendering the wrongdoer in a noxal action to the person injured. The latter assumption further necessitates the view that, like the filius familias, the client had originally in law no independent proprietary capacity: in fact, Ihering supposes that the terms *precarium* and *peculium* (of both of which the later jurists say, "magis facti sunt quam juris") both originated in *clientela*; the one in the patron's habit of allowing the client the use and occupation of a plot of land which he could resume at will (compare the English villeinage and copyhold tenure), the other in the small acquisitions of cattle (*pecus*, *peculium*) and other means of husbandry which the client made for himself, and which in law belonged to the patron. If this ingenious conjecture is correct, much that Dionysius tells us can be true only of the *clientes* of a later period: for instance, that the cliens must contribute to the marriage portion of his patron's daughter, to his ransom, or that of his children, if taken captive; must pay the costs and damages of suits which the patron lost in his interest, and bear a part of the patron's expenses incurred in the discharge of public duties, or in filling honourable places in the state. Dionysius adds that neither party could accuse or bear testimony against the other. But it seems certain that the relation, as at first established, was hereditary: it was the glory of illustrious families to have many clients, and to add to the number transmitted to them by their ancestors.

The attainment by the plebs of a civil and political status seems, by sweeping away the old tradition that the populus alone could enjoy rights under the aegis of Roman law, to have raised the status of *clientela*. It would not be inconsistent with Dionysius's statements to believe that from that time onward the clients were often, if not always, *cives non optimo jure* [CIVITAS], though there is little or no evidence, except perhaps the passage of Livy referred to below, in support of such a theory, nor is there much proof that the *clientela* in which *liberti* stood was hereditary, like that of the old clientes proper, except Suet. *Claud.* 24.

It is stated by Niebuhr that, if a client died without heirs, his patron succeeded him, and that the analogous rule in respect of *liberti cives* was derived from the original right of the *patronus* to inherit the client's property under the primitive system. Mommsen (*Abhandlung über das römische Gastrecht und die römische Clientel*, *römische Forschungen*, vol. i. pp. 319 *sq.*) is of opinion that the general rules of intestate succession (the property going in the first instance to *sui heredes*, in the second to the *agnates*, and in the last resort to the *gentiles*) were applied to clientes from the outset: but this is irreconcilable with Ihering's hypothesis as to the proprietary relations of patron and client, and requires us to suppose that the client

had *conu'bium*, which in the earlier period seems incredible. Ihering himself thinks that the devolution of the cliens' property, such as it was, was at first regulated by agreement made at the time when the tie between him and his patron was created. Livy tells us (ii. 56) that the *clientes* had votes in the comitia centuriata, which implies *commercium*, so that on ordinary principles of law they could dispose of their property by will. But we can hardly believe this to be true except of the *clientes* who existed after the incorporation of the plebs in the state: and then (as has been already remarked) it is possible that they were regarded as belonging to the first group of *cives non optimo jure* (see CIVITAS), *i.e.* manumitted slaves and their children, who had *commercium* and *conubium*, and could vote in the comitia centuriata.

The whole subject of the rights and duties of *clientes* at different periods of history is in fact one of great obscurity, which it is almost impossible to remove, owing to the difficulty of fixing the precise time of which our authorities (*e.g.* Dionysius, Gellius, and Livy) are speaking when they touch upon the topic. Fuller information may be obtained from Becker, *Handbuch der römischen Alterthümer*, vol. ii.; Walter, *Geschichte des römischen Rechts*, §§ 13, 114, 247, 358; Ihering, *Geist des römischen Rechts*, vol. i. pp. 236–245; and the essay of Mommsen already referred to. [J. B. M.]

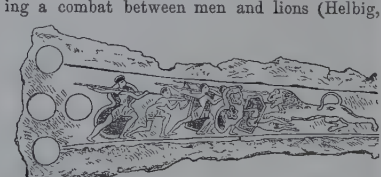
CLIENTE'LA. [CLIENS.]

CLIMA (κλίμα), literally a *slope* or *inclination*, was used in the mathematical geography of the Greeks* with reference to the inclination of various parts of the earth's surface to the plane of the equator. Before the globular figure of the earth was known, it was supposed that there was a general slope of its surface from south to north, and this was called κλίμα. But as the science of mathematical geography advanced, the word was applied to different belts of the earth's surface, which were determined by the different lengths of the longest day at their lines of demarcation. This division into climates was applied only to the northern hemisphere, as the geographers had no practical knowledge of the earth south of the equator.

Hipparchus (about B.C. 160) seems to have been the first who made use of this division; his system is explained at length by Strabo (ii. p. 132). Assuming the circumference of a great circle of the earth to be 252,000 stadia, Hipparchus divided this into 360 degrees, of 700 stadia to each; and then, beginning at the parallel of Meroë, and proceeding northwards, he undertook to describe the astronomical phenomena observed at each degree of latitude, or every 700 stadia: among these phenomena he observed that the length of the longest day at Meroë was 13 hours, and at Syene 13½. The observations of later astronomers and geographers — such as Geminus, Strabo, Pliny, and Ptolemy—are described in the works cited below. Ukert, in a table, shows the climates as given by Ptolemy (*Geogr.* i. 23). There are nineteen climates, the beginning and middle of which are marked by lines called parallels, of which the first marks the equator, and the thirty-third the Arctic circle. The term κλίμα was afterwards applied to the average temperature of each of these regions, and hence our modern use of the word. (Strab. *l. c.*; Dion. Hal. i. 9; Plut. *Mar.* 11, *Aem. Paul.* 5, *Moral.* p. 891; Polyb. vii. 6, § 1, x. 1, § 3; Athen. xii. p. 523 e; Gemin. *Elem. Astron.* 5; Plin. *H. N.* ii. §§ 73–77; Agathem. i. 3; Cellar. *Geog.* i. 6; Ukert, *Geog.* vol. i. pt. 2, pp. 182, &c.) [P. S.]

CLIP'EUS, also CLIPEUM (ἀσπίς, σάκος), the large shield used by the Greeks and the Romans, which was originally of circular shape, and is said to have been first used by Proetus and Acrisius of Argos (Paus. ii. 25, § 6), and therefore is called *clipeus Argolicus* (Verg. *Aen.* iii. 637; cf. Pollux, i. 149). According to other accounts, however, it was derived from the Egyptians (Herod. iv. 180; Plat. *Tim.* 24 B).

One of the earliest extant representations of Greek shields is to be found in the engraving on a sword-blade found at Mycenae, representing a combat between men and lions (Helbig, *Homerische Epos*, p. 232). It will be seen that some of the men carry shields resembling a *scutum*, others shields which recall the shape of the Boeotian shield, and that each form covers about three quarters of the person, and is partly supported by a strap passing round the shoulders. But the Homeric poems, which are probably of later date, are by no means in complete agreement with this representation.



Early Greek shield. (Helbig.)

The heroes of the Iliad carry a shield which is round (iii. 347; v. 453), and large enough to cover the whole man (ἀμφιβρότη, ii. 389; ποδηνεκής, xv. 646; τερμιόεσσα, xvi. 803: the shield of Ajax is like a tower, vii. 219; cf. Tyrtaeus, xi. 23, Bergk). It is composed by sewing together circular pieces of untanned ox-hide (*Il.* iv. 447; v. 452; vii. 238; xii. 105), varying in number (four in xv. 479; seven in vii. 245). These are strengthened on both sides by plates of bronze, the outer hides and plates being of smaller diameter, so that on the edge of the shield both hide and metal are thinnest (xx. 275).

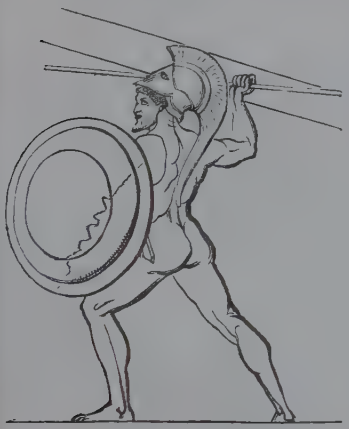
Sarpedon's shield is forged of plates of bronze, to which ox-hides are attached on the inside by golden rods or bolts (ῥάβδοι) running all round the circle (xii. 294–8). Ten circles of bronze run round Agamemnon's shield (xi. 32). Achilles' shield is composed entirely of metal in five plates—two of bronze, two of tin, and a central one of gold (xx. 270). The structure is bound together by a metal rim (ἄντυξ), which in Achilles' shield is triple (xviii. 479). At the centre of the shield is a metal boss (ὀμφαλός). Agamemnon's shield is studded with twenty bosses of tin and a central one of cyanus (xi. 34).

* The corresponding Latin word is *inclinatio* (Vitruv. i. 1), also *declinatio*, *devergentia* (comp. Aul. Gell. xiv. 1; Colum. iii. 19). *Clima* was only used at a late period.

Concerning the appliances for wielding the shield, we have no clear indication: the two *κανόνες* mentioned in xiii. 407 and viii. 193 may be rods running across the hollow part of the shield, and serving as handles. When not in use, the shield is suspended by the *τελαμών* [BALTEUS], which passes round the breast, the shield hanging at the back (xiv. 404; cf. Herod. i. 171). The practice of decorating the shield has commenced: for to pass over the wonders of Achilles' shield, in which we probably have the effect of the poet's imagination working on some production of Assyrian or Egyptian art which he had seen, Agamemnon's shield bears a Gorgon's head with figures of Terror and Fear, designed perhaps less as an ornament than to alarm the foe (*Il.* xi. 36).

The *λαισήϊα πτερόεντα*, which in v. 453 and xii. 426 are contrasted with the *ἀσπίδες εὔκυκλοι*, are explained by the Scholiasts as light and diminutive *ἀσπίδες*. The epithet *πτεροεὶς* may refer to some apron, such as is figured below.

Turning from the Iliad to the representations and texts of later times, we observe no shields which, like those of heroic times, protect the whole of the warrior's body: they usually cover him from the neck to the knees. Besides the

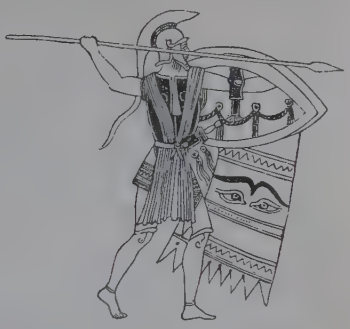


Circular Argive shield. (Aegina Marbles.)

circular or Argive shield, we frequently find represented an oval shield with a strong rim and apertures in the middle of each side (*κεγχρώματα*, Eur. *Phoen.* 1386), through which to watch the enemy. This is known as the Boeotian shield, being commonly found on the coins of the Boeotian cities (Gerhard, *Auserlesene Vasenbilder*, pl. cxcv.).

The shield was now formed entirely of brass (*πάγχαλκος*). An apron, apparently of leather or thick stuff, was sometimes attached to it to protect in some measure the warrior's legs, especially when he did not wear greaves. It was ornamented with patterns or figures. A shield furnished with this appliance is given on the next column, and another under TUBA.

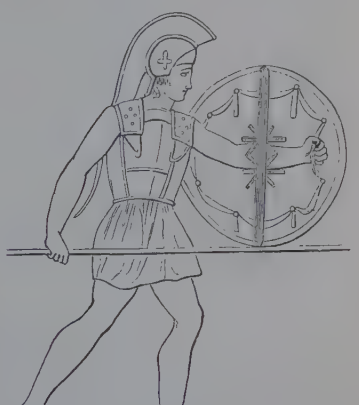
The simplest arrangement for holding the shield consisted of two metal handles, one to pass the arm through, the other to grasp with the hand; but we very frequently observe the



Shield furnished with an apron. (Gerhard, pl. clxv.)

arrangement shown below (from one of the terra-cotta vases published by Tischbein, iv. tab. 20), which may be explained thus:—

A band of metal, wood, or leather, was placed across the inside from rim to rim, like the diameter of a circle, to which were affixed a number of small iron bars, crossing each other somewhat in the form of the letter X, which met the arm below the inner bend of the elbow joint, and served to steady the orb. This apparatus, which is said to have been invented by the Carians (Herod. i. 171), was termed *ὄχανον* or *ὀχάνη*. Around the inner edge ran a leather



Greek shield. (Greek vase.)

thong (*πόρπαξ*), fixed by nails at certain distances, so that it formed a succession of loops all round, which the soldier grasped with his hand (*ἐμβαλὼν πόρπακι γενναίαν χέρα*, Eur. *Hel.* 1396; *πολυρράφῳ πόρπακι*, Soph. *Aj.* 576). But it is somewhat difficult to distinguish these terms, for Plutarch tells us that when Cleomenes III. introduced among the Spartans

the *σάρισα*, which employed both hands, in place of the spear, he also made them carry the shield by the ὀχάνη instead of the *πόρπαξ* (*Cleom.* 11), while others (*e.g.* the Scholiast on Aristoph. *Eq.* 849) treat them as convertible terms.

At the close of a war it was customary for the Greeks to suspend their shields in the temples, when the *πόρπακες* were taken off, in order to render them unserviceable in case of any sudden or popular outbreak; which custom accounts for the alarm of Demos (Aristoph. *l. c.*), when he saw them hanging up with their handles on. Sometimes shields were kept in a case (*σάγμα*, Aristoph. *Ach.* 574; Eur. *Andr.* 617). In Gerhard (*op. cit.* pl. cclxix.) we see a *σάγμα*, made of some stuff, being removed from a shield.

The *ἀσπὶς* was the characteristic defensive weapon (*ὅπλον*) of the heavy-armed infantry (*ὁπλῖται*) during the historical times of Greece, and is opposed to the lighter *πέλτη* and *γέρρον*: hence we find the word *ἀσπὶς* used to signify a body of *ὁπλῖται* (Xen. *Anab.* i. 7, § 10). It was only exceptionally used by cavalry (Xen. *Hell.* ii. 4, 24, iv. 4, 10; Aelian. *Tact.* ii. 12; Arrian. *Tact.* iv. 15). It was distinctively a Greek shield. Thus none of the Eastern peoples who served under Xerxes (Herod. vii. 61 ff.) were armed with it.

The Roman *clipeus* is seen in the accompanying illustration from Trajan's Column. According to Livy (i. 43), when the census was instituted by Servius Tullius, the first class only used the *clipeus*, and the second were armed with the *scutum* [SCUTUM]; but after the Roman soldier received pay, the *clipeus* was discontinued altogether for the Sabine *scutum*. (Liv. viii. 8; cf. ix. 19; Plut. *Rom.* 21; Diod. *Eclog.* xxiii. 3, who asserts that the original form of the Roman shield was square, and that it was subsequently changed for that of the Tyrrhenians, which was round.)

Clipeus, Roman shield. (Trajan's Column.)

The emblazoning of shields with devices (*σήματα*, *σημεῖα*) was said to be derived from the Carians (Herod. i. 171). The bearings on the shields of the heroes before Thebes, as described by Aeschylus in the *Seven against Thebes* and Euripides in the *Phoenissae*, exhibit the development of devices in post-Homeric times. Some shields, like Agamemnon's, bear subjects designed to strike terror (*Theb.* 488, 534: to that of Tydeus bronze bells are attached with this object, *ib.* 381); others show also the warrior's pride or boastful spirit (*ib.* 427, 461). Other subjects are purely mythological (*ib.* 382), or indicate the owner's ancestry (*ib.* 507), while Amphiaraus is too proud of his real worth to bear any device at all (*ib.* 587; Eur. *Phoen.* 1111). The *σήματα* already serve to distinguish the warriors to those at a distance (*ib.* 141). This custom of emblazoning shields is illustrated by the following beautiful gem from the

Victory inscribing on a shield. (Ancient gem.)

antique, in which the figure of Victory is represented inscribing upon a *clipeus* the name or merits of some deceased hero.

From the historians we find that while an individual sometimes attracted attention by an unusual device (Alcibiades' was an *ἔρως κεραυνοφόρος*, Plut. *Alcib.* 16), cities made use of some common symbol for their shields, which might be easily recognisable by their friends: thus the Lacedaemonians used Λ, the Sicyonians Σ, the Thebans Hercules' club,—a practice of which the enemy sometimes took a treacherous advantage (Xen. *Hell.* iv. 4, 10, vii. 50; Paus. iv. 28, 5).

Each Roman soldier also had his own name and a mark indicating his cohort inscribed upon his shield, in order that he might readily find his own when the order was given to unpile arms (Veget. ii. 17); and sometimes the name of the commander under whom he fought (Hirt, *Bell. Alex.* 58).

The practice of emblazoning shields is attested by the extant shields and representations of shields, and is well exhibited in the works illustrative of painted vases. (See cuts under ARMA and LORICA.) The decorations vary from the simplest arrangements of lines and curves to the richest engraving of the inside as well as the outside of the shield (*Mon. de l'Inst. Arch.* 1869, pl. vi.). The shields accompanying famous statues of divinities were often masterpieces of engraving. Thus Pheidias engraved on the outside of the shield of his colossal Athene at Athens, the combat of the Athenians and the Amazons, and on the inside the war of the gods and the giants (Plut. *Pericl.* 31; Paus. i. 17, § 2; Plin. *H. N.* xxxvi. § 18).

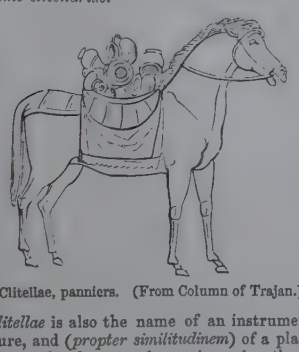
A victorious army sometimes dedicated their own shields (Paus. x. 19, § 4; cf. i. 26, § 2;

ii. 17, § 3), or an engraved shield of gold (*ib.* v. 10, § 4; Herod. i. 92; Aeschin. *Ctes.* 116), as an offering in a temple. In the latter case we have a shield which is expressly made as a work of art, and not for warfare, as Pausanias remarks concerning those set up in the gymnasium at Olympia (vi. 23, § 7). These practices, transferred to Rome (*e.g.* Liv. xxv. 39), gave rise to the *clipei* or *clipeatae imagines*, the history of which is sketched by Pliny (*H. N.* xxxv. § 2–14), who tells us that Appius Claudius (Consul 495 B.C.) originated the custom, by dedicating in the temple of Bellona *clipei* bearing portraits of his ancestors, and that his example was followed by M. Aemilius, who thus adorned his own house as well as the *basilica Aemilia*, as is represented on the coin of the *gens Aemilia*. (See cut under BASILICA, p. 288 *b*.) Under the empire this became a customary act of adulation to the emperor (Tac. *Ann.* ii. 83; Capitolin. *Antonin.* 5; Treb. Poll. *Claud.* 3); and the *clipeus aureus* of Caligula was annually carried to the Capitol, in a procession composed of the colleges of priests, the senate, and noble youths and maidens singing his praises. (Suet. *Calig.* 16. See *Bronzi d'Ercolano*, t. i.; Visconti, *Iconogr. Rom.* t. xii.; Eckhel, *Doct. Num.* vi. 103, 121.)

Finally, shields of various shapes in metal or marble were suspended from the roofs of *porticus*, or in the *atrium* of private houses, round the *impluvium*, for purely decorative purposes. Many such shields were found at Pompeii and Herculaneum, and are preserved in the Museum of Naples. They are usually engraved on both sides, and most commonly with mythological, especially Bacchanalian, subjects. (M. Albert in *Revue Archéologique*, 1881.)

Clipeus is also the name of a contrivance for regulating the temperature of the vapour bath [BALNEAE, p. 277 *b*]. [A. R.] [J. H. F.]

CLITELLAE (*κανθήλια*), a pair of panniers, and therefore only used in the plural number. (Hor. *Sat.* i. 5, 47; Plaut. *Most.* iii. 2, 91.) In Italy they were commonly used with mules or asses, but in other countries they were also applied to horses, of which an instance is given in the annexed woodcut from the Column of Trajan; and Plautus (*ib.* 94) figuratively describes a man upon whose shoulders a load of any kind, either moral or physical, is charged, as *homo clitellarius*.



Clitellae, panniers. (From Column of Trajan.)

Clitellae is also the name of an instrument of torture, and (*propter similitudinem*) of a place in Rome, and of some depressions in the Via Flaminia (Festus, *s. v.*). *Κανθήλια* is also used for a large basket in which grapes were carried at vintages (Artem. iv. 6; *Geop.* vi. 11, Hesych.), and for the curved wooden framework sometimes erected in the stern of a man-of-war to carry an awning, which was used as a state-cabin for the *στρατηγός* or trierarch (Hesych.; Pollux, i. 89). [A. R.] [J. H. F.]

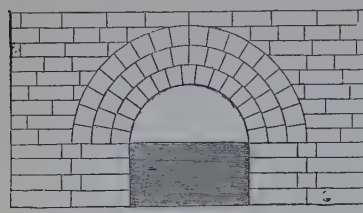
CLOA'CA (*ὑπόνομος*), a drain. The removal of the sewage of cities by an extensive system of drains is as old as the Assyrian civilisation, for we find it carried out at Nineveh with great completeness, the brick vaulting assuming all the known forms of the arch, while the pavement is formed of flagstones. (Layard, *Nineveh and Babylon*, p. 54; Place, *Ninive et l'Assyrie*, p. 269.)

As a specimen of the drainage of a Greek city, we may quote that of Athens, the remains of which are described by E. Ziller (*Mittheil. des deutsch. Inst. in Athen*, 1877, pp. 117–119), who has traced it from the Kolokotroni street (though he thinks that it may have started nearer the old wall on the east side of the city) to the church of Kapnikarea, and thence in a north-westerly direction on the west side of Hermes street to the Dipylon. Air-shafts, about 6 metres in depth, at various points permit an investigation of the construction, in which at some places dressed Piraeus stone, at others brick, is used. Outside the Dipylon the drain enters a reservoir, from the sides of which small square or cylindrical canals lined with brick carried the contents towards the plain and the olive woods, thus apparently pointing to an ancient system of applying the refuse of a city to fertilise sewage farms. One of these canals appears to show traces of a contrivance for regulating the amount of sewage supplied, which leads Ziller to the conjecture that the sewage supply was let out to the farmers.

The admiration with which the *cloacae* of Rome were regarded by antiquity may be judged from the passage of Dionysius of Halicarnassus (iii. 67), in which he classes them with the aqueducts and the roads as the most magnificent works in Rome, and the best proof of the greatness of the empire. (Cf. Plin. *H. N.* xxxvi. §§ 104–8; and Cassiodorus, *Var.* iii. 30, "videas illic fluvios quasi montibus concavis clausos.") Remains of a system of *cloacae* have been found in so many of the Roman cities of North Italy and France that they may indeed be considered a mark of Roman civilisation, as characteristic as the *aquaeductus* and the *via*.

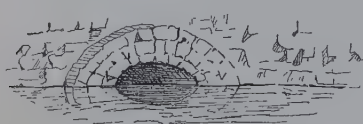
The chief of the ancient drains still existing in Rome is the famous *Cloaca Maxima*, which starts in the valley of the Subura at the foot of the Carinae, crosses the Forum under the S. end of the Basilica Julia, where it is exposed to view, thence under the Vicus Tuscus and the Velabrum, and after being again visible near the arch of Janus Quadrifrons, as is shown in the accompanying illustration, it enters the Tiber near the Temple of Hercules in the Forum Boarium, by an arch of *lapis Gabinus* or peperino, formed of three rings of voussoirs. We give an illustration showing this arch, surrounded by the more weathered tufa of the *Pulchrum Littus* or ancient quay wall. Its original dimensions were 12 ft. 4 in. in height and 10 ft. 8 in. in width, but one-third of its height is now choked up by mud.

This triple peperino arch extends for about 40 ft. from the mouth; but in the rest of its course the drain is vaulted with a single arch of tufa



Cloaca Maxima.

voussoirs 2 ft. 2 in. deep, with occasional bands of travertine. The masonry of the peperino arch especially is fine and of ancient character.



Present condition of the Cloaca Maxima.

This drain was no doubt constructed to carry off not only the sewage, but also the surface water from the surrounding slopes, which made the low ground traversed by the drain a swamp. Hence the early construction of this great work, which is attributed to Tarquinius Priscus by Dion. Hal. and Pliny (*ll. cc.*), while Livy divides the honour between Tarquinius Priscus and Tarquinius Superbus (i. 38, 56). Mommsen, however, thinks that while the scheme of drainage was instituted under the kings, this vaulted cloaca must belong to the republican period, erroneously stating that the vault is throughout of travertine, a stone characteristic of post-regal times, and holding that the arch was unknown even to the Greeks until the end of the fifth century before Christ (*Hist. of Rome*, i. 117, 490, Eng. trans.; Seneca, *Ep.* 90, § 32). But in support of the earlier date, which is now generally assigned to the Cloaca Maxima, we may quote Etruscan instances, which are probably at least as early: for instance, the mouth of an ancient *cloaca* discovered at Graviscae by Dennis (*Cities of Etruria*, i. 433), consisting of an arch of 14 ft. span formed of voussoirs of uncemented tufa 5 ft. deep, and opening in a quay wall about 20 feet high.

Another *cloaca* running from the corner of the Via Paganica and the Piazza Mattei, under the Ghetto, enters the Tiber opposite to the Insula Tiberina. It is constructed of large uncemented blocks of peperino: this and other indications would assign it to the regal period. Like the Cloaca Maxima, it is still in use, having been connected with the drain *dell' Olmo* in 1600 (Narducci, *Boll. dell' Inst.* 1881, p. 209). These drains of the regal period probably follow the old lines of the streets, as they ran before the destruction of Rome by the Gauls.

In the quay wall not far from the mouth of the Cloaca Maxima may be seen two smaller arched openings, one of which is now dry; the other discharges the waters of the Aqua Crabra. These may be terminations of the *cloacae* of the Aventine, which were not constructed until the year 184 B.C., when M. Porcius Cato and L. Valerius Flaccus constructed new drains and repaired the existing ones. To this occasion possibly may be referred the statement of the contemporary C. Acilius, quoted by Dion. Hal. (*l. c.*), that the mere repair of the drains cost 1000 talents. M. Agrippa, during his aedileship in 36 B.C., showed great zeal in the supervision of the *cloacae*, traversing them in a boat and cleansing them at his own expense (Plin. *l. c.*; Dio Cass. xlix. 43), and constructed a *cloaca* to drain the Campus Martius, which was connected with the Thermae of Agrippa and the Aqua Virgo. This was discovered under Urban VIII., and is at present in use under the name of the *Chiavica della Rotonda*.

The discoveries made at various times show that the network of smaller drains communicating with these main *cloacae* still exists, though in great part choked up. Brick is largely used in their construction; sometimes they are covered in with a barrel vault, sometimes by two tiles leaning against each other, sometimes by a single flagstone, but in some cases we find the primitive arrangement of projecting courses of stone which was observed above in the drains of Athens.

The expense of cleansing and repairing these *cloacae* was, of course, very great, and was defrayed partly by the treasury, and partly by an assessment called *cloacarium*. (Dig. 7, 1, 27, § 3; 30, 1, 39, § 5; Marquardt, *Röm. Staatsv.* ii. p. 146.) Under the republic, the administration of the sewers was entrusted to the censors and aediles; but under the empire, particular officers were appointed for that purpose, *cloacarum curatores*, mention of whom is found in inscriptions (*ap.* Grut. p. cxcvii. 5, p. cxcviii. 2–5; p. cclii. 1, 2). Under the empire condemned criminals were employed in cleansing the *cloacae*. (Plin. *Ep.* x. 44 (41).) Theodoric appointed an official to repair the drains, a striking instance of the esteem in which the barbarians held Roman civilisation (Cassiod. *l. c.*).

On the legal obligations relating to the *cloacae* at Rome, see Schmidt, *Interdicta de cloacis*, in *Zeitschrift f. gesch. Rechtswiss.* xv. 1, pp. 51 *seq.* For further details as to the Roman *cloacae*, see Burn, *Rome and the Campagna*; and Middleton, *Rome in* 1885.

Some traces of the drainage of Pompeii were discovered by Mazois (*Ruines de Pompéi*, i. 53; ii. 36, 99). The extensive remains of the Roman *cloacae* of Nicomedia are described by Perrot and others, *Exploration Arch. de Galatie et Bithynie*, i. 2; and by Texier, *Descript. de l'Asie Mineure*, i. p. 24. [A. R.] [J. H. F.]

CLOACA'RIUM. [CLOACA.]

KLOPES DIKÉ or GRAPHÉ (κλοπῆς δίκη or γραφή). The action for theft at Athens might be either private or public, and in the former case either before a diaetetes or a court, probably that of the thesmothetae (*Att. Process*, p. 66, with Lipsius' note 101). The various modes of procedure are enumerated by Demosthenes (*c. Androt.* p. 601, §§ 26, 27). The safest course for a diffident prosecutor was the private action before an arbitrator (δικάζου κλοπῆς πρὸς διαιτητὴν καὶ οὐ κινδυνεύσεις): he might also proceed by way of γραφή, and, when the delin-

quent was detected in the act, by ἀπαγωγὴ or ἐφήγησις. To these, however, a penalty of 1000 drachmas was attached in case he failed to obtain a fifth of the votes. In some cases, a person who had been robbed was permitted by the Attic law to enter the house in which he suspected his property to be concealed, and institute a search for it (φωρᾶν, Aristoph. *Nub.* 499; Plat. *Legg.* xii. p. 954 A). We are not informed how this right of search was enforced, but it was probably on the oath of the plaintiff; and, as the above passages show, the searcher himself was closely watched, and had to divest himself of all clothing in which anything could be concealed about his person (γυμνὸς ἢ χιτωνίσκον ἔχων, ἄζωστος, Plat. *l. c.*).

As regards the penalties of theft, the old Solonian law drew a distinction, which prevailed also in later times, between trifling and serious offences; based partly on the amount stolen, but partly also on a principle not unknown to modern legislation, that crime for which there are special facilities must be repressed by severer punishments. (Cf. Arist. *Probl.* xxix. 14, p. 952 a, 17.) Amounts under 10 drachmas were treated as "bagatelles" (Teuffel *ap.* Pauly, *s. v.* τεσσαράκοντα), and the Forty (? other magistrates as well) could decide them summarily, probably by a fine (ἐπιβολή): above 10 drachmas, they had to call in diaetetae [Tettarakonta, Hoi]. Next came "ordinary" theft. This was limited to cases of stealing in the day-time to an amount not exceeding 50 drachmas, and from a place not specially protected by law. The criminal upon conviction was obliged to restore twofold if the property were recovered; if it were not, twofold *plus* a certain sum for damages, called ἐπαίτια: the court might inflict an additional penalty (προστιμᾶν, προστίμημα), and the offender be put in the stocks (ποδοκάκκη) five days and as many nights (*Lex ap.* Dem. *c. Timocr.* p. 733, § 105). (The statement in the text of this "law" that, if the specific thing stolen were not recovered, a tenfold penalty was exacted, is inconsistent with the language of the orator himself in § 114, and has been sufficiently disproved: see Wayte *ad loc.*; J. H. Lipsius, n. 748 on *Att. Process*, p. 358.)

In the "aggravated" cases of stealing in the day-time property of greater amount than 50 drachmas, or above 10 drachmas from the gymnasia or public baths (λωποδυσία) or from the ports, or by night anything whatever (and by night the owner was permitted to wound and even kill the depredator in his flight), the law expressly directed an ἀπαγωγὴ to the Eleven, and, upon conviction, the death of the offender (Dem. *c. Timocr.* pp. 735–6, §§ 113, 114). (According to some, the λωποδύτης might be capitally punished for the smallest thefts, but the above is the most probable explanation: the question turns on the punctuation of the passage *c. Timocr.* § 114, where see Wayte's note.) If the γραφὴ were adopted, it is probable that the punishment was fixed by the court; but both in this case, and in that of conviction in a δίκη, the disfranchisement (ἀτιμία) of the criminal would be a necessary incident of conviction.

The above three passages of Demosthenes afford better materials for explaining the law of κλοπὴ than the late grammarians: but it is to be observed that the inserted document of *Timocr.* § 105 is inferior in authority to the words of Demosthenes himself in the other two. There were separate actions τοιχωρυχίας, τυμβωρυχίας, βαλαντιοτομίας, λωποδυσίας, κλοπῆς δημοσίων or ἱερῶν χρημάτων: against the κλοπὴ δημοσίων the εἰσαγγελία, φάσις, and ἀπογραφὴ were specially directed. (*Att. Process*, p. 356 ff. with Lipsius' notes; Thalheim, *Rechtsalterth.* § 7 in Hermann-Blümner, = *Privatalt.* § 62, Hermann). [J. S. M.] [W. W.]

COA VESTIS, also COA (n. pl.), the Coan cloth or garments, mentioned by various authors, but most frequently by the Latin poets of the Augustan age (Tibull. ii. 3, 53, ii. 4, 29; Propert. i. 2, 2, ii. 1, v. (iv.) 2, 23; Hor. *Carm.* iv. 13, 13, *Sat.* i. 2, 101; Ovid. *Ars Am.* ii. 298; Sen. *de Ben.* vii. 9). From their expressions we learn that it had a great degree of transparency, that it was remarkably fine, that it was chiefly worn by women of loose reputation, and that it

Coa Vestis. (*Mus. Borbon.* viii. 5.)

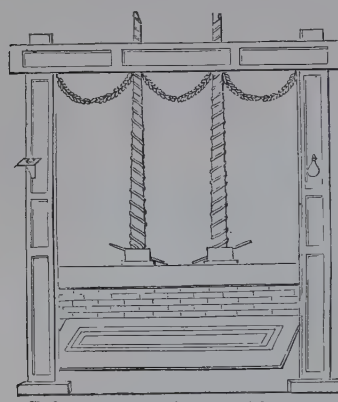
was sometimes dyed purple (Hor. *Carm.* l. c.; Prop. ii. 1, 6) and enriched with stripes of gold. It has been supposed to have been made of silk, because in Cos silk was spun and woven at an early period, so as to obtain a high celebrity (Arist. *Hist. Anim.* v. 19). (Becker-Göll, *Gallus*, iii. p. 285.) [J. Y.] [W. S.]

COACTOR. This name was applied to collectors of various sorts, *e.g.* to the servants of the publicani or farmers of the taxes, who collected the revenues for them (Cic. *pro Rab. Post.* 11, § 30); also to those who collected the money from the purchasers of things sold at a public auction (Id. *pro Cluent.* 64, § 180). The father of Horace was a *coactor*, but there are no means for determining to which class he belonged. (Hor. *Sat.* i. 6, 86; Suet. *Vit. Hor.*) [R. W.] [A. S. W.]

COCHLIS (κοχλίς) is an adjective used with *columna* by P. Victor (*Reg. Urb. Rom.* viii. and ix.) to denote such columns as the Trajan and Antonine [Columna], probably on account of the spiral staircase (κοχλίας: Coclea, No. 4) within the column, rather than the spiral bas-relief on the outside, as he carefully gives the number of steps in each staircase. [P. S.] [J. H. F.]

COC'LEA or COCH'LEA (κοχλίας), which properly means a snail, was also used to signify other things of a spiral form.

1. A screw. The woodcut annexed represents a clothes-press, from a painting on the wall of



Clothes-press worked by two upright screws. (*Mus. Borbon.* iv. 50.)

the *fullonica* at Pompeii, which is worked by two upright screws (*cocleae*), precisely in the same manner as our own linen presses.

A screw of the same description was also used in oil and wine presses. (Vitruv. vi. 9, 3; Palladius, iv. 10, § 10, ii. 19, § 1.) The thread of the screw, for which the Latin language has no appropriate term, is called *περικόχλιον* in Greek. (Schneid. *Ecl. Phys.* i. 469.)

2. A spiral pump for raising water, invented by Archimedes (Diod. Sic. i. 34, v. 37; Strab. xvii. pp. 807, 819; Athen. v. p. 208 f), from whom it has ever since been called the Archimedean screw. It is described at length by Vitruvius (x. 11). It consists of a pipe coiled like a screw round a long cylinder, which is placed obliquely with one end in water, and made to revolve on its axis. The water then gradually rises through the spirals of the pipe. It was much used in Egypt for irrigation, as it will only raise water to a moderate height.

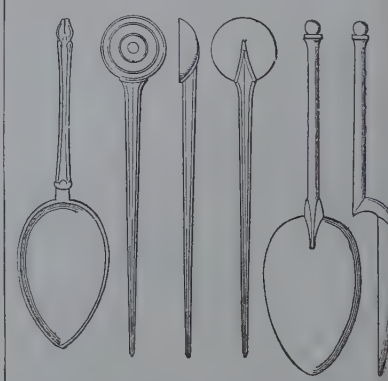
3. Varro refers in the following terms to a *coclea* used in the circus:—In giving directions for the construction of an aviary, he says (*R. R.* iii. 5, 3), "ostium habere humile et an-

Coclea, or turnstile. (Medal, British Museum.)

gustum et potissimum eius generis quod cocleam appellant, ut solet esse in cavea, in qua tauri pugnare solent." Various conjectures have been given as to the meaning of this passage, but the contorniate medal figured here from the collection in the British Museum presents the most probable explanation. It shows a *bestiarius* pursued by a bear and taking refuge behind a sort of turnstile, consisting of four partitions revolving round an upright post as an axis. (Cf. Gori, *Thes. diptych.* i. pll. vii. and xii., with Cassiod. *Var.* v. 42, where he speaks of the marvellous way in which the *bestiarii* escaped, "in patenti area cancellosis se postibus occulentes.") Thus what Varro recommends is probably a turnstile fitted into a low doorway.

4. Κοχλίας, a spiral staircase (Strab. xvii. p. 795). [Cochlis.] [A. R.] [J. H. F.]

COCLEAR (*cocleare, coclearium, coclearum*; *κοχλιάριον*, or better *λίστριον* [Phryn. 293; Pollux, vi. 87, x. 89], *κοχλιώρυχον*) was a kind of spoon, the bowl of which was usually round, while the handle was narrow and pointed. (The *ligula*, on the contrary, more nearly resembled our spoons.) The pointed end was used for drawing snails (*cocleae*) out of their shells, and eating them, whence it derived its name; and the broader part for eating eggs, &c. Martial (xiv. 121) mentions both these uses of the *coclear*,—"Sum cochleis habilis nec sum minus utilis ovis." (Compare Plin. *H. N.* xxviii. 19; Petron. 33.) In the accompanying illustration we give *coclearia* found at Pompeii (*Mus. Borbon.* x. pl. xlvi.; *Antiq. du Bosphore Cimmérien*, pl. xxx. 5; Schmidt, *Antiq. d'Avenches*, pl. xxiv.).



Coclearia, spoons. (Museo Borbonico.)

Coclear was also the name given to a small measure like our spoonful. According to Rhemnius Fannius, it was $\frac{1}{24}$ of the cyathus. (Cf. Isid. *Orig.* xvi. 26, 3.) [W. S.] [J. H. F.]

CODEX, dim. CODICILLUS (the older form was caudex: Cato, *ap.* Front. *Epist. ad M. Anton.* i. 2). The word originally signified the trunk or stem of a tree (Verg. *Georg.* ii. 30; Ov. *Met.* xii. 432; Colum. xii. 19, § 5; Plin. *H. N.* xvi. § 121), and was hence applied to designate anything composed of pieces of wood.

1. A log of wood, attached as a punishment to the feet of slaves, which they dragged with them, and on which they also sat sometimes. (Plaut. *Poen.* v. 3, 39; Prop. iv. (v.) 7, 41; Juv. ii. 57.)

2. Boats on the Tiber, which may originally have been like the Indian canoes, or were con-

structed of several roughly hewn planks nailed together in a rude and simple manner, were called *naves caudicariae*, or *codicariae*, or *caudiceae*. (Fest. p. 46 M.; Varr., Sall. *ap.* Non. p. 535, 13; Sen. *Brev. Vit.* 13, 4.) The surname of Caudex given to Appius Claudius must be traced to this signification. (Sen. *l. c.*) In later times the name was given to ships employed in transporting the corn from Ostia to Rome; and the sailors engaged in this traffic, called *caudicarii* or *codicarii*, formed a corporation. (Cod. Theod. 14, 4, 9; 14, 15, 1; Orelli, *Inscr.* 1084, 3178, 4072; Marquardt, *Röm. Staatsverw.* ii. p. 110.)

3. The name of *codex* was given to wooden tablets bound together and lined with a coat of wax, for the purpose of writing upon them; and when, at a later age, parchment or paper or other materials were substituted for wood, and put together in the shape of a book, the name of codex was often used as synonymous with *liber* or book (Varr., Sen. *l. c.*; Cic. *Verr.* i. 46, § 119). It was the name more particularly given to an account book or ledger, *codex accepti et expensi*. (See following article.) (Dig. 32, 1, 52; Suet. *Aug.* 101.) In the time of Cicero we find it also applied to the tablet on which a bill was written; and the tribune, Cornelius, when one of his colleagues forbade his bill to be read by the herald or scribe, read it himself (*legit codicem suum*; Cic. *in Vat.* 2, § 5; Ascon. Ped. *in Argum. ad Cornel.* p. 58, ed. Orelli). At a still later period, during the time of the emperors, the word was used to express any collection of laws or constitutions of the emperors, whether made by private individuals or by public authority. See the following articles.

The diminutive *codicillus*, or rather *codicilli*, was used much in the same way as codex. It originally signified tablets of the kind described above, and was subsequently employed to indicate any small book or document, made either of parchment or paper. (Cic. *Phil.* viii. 10, § 28; *ad Fam.* vi. 18.) Respecting its meaning in connexion with a person's testament, see TESTAMENTUM. Under the empire we find in inscriptions persons designated as *a codicillis* or *adjutor a codicillis*, who were probably freedmen in the imperial house, having the management of property bequeathed by will (*codicilli*) to the emperor. (Orelli, *Inscr.* 2902, 2903.) [W. S.]

CODEX ACCEPTI ET EXPENSI. Each Roman citizen kept at least two account books: (1) The *Adversaria*, a kind of waste-book or day-book, in which he entered day by day, according as they occurred, the several transactions in which he took part. It is especially noticed that the entries in the adversaria were carelessly (*negligenter*) jotted down (*dejecta*) in no regular order (Cic. *pro Rosc. Com.* 2, 7—a most important passage) [ADVERSARIA]; yet it is most likely that the transactions of each day were kept separate. They seem accordingly to be called *ephemerides* in Prop. iv. 23, 20. Such would be practically the easiest way of entering these memoranda at the time of jotting them down, and would certainly be most convenient when posting the entries into the codex.

(2) The *Codex Accepti et Expensi* (Cic. *pro Rosc. Com.* 1, 2; *Verr.* ii. 76, 186)—also called *tabulae*, *codices* (Cic. *pro Rosc. Com.* l. c.), *domestica ratio* (Ascon. *in Verr.* ii. 1, 23, 60)—into which the entries of the adversaria were carefully posted each month. It undoubtedly consisted of a series of double pages (Plin. *H. N.* ii. § 22)—one debit (*acceptum*), the other credit (*expensum*); hence the book is sometimes called *codices*. The entries were made in a certain *ordo*, which is much insisted on as being of the essence of the codex, as opposed to the adversaria (Cic. *pro Rosc. Com.* 2, 6, 7; *Verr.* iii. 75, 175). Now this *ordo* was no doubt chronological, the date by year and day being given (Dig. 2, 13, 1, 2); but if it was only this, as is Schüler's view (*Die Litterarum obligatio*, p. 16), it could be regarded as little else than a fair copy of the adversaria. So we must suppose that the codex was somewhat like the Journal of modern book-keepers (except indeed that it had two pages, the line corresponding to each entry on the opposite page being left blank: see Pagenstecher, *de Litt. obligatione*, &c. p. 18), in which there are certain heads of accounts (*rationes*, Cic. *Verr.* ii. 77, 188), partly accounts with individuals and partly accounts of separate departments of business. For example, that there was a profit and loss account may be inferred from the common expressions such as *apponere lucro*; *lucri, damni facere=lucri, damni nomine facere* (cf. Cic. *Verr.* iii. 45, 107; Ascon. *in Verr.* ii. 1, 23, 60): that Atticus kept a separate head for presents may be inferred from Cic. *Att.* ii. 4, 1. So we may suppose that a paterfamilias would have one separate account (say) for each of his wards, another for his farming operations, another for household expenses, another for money invested, and so on. The arranging under such separate heads appears to have been called *digerere* (Cic. *pro Rosc. Com.* 3, 9). In the codex these accounts were then probably kept separate, the individual entries (*nomina*, Cic. *l. c.*) under each account being arranged for the month in chronological order. For the creditor to book a transaction with a person in the codex was called *nomen facere* (hence the term came to mean "to lend money," Senec. *Benef.* i. 1, 2), and constituted the ground of a literal contract [LITTERARUM OBLIGATIO]. As the accounts were usually personal, the general term for an entry was *nomen*; a term afterwards transferred, as we saw, to nominal accounts. It was expected that the greatest care would be observed in posting the codex, no erasures or corrections allowed to appear (Cic. *Verr.* ii. 76, 187 ff.; i. 36, 92), and sufficient details of each transaction given to afford knowledge of particulars and preclude any mistakes in case another person had occasion to consult the book (Cic. 2 *Verr.* i. 14, 36). If an entry had to be made subsequently to the posting of the codex (*e.g.* in the case of disputed claims legally settled only after long delay), a note had to be appended, A.F.P.R. (=*ante factum post relatum*): cf. Cic. *de Orat.* ii. 69, 280. *Extraordinariae pecuniae* were sums entered out of their proper order; that is, which were not entered under one of the usual heads of accounts in the codex, either entirely omitted or entered as "extraordinariae," like the "sundries" of careless housekeepers. (Cic. *pro Rosc. Com.* 1, 4; *Verr.* ii. 1, 39, 100, 102.) The term came to have the additional connotation of money used for or acquired by dishonourable means (*e.g.* bribery);

for either the books would not balance, or, if they did by an entry of "extraordinariae," it was only dishonourable transactions which would require to be veiled under this vague title. (Schol. on Cic. *Verr.* l. c.) Cicero (*l. c.*) speaks of such entries as severely reprehensible. The result was that with properly kept accounts the whole state of a man's income must be apparent, and no surplus or deficiency in any department fail to come under his notice (Cic. *Clu.* 30, 82).

There is specific evidence of entry on the debit side (*acceptum ferre* or *referre, acceptilatio*) of money paid back by debtors (Plin. *Epist.* ii. 4), interest received (Dig. 3, 5, 38), legacies received (Dig. 32, 29, 2), the rent of leased land or buildings (Dig. 33, 1, 91, 3–6), price of goods sold (Cic. *Verr.* iv. 6, 12), presents received (*ib.* i. 39, 100, 102), loans received (Liv. xxvi. 36, 11): and on the credit side (*expensum ferre, referre, expensilatio*), price of goods bought (Cic. *Verr.* i. 23, 61), presents given (Cic. *Att.* ii. 4, 1), capital lent out (Liv. vi. 20, 6), and doubtless repayment of loans and interest thereon; in fact, all money paid out (Ascon. *ad Verr.* i. 39, 102).

It must not be supposed that it was only actual cash transactions which were entered in the codex. No doubt all entries were in terms of cash: but the actual cash payments and receipts ("Dr. to Cash" and "Cash Dr. to so and so") of our modern book-keeping were called *Arcaria nomina* (Gaius, iii. 131, 132). These stand in opposition to *Transcriptitia nomina*, a term to be explained in connexion with the *Litterarum Obligatio*. It is frequently insisted on that the codex exhibits the *whole* state of a man's affairs (Cic. *Clu.* 30, 82; *Font.* 1, 3), and we cannot suppose that all his transactions would be ready-money ones.

The codex was sufficient for the ordinary householder; but of course those who had extensive business transactions—such as the state, municipalities, companies, bankers—had to keep ledgers (*rationes, libri rationum*), each personal or nominal account being called *ratio*. Private individuals too, who had large property, had often to keep separate books for different heads of their business; *e.g.* the *calendaria*, which were accounts of investments made and dividends received.

For other points, such as the relation of *Transcriptitia nomina* to the codex, and the importance of the latter in establishing a literal obligation, see LITTERARUM OBLIGATIO and the literature cited under that head; but more especially for the codex, H. Schüler, *Die Litterarum obligatio*, 1842, pp. 6–32; E. Pagenstecher, *De Litterarum obligatione et de rationibus tam domesticis quam argentariorum*, 1891, pp. 13–26; and, above all, W. Rein, *Das Privatrecht der Römer*, 1858, pp. 677–681. [L. C. P.]

CODEX GREGORIA'NUS, a collection of imperial Roman constitutions or enactments made by one Gregorianus, of whom nothing else is known; its date is not earlier than A.D. 295, as it contained an *exemplum edicti Diocletiani et Maximiani* of that year (*Coll. leg. Mos. et Rom.* vi. 4). It comprised enactments of the emperors between Septimius Severus (A.D. 195) and Diocletian and Maximian (A.D. 285–305), and possibly even some as far back as Hadrian (A.D. 117–138). It was divided into Books, at least thirty in number (*Fragm. Vat.* §§ 266 a, 272, 285–8), and the Books into Titles and Rubrics, the topics being arranged after the order of the perpetual Edict of Salvius Julianus. [J. B. M.]

CODEX HERMOGENIA'NUS (sometimes, though without good reason, regarded as one collection with the preceding), a compilation of imperial constitutions made by an equally obscure Hermogenianus: possibly he was the Hermogenian who wrote the "libri epitomarum" from which there are excerpts in the Digest, but the name belonged to several high state officials in the second half of the fourth century (Heinecc. *Hist. Jur.* § 369). The oldest enactment which we know it to have contained is a constitution of Diocletian of A.D. 290 or 291, also embodied in the Codex Gregorianus, and it consists almost entirely of the legislation of that emperor and Maximian. In the "consultatio veteris jurisconsulti," cap. 9, seven constitutions of Valens and Valentinian II., probably of the years 364 and 365 A.D., are said to have been contained in it; but many critics consider this an error, and place the date of the compilation much earlier (Wenck, *Corpus Juris Antejustin.* p. 62), though these enactments may have been inserted in a later edition; others see no reason for thinking the Codex was compiled much earlier than Theodosius II., who mentions it in *Cod. Theod.* i. 1, 5. We do not hear of its being divided into Books, but only into Titles and Rubrics. It seems to have been intended as a sort of appendix to the Codex Gregorianus. Neither of them was made by imperial authority; they were the work of private individuals, but apparently soon came to be regarded as authority in courts of justice. (Böcking, *Institutionen*; Puchta, *Institutionen*, § 135; Zimmern, *Geschichte des römischen Privatrechts*; Wenck, *Corpus Juris Antejustinianei*; Hugo, *Lehrbuch der Geschichte des römischen Rechts.*) [J. B. M.]

CODEX JUSTINIANE'US. The motives by which the Emperor Justinian was induced to codify the enactments of himself and earlier emperors were the scarcity of copies of the Code of Theodosius, and the consequent divergence between the law there laid down and that actually applied in the courts: "Homines etenim, qui antea lites agebant, licet multae leges fuerant positae, tamen ex paucis lites praeferebant, *vel propter inopiam librorum*, quos comparare eis impossibile erat, vel propter inscientiam, et *voluntate judicum magis quam legitima auctoritate lites dirimebantur*" (Cod. 1, 17, 2, 17). Accordingly, in February, A.D. 528, he appointed a commission of codification of ten persons, among them being Theophilus, professor at law at Constantinople, and Tribonian, who played so important a part in the legislative work of the next few years, and who perhaps suggested to his master his whole scheme of legal reform. Their instructions were to compile a single code out of those of Gregorianus, Hermogenianus, and Theodosius II., and the imperial constitutions issued since the enactment of the last, whether by Justinian himself or his predecessors: they were authorised to omit all that was unnecessary or superfluous (*e.g.* preambles), to reconcile such enactments as were inconsistent with one another, and, where convenience required, to combine several into

one, or to make any alterations in individual constitutions which they should deem necessary. The separate laws, whether technically *edicta*, *rescripta*, or *decreta*, were to be arranged in chronological order under generic titles; and each, so far as was possible, identified by date and the name of the prince to whom it owed its enactment. The work was completed in April, A.D. 529, and was published under the name Codex Justinianeus, with force of law from the 16th of that month. The older codices and constitutions were at the same time deprived of all validity, and it was even forbidden to appeal to any *leges* cited in the writings of the jurists if they had been incorporated, even in a modified form, in the new Code.

In the interval of four years and a half between this date and the completion of the Institutes (November, A.D. 533), Justinian had issued a large number of new constitutions of his own, including the "quinquaginta decisiones" made as preliminary to the execution of the Digest. This seemed to him to necessitate a revision of the Code. Accordingly in the next year he appointed a new commission, consisting of Tribonian (as president), Dorotheus, professor at Berytus, and three others, for this purpose. Within a few months (Nov. A.D. 534) the original Code and the constitutions issued after its enactment were deprived of all authority and withdrawn from circulation, their place being taken by the "Codex repetitae praelectionis," or Code which has come down to us. In this Justinian's own constitutions were incorporated, as well as many others which the earlier code had not contained: some which had stood in the latter were now omitted, and there were numerous alterations and interpolations, Tribonian sparing no pains to make the revision as complete as possible. The "Codex repetitae praelectionis" consists of twelve Books, each of which is divided into Titles and Rubrics: the single constitutions are arranged under their several titles in the order of time and with the names of the emperors by whom they were respectively made, and their dates.

The enactments in this Code do not go further back than those of Hadrian, and those of his immediate successors are few in number. The arrangement corresponds tolerably closely with that of the Digest, the seven parts into which the fifty books of the latter are distributed answering to Code Books i.–ix.: but the matter of the last three Books of the Code is hardly treated of in the Digest. Some of the constitutions which were in the original Code, and which are referred to in the Institutes, are omitted in the "Codex repetitae praelectionis," *e.g.* Inst. ii. 20, 27, iv. 6, 24; others which have been lost in the course of time have been restored by Charondas, Cujacius, and Contius from the Greek version of them. (Böcking, *Institutionen*; Puchta, *Institutionen*, §§ 139, 140; Hugo, *Lehrbuch der Digesten und des Constitutionscodex*, *Lehrbuch der Geschichte des römischen Rechts*; Walter, *ib.* § 448.) [J. B. M.]

CODEX THEODOSIA'NUS. In A.D. 429, Theodosius II., Emperor of the Eastern Empire, whose capital was Constantinople, communicated to his senate his resolution to form a compilation of the general constitutions issued from the time of Constantine (A.D. 306–337) to his own day, after the model of the Codices Gregorianus and Hermogenianus; and he appointed a commission of a lawyer and eight state officials to execute the scheme. Nothing, however, was done for six years. In A.D. 435 a new commission was appointed of sixteen *illustres* and *spectabiles*, presided over, like the earlier one, by Antiochus, and the imperial instructions were repeated; the commissioners were authorised to alter and revise the separate constitutions, to separate into two or more portions those which related to different topics, and to omit what was superfluous or unessential. The result of their labours, known as the Theodosian Code, was published in February, A.D. 438, with statutory force from January 1 in the following year, as the only authority for the *jus principale* from the reign of Constantine to that date.

The constitutions are arranged in chronological order under Titles and Rubrics, in sixteen Books. The first five, which contain most of the enactments relating to Private law, are in form modelled on the Commentaries on the Edict. The sixth to the eighth books consist principally of administrative and constitutional ordinances; the ninth is Criminal law; the tenth and eleventh relate to the financial system, and in part to procedure; the twelfth to the fifteenth, to the constitution and administration of towns and other corporations; and the sixteenth contains the constitutions which deal with the Church and the ecclesiastical system in general.

Our knowledge of this code is derived partly from incomplete MSS., partly from the Code of Justinian (in which, however, the enactments of the earlier emperors are considerably altered and mutilated), and partly from an epitome of its contents in the BREVIARIUM, in which however whole titles are sometimes omitted altogether. The valuable edition of J. Gothofredus (6 vols. fol., Lugd. 1665, re-edited by Ritter, Lips. 1736–1745) contained the Code in its complete form, except the first five books, for which it was necessary to use the epitome just referred to. This is also the case with the edition of this code contained in the *Jus Civile Antejustinianeum* of Berlin, 1815. But the discovery of a MS. of the Breviarium at Milan in 1820 by Clossius, and of a palimpsest of the Theodosian Code at Turin by Peyron, has contributed largely both to the critical knowledge of the other parts of this Code, and has added numerous genuine constitutions to the first five books, especially Book I. Haenel's discoveries have added also to our knowledge of the later books, and his edition of the Theodosian Code (1842–1844) is the latest and the best. The epitome of Books 1–5 in the Breviarium is very scanty: 262 laws or fragments of laws were omitted, which the labours of Clossius and Peyron reduced to 200. More recent discoveries by Carlo Bandi have added to the 6th, 8th, 9th, 10th, and 16th Books.

One important result of Theodosius' compilation was to secure to a large extent identity of law in the two empires. The Code was forwarded to Valentinian III., Theodosius' son-in-law and Emperor of the West, who presented it to the Roman senate and published it as law in his dominions. Precautions were also taken against subsequent divergence: the two governments

agreed that constitutions which either might have occasion to make should be communicated by the one to the other, and, subject to revision by mutual consent, be published by both legislatures: in default of this procedure they should have no universal validity. In contradistinction to the Code, such single enactments were called *novellae leges* or novels; a number of them were issued in A.D. 448 by Theodosius, and confirmed by Valentinian III. for the West in the following year. The joint style of enactment was actually followed till A.D. 455, and there are several collections of Novels which belong to this period. From the last-mentioned date the tie between the two empires was greatly weakened, though Anthemius (A.D. 467–472) published in the West an enactment issued in the East by Leo; formally, however, the connexion was maintained, so that the new constitutions still bore the names of both emperors, though the place of their issue or the province of the magistrate to whom they were addressed enables one to infer to which of the two empires they more properly belong. The Novels anterior to the time of Justinian are collected in six books in the *Jus Civile Antejustinianeum*, Berlin, 1815; and in Haenel's more recent edition already referred to. Apart from all comparison between them, it is obvious that the Code of Justinian must have been largely indebted to that of Theodosius, than which it can have had no other authority for the period between A.D. 306 and A.D. 438. The Theodosian Code was also to a large extent the basis of the edict of Theodoric, king of the Ostrogoths, and of the Burgundian Lex Romana, usually termed "Papian;" the epitome of it in the Breviarium or Code of Alaric II. (A.D. 484–507) has been already referred to. [J. B. M.]

CODICA'RII. [CODEX.]

CODICILLUS. [CODEX.]

CODON (κώδων), a bell. [TINTINNABULUM.]

COE'MPTIO. [MATRIMONIUM.]

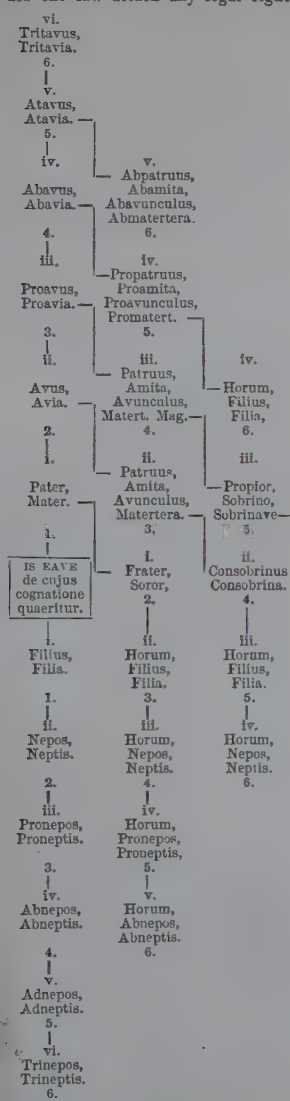
COENA. [CENA.]

COGNA'TI. "Cognationis substantia bifariam apud Romanos intelligitur. Nam quaedam cognationes *jure civili*, quaedam *naturali* connectuntur: nonnunquam *utroque jure concurrente*, et naturali, et civili, copulatur cognatio. Et quidem *naturalis cognatio* per se sine civili cognatione intelligitur, quae *per feminam* descendit, *quae vulgo liberos peperit. Civilis* autem per se, quae etiam *legitima* dicitur, sine jure naturali cognatio consistit *per adoptionem. Utroque jure* consistit cognatio, *cum justis nuptiis contractis copulatur*" (Dig. 38, 10, 1, 4, 2). In other words, the Romans have two distinct conceptions of kinship—the relationship of the *jus civile* (*agnatio*, *cognatio civilis* or *legitima*), and the relationship of the *jus gentium* or *naturale* (*cognatio naturalis* or *cognatio* κατ' ἐξοχήν). Agnates are defined in Gaius, i. 156, and Just. Inst. i. 15, 1 (cf. Gaius, iii. 10; Inst. iii. 2, 1), as those who are "per virilis sexus personas cognatione juncti." But this definition must be extended so as to include all adoptive relations, *e.g.* brothers and uncles, who properly cannot be called *cognati* at all if cognates are persons related merely by the tie of blood, and women who by passing *in manum mariti* came to be *filiae loco* to their husbands, and so agnates to their own children and their husbands' agnates in general. Conversely, it must be narrowed so as to exclude cognates who, even though *per virilis sexus personas juncti*, had by *capitis deminutio minima* [CAPUT] left their agnatic family (whence Ulpian says, *Reg.* 11, 4, "ejusdem familiae"). Agnates, in fact, are persons related to one another through males, whether the relationship be natural, adoptive, or quasi-adoptive as produced by *manus*, and between whom no barrier has been interposed by *capitis deminutio;* and agnation is the tie between two or more persons which is based on the *potestas* or *manus* to which all of them would be subject if the head of the familia were still alive (Sir H. Maine, *Ancient Law*, pp. 146–8). Thus, if A has in his *potestas* three sons, B, C, and D, and two grandchildren (Y and Z) by B, and emancipates B and then dies, C, D, Y, and Z are agnates of one another and of all A's own agnates; but they are no agnates of B, who by emancipation has undergone *capitis deminutio*, and therefore (agnatically) has no relations in the world.

Cognatio naturalis, on the other hand, or *cognatio* simply, is what we call relationship by blood. It is independent of *patria potestas;* but (in spite of the maxim "civilis ratio naturalia jura corrumpere non potest," Gaius, i. 158) it was destroyed, or at least its jural consequences were, by *capitis deminutio maxima* and *media* (Inst. i. 16, 6). All those persons are *cognati* of one another who are sprung from one and the same person, whether male or female ("cognati . . . . quasi ex uno nati," Dig. 38, 8, 1, 1), and the relationship may be either lineal (as between ascendants and descendants) or collateral (as between brothers and sisters, uncles and nephews, cousins, &c.). Those who were of the same blood by both parents, or brothers and sisters of the whole blood, are properly termed *germani: consanguinei* are those born of different mothers by a common father; *uterini*, those born of the same mother by different fathers. Illegitimacy was no bar to cognation. The paternity of children born in *concubinatus* [CONCUBINA] was to some extent recognised by law (Inst. i. 10, 13), but those born of a less permanent connexion (*vulgo quaesiti*), though deemed in law to have no father, were regarded as the mother's children, and were *cognati* of her as well as of one another (Inst. iii. 4, 3; *ib.* 5, 4). Justinian also recognised cognation between the free descendants of a slave-woman (Inst. iii. 6, 10). And even an unreal cognation was inferred from real agnation not based on blood: *e.g.* an adoptive child might claim succession under the edict among cognates if he had omitted to assert his civil law right as an agnate. But if the legal *agnatio*, which arose from adoption, was dissolved by *capitis deminutio* (*e.g.* through emancipation), there remained no *cognatio;* but an *agnatus* by birth still was *cognatus* after emancipation for "civilis ratio naturalia jura corrumpere non potest," *cit. supr.*

The degrees of cognation (and of agnation also, Inst. iii. 6, 8) were reckoned by counting each generation as one degree of removal from the person to whom kinship is being traced. Thus parents and children are cognates in the first degree of one another: brothers, sisters, grandparents and grandchildren, in the second,

and so on. The annexed table shows all the degrees up to the sixth, to none beyond which did the law attach any legal rights: thus, no



cognates beyond those in the sixth degree could claim to succeed a person who died intestate, except the children of a *sobrinus* or *sobrina*, who, as may be seen, were in the sixth degree themselves (Inst. iii. 5, 5). The degree of relationship of any given person in this stemma to the person to whom kinship is being traced (*is eave*, &c.) is indicated by the figures attached to the several words: the Roman numerals denote the degree of *cognatio* in the canon law, and the Arabic numerals the degrees in the Roman or civil law. The latter mode of reckoning is adopted in England in ascertaining the persons who are entitled as next of kin to the personalty of an intestate. In the canon law, the number which expresses the collateral degree is always the greater of the two numbers (when they are different) which express the distance of the two parties from the common ancestor; but in the civil law the degree of relationship is ascertained by counting from either of the two persons to the other through the common ancestor. If it be asked what is the significance of *agnatio* and *cognatio* respectively in the Roman system, the answer is that under the older law the latter conferred no rights whatever; it only imposed liabilities, especially in relation to marriage. A man could not lawfully marry either a lineal cognate or marry in the collateral line (*e.g.* a sister, niece, or aunt); but he and they had absolutely no rights in relation to one another as *cognati*. For instance, if a father emancipated his child of tender years, he became his guardian; but *not* because he was his father (for the agnatic tie had been broken), but on the analogy of master and slave, because he had conferred on him the boon of independence. On the other hand, the agnates enjoyed valuable rights both of guardianship and of inheritance upon intestacy. But the whole history of Roman law is the history of the gradual substitution of cognation for agnation as a title to rights, especially in the department of inheritance [BONORUM POSSESSIO], and in Justinian's final reform of the law of Intestate Succession by Novel 118 the last trace of agnation as conferring any privileges is extinguished. Perhaps the most striking of the earlier admissions of cognatic relationship by the civil law is the *querela inofficiosi testamenti*. [J. B. M.]

COG'NITOR. [ACTIO.]

COGNO'MEN. [NOMEN.]

COHE'RES. [HERES.]

COHORS. [EXERCITUS.]

COLA'CRETAE (κωλακρέται or κωλαγρέται: the latter is the more correct form, now restored to Aristophanes by Dindorf on the authority of the Ravenna manuscript), the name of very ancient magistrates at Athens. They derived their singular name, "collectors of hams," from the circumstance that they received the hams from the animals sacrificed on certain occasions, not as a perquisite for themselves, but in aid of the meals in the Prytaneium, for which they had to provide (*ἐκ τοῦ ἀγείρειν τὰς κωλᾶς*: with these *κωλαῖ* cf. the Homeric *μηροί*, so often mentioned as the prime parts). This name is in itself a proof of their antiquity. The Colacretae were traced back to the times of the kings, when they had the control of financial matters; and in later times acted as the treasurers of the Naucrariae, out of whose funds they paid the expenses of the sacred embassies (*θεωρίαι*) sent to Delphi or elsewhere, and those of the public tables in the Prytaneium. The legislation of Solon left them untouched; but Cleisthenes deprived them of the charge of the finances, which he transferred to the APODECTAE, now first appointed. When, however, the practice of paying the dicasts was introduced by Pericles,

this payment was assigned to the Colacretae; and we again find them an important magistracy in the time of Aristophanes (*Vesp.* 695, 724; *Av.* 1541: the scholia on these passages are the most important sources of our information). (*Etym. M.*, Phot., Hesych., Suid., Tim.; Ruhnken on Timaeus, *s. v.*; Boeckh, *P. E.* p. 173 ff. tr. Lewis [2] = i.[3] 213 ed. Fränkel, 1886; Schömann, *Antiq.* i. 327, E. T.) In his second edition Boeckh pointed out that there is no documentary evidence for the existence of the Colacretae after B.C. 403 (the archonship of Eucleides), but that this does not prove that they had ceased to exist. On this point compare Fränkel, note 302. [W. S.] [W. W.]

COLI'PHIUM. [ATHLETAE, p. 238 *a*.]

COLLA'RE (Priscian, p. 590 P., gives the form *collarium*, δέραιον, κλοιός), a band or chain attached to the neck (*collum*), a collar. Dogs with collars are frequently seen in ancient monuments, and a mosaic at Pompeii represents a watch-dog with his collar and chain attached (Reich, *s. v.*). Varro says that farm dogs should have collars with pointed nails (*cum clavulis capitatis*) attached to them, to protect them against the attacks of wolves and other beasts (*R. R.* ii. 9, § 15). Xenophon recommends that the collars (δέραια) of hunting dogs should be soft and wide so as not to rub the hair (*Cyneg.* 6, 1). Large wooden collars (κλοιοί) were sometimes put on mischievous dogs (Aristoph. *Vesp.* 897, with Schol.; Xen. *Hell.* ii. 4, § 41). Plates of bronze have been found, pierced with a hole to be suspended to the collar, containing the names of owners of dogs. (Daremberg and Saglio, *s. v.*)

Iron or bronze collars were placed round the necks of slaves who had attempted to run away. (Lucil. *ap.* Non. p. 36, 26; Plaut. *Capt.* ii. 2, 107.) Sometimes a plate was attached to the collar, containing the name and address of the master, and offering a reward for the runaway slave. (D. and S., *s. v.*) [W. S.]

COLLA'TIO BONORUM. [BONORUM COLLATIO.]

COLLECT'ARII. [ARGENTARII, p. 181 *b*.]

COLLEGATA'RIUS. [LEGATUM.]

COLLE'GIUM. A collegium is an association of at least three persons (Dig. 50, 16, 85) for some permanent and lawful purpose, recognised by the state as possessing the attributes of a corporation (Liv. x. 13, 22; Tac. *Ann.* iii. 31). The persons who for the time being were members of the collegium were called *collegae* or *sodales* (Dig. 47, 22, 4), the Greek equivalents being ἑταῖροι and ἑταιρεία (Gaius, *ib.*).

Collegia are, in fact, a subdivision of the class of artificial or "juristic" persons called *universitates personarum*. For the attributes of these in general, reference should be made to the article on UNIVERSITAS. The chief characteristics of a corporation are the perpetuity of its existence independently of the lives of the natural persons who for the time being belong to it, and its recognition, apart from them, as a subject of rights and duties. Thus, a collegium could possess common property and a common chest or *arca*, and have its suits conducted for it by a syndicus or actor (Dig. 3, 4, 1, 1): debts owed to it were not owed to its members, nor were its own debts theirs (Dig. *ib.* 7, 1); its property was liable to be sold for such debts, but if it was insufficient the creditors could not, as in an ordinary partnership, resort to the separate property of the individual members. It was governed by its own regulations, which the members could settle at their pleasure, provided they were not contrary to law—a rule which Gaius (Dig. 47, 22, 4) conjecturally derives from the legislation of Solon; the voice of the majority of members present was final (Dig. 50, 17, 160, 1). The collegium still subsisted, though all the original members were changed (Dig. 3, 4, 7, 2); and even if their number was reduced to one, Ulpian was of opinion (notwithstanding Dig. 50, 16, 85, referred to above) that, at least for the purposes of litigation, the corporation still existed. But if all the members died, there was no doubt that its existence terminated.

We meet with a great variety of such collegia in Roman history. The augurs and pontifices were incorporated (Caesar, *Bell. Civ.* i. 72; Liv. xxxi. 9), as were the priests of many, if not all, of the different temples (Sueton. *Calig.* 16; Dig. 32, 38, 6; Ulp. *Reg.* 22, 6). Magistrates bearing the same office usually formed a collegium ("magistratus municipales cum unum magistratum administrent etiam unius hominis vicem sustinent," Dig. 50, 1, 25). The collegium of the praetors is spoken of in Cic. *de Off.* 3, 20, 8: that of the tribuni plebis in Cic. *in Verr.* ii. 2, 41; Sueton. *Caes.* 23; Liv. xlii. 32. (According to the definition of a collegium, the consuls, being only two in number, were not a collegium, though each was called *collega* in respect of the other, and their union in office was termed *collegium*.) The decuriones of towns, who bore the municipal offices and upon whom the heaviest municipal burdens fell, also formed a corporation (see the references to Orelli's *Inscriptiones* in Walter, *Geschichte des römischen Rechts*, § 298); and some collegia consisted of single curiae in a civitas which had separate property (Dig. 3, 4, 3; *ib.* 7, 1); of legions and other military units (Dig. 28, 3, 6, 7; Cod. 6, 62, 2), and even of associations of government clerks (Dig. 37, 1, 3, 4). Other collegia were formed for the advancement of finance, trade, or other industry (Liv. ii. 27; Tac. *Ann.* xiv. 17): *e.g.* those of the *publicani*, who farmed the public revenues, and who are so frequently referred to in Cicero and other classical writers; of *salinae*, *aurifodinae*, and *argentifodinae*, associated for the purpose of mining (Dig. 3, 4, 1, pr.; 17, 2, 59, pr.); *fabrorum*, *pistorum*, &c., which more nearly resembled our city companies and guilds; and finally the *collegia sodalicia*, associations or clubs for less definite purposes, sometimes religious, sometimes political, and sometimes anarchical (Cic. *pro Planc.* 15, 36; Plin. *H. N.* xxxvi. § 116; Dig. 47, 22, 1).

The law or custom as to the formation of these collegia and their acquisition of the corporate character is not quite clear. There are early instances of their establishment by special legal authority (Liv. v. 50, 52); but under the republic it would seem that a specific authorisation or act of the state for the creation of a corporation was not necessary. Both from the large number and variety of the collegia, and from the known anxiety of the Romans to foster and keep alive in every way the corporate civic spirit, it is probable that there was a general

rule of law or custom to the effect that, if certain conditions were fulfilled (especially one requiring that the association must exist for certain specific purposes), any number of persons exceeding two might form themselves into a collegium: "neque societas neque collegium neque hujusmodi corpus passim omnibus haberi conceditur, nam et legibus et senatusconsultis et principalibus constitutionibus ea res coercetur" (Dig. 3, 4, 1, pr.). About B.C. 64, owing to the use which was made of them for secret association and plots against the state and its parties, all collegia, except a few whose utility was recognised, were dissolved by a senatusconsult: Cic. *in Pison.* 4, 9 (cf. Asconius, *ib.*); *pro Sest.* 15, 25; Dio Cass. xxxviii. 13. Under the empire, it would seem (from Dig. 47, 22, 3, 1) that a special authority from the senate or emperor was required to give any such association a corporate character.

Collegia, like universitates in general, were *incertae personae*, and consequently under the older law could neither be instituted heirs (Ulp. *Reg.* 22, 5) nor take legacies under a will (Ulp. *ib.* 24, 18): the first, because *aditio* of an inheritance was an *actus legitimus*, which could not be performed by an agent, and it is only through agents that corporations can act at all. But municipal corporations were allowed to be instituted heirs to their own liberti by one senatusconsultum, and another permitted certain of the gods (*i.e.* the collegia of their priests) to be instituted by any one (Ulp. *Reg.* 22, 5, 6). Under Justinian public, charitable, and ecclesiastical corporations (including churches) could in all cases be instituted; others only by special concession from the emperor (Cod. 6, 24, 8, 12). All collegia were enabled to take legacies by a senatusconsultum passed under Marcus Aurelius (Dig. 34, 5, 21). But no restrictions were imposed on the acquisition of property by corporations in other ways (Dig. 41, 2, 1, 22). Independent states could always receive gifts by will (Tac. *Ann.* iv. 43); and in the same way the Roman state accepted the inheritance of Attalus, king of Pergamus, a gift which came to them from a foreigner: it was considered by the Roman lawyers to be accepted under the jus gentium. (Dig. 3, 4, 47, 22; Savigny, *System*, &c., vol. ii. pp. 235, &c.; Mommsen, *de Collegiis et Sodaliciis*; Puchta, *Institutionen*, §§ 191, 192.) [J. B. M.]

COLLI'CIAE or COLLI'QUIAE. 1. Gutters made with concave tiles (*tegulae colliciares*) for carrying away water from the roof (Vitruv. vi. 3; Cat. *R. R.* 14, 4; Fest. p. 114, M.).

2. Drains in the fields for draining the water into the ditches (Colum. ii. 8, § 3; Plin. *H. N.* xviii. § 179). [W. S.]

COLLYBISTES (κολλυβιστής). [COLLYBUS.]

COLLYBUS (κόλλυβος, less correctly κόλλυβον, Poll. ix. 72), the smallest copper coin at Athens, the fourth of the Chalcus. (Aristoph. *Pax*, 1200; Eupol. *ap. Schol. ad* Aristoph. *Pac.* 1176; Callim. *ap.* Poll. *l. c.*). *Collybus* seems to have been a common name for small money, since it signified generally "changing money," "the rate of exchange," and κολλυβιστής, "a money-changer." (Cic. *Verr.* iii. 78, 181, *ad Att.* xii. 6; Poll. iii. 84, vii. 170; St. Matt. xxi. 12; ARGENTARII, p. 179 *b*; Hussey, *Ancient Weights and Money*, p. 115; Hultsch, *Metrologie*, p. 166.) [W. S.]

COLLY'RIUM (κολλύριον, diminutive of κολλύρα, a roll; hence): 1. In medical language, a tent, pessary or suppositary, made of medicinal substances and inserted into the orifices of the body, such as the nostrils or the anus or into an ulcer. Thus Celsus (v. 28): "collyrium fieri debet altera parte tenuius, altera parte plenius; idque ea parte qua tenuius est antecedente, demitti oportet in fistulam." (Cf. Scrib. Largus, *Comp. Med.* 142; Colum. vi. 30; Cael. Aurel. *Acut.* ii. 12; Hipp. 609, 44.)

2. A liquid eye-salve (Hor. *Sat.* i. 5, 30; Cels. vii. 7, 4; Veget. iii. 16, 248, 18, 2; Arr. Epict. ii. 21, 20, iii. 21, 21). Many instructions for the composition of these medicaments may be found in Marcell. *Empir.* viii. [J. H. F.]

COLO'BIUM. [TUNICA.]

COLONA'TUS, COLO'NI. Colonus originally denoted the free lessee of land under a contract of *locatio conductio*, whence it acquired the derivative signification of an agricultural class under the empire, analogous to villeins in England, of which we first definitely hear about the time of Constantine, A.D. 321. These coloni (also called *rustici*, *inquilini*, *agricolae*) were settled on the estates of the larger landowners, a portion of which each of them cultivated as tenant at a fixed rent (*annua functio*), paid usually in kind (Cod. 11, 47, 5; *ib.* 20, 2), the amount of which was settled by custom and tradition: this the landlord could not raise, and the only case, apart from crime, in which the colonus could bring an action against him was where he attempted to do so. Occasionally, however, the rent was fixed by agreement. They were inseparably attached to the soil (*glebae adscripti*) which they tilled (Cod. 11, 47, 11, 7; 11, 51, 1); they could not leave it of their own accord (Cod. 11, 47, 21), nor could the lord or patronus eject them or sell them away from it; but he could alienate them with the land (Cod. 11, 47, 2), and transfer superabundant coloni from one to another of his own estates. Thus in many respects they were like slaves, and it is said in the Code (11, 51), "licet conditione videantur ingenui, servi tamen terrae ipsius, cui nati sunt, existimentur." The analogy, indeed, may be carried further. The colonus is said (Cod. 11, 47, 21) to be in the *potestas* of his dominus; the latter had the right of inflicting corporal chastisement on him (Cod. *ib.* 24): if he ran away, he could pursue him in the same way as a *servus fugitivus* (Cod. Theod. 5, 9, 1, 2); and if he sold him away from the estate, he could recover him by a vindicatio or real action (Cod. 11, 47, 7). That the colonus could as a rule bring no action against the patronus (Cod. 11, 49, 2) has been observed already. In the eye of the law, however, the coloni were free (Cod. 11, 51); they could contract a marriage which the law recognised (Cod. 11, 47, 24), and could acquire property, which was called their *peculium* (Cod. Theod. 5, 10, 1); but if this were land, they could not alienate it (Cod. Theod. 5, 11, 1); and it is probable that they could not alienate even personal property without the consent of the patronus. It seems, too, not unlikely that they could make a will, in default of which their property went to their next of kin: for if a bishop, presbyter, deacon,

&c., died intestate and without kin, his property went to the church or religious house to which he belonged, except such as he had as a colonus, which went to his patronus, who with respect to his ownership of the land is called *dominus possessionis* (Cod. Theod. 5, 3).

Upon every colonus a poll-tax was levied (whence they are sometimes called *censiti, tributarii*): this was paid immediately by the dominus, who was left to recover the amount from the colonus himself (Cod. Theod. 11, 1; Cod. 14, 26). The burden of recruiting the army was also thrown on the great landowners, who regularly enrolled their coloni for this purpose (Vegetius, i. 7), the rule against their being separated from the soil being to this extent suspended; a colonus by becoming a soldier was released absolutely from the quasi-servile condition (*Nov. Valent.* 6).

The status of colonatus originated most frequently in birth. When both the parents were coloni, the children were coloni as well (and here they were specifically called *originarii*). If the parents had different domini, it was finally settled that they should divide the children between them; and if there was an odd one, it should go to the dominus of the mother.

If the mother were a slave or a colona, the rule *partus sequitur ventrem* was followed [CIVITAS]; but if the father was a colonus and the mother free, the children (except for a brief suspension of the rule by Justinian) became coloni as well. By *Nov.* 22, 17, Justinian declared the marriage of a colonus and a free woman void. The status could also originate in Prescription, a free man who lived for thirty years under a dominus as colonus becoming colonus in fact, though he retained his property free from the ordinary restrictions (Cod. 18, 23; 11, 47, 1); and similarly a dominus who possessed for thirty years a man who belonged to another, could defend himself against the claim of the latter by *Praescriptio longi temporis*. Again, a free man could voluntarily become a colonus by agreement, provided it were judicially ratified, or his name were registered in the poll-tax inventory of the estate (Cod. 11, 47, 22, pr.), and he married a colona (*Nov. Valentin. III.* c. 30). Sometimes, again, persons were reduced to this condition as a punishment: *e.g.* able-bodied beggars would be adjudged coloni to any dominus who informed against them (Cod. 11, 25, 1); and finally a dominus could convert a slave into a colonus at pleasure by enrolling him in the poll-tax inventory of the estate (Cod. 11, 47, 7).

As to the modes in which a man could cease to be a colonus, it has been already observed that he could not cast off this condition at pleasure, the reason being that the institution was founded in the interests of agriculture and as a convenient resource for taxation. Before Justinian a colonus could become absolutely free by living thirty years, a colona by living twenty years in another condition—in other words, complete freedom could be acquired by prescription; but this rule was repealed by Justinian (Cod. 11, 47, 23), who enabled the dominus to assert his right after any lapse of time. Nor could the dominus release his coloni, as he could his slaves, at his own discretion: in fact, in the time of Justinian the only modes in which escape from colonatus was possible seem to have been enrolment in the army under the lord's sanction (see above), a direct act of the state, and attainment of a bishopric (Cod. 1, 3, 11, 16, 37).

As to the historical origin of colonatus, it has been observed above that our first definite information on the subject commences with Constantine. There are, however, two passages in the Digest (30, 112, pr., Marcianus; and 50, 15, 4, Ulpian) which, notwithstanding Savigny's attempt to understand them of ordinary lessees or farmers, seem clearly to indicate that colonatus existed for some time before that emperor. The most generally accepted view of the mode in which it originated is that which ascribes it to the settlement of Germans and other barbarians by the Roman emperors on waste lands within the limits of the empire. The condition of these foreign settlers being once established, it is supposed that poor Roman citizens were allowed to assume it, partly being induced to do so by the advantage of getting land, and partly under compulsion, though how this compulsion could be exercised is not clear. A constitution of Theodosius II. (Cod. Theod. 5, 4, 3, ed. Wenck) contains some valuable information on the settlement or colonisation of the barbarians, and declares them to belong to the condition denoted by the term *colonatus*. It is possible to reconcile this view of the origin of colonatus with the passages of Ulpian and Marcianus referred to, by supposing that there was a tendency in the third century for free lessees to become attached by law to the soil, and that their condition was the model of that of the barbarians who were settled in the Roman empire; the latter, however, acquiring a more dependent status than the former, and being treated more like slaves: till eventually the condition of the barbarian coloni became that of all. (A. W. Zumpt, *Ueber die Entstehung des Colonats*, 1843; Huschke, *Ueber den Census der Kaiserzeit*, 1847; Savigny, *Vermischte Schriften*, ii. p. 54 *sq.*, translated in the *Philological Museum*, vol. ii.)

Puchta, however (*Institutionen*, vol. ii. p. 98, § 214) is of opinion that colonatus originated in the common distinction between slaves used for domestic service in the house (*familia urbana*) and those employed in agricultural labour (*familia rustica*). The latter, according to him, enjoyed a larger degree of actual freedom, and in many ways were better off than the former; they and their children came more and more to be regarded by sensible landowners as accessions of the soil, inseparable from it except under the pressure of necessity. Their actual condition very closely resembled that which the coloni possessed in law; and Puchta supposes that the transition from personal to praedial servitude, with the payment of rent and the other incidents of the status described above, was effected by and in the interests of the domini themselves, who procured an enactment enabling them to manumit their slaves on the condition of their being inseparably attached to the land which they cultivated. [J. B. M.]

COLO'NIA. I. GREEK.—The Greek colonies, according to Wachsmuth (*Hell. Alterth.* i. 99, 100), may be divided into three classes: (1) those settlements founded by whole races, such as the

Aeolian, Ionian, and Dorian colonisation of the islands of the Aegean Sea and of the coast of Asia Minor; (2) city-colonies founded by cities, which comprise the trading factories which afterwards became cities; (3) cleruchies. With the first we are little concerned, for they are rather migrations of races than foundations of colonies; they did not start as a small section from a larger unity at home, but were rather parts of the great inner movement of the Greek races in early times. Besides, it is not to them that our thoughts turn when we speak of the Greek colonies. We think rather of the second class, and it is of these that we shall especially treat here. But a full historical account of all the separate colonies would be beyond the scope of the present article; for this the reader is referred to Hermann, *Staatsalterthümer*, §§ 73–90. We shall be able here only to tell generally what were the different kinds of colonies, the main causes of their foundation, the principles and method according to which they were established, their internal relations and development, and the position in which they stood to the mother-country.

1. *The different kinds of Colonies.* — "A colony," says Sir G. C. Lewis (*On the Government of Dependencies*, p. 170), "properly denotes a body of persons belonging [mainly] to one country and political community, who, having abandoned that country and community [hence ἀποικία], form a new and separate society, independent or dependent, in some district which is wholly or nearly uninhabited, or from which they expel the ancient inhabitants." There are various kinds:—(1) *Colonies of Conquest*, such as Alexander's various colonies in the East. There are none that are distinctly of this class in early Greek times. A subdivision of this class are *Military Colonies*, such as were to a great extent the colonies planted by Pericles in Thrace and the cleruchies. (2) *Agricultural Colonies*, from which alone a nation springs up. The colonies of Magna Graecia and Sicily are the best examples; the vast wealth of the latter island in agricultural produce, the home of Ceres and Proserpina, is known to all. One subdivision of this class is the *Pastoral Colony*, like the Greeks in the interior of the Cyrenaica (Ath. i. 27; Grote, iii. 449, new ed. 1869), or the Dutch in the Cape Colony. Another subdivision is the *Plantation Colony*, of which we have one example in Greek history, viz. that of Cyrene, the cultivation of whose silphium reminds one of the modern sugar plantations, even to the fact that the labour was performed by negro slaves (Roscher, *Kolonien, Kolonialpolitik und Auswanderung*, p. 26, ed. 3). (3) *Commercial Colonies.* Nearly all colonies, says Roscher (*op. cit.* p. 16), begin as commercial colonies, whatever may be the character they afterwards assume. They start from factories, established generally in countries where there are either great natural difficulties to contend against, or great restrictions on trade, like Naucratis in Egypt or the modern colonies in China. (For a full account of the interesting colony of Naucratis, see *Quarterly Review*, Jan. 1887, pp. 66–96.) In such colonies the colonists generally stand to the natives in the position of metics, and are bound closely together in well-disciplined corporations, for mutual protection. Such factories, a little more fully developed, become commercial colonies. Examples are the Phoenician colonies in Spain (the America of the ancients), and the Greek colonies on the Pontus, with their large trade in hides, flax, corn, wood, slaves, and fish (Curtius, *Hist. of Greece*, i. 415, Eng. trans.). The Pontic colonies deserve especial notice. The great era of colonisation inaugurated especially by Miletus and Chalcis, during the eighth century B.C., was systematically carried on as a state concern by each city. Miletus and Chalcis had the two great requirements for the foundation of commercial colonies, viz. naval supremacy and a vast amount of capital. Particular commercial routes and grooves of navigation came to be formed: thus merchants for the Pontus always started from Miletus, and for Massilia from Phocaea, as Curtius (p. 411) points out, from whom we can best derive a knowledge of the way in which a commercial colony arose: "At first temporary fairs on the coast were held; then places on the opposite shore were purchased by treaty from the inhabitants; fixed market-places with storehouses were erected, and agents of the mercantile houses established in them, who superintended the landing and sale of the goods. ...Some of these stations were subsequently relinquished. Others, the situation of which proved favourable on account of mercantile advantages, or the excellence of climate or water, were kept up and enlarged: finally, a depôt of wares grew into an independent trading-place, a Hellenic community, and an antitype of the mother-city." The colonising of the Pontus by Miletus was a most thoroughgoing work. Not only did the colonies trade with their immediate neighbours, especially with the Scythians, who showed a great adaptability to Greek culture, but several of the colonies—such as Olbia, Tanais, and Dioscurias—were the starting-points of caravan routes towards Central Russia, Siberia, and India (Curtius, *op. cit.* i. 421). And colonies themselves are readily induced to found new colonies. Sinope, itself a colony of Miletus, was the starting-point of much of the colonisation of the south coast of the Pontus, and by the middle of the eighth century she had founded Trapezus. As might be expected, the commercial colonies, to which class by far the greatest number of the Greek colonies belonged, were all founded on or near the sea: hence the remark of Cicero (*Rep.* ii. 4, 9) that they were like a Grecian border, woven on to the lands of the barbarians ("barbarorum agris quasi attexta quaedam videtur ora esse Graeciae").

2. *Causes of Colonisation among the Greeks.*— Passing over cases in which a whole state leaves its home before a conqueror,—as when the inhabitants of Teos, conquered by Harpagus, sailed away and founded Abdera (Herod. i. 168); or when, in consequence of civil dissensions, one party emigrates in anger (for such really found new states, and have no link whatever with their mother-city),—we may yet fairly ascribe the name of colony to those settlements founded in consequence of *internal dissensions*, in which the state superintended the sending out of the colony, and the colonists parted in a measure as friends from the metropolis. (An instance is the founding of Tarentum by the Parthenii, directed by Sparta; Grote, iii. 384.) Such

would come under Servius's definition (*ad Aen.* i. 12) of a colony which requires that it should be sent out *ex consensu publico*. A very fruitful cause of colonisation was *over-population*, and the consequent poverty and unevenness of wealth which arise in such a community. Then the wealthy and the upper classes urged the poor to emigrate, and the latter generally were willing enough to do so, impelled by hope of better fortunes and love of adventure. A more extensive cause was a desire to push *commerce*, especially in the case of rich communities, as we have already shown. We cannot say that any of the Greek colonies were founded, like the New England colonies, by high-souled men flying before religious persecution. Sometimes *religion* seems to have had an influence in colonisation, as when the god used to order that a tenth of the inhabitants should leave the country and found a colony, as in the case of Rhegium: this was, however, due to over-population and bad seasons (Strabo, vi. 1, 6, *init.*). A good summary of the causes of colonisation is to be found in Seneca, *Cons. ad Helviam*, 7, 4. Roscher (*op. cit.* p. 43) says that the main causes refer to the four great elements of human life, — family (over-population), property (commerce), state (political dissensions), and church (religious motives).

3. *Procedure in founding a Colony.*—Of course this can only apply to a colony regularly sent out by the order and approval of the state; otherwise the foundation depended more or less on accidents, and could not follow any fixed method. Even when a colony went forth despatched with the good wishes of the mother-city, we know but imperfectly the exact method followed. The colonists sent to Brea (*C. I. A.*, i. 30) are of the nature of cleruchi, and will be treated of later on. The leader (*οἰκιστής*) appears to have been appointed, and then to have been himself compelled to find out where the colony was to be led to. For this he applied to the Delphic priests; and the great assistance which these priests rendered to the Greeks in prudent advice as to the sites for their colonies was "the greatest and most permanent service rendered by the Delphic oracle" (Curtius, *History*, ii. 39). Delphi, the centre-point of the Apolline worship, was frequented by Greeks from all parts of the world, and by conversation with these the priests acquired a very considerable amount of geographical knowledge, and, sensible men that they were, used it to direct the colonists who asked their advice. Few failed to do so (Cic. *de Div.* i. 1, 3), and hence the number of colonies which considered Apollo Archegetes as their founder, and the grateful veneration for Delphi which was felt by the more prosperous colonies (Curtius, *op. cit.* ii. 38). Herodotus (v. 42) notices it as an extraordinary proceeding on the part of Dorieus that he led the Spartans on a colony, and yet "did not consult the oracle at Delphi as to the land he should go to colonise nor do anything which was customary." Participation in the colony was generally left to free choice; but sometimes the colonists were appointed by the state: thus the inhabitants of Thera, when proposing to colonise the island of Platea off Libya, picked out by lot one in every two adult brothers in a family (Herod. iv. 153), and generally, as we shall see, men from various cities joined in each colonising expedition. Actual invitation of foreign participants is to be found in the colonies of the Periclean and subsequent age (Diod. xii. 10; Thuc. iii. 92). The emigrants, prior to departure, took fire from the sacred hearth of the city which sent them out, to light therewith the hearth in their new home (*Etym. M.* s. v. *πρυτανεῖα*: cf. Herod. i. 146). Arrived at their destination, an altar was often erected to Apollo (Thuc. vi. 3); then sometimes unopposed, sometimes after struggles with the natives, they built their town (if such did not already exist) and the land was divided. We cannot say for certain what the principle of division was; it probably varied in different colonies: but as the colonists were mostly poor men of the same rank, it is most likely that the lots were generally equal, except probably in the case of the *οἰκιστής*, who as leader of the whole expedition no doubt received material privileges and grants while alive, as he certainly received divine honours, such as sacrifices and games, after death (Herod. i. 167, vi. 38; Thuc. v. 11; Diod. xi. 66; Paus. iii. 1, 8). If the memory of who the oekist had been got lost by lapse of time, some god (mostly Apollo Archegetes, or Hercules) or some hero (*e.g.* Iolaus, Paus. v. 17, 5) was considered as the founder, and divine honours paid to him as such. When additional settlers were sent to a colony already established (*ἔποικοι*), we may infer from Thucydides (i. 27, *ἐπὶ τῇ ἴσῃ καὶ ὁμοίᾳ*) that they generally had inferior rights and possessions to the original colonists (*ἄποικοι*). Taught often by the cause of distress in the mother-country—or was it an aristocratic privilege, in order to be a safeguard to the original colonists, who were likely to become in no long time the higher classes of the colony? (De Laveleye, *Primitive Property*, p. 150, Eng. trans.)—they made laws to prevent the alienation of the lots; as, for example, at Locri (Aristot. *Pol.* ii. 7, 6).

4. *Relations between a Metropolis and a Colony.*—When a colony separated from its metropolis in anger, there was no relationship between them. But even when they parted amicably, the relation was not a political one of government and dependency, but one of affection, as between parent and child (*ὅσῃς γὰρ ἀξιοῦσι τιμῆς τυγχάνειν οἱ πατέρες παρὰ τῶν ἐγγόνων, τοσαύτης οἱ κτίσαντες τὰς πόλεις παρὰ τῶν ἀποίκων*, Dionys. Hal. iii. 7; cf. Plat. *Legg.* vi. 754), though as a matter of fact quarrels often used to arise between the two; and, as Schömann remarks (*Gr. Alt.* ii. 92), what united the colonies with the mother-country was always weaker than what separated them. What the colonies owed to the mother-country was nothing of the nature of political submission, but respect (*τιμᾷ τὴν μητρόπολιν*, Thuc. i. 34) and dutiful reverence (*τὰ εἰκότα θαυμάζεσθαι*). This dutiful reverence was not required outside the sphere of religious worship; thus, for example, the colonists generally had a native of the metropolis to officiate as high priest in their sacrifices (Thuc. i. 25, and Scholiast): and it was observed in a few minor ways, such as giving the names of places in the old country to those of the new—*e.g.* the river Crathis in Achaea and Sybaris, the Megarian names in Byzantium (Müller, *Dor.* i. 121); also the names

Chalcis and Arethusa were most widespread (Curtius, *op. cit.* i. 437). In fact, as Curtius says, i. 462: "The Greeks united, in a far higher degree than any other nation, an insatiable desire of penetrating into distant regions with the most faithful love of home. Wherever they went they took their home with them." The *citizens*, according to the Greek idea, were the *city* (Herod. viii. 61; Thuc. vii. 77). But outside the sphere of religion there appear to have been few ties. In case the colony proposed to found another, according to an old custom it asked a leader from the mother-city (Thuc. i. 24). But they do not as a rule appear to have retained even the coinage of their mother-city (Lenormant, *ap.* D. and S. i. 1302); and it is quite exceptional when we find any political superiority exercised over the colony. The distances were generally too great, the interests too varied, and the autonomy of each community was a principle too deeply rooted in every Greek mind to admit of voluntary dependence. The policy, too, of commercial colonies must necessarily be of a jealous nature. Corinth alone tried to found a colonial dominion by means of her navy: but this led to colonial war, as between her and Corcyra, and a disruption of the bonds of filial attachment (Curt. *op. cit.* i. 469). The Corinthians also used to send to their colony Potidaea annual magistrates, called ἐπιδημιουργοί, though we may suppose that these had not much power, else they would not have allowed the Potidaeans to make a truce with Athens, the enemy of Corinth (Thuc. i. 56). The tribute which Cotyora, Cerasus, and Trapezus paid to Sinope was of the nature of rent: for the land they held had been wrested from the barbarians by the inhabitants of Sinope, and so of right belonged strictly to them (Xen. *Anab.* v. 5, 7, 10). Except under special circumstances and conventions, the citizens of a colony were not citizens of the mother-city, though it was not a Greek principle, as it was a Roman one, that no one could be citizens of two communities at once. True, the Corinthians offer the citizenship of Epidamnus to whosoever will go on the colony they were projecting (Thuc. i. 27); therefore we might suppose that *à fortiori* the Corinthians had the citizenship: but the Epidamnians were in great straits, and had put themselves entirely into the hands of the Corinthians. The assertion of Timaeus, that the Epizephyrian Locrians and the Locrians of Greece had reciprocally rights of citizenship, among many other assertions of that untrustworthy historian, is controverted by Polybius in his detailed criticism of Timaeus's account of the Locrians (Polyb. xii. 5–12). Under stress of internal dissensions or any other grievous reverse (cf. Thuc. v. 106), the colonists often applied for aid to the states which founded them,—"as ill-used children to their parents" (Diod. *Vat. Exc.* x. p. 39),—as the Syracusans did to the Corinthians in the time of Timoleon (Plut. *Timol.* 23); but generally the colonists were sufficiently prosperous not to require any assistance. Conversely it was considered disgraceful for a colony not to aid its parent state when the latter was subject to unjust attacks (Thuc. *l. c.*), much more was it impious to bear arms against her (Herod. iii. 19; viii. 22): disputes between colony and metropolis it was considered should be settled by arbitration; at least such are the offers of the Corcyreans to the Corinthians (Thuc. i. 28). Yet we not rarely find instances of colonies becoming violently opposed to their parent states. Notable examples are Corcyra to Corinth, and Amphipolis to Athens (Thuc. v. 11). Frequently the colonies, being more enterprising and so acquiring greater prosperity, came to despise their old-world parent state, the more so as the colonies were as a rule far more democratic than their founders, and in their pride of wealth lost all reverence for sentiment and antiquity: thus Sybaris proceeded to set up Olympic games of her own (Athen. xii. 522 a). This leads us to consider next—

5. *The political career of Colonies.*—In this connexion we must begin with a quotation from Plato (*Legg.* iv. 708), where he shows "how colonists, like a swarm of bees, if entirely of one community, similar in race, language, laws, and religion, will be intolerant of any laws and customs at all different from those of the old home, even though the injustice of these laws and customs has been the cause of their enforced expatriation; whereas a mixed population is quite ready to listen to new laws, though it may take years before the founder who is also the legislator may be able to make the different elements of the colony pull well together." Now it is to be carefully borne in mind that the population forming the Greek colonies were nearly always of different cities and races. Ionians, it is true, who had the gift of accommodating themselves to every locality, generally appear in the front; Chalcis and Miletus, as we saw, were the heads of Greek colonisation: but they only formed the centre body of a population which contained a blending of "Achaean heroism and Dorian energy and perseverance"; "they were ports which conducted emigration in certain directions." It would be folly to suppose that Miletus of herself could found eighty colonies in a few generations (Curtius, *op. cit.* i. 463, 470). The colonists then were generally of a mixed race of Hellenes; and when they had founded their colony, they mixed the race still further by intercourse and intermarrying with the natives. This is especially noticed by Grote in the case of Italy and Sicily (iii. 377), Gaul (*ib.* 397), Cyrene (*ib.* 455), and Olbia (xii. 298). In countries like Lower Italy and Sicily, which had been colonised by Phoenicians, who had also transported thither vast numbers of people of kin with the Greeks, and where there had thus grown up by successive layers a population related to the Greeks, there eventually was developed, when the great colonising of the Corinthians and the Rhodians was effected, a new vigorous *homogeneous* Greek nationality, just as in bygone times in the old country from the Pelasgian tribes arose the Hellenic nation (Curtius, *op. cit.* i. 468).

In connexion with the Greeks of Italy and Sicily, it is worthy of notice that those settled around the Tarentine gulf had Amphictyonic institutions, and a common point of religious assemblage in the festivals of the Lacinian Hera, presided over by the Crotoniates (Ath. xii. 541). Doubtless union of religious worship and union in common danger united other complexes of neighbouring towns in similar Amphictyonies:

e.g. the altar of Apollo Archegetes at Naxos appears to have united the Sicilians (Thuc. vi. 3; cf. Grote, iii. 359). And the course of development in the more prosperous colonies ran much faster than in the mother-country. We look to America now to solve many of the political and social problems which are beginning to be sorely felt; and the evidence to be derived from the Greek colonies does not prove our expectation to be unnatural. A population like that of the Greek colonies, originally mixed, mixed still further by intercourse with the natives, not tied down by any feeling of reverence for or submission to the laws and customs of priests and nobles, with wealth ever increasing, vigorous, independent, could not tolerate an aristocratic system of government; it had to yield to the timocratic: the aristocracy of birth and worth gave place to the oligarchy of wealth. This important step on the road to democracy brought with it one great advantage, viz. codification and publication of the laws. In the seventh century, besides Draco, we find Zaleucus publishing laws for the Epizephyrian Locrians, and Charondas for Catana, and doubtless for other cities also of Italy and Sicily (Aristot. *Pol.* ii. 9, 5; cf. Plat. *Rep.* x. 599 E). Every one had before him the prospect of success in the race for wealth: the struggle came to be between the rich and the poor, as always in commercial communities. The aristocracy of Miletus had vanished by the middle of the seventh century; and amidst that city's great wealth, which was as ever accompanied by its shadow, great poverty, there had appeared opposite to one another the two main classes of to-day, the Capitalists and the Labourers (*πλουτίς καὶ χειρομάχα*, Plut. *Quaest. Graec.* § 32=ii. 298, ed. Reiske). Where the rich, who are the few, gained the upper hand, we find oligarchies; as at Rhegium (Heracl. Pont. 25), Croton (Iamblich. *Pythag.* § 45), Locri (Polyb. xii. 16), Agrigentum (Diog. Laert. viii. 66), the power was in the hands of a Thousand (*οἱ χίλιοι*). Where the poor had the upper hand, the result was democracy. We hear of demagogues at Sybaris long before those at Athens (Diod. xii. 9). Close on demagogues follow tyrants: the President, as at Miletus (Aristot. *Pol.* viii. 5, § 8), becomes the tyrant. The line is hard to draw: Telys of Sybaris is to Diodorus (*l. c.*) a demagogue, to Herodotus (v. 44) a tyrant. "The great majority of ancient tyrants," says Aristotle (*l. c.* § 6), "had been demagogues."

In the colonies then, just as now the dollar is almighty, so "money, money was the man," as Pindar (*Isthm.* 2, 11), quoting "the Argive man" Aristodemus, reminded Xenocrates of Agrigentum. And there was plenty of it: hence more beautiful cities and a more brilliant and heightened life than in the mother-country. Without going so far as Roscher (*op. cit.* p. 69), in asserting that in every branch of higher art and science Hellas proper was indebted for her first stimulus to her colonies, yet much of early Greek philosophy came from the higher minds of Magna Graecia and Sicily,—Xenophanes, Pythagoras, Empedocles, Parmenides; and owing to the rationalistic character of colonial life generally, which mocks at everything ideal, we are not surprised to find that comedy and travesty owed their origin principally to the same region. Poverty had all along been foster-sister of Hellas (Herod. vii. 102); but the luxury of Sybaris is proverbial, Sicilian cookery was famous for delicacy throughout the Greek world (Plat. *Rep.* iii. 404 D), the poorest men in Cyrene wore rings worth 10 minae (Ael. *V. H.* xii. 30), and the Agrigentines built as if they were to live for ever, and dined as if they were anxious to make the most of the last day of existence (Ael. *V. H.* xii. 31; cf. Roscher, *op. cit.* pp. 52, 53).

6. *The Athenian Colonies.*—These belong to a later period than the greater mass of the other Greek colonies, and differ in the intention with which they were founded. They were more of the nature of cleruchies; but differ from cleruchies in the strict sense in that they were not planted on Hellenic land from which the inhabitants had been expelled, but were settlements effected on the territory of barbarian tribes. They were, however, similar to the cleruchies in the *whole* arrangement of their planting being directed by the state. We have remaining part of a charter (*C. I. A.* i. 31 = Hicks, *Greek Historical Inscriptions*, No. 29) directing the foundation of one of these colonies, that of Brea (cf. Plut. *Pericl.* 11) in Thrace, which was pre-eminently the country in which such colonies were founded, owing to its great wealth in wood and metals. Such a charter was called *ἀποικία* (Harpocr. *s. v.*). By the charter referred to a certain Democlides is appointed as leader of the colony (*οἰκιστής*). A rider to the charter confined participation in the colony to the Zeugitae and Thetes, which shows one of the main purposes of the colonising policy of Pericles, viz. to free the city of the idle and so turbulent mob (Plut. *l. c.*). Sundry provisions as regards the religious duties to be observed by the colonists towards the mother-city were further stated, such as sending an ox for sacrifice at the Panathenaea: and a very strict proviso was enacted that this charter was to be final, so that the colonists should have fixity of tenure, and not be liable to be dispossessed by any vote of the easily-moved democracy at home. Orders were given to be ready to depart within thirty days. The state supplied arms and money for the colonists (cf. Arg. to Dem. *de Chers.*). When the colonists arrived, the lands were distributed to the colonists by *γεωνόμοι*, which had been previously divided by *γεωμέτραι* (Bekker, *Anecd.* 32, 14). The oekist of such a colony received all the honours which the oekist of the colonies of earlier days had received (cf. Hagnon at Amphipolis, Thuc. v. 11). The great national Hellenic colony founded at Thurii under the superintendence of Athens, in 443 B.C., was established with the greatest method and completeness. There were very few Athenians among the colonists. It was connected with Athens by but a very slender tie, and was not mentioned as one of her allies in Thucydides' enumeration (ii. 9). A full account is given in Grote (v. 277) and Curtius (ii. 488). The colony of Amphipolis, founded about the same time, 437 B.C., was also of a very mixed population. It differed from Thurii, as it was founded partly because it was a convenient centre for getting ship timber from, and also for working the gold and silver mines in the neighbourhood; but principally it served military

purposes, as being close to the bridge over the Strymon (Thuc. iv. 102). Hence it always remained a regular Athenian dependency. This forms a transition to

7. *The Athenian Cleruchies.*—"All colonies in their relation to the mother-city," says Roscher (*op. cit.* p. 44), "may be divided into ἀποικίαι and κληρουχίαι," — *i.e.* are independent or dependent. But the ancients did not observe this distinction. Strabo calls all colonies without exception ἀποικίαι. Thucydides (ii. 27, 70; v. 102) calls ἔποικοι those whom Diodorus and Plutarch, in relating the same events, call κληροῦχοι. However, Herodotus (v. 77; vi. 100) applies the term κληροῦχοι to those who were settled on the land of the hippobatae at Chalcis. Thucydides uses it (iii. 50) with reference to the Lesbian colonists, and Aristophanes (*Nub.* 205) shows that it was a term frequently used. Roscher (p. 45) lays it down as a law that the system of ἀποικίαι gives place to that of κληρουχίαι, according as a state advances to a higher stage of development.

The main *characteristics* of the Athenian cleruchies were that they consisted solely of Athenians, were settled on Hellenic land, and were dependent. There were doubtless cleruchies sent out by other states, *e.g.* the Lerii from Miletus (Boeckh, *Staatshaushaltung der Athener*, ii. 457, ed. 3); but it is of the Athenian cleruchies that we alone have any detailed information.

The *objects* were "to relieve the city of the idle and troublesome mob, to alleviate the distress of the poorer classes, to inspire fear into the allies, and keep watch that they should not take any hostile steps against Athens" (Plut. *Pericl.* 11). An additional reason was sometimes to secure a supply of corn, as in the case of the colony to Hadria, which colony also served to protect the surrounding seas from pirates. See the decree relative to Hadria in Boeckh's *Seewesen*, p. 463. The sending out of cleruchies formed one of the recognised portions of the democratic programme (Aristoph. *Nub.* 205). In their military aspect they corresponded to the Roman colonies. The Greek writers often call the Roman colonists κληροῦχοι (Dion. H. viii. 14; Plut. *Flam.* 2), and conversely Cicero (*de Nat. Deor.* i. 26, 72) calls the Athenian cleruchs sent to Samos "landgrabbers" (*agripetae*). The first cleruchs were those sent to occupy the land of the hippobatae at Chalcis, about 510 B.C., "the first Hellenic town against which the right of the conqueror was enforced with harsh severity" (Curtius, ii. 484). Gilbert (*Staatsalterthümer*, i. 421, note 4) gives a list of the cleruchs sent out between 460 and 427; and, even where the numbers are given, they amount to 9,450, and this does not reckon the cleruchs sent to Lemnos, Imbros, or Aegina.

The *procedure* adopted in sending out a cleruchy was doubtless similar to that of state-directed colonies, viz. by ordinary bill brought by the senate before the people, which defined the principal conditions on which the cleruchy was founded. The poorer classes of all the ten tribes (see p. 336 of an important *Mémoire sur les Colonies Athéniennes au v^me^ et iv^me^ siècles*, by M. P. Foucart, among the *Mémoires présentés par divers savants à l'Académie des Inscriptions*, vol. ix. pp. 328-411) were invited to send in their names, and the lot decided who were to get the lands, which were doubtless measured out prior to the departure of the colonists. They were led by an ἀποικιστὴς or στρατηγός (Arg. to Dem. *de Chers.*), and to be such a leader was esteemed a great honour (Paus. i. 27, 5). All the prayers and sacrifices for the success of the cleruchy were made on behalf of the state and at state expense, whereas in the ἀποικίαι the consulting of the oracle and all religious duties were left to the initiative of the colonists and their leader (Foucart, p. 340).

As to the *relations of the cleruchs to Athens:* (1) they remained Athenian citizens, as may be seen from inscriptions from the fifth century B.C.,—*e.g.* from Melos, Ἐπόνυφης Ἀθηναῖος Παυδιονίδος φυλῆς Κυθήρριος (*Bull. de Corr. hell.* i. 44),—down to Roman times. The Lemnian and Imbrian cleruchs were Athenian citizens (Dem. *Phil.* i. § 34). In a list of killed we have Λημνίων ἐγ Μυρίνης, names with the Athenian tribes they belonged to added to them (*C. I. A.* i. 443). The official titles for the cleruchs were such as ὁ δῆμος ὁ ἐν Ἡφαιστίᾳ (Hyperid. *pro Lycophr.* § 13; cf. *C. I. A.* ii. 284), Ἀθηναίων οἱ ἐν Ποτιδαίᾳ κατοικοῦντες (Dem. *de Halon.* § 10), οἱ ἐν Μυρίνει πολῖται (*C. I. A.* ii. 593). (2) There seems no definite proof that the state retained the supreme ownership of the lands; for in the inscription of 377 B.C. (*C. I. A.* ii. 17, l. 29, 37) which Foucart refers to, and which speaks of private and *public* possessions in the land of the allies, the *public* possessions refer to mines and other such state property. (3) That the cleruchs paid tribute, though maintained by Boeckh (*op. cit.* i. 508), has been completely disproved by Kirchhoff (*Ueber die Tributpflichtigkeit der attischen Kleruchen* in the *Abhandl. der Berliner Akad. d. Wissensch.* 1873, pp. 1–35). He divides the Athenian cleruchies into, on the one hand, those settled on lands entirely conquered, from which the inhabitants were driven out, and those acquired by capitulation; and, on the other, those acquired in an amicable manner. In the former of these (*e.g.* Histiaea, Aegina, Potidaea, Scione, Torone) he proves that the lists which set down the amount of tribute to be paid do not refer to the time when the cleruchies held the land, but to a preceding time: for example, Hestiaea pays a tribute according to two lists; but these lists belong to 454 B.C., not to 446, as Boeckh says; and the Hestiaeans never appear on the lists after 446, the time cleruchs were sent to occupy their lands. As regards the second class of cleruchies (*e.g.* the Chersonesitae, Andros, Naxos, &c.), the sudden lowerings of the tribute appear inexplicable, unless we suppose it to be a compensation for the cession of their lands to Athenian cleruchs: for example, Andros (p. 27) had its tribute lowered between 427 and 425 from 12 to 6 talents, Imbros (p. 30) from 2 to 1 talent between 444 and 442; cf. Naxos (p. 29), Lemnos (p. 34). (4) There is no evidence as to whether or not the cleruchi could alienate their lands: but their military functions render such a supposition unlikely. For a similar reason, as a general rule the cleruchi had to reside on their land. That the cleruchi of Lesbos were allowed to let the lands to the original owners for a rent and reside themselves at Athens (Thuc. iii. 50) is highly exceptional.

(5) The cleruchi certainly paid taxes for their property to their own cleruchic community (Aristot. *Oec.* ii. 6). For such property as some few may have retained in Attica, it is most likely that they had to pay εἰσφοραί when such were required; but from *munera personalia*, such as the various liturgies, they were of course exempt, as being absent from Athens on state service (Harpocr. *s. v.* κληροῦχοι: cf. Dem. *de Symm.* § 16). (6) As we have seen from the list of killed, the cleruchi served in the Athenian army on certain occasions (cf. Herod. viii. 46; Thuc. vii. 57); and, even when in their cleruchy, they had to obey strictly whatever orders for military service arrived from Athens (Herod. vi. 100; [Dem.] *Epist. Phil.* § 16). Beside the cleruchi, there was generally a cavalry force, commanded in the case of Lemnos by an ἵππαρχος (Dem. *Phil.* i. § 27), which was supported by the cleruchi, and that as it seems sometimes grudgingly (Hyperid. *pro Lycophr.* § 13). (7) There appear to have been civil magistrates, too, occasionally sent by Athens to the cleruchies. Such are the ἄρχοντες at Lesbos (Antiphon. *de Caed. Herodis*, § 47), which are no doubt the same as the ἐπίσκοποι (Boeckh, *op. cit.* i.[2] 480; cf. Aristoph. *Av.* 1050). In later times we find ἐπιμεληταί sent from Athens, as *e.g.* to Delos (*C. I. G.* 2286), Haliartos and Paros (Boeckh, *op. cit.* i.[3] 507, and notes). (8) As regards jurisdiction, as far as we can judge from the very fragmentary inscription in reference to the cleruchi of Hestiaea (*C. I. A.* i. 28, 29), some cases had to be tried within thirty days (δίκαι ἔμμηνοι) before the Nautodicae at Athens; others before judges chosen by lot out of the cleruchi themselves. The really important cases were tried at Athens: *e.g.* the murder of Herodes. (9) Touching religion, a certain portion, generally a tenth of cleruchic lands, was set apart for the gods (Thuc. iii. 50). The cleruchi appear to have worshipped Athenian gods generally, though sometimes the native gods also (Gilbert, *op. cit.* i. 422). Each cleruchy sent an ox to be sacrificed at the Panathenaea (Schol. on Aristoph. *Nub.* 386; cf. *C. I. A.* i. 31). The Athenians also associated the cleruchies in their sacrifices. (See an inscription of the second century in Foucart, p. 384.)

But the cleruchi possessed a *certain independence*. They had the right of coining money, though only copper: *e.g.* the coins of Hephaestia and Myrina in Lemnos reproduce Attic emblems (Pallas and the owl), after the Athenian cleruchi had gone there in 387, while the coins prior to this have the attributes of Hermes and the Dioscuri (Foucart, p. 372). Towards the natives, who often, as in the case of Imbros and Lemnos, were reduced to the state of metics (Foucart, p. 393), the Attic cleruchi appear to have formed a strictly closed body, neither intermarrying (such indeed was not allowed by Attic law, Dem. *Neaer.* § 17) nor having more intercourse than was absolutely necessary. The *constitution* of the cleruchic state was a miniature Athens, and Foucart (p. 373 ff.) has shown how their political procedure, and even the very names of their officers, changed with the changes at Athens.

Thus we find senate and people at Lemnos (*C. I. A.* ii. 592) and Imbros (Conze, *Reise auf den Inseln des Thrakischen Meeres*, p. 88), and a prytaneum at Hephaestia in Lemnos (*C. I. A.* l. c.). Ordinary political procedure consisted of preliminary discussion by the senate, and afterwards debate in the assembly, *e.g.* at Salamis (*C. I. A.* ii. 470, l. 56: cf. 469, l. 79; 594, l. 22). We have some decrees of cleruchi already mentioned, though of rather late date (*C. I. A.* ii. 591–595; *C. I. G.* 2270). The date is given by archons both of the cleruchy and of Athens (*C. I. A.* ii. 594). In the Roman era the στρατηγὸς ἐπὶ τοὺς ὁπλίτας takes the place of the archon: so in Myrina (*ib.* 593). A γραμματεὺς τοῦ δήμου first appears at Athens in 308 B.C. A similar γραμματεὺς is found in two contemporary inscriptions of Lemnos and Imbros (*ib.* 592; Conze, *op. cit.* p. 88). In the third century an ἀγωνοθέτης is first found under that name: at the same time we find one at Hephaestia (*C. I. A.* ii. 592). For further minor cleruchic magistracies, see Gilbert, *op. cit.* i. 424, note 3.

The system of cleruchies, not unreasonable in itself, but prosecuted by the Athenian democracy with exceedingly great tyranny, and yet with no consistency and completeness as the Romans did their colonial system, was the most hated feature of the Athenian empire. Grote (v. 299, note 2) indeed does not think that it was looked on as a grievance, as it is not mentioned as such in Xenophon's *Resp. Ath.*, nor in any of the anti-Athenian orations of Thucydides; and that the outcry raised against them at the time of the second confederacy was due to the islands fearing the return of the Athenian cleruchi, who, after the Peloponnesian war, had been driven away and deprived of their property, which had reverted to the insular proprietors (cf. Xen. *Mem.* ii. 8, 1; *Symp.* 4, 31). Isocrates (*Paneg.* § 107) felt called upon to defend the system, and did so by asserting that it maintained peace and peopled depopulated lands. But the cities had been depopulated by the Athenians; they made a solitude and called it peace. So when Athens strove to re-organise her allied confederacy a second time in 377 B.C., she distinctly agreed to discontinue the system, and the convention (*C. I. A.* ii. 17, ll. 27, 36) declares that no land is to be held by Athens or an Athenian citizen within the territories of the allies. Yet in 366 B.C., on the conquest of Samos, she renewed the system in that island, which Demades (Athen. iii. 99 d) called "the city's drain" (τῆς πόλεως ἀπῶρυξ). The Samians became exiles from their country (Paus. vi. 13, 5), and it is with reference to this occupation of Samos and the gradual absorption of the lands by the Athenian settlers that Craterus explains the proverb Ἀττικὸς πάροικος of a neighbour who, called in to help you, finally ousts you of your possessions. There was no doubt a bitter feeling, not only on the part of the Samians, but of others who had been dispossessed by Athenian cleruchs. There is an interesting inscription (Hicks, *op. cit.* No. 135) in which we perceive the intrigues of the Samian exiles at the Macedonian court, and how Alexander promised to give back "Samos to the Samians." He, however, did not do so; but it was effected by Perdiccas, according to the convention which followed the defeat of the Athenians in the Lamian War, 322 B.C.

The principal authorities on the Greek colonies

are: Raoul-Rochette, *Histoire critique de l'Établissement des Colonies grecques*, Paris, 1815; K. F. Hermann, *Lehrbuch der griech. Staatsalterthümer*, §§ 73–90, ed. 1884; Schömann, *Griech. Staatsalterthümer*, ii. 86–95; W. Roscher, *Kolonien, Kolonialpolitik und Auswanderung*, esp. 1–129, ed. 1885; Grote, *History*, ch. xxii.–xxvii.; Curtius, *History*, i. 407–468, Eng. trans.; G. Gilbert, *Handbuch der griech. Staatsalterthümer*, ii. 397–403; E. Caillemer in Daremberg and Saglio, art. *Colonia*. On the cleruchies, see especially the articles of Kirchhoff and Foucart referred to; Boeckh, *Staatshaushaltung der Athener*, i.³ 499–509; and G. Gilbert, *op. cit.* i. 418–427. [L. C. P.]

II. Roman. — The word *colonia* contains the same element as the verb *colere*, "to cultivate," and as the word *colonus*, which probably originally signified "a tiller of the earth." The English word colony, which is derived from the Latin, perhaps expresses the notion contained in this word more nearly than is generally the case in such adopted terms.

A kind of colonisation seems to have existed amongst the oldest Italian nations, who, on certain occasions [Ver Sacrum], sent out their superfluous male population, with arms in their hands (*ἱερὰ νεότης*), to seek for a new home. (Dionys. *Antiq. Rom.* i. 16.) But these were apparently new bands of adventurers, and such colonies rather resembled the old Greek colonies than those by which Rome extended her dominion and her name.

Colonies were established by the Romans as far back as the annals or traditions of the city extend, and the practice was continued during the republic and under the empire. They were intended to keep in check a conquered people, and also to repress hostile incursions, as in the case of the colony of Narnia (Liv. x. 10), which was founded to check the Umbri; and Minturnae and Sinuessa (x. 21), Cremona and Placentia (xxvii. 46), which were founded for similar purposes. Cicero (*de Leg. Agr.* ii. 27, 73) calls the old Italian colonies the "propugnacula imperii;" and in another passage (*pro Font.* 1, 13) he calls Narbo Martius (Narbonne), which was in the provincia Gallia, "Colonia nostrorum civium, specula populi Romani et propugnaculum." Another object was to increase the power of Rome by increasing the population. (Liv. xxvii. 9.) Sometimes the immediate object of a colony was to carry off a number of turbulent and discontented persons. Colonies were also established for the purpose of providing for veteran soldiers, a practice which is first mentioned in B.C. 201 (Liv. xxxi. 4), and continued under the emperors: these coloniae were called *militares* (Vell. Pat. i. 15).

It is remarked by Strabo (p. 216, ed. Casaub.), when speaking of the Roman colonies in the north of Italy, that the ancient names of the places were retained, and that though the people in his time were all Roman, they were called by the names of the previous occupiers of the soil. This fact is in accordance with the character of the old Roman colonies, which were in the nature of garrisons planted in conquered towns, and the colonists had a portion of the conquered territory (usually a third part: Dionys. ii. 35, 50, 53; Liv. x. 1) assigned to them. The inhabitants retained the rest of their lands, and lived together with the new settlers, who alone composed the proper colony. (Dionys. ii. 53.) The conquered people must at first have been quite a distinct class from, and inferior to, the colonists. They were probably regarded as *cives sine suffragio*. The definition of a colonia by Gellius (xvi. 13) will appear, from what has been said, to be sufficiently exact: "Ex civitate quasi propagatae—populi Romani quasi effigies parvae simulacraque."

No colonia was established without a lex, generally a plebiscitum, based upon a senatusconsultum; in some cases the last alone is mentioned (Liv. xxxvii. 47, 57), but it is probable that the confirmation by the people was always requisite (Madvig, *Verf. u. Verw.* ii. 29). This fact shows that a Roman colony was never a mere body of adventurers, but had a regular organisation by the parent state. According to an ancient definition quoted by Niebuhr (Serv. *ad* Verg. *Aen.* i. 12), a colony is a body of citizens, or socii, sent out to possess a commonwealth, with the approbation of their own state, or by a public act of that people to whom they belong; and it is added, those are colonies which are founded by public act, not by any secession. Many of the later laws which relate to the establishment of coloniae are leges agrariae, or laws for the division and assignment of public lands.

When a law was passed for founding a colony, persons were elected by the people to superintend its formation (*coloniam deducere*). These persons varied in number, but three was a common number (*triumviri ad colonos deducendos*, Liv. xxxvii. 46, vi. 21). We also read of duumviri, quinqueviri, vigintiviri for the same purpose. The law fixed the quantity of land that was to be distributed, and how much was to be assigned to each person. When the colony was not an inviting one, it was difficult to fill up the number of volunteers (Liv. x. 21); but as a colony was often founded as a military measure for the defence of the state, the requisite garrison might be raised by levy, or by lot (Dionys. vii. 13; Plut. *Coriol.* 13); and colonists were not allowed to withdraw from the colony at pleasure. The number of heads of families was usually in the early times, and sometimes afterwards, 300 (Dionys. ii. 35, 53; Liv. viii. 21, xxxii. 29, xxxiv. 45), but there is no reason to accept the conjecture which connects this number with the traditional 300 gentes at Rome. At a later period the number was often much larger; thus 2000 were sent to Satricum (Liv. vi. 16), to Mutina, and to Parma (Liv. xxxix. 55); 2500 to Cales (Liv. viii. 16) and to Luceria (Liv. ix. 26); 3000 *in Volscos* (Liv. v. 24); 4000 to Interamna (Liv. ix. 28) and elsewhere; and 6000 to Alba (Liv. x. 1) and to Placentia (Ascon. *ad* Cic. *in Pis.* p. 121).

Roman citizens who were willing to go out as members of a colony gave in their names at Rome (*nomina dederunt*, Liv. i. 11, an expression which is also used of soldiers enrolling, and which plainly indicates the military nature of the proceeding). Cicero (*pro Dom.* 30, 78) says that Roman citizens who chose to become members of a Latin colony must go voluntarily (*auctores facti*), for this was a *capitis deminutio*; and in another passage (*pro Caecin.* 33, 98) he alleges the fact of Roman citizens going out in

Latin colonies as a proof that loss of civitas must be a voluntary act.

The colonia proceeded to its place of destination in the form of an army (*sub vexillo*), which is indicated on the coins of some coloniae. An urbs, if one did not already exist, was a necessary part of a new colony, and its limits were marked out by a plough, which is also indicated on ancient coins. The colonia had also a territory, which, whether marked out by the plough or not (Cic. *Phil.* ii. 40, 102), was at least marked out by metes and bounds. Thus the urbs and territory of the colonia respectively corresponded to the urbs Roma and its territory. Religious ceremonies always accompanied the foundation of the colony, and the anniversary was afterwards observed. (Plut. *C. Gracchus*, 11; Serv. *ad* Verg. *Aen.* v. 755; Cic. *ad Attic.* iv. 14, *pro Sest.* 63, 131). It is stated that a colony could not be sent out to the same place to which a colony had already been sent in due form (*auspicato deducta*). This merely means that so long as the colony maintained its existence, there could be no new colony in the same place,—a doctrine that would hardly need proof, for a new colony implied a new assignment of lands; but new settlers (*novi adscripti*) might be sent to occupy colonial lands not already assigned. (Liv. vi. 30; Cic. *Phil.* ii. 40, 102.) Indeed it was not unusual for a colony to receive a *supplementum*, as in the case of Venusia (Liv. xxxi. 49), and in other cases (Tac. *Ann.* xiv. 27); and a colony might be re-established, if it seemed necessary, from any cause: under the emperors such re-establishment was sometimes entirely arbitrary, and done to gratify personal vanity, or from some similar motive. (Cf. Madvig, *Opusc.* i. 285.)

The commissioners appointed to conduct the colony had apparently a profitable office, and the establishment of a new settlement gave employment to numerous functionaries, among whom Cicero (*de Leg. Agr.* ii. 13, 32) enumerates apparitores, scribae, librarii, praecones, architecti. The foundation of a colony might then, in many cases, not only be a mere party measure, carried for the purpose of gaining popularity, but it would give those in power an opportunity of providing places for many of their friends.

The first division of the colonies was into (1) *coloniae civium Romanorum* and (2) *coloniae Latinae*.

To the former class belonged all colonies, where the colonising immigrants consisted exclusively of Roman citizens. Although there is no express testimony to this effect, it hardly admits of doubt that these retained the *civitas cum suffragio et iure honorum* (Marquardt, *Handbuch*, iv. 36). Similarly Madvig (*Opusc.* i. 232–244) has made it very probable that the conquered prior inhabitants had the *civitas sine suffragio*. This seems to follow from the fact that they are frequently spoken of as *cives*; and that they had no other magistrates or laws than those of the colony. Thus only can we understand the gradual blending of the new comers and the old inhabitants, which appears to have been effected *de facto* long before the Lex Julia. Madvig and Mommsen have drawn up lists of thirty-two of such colonies, the date of the foundation of these lying between B.C. 338 and B.C. 100. This list excludes Ostia, which is said to have been founded under Ancus Marcius, and Labici (B.C. 418), which is a doubtful instance. It is confessedly incomplete, for, according to Asconius (*in Pis.* p. 3), there must have been several more, the names of which are not known to us.

The latter class included three kinds of colonies, of somewhat different origin, and founded in three different periods. Five colonies are ascribed to the time of the old Latin alliance, which subsisted in the regal period of Rome. Seven others date from the renewed alliance established by Sp. Cassius, and including also the Hernici. After the close of the wars with the Latins (B.C. 338) and the Hernicans (B.C. 306), when the supremacy had passed entirely into the hands of Rome, the Romans frequently planted in conquered territory outside of Latium colonies consisting partly of Roman citizens, partly of Latins; of these twenty-seven have been enumerated by Madvig and Mommsen. A Latin colony was planted by Roman *triumviri* and after a *plebiscitum*, like a colony of Roman citizens, but differed essentially from the latter in its legal position. It formed an independent community, under the rule of no Roman magistrate, and not bound to accept the Roman law, except so far as it thought fit to do so. The citizens lost the Roman franchise, and became *peregrini*, serving not in the legions, but in *cohortes* and *alae*, like other allies. Along with the older allied states they formed the *nomen Latinum*, and enjoyed *commercium* and probably also *conubium* with Rome. This last class of colonies were founded almost invariably in the interior of the Italian peninsula, while the colonies *civium Romanorum* founded during the same period were as a rule upon the sea-coast. The position of the Latin colonies appears to have become worse in course of time, and the distinction between the inhabitants of these and those who possessed the full franchise to have become more marked. A passage in Cicero (*pro Caec.* 35, 102) speaks of a particular legal position as that of "the twelve colonies:" this phrase has been much discussed, but most scholars are now of the opinion that the true interpretation was given first by Mommsen (*Gesch. d. Röm. Münzw.* p. 317). He explains that the twelve Latin colonies founded after B.C. 268, the first of which was Ariminum, had only that limited franchise, which was afterwards extended to Transpadane Gaul, to some towns of Sicily, and under the empire to various provinces. We do not know the details of this later or lesser Latin franchise; but there are three points well established. It did not carry the right of coinage, except in some instances, where the coinage of copper was permitted; it did not admit of *conubium*, although there was *commercium*; and, thirdly, the acquisition of the full Roman franchise was made more difficult than had been the case.

Besides these coloniae, there were coloniae Italici juris, as some writers term them; but which in fact were not colonies. Sigonius, and most subsequent writers, have considered the jus Italicum as a personal right, like the Civitas and Latinitas; but Savigny has shown it to be quite a different thing. The jus Italicum was granted to favoured provincial cities; it was a grant to the community, not to the individuals

composing it. This right consisted in quiritarian ownership of the soil (commercium), and its appurtenant capacity of mancipatio, usucapion, and vindicatio, together with freedom from taxes; and also in a municipal constitution, after the fashion of the Italian towns, with duumviri, quinquennales, aediles, and a jurisdictio. Many provincial towns which possessed the jus Italicum have on their coins the figure of a standing Silenus, with the hand raised, which was the

IMP. M. IVL. PHILIPP.
Philippus, A.D. 244–249.

AEL. MVNICIP. CO.
Coela or Coelos (Plin. iv. § 47) in the Thracian Chersonesus.

peculiar symbol of municipal liberty. (*Obeundus Marsya*, Hor. *Sat.* i. 6, 120.) Pliny (iii. §§ 18, 139) has mentioned several towns that had the jus Italicum; and Lugdunum (Lyon), Vienna (Vienne), and Colonia Agrippinensis (Cologne) had this privilege. It follows from the nature of this privilege, that towns which had the Latinitas or the Civitas, which was a personal privilege, might not have the jus Italicum; but the towns which had the jus Italicum could hardly be any other than those which had the Civitas or Latinitas, and we cannot conceive that it was ever given to a town of Peregrini.

The colonial system of Rome, which originated in the earliest ages, was well adapted to strengthen and extend her power: "By the colonies the empire was consolidated, the decay of population checked, the unity of the nation and of the language diffused." (Machiavelli, quoted by Niebuhr.) The countries, which the Romans conquered within the limits of Italy, were inhabited by nations that cultivated the soil and had cities. To destroy such a population was not possible nor politic; but it was a wise policy to take part of their lands, and to plant bodies of Roman citizens, and also Latinae coloniae, among the conquered people. The power of Rome over her colonies was derived, as Niebuhr has well remarked, "from the supremacy of the parent state, to which the colonies of Rome, like sons in a Roman family, even after they had grown to maturity, continued unalterably subject." In fact, the notion of the patria potestas will be found to lie at the foundation of the institutions of Rome.

The principles of the system of colonisation were fully established in the early ages of Rome; but the colonies had a more purely military character,—that is, were composed of soldiers, in the latter part of the republic, and under the earlier emperors. The first colony established beyond the limits of Italy was Carthago (Vell. ii. 15); Narbo Martius was the next. Nemausus (Nîmes) was made a colony by Augustus,—an event which is commemorated by medals (Rasche, *Lexicon Rei Numariae*), and an extant inscription at Nîmes.

In addition to the evidence from written books of the numerous colonies established by the Romans in Italy, and subsequently in all parts of the empire, we have the testimony of medals and inscriptions, in which COL., the

Coin of Nemausus.

abbreviation of colonia, indicates this fact, or, as in the case of Sinope, the Greek inscription ΚΟΛΩΝΕΙΑ. Septimius Severus made Tyre a colonia Veteranorum (Rasche, *Lexicon Rei Numariae*, s. v. *Tyrus*).

Colonies were sometimes established under the late republic and the empire with circumstances of great oppression, and lands were assigned to the veterans without regard to existing rights.

Under the emperors, all legislative authority being then virtually in them, the foundation of a colony was an act of imperial grace, and often merely a title of honour conferred on some favoured spot. Thus M. Aurelius raised to the rank of colonia the small town (vicus) of Halale, at the foot of Taurus, where his wife Faustina died. (Jul. Capitol. *M. Ant. Philos.* c. 26.) The old military colonies were composed of whole legions, with their tribunes and centurions, who, being united by mutual affection, composed a political body (*respublica*); but it was a complaint in the time of Nero, that soldiers who were strangers to one another, without any head, without any bond of union, were suddenly brought together on one spot, "numerus magis quam colonia" (Tacit. *Ann.* xiv. 27). And on the occasion of the mutiny of the legions in Pannonia, upon the accession of Tiberius, it was one ground of complaint, that the soldiers, after serving thirty or forty years, were separated, and dispersed in remote parts; where they received, under the name of a grant of lands (*per nomen agrorum*), swampy tracts and barren mountains. (Tac. *Ann.* i. 17.)

It remains briefly to state what was the internal constitution of a colonia. On this subject great light has been thrown by the discovery in 1851 of the municipal laws of Salpensa and Malaca in Hispania Baetica. (Cf. *C. I. L.* ii. 1963, 1964; Bruns, *Fontes Iuris Romani*, 120–131; Mommsen, *Die Stadtrechte d. lat. Gem. Sal. u. Mal.* 1855.) The genuineness of these valuable records was for a time disputed, but is now accepted universally. They date from about A.D. 81, and therefore describe the municipal constitution under the early empire; but it is not, as a rule, difficult to draw conclusions from this as to its character at an earlier date.

In the later times of the republic, the Roman state consisted of two distinct organised parts, Italy and the Provinces. "Italy consisted of a great number of republics (in the Roman sense of the term), whose citizens, after the Italian war, became members of the sovereign people. The communities of these citizens were subjects

of the Roman people, yet the internal administration of the communities belonged to themselves. This free municipal constitution was the fundamental characteristic of Italy; and the same remark will apply to both principal classes of such constitutions, municipia and coloniae. That distinction which made a place into a praefectura is mentioned afterwards; and fora, conciliabula, castella, are merely smaller communities, with an incomplete organisation." (Savigny. Cf. Marquardt, *Staatsverw.* i.² 2–21.) As in Rome, so in the colonies, the popular assembly had originally the sovereign power; they chose the magistrates, and could even make laws. (Cic. *de Leg.* iii. 16, 36.) It was a natural conjecture of Savigny's that, when the popular assemblies became a mere form in Rome, and the elections were transferred by Tiberius to the senate, the same thing happened in the colonies, and that the senates then acquired whatever power had once belonged to the community. But there is abundant epigraphic evidence to show that this was by no means the case. The division of the citizens (*populus*) into *curiae*, and the electoral activity of these when assembled in their *comitia*, long continued. On the walls of Pompeii we find frequent appeals of candidates, or in favour of candidates, to the popular body; and not only does the Lex Malacitana prescribe the details of the popular election, but we actually have mention of a *nominatio populi suffragiis* in Africa as late as A.D. 326. In practice, however, the election soon became little more than a formality; for office in these country towns was often regarded as a burden quite as much as an honour. In the laws dating from the time of Domitian, the presiding magistrate is empowered to nominate candidates, in case a sufficient number do not offer themselves, a right which doubtless existed in much earlier times; and if no more were nominated than were required to fill the vacancies, the confirmation by the popular vote was a mere form. (Mommsen, *Stadtrechte*, pp. 421–427.)

The town-council or senate consisted, like the Roman senate, of a fixed number of members, holding office for life, selected by magistrates corresponding to the censors at Rome, in the first instance from those who had been elected by the people as magistrates. The number was fixed by the law constituting the colony (Lex Jul. Munic. 85), and was usually 100, though we find instances of both smaller and larger bodies. The senate was called *senatus*, *ordo decurionum*, or *curia*; or in imitation of the Roman terms, *patres et conscripti*, *decuriones conscriptique*; the members of it *decuriones*, or at a later time (very rarely in inscriptions) *curiales*. An inscription from Canusium (Mommsen, *I. R. N.* 635) shows us very clearly the composition of a municipal senate. We find the names arranged under the following heads:—(1) *patroni clarissimi viri*, thirty-one in number; these had held office at Rome, and were Roman senators, and were apparently honorary members of the local senate: (2) *patroni equites Romani*, eight in number, and similarly honorary members: (3) *quinquennalicii*, local ex-censors, seven in number (including two of the previous class): (4) *allecti inter quinq.*, four men to whom a higher rank had been conceded by a special vote: (5) *duoviralicii*, twenty-nine in number, ex-duumviri of the place: (6) *aedilicii*, nineteen, past aediles: (7) *quaestoricii*, nine past quaestors: (8) *pedani*, thirty-two in number, who had held no office, but had been admitted into the senate by the *quinquennales*: (9) *praetextati*, twenty-five in number, sons of senators, whose names were placed on the roll, as a mark of honour, although apparently, like the corresponding class at Rome, they attended the meetings of the senate only as listeners.

The functions of the senate were much the same as those of the senate at Rome. It acted as the deliberative body, and passed resolutions which it was the duty of the magistrates to execute; but the ordinary executive functions of government lay with the latter. The laws of Malaca and Salpensa mention eight cases which come within the competence of the senate: the most important of these are the control of the municipal property, and the hearing of appeals against fines imposed by the magistrates. Towards the close of the second century after Christ the position and character of the municipal bodies underwent gradual and very important changes, as a result of the increasing centralisation of the imperial administration. Popular election died out: those possessed of the requisite property were appointed, often against their will, *decuriones*, and from these the magistrates were selected. Ultimately the *decuriones* came to be regarded as a class of magistrates, and were charged with various functions: and finally the position became hereditary, and the *curiales* constituted a kind of official aristocracy.

In many of the earlier *municipia* the chief magistrates continued to retain the titles which they had held before the towns came under the power of Rome. Thus there was a *dictator* at Aricia, Lanuvium, Nomentum, Tusculum, and in the Latin colony of Sutrium; and two *praetores* in many of the Italian colonies, both *civium Romanorum* and *Latinae*, as also in those planted in Gaul and Spain. There were also in all cases two *aediles*, probably instituted soon after the creation of the curule aedileship at Rome, and on the model of it. But as a rule the higher magistrates consisted of four officials, two for judicial business (*iure dicundo*), two charged with supervision of buildings, roads, &c. (*aedilicia potestate*). These either constituted two colleges, *duoviri iure dicundo* and *duoviri aediles*, or else one college with two divisions, *quattuorviri iure dicundo* and *quattuorviri aediles*. The evidence of inscriptions (collected by Mommsen, *I. R. N.*, Index, s. v. *duoviri*) fully bears out the conjecture of Manutius (on Cic. *pro Sest.* c. 8), that the former arrangement was that usual in colonies, the latter that in *municipia*. There are even a few towns in which these magistrates along with the two *aerarii* (quaestors) and the two *auctores fanorum* were combined into a college of *octoviri*.

The *duoviri* or *quattuorviri iure dicundo* were the highest officials and alone bore the title *magistratus*. Their year of office was denoted by their names, as by those of the consuls at Rome. They had the supreme judicial authority, but in Roman colonies not the power of presiding over manumission, emancipation and adoption; a suggestive indication of the extent to which the Latin colonies and municipia retained a formal

independence of the Roman community (Mommsen, *Stadtrechte*, p. 436). They presided over elections in the popular assembly, and over the senate, and could appoint a substitute (*praefectus*) in case of absence. They wore the *praetexta*, and were attended by two lictors bearing the *fasces* (without the axe), which, however, probably differed in form from those of the Roman magistrates, for they are also called *virgae* or *bacilli*. (Cic. *de Leg. Agr.* ii. 34, 93; *ad Att.* xi. 6, 2.) But these distinctions they enjoyed only within the limits of their own communities. The *duoviri* or *quattuorciri aedilicine potestatis* were the *collegae minores* of the judicial magistrates. Their functions are sufficiently indicated by their names.

The *quinquennales* after the date of the Lex Julia of B.C. 90 discharged the duties which had in most cases been previously fulfilled by twe municipal censors. The history of this important office was discussed adequately for the first time by Henzen in the *Annali* for 1858, pp. 1 ff. The municipal revenues were derived partly from the landed property of the community (including also forests, fisheries, and mines), which was generally farmed by contractors, partly from invested capital, which was usually funded for special purposes, and partly from a tax, which was imposed in case of need upon all inhabitants. Every fifth year magistrates were elected, whose full title was *duoviri* (*quattuorviri*) *censoria potestate quinquennales*, and who, as Zumpt has shown, for this year replaced the ordinary *duoviri*, and gave their name to the year. Their special duties included the revision of the senatorial and citizens' lists, and the settlement of the finance of the community for the next five years. With increasing centralisation the functions of the *quinquennales* were transferred almost entirely to an imperial commissioner, called *curator*, but it is a mistake, as Zumpt has shown, to identify the two offices. A *curator* is first named in a rescript of Nerva (Dig. 34, 24, 3, § 4), and for some time this officer appears as directly appointed by the emperor, usually not from the citizens of the municipium. Afterwards he was chosen by the *decuriones*, out of their own body. The *quinquennales* continued to be elected, but all control of finance seems to have been taken out of their hands.

In some towns we find *quaestores*, who had the charge of the details of finance, like the quaestors at Rome. In other cases the town-treasury was committed to a third aedile, as at Arpinum (Cic. *ad Att.* xv. 15, 1). *Praefecti* were appointed to discharge the functions of any magistrate, unable for any reason to fulfil them himself. It was not uncommon under the empire for the emperor himself, or some member of his house, to accept the position of one of the *duoviri* of a community, in order to do honour to it. In this case a *praefectus* was of course necessary to discharge the duties of the office. From these we must carefully distinguish the *praefecti* sent from Rome to the *praefecturae*.

The relation of the terms *colonia*, *municipium*, and *praefectura* has been much discussed, and complete agreement has not yet been arrived at, partly in consequence of the looseness with which some ancient authorities use the words, and partly because their precise force seems to have differed at different periods. The word *municipium* was usually derived by ancient writers from *munus capere*, in the sense of "to undertake a duty" (Gellius, xvi. 13, 6); but the explanation now justly preferred is that of Rudorff, who interprets it as coming from the same words, in the sense of "to receive a gift." The term is then originally an abstract word denoting a relation of hospitality, and it came to be applied, as a concrete name, for towns which had entered into this relation with Rome. Festus thus defines it: "municipium id genus hominum dicitur, qui cum Romam venissent, neque cives Romani essent, participes tamen omnium rerum ad munus fungendum una cum Romanis civibus praeterquam de suffragio ferendo aut magistratu cupiendo ... alio modo cum id genus hominum definitur, quorum civitas universa in civitatem Romanam venit." These two classes have the common feature that their inhabitants are *cives Romani sine suffragio*: but the former constitute distinct communities ("ut semper rempublicam separatim a populo Romano haberent," Fest.); the latter have no municipal authorities of their own, but are governed from Rome. Capua is an instructive example of the distinction: for in B.C. 338 it was placed in the former class; in B.C. 211, after its revolt, it was reduced to the latter. Now, as these towns by degrees attained the complete Roman franchise, they ceased to constitute *civitates*, and came under the jurisdiction of the *praetor urbanus*. As he could not discharge his duties in person, he nominated deputies (*praefecti iure dicundo*) to administer Roman law in the various municipia. It has been usually held that this was not the case with all colonies and municipia, but only with a certain number of them, to which the name *praefecturae* was specially given. But Festus (p. 233) distinctly includes the three separate classes (municipia of both kinds and colonies) under the head of *praefecturae*; and this is supported by the fact that we find even under the empire municipia and colonies passing for a time and for special reasons into the category of *praefecturae*, i.e. governed by deputies sent from Rome, and not by their own elected magistrates. This induces Marquardt (*Handbuch*, iv. p. 43) and Mommsen to hold that all colonies and municipia were originally *praefecturae*. On the other hand, as of the twenty-two examples quoted by Festus, eighteen were *municipia sine suffragio*, and only four *coloniae civium Romanorum*, it is quite possible that Festus has included the last on the strength of some authority referring to their position before they were made colonies; *e.g.* Puteoli we know to have been governed by *duoviri* in B.C. 105. Hence Willems holds with Madvig that the *praefecturae* were always *municipia sine suffragio*. In any case, as soon as a community received the full franchise, it gained therewith the right of electing its own magistrates, and ceased to be a *praefectura*. But even after the Lex Julia of B.C. 90, which raised all communities in Italy to the rank of *municipia* or *coloniae civium Romanorum*, there were certain communities which, for reasons unknown to us, still were governed by *praefecti* sent from Rome. At some time in the first century B.C. the *praefecti* sent to Campania were changed into *ivviri iure dicundo*, elected

by the *comitia tributa;* but the others were still nominated by the praetor.

Of the earlier authorities we may mention Sigonius, *de Jure Antiquo*, &c.; Niebuhr, *Roman History;* Savigny, *Ueber das Jus Italicum, Zeitschr.* vol. v.; *Tabulae Heracleenses*, ed. Mazocchi, Neap. 1754; Savigny, *Der Römische Volksschluss der Tafel von Heraclea*, and Rudorff, *Ueber die Lex Manilia de Colonis, Zeitschr.* vol. ix.; Rudorff, *Das Ackergesetz von Sp. Thorius*, and Puchta, *Ueber den Inhalt der Lex Rubria de Gallia Cisalpina, Zeitschr.* vol. x.; Beaufort, *Rep. Rom.* v. pp. 278–308. But these are to a large extent rendered obsolete by the researches of Madvig, *Opuscula, De Jure et Condicione Coloniarum Populi Romani*, Hauniae, 1834; C. G. Zumpt, *Ueber den Unterschied der Benennungen, Municipium, Colonia, Praefectura*, Berlin, 1840; Mommsen, *Die Stadtrechte von Malaca und Salpensa*, Leipzig, 1855; *Geschichte d. Röm. Münzwesens*, Berlin, 1860; A. W. Zumpt, *Comment. Epigraphica*, vol. i.; E. Kuhn, *Die städtische u. bürgerl. Verf. des R. Reichs*, vol. i., Leipzig, 1864; Marquardt, *Handbuch*, vol. iv., Leipzig, 1873. The great collections of inscriptions are here of especial value. [G. L.] [A. S. W.]

COLORES. The Greeks and Romans had a very extensive acquaintance with colours as pigments. Book vii. of Vitruvius and several chapters of books xxxiii. xxxiv. and xxxv. of Pliny's Natural History contain much interesting matter upon their nature and composition; and these works, together with what is contained in book v. of Dioscorides, and some remarks in Theophrastus (*de Lapidibus*), constitute the chief part of our information upon the subject of ancient pigments. From these sources, through the experiments and observations of Sir Humphry Davy (*Phil. Trans. of the Royal Society*, 1815) on some remains of ancient colours and paintings in the Golden House of Nero (wrongly called the Baths of Titus), and in other ruins of antiquity, we are enabled to collect a tolerably satisfactory account of the colouring materials employed by the Greek and Roman painters. Recent discoveries at Tiryns and other very early Greek sites have brought to light examples of painting of extreme antiquity, in which nevertheless pigments of fine quality and considerable variety of tint are used.

Brilliant blues and greens occur made of "smalto" or powdered glass, and a large number of ochre earths supply various soft harmonious tints of red and yellow.

It should be observed that both Greek and Roman writers use colour-names in a very different way from that now employed; and thus most classical names for colours are now quite untranslatable. Homer's "wine-like sea" (*οἶνοψ*) and Horace's "purpureus olor" (*Carm.* iv. 1, 10) refer, not so much to what we call colour, as to the chromatic strength of the various surfaces, and their more or less strong powers of reflecting light, either in motion or when at rest.

Thus, too, we have no word like Virgil's "flavus," which can be applied both to a lady's hair and to the foliage of an olive. In a similar way a meaning unlike ours is attached to Greek technical terms in painting: by *τόνος* they meant, not tone, but the gradations of light and shade; and by *ἁρμογή* the relations of colours. (See Pliny, *H. N.* xxxv. § 29; and Ruskin, *Mod. Painters*, part iv. ch. 13.)

The painting of the Greeks is very generally considered to have been inferior to their sculpture: this partially arises from very imperfect information, and a very erroneous notion respecting the resources of the Greek painters in colouring. The error originated apparently with Pliny himself, who, it should be remembered, was neither a scientific archaeologist nor a practical artist. He says (xxxv. § 50), "Quatuor coloribus solis immortalia illa opera fecere, ex albis Melino, ex silaceis Attico, ex rubris Sinopide Pontica, ex nigris atramento, Apelles, Echion, Melanthius, Nicomachus, clarissimi pictores;" and (xxxv. § 92), "Legentes meminerint omnia ea quatuor coloribus facta." This mistake, as Sir H. Davy has supposed, may have arisen from an imperfect recollection of a passage in Cicero (*Brut.* 18, 70), which, however, directly contradicts the statement of Pliny:—"In pictura Zeuxim et Polygnotum, et Timanthem, et eorum, qui non sunt usi plusquam quattuor coloribus, formas et lineamenta laudamus: at in Echione, Nicomacho, Protogene, Apelle jam perfecta sunt omnia." Here Cicero extols the design and drawing of Polygnotus, Zeuxis, and Timanthes, and those who used but four colours; and observes in contradistinction, that in Echion, Nicomachus, Protogenes, and Apelles, all things were perfect. But the remark of Pliny, that Apelles, Echion, Melanthius, and Nicomachus used but four colours, including both black and white to the exclusion of all blue, is evidently an error, independent of its contradiction to Cicero; and the conclusion drawn by some from it and the remark of Cicero, that the early Greek painters were acquainted with but four pigments, is equally without foundation. Pliny himself speaks of two other colours, besides the four in question, which were used by the earliest painters; the *testa-trita* (xxxv. § 16) and *cinnabaris* or vermilion, which he calls also minium (xxxiii. § 115). He mentions also (xxxv. § 38) the Eretrian earth used by Nicomachus, and the *elephantinum*, or ivory-black, used by Apelles (xxxv. § 42), thus contradicting himself when he asserted that Apelles and Nicomachus used but four colours. The above tradition, and the *simplex color* of Quintilian (*Orat. Instit.* xii. 10), are our only authorities for defining any limits to the *use* of colours by the early Greeks, as applied to painting; but we have no authority whatever for supposing that they were limited in any remarkable way in their *acquaintance* with them. That the painters of the earliest period had not such abundant resources in this department of art as those of the later, is quite consistent with recent discoveries, and does not require demonstration; but to suppose that they were confined to four pigments is quite a gratuitous supposition, and is opposed to both reason and evidence.

Sir H. Davy also analysed the colours of the so-called "Aldobrandini marriage" (now in the Vatican library), all the reds and yellows of which he discovered to be ochres; the blues and greens, to be oxides of copper; the blacks all carbonaceous; the browns, mixtures of ochres and black, and some containing oxide of manganese; the whites were all carbonates of lime.

The reds discovered in an earthen vase containing a variety of colours, were red oxide of lead (*minium*) and two iron ochres of different tints, —a dull red, and a purplish red nearly of the same tint as prussiate of copper; they were all mixed with chalk or carbonate of lime. The yellows were pure ochres with carbonate of lime, and ochre mixed with minium and carbonate of lime. The blues were oxides of copper with carbonate of lime. Sir H. Davy discovered a frit made by means of soda and coloured with oxide of copper, approaching ultramarine in tint, which he supposed to be the frit of Alexandria; its composition, he says, was perfect—"that of embodying the colour in a composition resembling stone, so as to prevent the escape of elastic matter from it, or the decomposing action of the elements: this is a species of artificial lapis-lazuli, the colouring matter of which is naturally inherent in a hard siliceous stone." The process of making this vitreous pigment or "smalto" is described below.

Of greens there were many shades, all, however, either carbonate or oxide of copper, mixed with carbonate of lime. The browns consisted of ochres calcined, and oxides of iron and of manganese, and compounds of ochres and blacks. Sir H. Davy could not ascertain whether the lake which he discovered was of animal or of vegetable origin; if of animal, he supposed that it was very probably the Tyrian or marine purple. He discovered also a colour which he supposed to be black woad, or hydrated binoxide of manganese; also a black colour composed of chalk, mixed with the ink of the *Sepia officinalis* or cuttle-fish.

The following list, compiled from the different sources of our information concerning the pigments known to the ancients, will serve to convey an idea of the great resources of the Greek and Roman painters in this department of their art; and which, in the opinion of Sir H. Davy, were fully equal to the resources of the great Italian painters in the sixteenth century:—

RED. The ancient reds were very numerous. Κιννάβαρι, *cinnabaris*, cinnabar; μίλτος, vermilion, bisulphuret of mercury, called also by Pliny and Vitruvius *minium*.

The κιννάβαρι Ἰνδικόν, *cinnabaris Indica*, mentioned by Pliny and Dioscorides, was what is usually called dragon's-blood, the resin obtained from various species of the calamus palm.

Μίλτος seems to have had various significations; it was used for *cinnabaris*, *minium*, red lead, and *rubrica*, red ochre. There were various kinds of *rubricae*,—the Cappadocian, the Egyptian, the Spanish, and the Lemnian; all were, however, red iron oxides, of which the best were the Lemnian, from the isle of Lemnos, and the Cappadocian, called by the Romans *rubrica Sinopica*, by the Greeks Σινωπίς, from Sinope in Paphlagonia, whence it was first brought. There was also an African rubrica called *cicerculum*.

Minium, red oxide of lead, red lead, was called by the Romans *cerussa usta*, and, according to Vitruvius, *sandaraca;* by the Greeks, μίλτος, and, according to Dioscorides (v. 122), σανδαράκη. Pliny tells us that it was discovered through the accidental calcination of some *cerussa* (white lead) by a fire in the Peiraeeus, and was first used as a pigment by Nicias of Athens, about 330 B.C.

The Roman sandaraca seems to have had various significations, and it is evidently used differently by the Greek and Roman writers. Pliny speaks of different shades of sandaraca, the pale or massicot (yellow oxide of lead), and a mixture of the pale with minium; it apparently also signified realgar or the red sulphuret of arsenic: there was also a compound colour of equal parts of sandaraca and rubrica calcined, called sandyx, σάνδυξ. Sir H. Davy supposed this colour to approach our crimson in tint; in painting it was frequently glazed with purple, to give it additional lustre.

Pliny speaks of a dark ochre from the isle of Syros, which he calls Syricum; but he says also that it was made by mixing sandyx with *rubrica Sinopica*.

The fine sealing-wax-like red on the Roman Samian pottery is formed of an oxide of iron, mixed with an alkaline silicate, so as to make a sort of red enamel.

The reds used by fresco-painters were mainly varieties of ochre-earths, coloured by different oxides of iron. Native iron, in the form of haematite, was largely used by painters on fresh stucco. The very brilliant vermilion, a sulphide of mercury, was used less frequently. It occurs on some of the pottery from Magna Graecia, of the fourth century B.C., and also in some of wax encaustic paintings of Pompeii.

One of the most beautiful pigments known to the ancients was made from the *kermes* of the Arabs, or *Coccus ilicis*, a small beetle resembling cochineal, which lives on the ilex oaks of Arcadia and various parts of Asia Minor. This insect, when infused in boiling water, gives a magnificent rich red dye, and was largely used in the fine Persian carpets of the fourteenth to the sixteenth centuries. It is more splendid in colour and more durable than cochineal.

Some stuffs, found in 1886 in tombs at Ekhmîn in Middle Egypt, have woven patterns in coloured wools on a white linen warp. In some of these, which date from the third century A.D., the fine *kermes* red is still as brilliant as ever.

Like the *murex*, and other colours of animal or vegetable origin, this *kermes*, though in the first instance specially a dyer's pigment, seems also to have been made available for the painter. This was done by using it as a stain for a white earth, thus forming a solid pigment of sufficient body to be used on stucco or panel.

YELLOW. Yellow ochre, hydrated peroxide of iron, the *sil* of the Romans, the ὤχρα of the Greeks, formed the base of many other yellows mixed with various colours and carbonate of lime. Ochre was procured from different parts; the Attic was considered the best; it was first used in painting, according to Pliny, by Polygnotus and Micon, at Athens, about 460 B.C., but in reality ochre pigments were used many centuries earlier.

Ἀρσενικόν, *auripigmentum*, orpiment (yellow sulphuret of arsenic), found especially in the silver mines of Syria, was also an important yellow; but it has not been discovered in any of the ancient paintings. The sandaraca has been already mentioned.

Saffron, and plants such as the *Reseda luteola*,

were largely used to produce yellow dyes for textiles; and the same pigments were mixed with white earths for the use of painters.

GREEN. *Chrysocolla*, χρυσόκολλα, which appears to have been green carbonate of copper or malachite (green verditer), was the green most approved of by the ancients; its depth of tint depended upon the quantity of white carbonate of lime mixed with it.

Pliny mentions various kinds of verdigris (diacetate of copper), *aerugo*, ἰός, ἰὸς χαλκοῦ, *cypria aerugo*, and *aeruca*, and a particular preparation of verdigris called *scolecia*. Sir H. Davy supposes the ancients to have used also acetate of copper as a pigment. Besides the above were several green earths, all cupreous oxides: *Theodotion* (Θεοδότιον), so called from being found upon the estate of Theodotus, near Smyrna; *Appianum*; and the *creta viridis*, common green earth of Verona.

The finest green pigment was a variety of "smalte," simply a glass coloured with some salt of copper, and then minutely powdered. This very brilliant colour could resist the action of fresh lime, and so was available for the fresco-painter.

It should be noted that the word *chrysocolla* is used in classical writings with many different meanings. Its original meaning, and the one which gave its name, was borax, used as a flux for soldering by the ancient gold-workers.

Another meaning seems to be the glittering scales of mica, which are found in large quantities among the *débris* of disintegrated granitic rocks. This appears to be the meaning of the word when Pliny, *H. N.* xxxiii. 90, speaks of Nero strewing the arena of the Circus Maximus with *chrysocolla*.

Carbonate of copper, either natural or artificial, was largely used by the ancient dyers; as, for examples, in the Ekhmîn textiles mentioned above. To receive this dye the stuff had previously to be prepared by an alum "mordant," the use of which for this and other colours was understood by the dyers of Egypt at a very early period, as is recorded by Pliny.

BLUE, *caeruleum*, κύανος. The principal blue pigment used by the Greek and Roman painters in early times seems to have been a true "smalto" or enamel colour, made of powdered blue glass, which had been coloured by some salt of copper.

Examples of this exist in the tombs of ancient Egypt, and on the paintings of Tiryns; and lumps of the smalto pigment have been found at Ephesus and at Pompeii.

One method of preparing this colour is described by Vitruvius (vii. 11): copper filings and a proportion of alkali are to be mixed with finely ground sand (*silica*), and the frit thus composed mixed with water into a paste, formed into balls, dried, and then fused in an ordinary glass furnace. The blue vitreous mass thus produced was then broken up and finely ground.

A lump of this "smalto" from Pompeii, when analysed by Sir Humphry Davy, was found to consist of *carbonate of soda*, 15 parts; *silica*, 20; and *copper*, 3.

A natural blue carbonate of copper (*verditer*) was also much used. Various tints were produced by mixing it with different proportions of carbonate of lime or white earth. This was imported from Scythia, Alexandria, and Cyprus. A variety called *coelon* was made at Pozzuoli by a man named Vestorius, who had learnt the process in Egypt. Another preparation, made by washing out the particles of deeper blue, was known as *lomentum*: an inferior quality of this was called *tritum*.

The finest and most costly blue was ultramarine (*sapphirus*, κύανος), made from *lapis-lazuli*. The stone was first calcined, and then the blue particles separated by washing. Its use was probably very limited, owing to the rarity of fine blue lapis-lazuli.

Cobalt blue was used specially for colouring glass, and for glazes on pottery, as on many of the small mummy-figures from Egypt. Cobalt for this purpose was got from various silver mines, where it occurs in combination with other substances. As a metal, cobalt was not known till modern times.

Indigo, *indicum*, was chiefly used for dyeing textiles. It is the juice of the *Indigofera tinctoria*, a plant which does not grow in Europe. The indigo was largely imported in a manufactured state from Egypt and further East, probably from India.

There is no trace of blue in the indigo dye itself, and a piece of stuff after first coming out of the vat is a pale yellow colour, which rapidly becomes blue on exposure to the air, owing to the oxidization which takes place in the indigo. Repeated dippings are required before deep blue is gained, and when carefully dyed the colour is very permanent. Examples from Egyptian tombs, dating many centuries B.C., still exist as fresh in tint as if new.

The indigo was adapted to the painters' purposes in the usual way, by using it as a dye to stain chalk or white earth.

PURPLE. The ancients had also several kinds of purple,—*purpurissum*, *ostrum*, *hysginum*, and various compound colours. The most valuable of these was the *purpurissum*, prepared by mixing the *creta argentaria* with the purple secretion of the murex (πορφύρα).

The magnificent *murex* dye, for which the Phoenicians of Tyre and Sidon were so celebrated, was made from several shell-fish, all spiral univalves, the chief of which was the *Murex trunculus*.

An interesting discovery of the *débris* of a manufactory for *murex* purple near Sidon was discovered by M. Gaillardot (*Globe*, 1874, vol. xxvi., No. 15, p. 237). An immense quantity of shells were found, all broken in the same way, evidently by a sharp-pointed tool used to extract the fish. See also Schmidt, "Die Purpurfarberei ... in Alterthum," in the *Forschungen aus dem Gebiete des Alterthums*, Berlin, 1842, p. 96; and Lacaze-Duthiers, "Mémoire sur la Pourpre," in the *Comptes rendus de l'Acad. des Sciences*, Paris, 1860, No. 44. Two very different colours were made from the murex, one a blue-purple and the other a crimson-purple.

The use of manganese as a brownish purple for vitreous purposes was known to the ancient glass-workers of many countries. It is common on the glazed pottery of Egypt.

Hysginum, ὕσγινον (ὕαγη, wond?), according to Vitruvius, is a colour between scarlet and purple.

The Roman *ostrum* was a compound of red ochre and blue oxide of copper.

Vitruvius mentions a purple which was obtained by cooling the *ochra usta* with wine vinegar.

Rubiae radix, madder-root, gave a very beautiful purple-red, specially used for dyeing.

BROWN, *ochra usta*, burnt ochre. The browns were ochres calcined, oxides of iron and of manganese, and compounds of ochres and blacks.

BLACK, *atramentum*, *μέλαν*. The ancient blacks were mostly carbonaceous. The best for the purposes of painting were *elephantinum*, *ἐλεφάντινον*, ivory-black; and *tryginum*, *τρύγινον*, vine-black, made of burnt vine twigs. The former was used by Apelles, the latter by Polygnotus and Micon.

The *atramentum Indicum*, mentioned by Pliny and Vitruvius, was probably the so-called "Indian ink" of China, made of finely-divided carbon. The blacks from sepia and the black woad have been already mentioned.

The black used by dyers, *Atramentum sutorium*, appears to have been identical with *chalcanthum*, a sulphate of copper dye, which was obtained in large quantities from the copper mines of Spain. This dye was liable to destroy the fibre of textiles, and in ancient examples from Egypt and elsewhere the threads which had been dyed black have usually rotted away. The same effect was also produced by the black dyes formed of some salt of iron mixed with tannin made from gall-nuts or oak-bark—what we now use as writing ink.

The magnificent black enamel, used for the ground of Greek vases of the best period, appears, from analysis, to be a true vitreous enamel, rendered black by the magnetic oxide of iron.

WHITE. The ordinary Greek white was *melinum*, *μηλία*, less correctly *μηλιάς*, an earth from the isle of Melos, a sort of "pipe-clay." For fresco-painting the best was the African *paraetonium*, *παραιτόνιον*, a hydrated silicate of magnesia, so called from the well-known place in Marmarica, where it was found; it also was imported in large quantities from Crete and the Cyrenaica.

The *Creta annularia* appears to have been an aluminous earth from Eretria, so called because it entered into the composition of the glass "paste" used for imitation gems in rings.

Carbonate of lead or white lead, *cerussa*, *ψιμύθιον*, does not appear to have been used by mural painters, probably because it is very liable to blacken, if exposed to any but very pure air.

An impure *cerussa* is found in a native state at many places, but the best was made artificially by placing sheets of lead in jars with a little vinegar at the bottom. The surface of the metal slowly becomes converted into carbonate or acetate of lead under the influence of the acid vapour of the vinegar, and can then be scaled off, ground and purified by repeated washing. The vapour of vinegar was used in the same way to produce blue pigment from plates of metallic copper, which rapidly acquire a coating of verdigris.

Many other earthy whites were used by the potter and the mural painter; as, for example, chalk, gypsum, and common lime. These mineral whites were also very largely used in combination with other colours to produce tints of different degrees of strength. In many cases the painter used a pure colour for his deepest shadows, and got gradation of half tones by mixing with the pure pigment various proportions of lime or chalk-white, the pure white being finally used to touch in the high lights. This method is common among the paintings of Rome and Pompeii.

A fine mixture of chalk or pipe-clay together with powdered *silica* was used by the Attic potters to produce the beautiful creamy white of the fourth-century polychromatic *lecythi*, probably the *atticum* of Pliny, xxxv. § 50. Some of the Athenian terra-cotta statuettes are coated with a similar mixture, to which some alkaline flux has been added, so that a vitreous, white enamelled surface was produced by the heat of the kiln. This remarkable fabrique, though a different composition was used, resembles in effect the white enamel of the Della Robbias of Florence in the fifteenth century.

Another frequent use of earth-whites, to form a vehicle or body for vegetable pigments, has been more than once mentioned above.

Pliny divides the colours into *colores floridi* and *colores austeri* (xxxv. § 30). The colores floridi were those which, in his time, were supplied by the employer to the painter, on account of their expense, and to secure their being genuine; they were minium, Armenium, cinnabaris, chrysocolla, Indicum, and purpurissum: the rest were the austeri.

Both Pliny (xxxv. § 30) and Vitruvius (vii. 7) divide the colours into natural and artificial. The natural are those obtained immediately from the earth, which, according to Pliny, are Sinopis, rubrica, paraetonium, melinum, Eretria, and auripigmentum: to these Vitruvius adds ochra, sandaraca, minium (*vermilion*), and chrysocolla, being of metallic origin. The others are called artificial, on account of requiring some particular preparation to render them fit for use.

For the modes of using colours and the various *media* employed, see PICTURA.

(*Bibliography.*—Sir Humphry Davy, "Colours used by the Ancients," in the *Transactions of the Royal Society*, 1815; Montabert, *Traité complet de Peinture*, Paris, 1829–55; Geoffroy, "Des Couleurs dans l'Antiquité," printed in the *Mém. de Soc. d'Anthropologie*, ii. 2, 1879; Blümner, *Technologie der Gewerbe und Künste bei Griechen und Römer*, i. Berlin, 1875; Hittorf, *L'Architecture polychrome des Grecs*, Paris, 1851; Jahn, *Die Malerei der Alten*, Berlin, 1836; Wiegmann, *Die Malerei der Alten*, Hannover, 1836; Helbig, *Wandgemälde der Städte campaniens*, Berlin, 1875, and the introduction by Otto Donner; Penrose, *Principles of Athenian Architecture*, London, 1858; Palmeri, *Ricerche sopra 12 Colori trovati a Pompei*, Naples, 1877.) [R. N. W.] [J. H. M.]

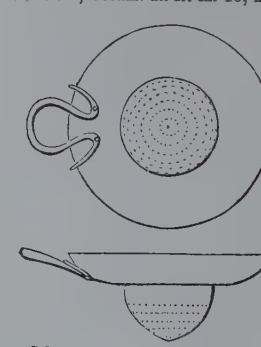
COLOSSUS (*κολοσσός*). For the origin of this word, cf. Curtius, *Greek Etym.* i. 176. It rarely occurs in the Attic writers. (Blomf. *Gloss. ad* Aesch. *Agam.* 406.) It is used both by the Greeks and Romans to signify a statue larger than life (Hesych. *s. v.*; Aesch. *Agam.* 406; Schol. *ad* Juv. *Sat.* viii. 230), and thence a person of extraordinary stature and beauty is termed *colosseros* (Suet. *Calig.* 35); and the

architectural ornaments in the upper members of lofty buildings, which require to be of large dimensions in consequence of their remoteness, are termed *colossicotera* (κολοσσικώτερα, Vitruv. iii. 3; compare *Id.* x. 4). Statues of this kind, simply colossal, but not enormously large, were too common amongst the Greeks to excite observation merely from their size, and are, therefore, rarely referred to as such; the word being more frequently applied to designate those figures of gigantic dimensions (*moles statuarum, turribus pares*, Plin. *H. N.* xxxiv. § 39) which were first executed in Egypt, and afterwards in Greece and Italy.

Among the colossal statues of Greece the most celebrated, according to Pliny, was the bronze colossus at Rhodes by Chares of Lindus, a pupil of Lysippus. (See *Dict. of Gr. and Rom. Biog.*, art. *Chares.*) In this one island there were more than 100 colossi. Pliny mentions another Greek colossus of Apollo, the work of Calamis (Strabo, vii. p. 519), which cost 500 talents, and was thirty cubits high, in the city of Apollonia, whence it was transferred to the Capitol by M. Lucullus; and also those of Jupiter and Hercules, at Tarentum, by Lysippus. (*Dict. of Gr. and Rom. Biog.*, art. *Lysippus.*) To the list of Pliny must be added the more important colossal statues of Pheidias, the most beautiful of which were his chryselephantine statues of Zeus, at Olympia (more than 40 feet high, seated), and of Athena, in the Parthenon at Athens; the largest (more than 70 feet high, including the base) was his bronze statue commonly called Athena Promachus, on the Acropolis.

Amongst the works of this description made expressly by or for the Romans, those most frequently alluded to are the following:—1. A statue of Jupiter upon the Capitol, made by order of Sp. Carvilius, from the armour of the Samnites, which was so large that it could be seen from the Alban mount (Plin. *l. c.*). 2. A bronze statue of Apollo at the Palatine library (Plin. *l. c.*), to which the bronze head now preserved in the Capitol probably belonged. 3. A bronze statue of Augustus, in the Forum, which bore his name. (Mart. *Ep.* viii. 44, 7.) 4. The colossus of Nero, which was executed by Zenodorus, and which is quoted by Pliny as a proof that the taste for bronze statues was lost, for this was adorned with gold and silver. Its height was 110 or 120 feet. (Plin. *l. c.*; Suet. *Nero*, 31.) It was originally placed in the vestibule of the Domus Aurea (Mart. *Spect.* ii. 1, *Ep.* i. 71, 7; Dio Cass. lxvi. 15), but was afterwards removed by Vespasian to the Via Sacra, and Hadrian again moved it to a position to the north of the Coliseum, where the basement upon which it stood is still to be seen; from it the contiguous amphitheatre is supposed to have gained the name of "Colosseum." Vespasian had converted it into a statue of the sun. (Hieronym. *in Hab.* c. 3; Suet. *Vesp.* 18; Plin. *l. c.*: compare Lamprid. *Commod.* 17; Dio Cass. lxxii. 15.) Twenty-four elephants were employed by Hadrian to remove it, when he was about to build the temple of Venus at Rome. (Spart. *Hadr.* 19.) 5. An equestrian statue of Domitian, of bronze gilt, which was placed in the centre of the Forum. (Sat. *Silv.* i. 1, 1; Mart. *Ep.* i. 70, 6.) [A. R.] [A. S. W.]

COLUM (ἠθμός, ἠθάνιον), a strainer or colander, was used for straining wine, milk, olive-oil, drugs, perfumes, and other liquids. Thus we find it employed in the making of olive-oil to receive the juice of the berry when pressed out by the prelum. Such cola were made of hair, broom, or rushes (Verg. *Georg.* ii. 242, *Ecl.* x. 71; Colum. *R. R.* ix. 15, xii. 17, 19,



Colum, strainer. (*Museo Borbon.*)

38). The cola employed for such domestic purposes as straining wine were sometimes made of linen (Mart. xiv. 104), but frequently of some metal, such as bronze or silver. (Hellanicus *ap.* Athen. p. 470 d.) Such strainers are often represented in Greek vase-paintings; and several examples of elegant silver strainers of Greek workmanship, found in the Crimea, are figured in the *Antiquités du Bosphore Cimmérien*, pl. xxxi.

Various specimens of cola have been found at Pompeii. The preceding woodcut shows the plan and profile of one which is of silver (*Mus. Borb.* vol. viii. 14, figs. 4, 5).

The Romans filled the strainer with ice or snow (*cola nivaria*) in order to cool and dilute the wine at the same time that it was cleared (Mart. xiv. 103) [NIX]. Several Etruscan vases have been discovered, in which the spout consists of a strainer, so that the liquid is clarified as it is poured out. (Micali, *Monumenti inediti*, pl. xxx. 2, xxxvii. 8.)

Ausonius (*Ep.* iv. 57) uses the word *colum* to denote the *nassa* or weel for snaring fish [NASSA]. [J. Y.] [J. H. F.]

COLUMBAR, a kind of pillory, in which the head passed through a hole, like the holes in a pigeon-house, whence the name. (Plaut. *Rud.* iii. 6, 49.) [W. S.]

COLUMBA'RIUM (περιστερεών, περιστεροτροφεῖον), a dove-cote, or pigeon-house. An account of pigeons with their *columbaria* is given under AGRICULTURA, pp. 79, 80.

The word is also used to denote the following objects, which derive their name from their resemblance to a dovecote:—

1. A sepulchral chamber. [FUNUS.]

2. In a machine used to raise water for the purpose of irrigation, as described by Vitruvius (x. 9), the vents through which the water was conveyed into the receiving trough were termed *columbaria*. This will be understood by referring to the woodcut at p. 129. [ANTLIA.] The difference between that representation and the machine now under consideration consisted in

the following points:—The wheel of the latter is a solid one (*tympanum*), instead of radiated (*rota*); and was worked as a treadmill, by men who stood upon platforms projecting from the flat sides, instead of being turned by a stream. Between the intervals of each platform a series of grooves or channels (*columbaria*) were formed in the sides of the tympanum, through which the water taken up by a number of scoops placed on the outer margin of the wheel, like the jars in the cut referred to, was conducted into a wooden trough below (*labrum ligneum suppositum*, Vitruv. *l. c.*).

3. The cavities which receive the extreme ends of the beams upon which a roof is supported (*tignorum cubilia*), and which are represented by triglyphs in the Doric order, were termed *columbaria* by the Roman architects; that is, whilst they remained empty, and until filled up by the head of the beam. The corresponding Greek term was *ὀπαί* (from *ὀπή, a hole*), and hence the space between two such cavities—that is, in the complete building, between two triglyphs—was called *μετόπη*, a metope. (Vitruv. iv. 2; Marquez, *Dell' Ordine Dorico*, vii. 37.)

4. *Columbaria* (*τρυπήματα*), the oar-ports, apertures in the side of a vessel through which the oars were passed. (Isid. *Orig.* xix. 2, 3; Festus, p. 169 M.) [NAVIS.] [A. R.] [J. H. F.]

CO'LUMEN (later *culmen*) is used in architecture, either generally for the roof of a building, or particularly for a beam in the highest part of the slope of a roof. By this description Vitruvius seems to mean either the *collar-beam*, or the *king-post*, but more probably the latter, as he derives *columna* from *columen* (Vitruv. iv. 2, § 1; iv. 7, § 5). [P. S.]

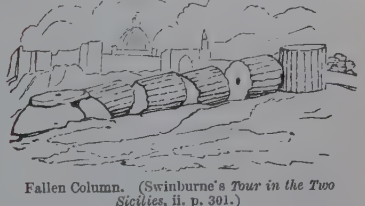
COLUMNA (*κιών*, dim. *κιονίς, κιονίον, κιονίσκος· στῦλος*, dim. *στυλίς, στυλίσκος*), a pillar or column.

Under the term "column" is comprised a number of forms, bearing indeed a superficial resemblance to each other, but in origin and function widely differing. Thus, the isolated pillar having a votive, terminal, or commemorative object, corresponds to the earlier monolith or sacred tree. A few of the more interesting and important types of this class will be briefly described later on. Again, the structural column, according as it appears in the interior of the Homeric hall (*Od.* vi. 307; viii. 66, &c.), in the exterior of a peripteral temple, or in the arrangement called "hypaethral," also occurring in the Roman atrium, has in each case a distinct history and significance. Merely to confront the grand series of achievements in stone, belonging in the main to the most finished and regular types, with the rude wooden cabins that have existed or still exist in some parts of Hellas, is no longer considered a satisfactory explanation of the origin of Greek columnar architecture. It is now admitted that a form which had been brought through centuries of development to such variety and perfection on the Nile and Euphrates was scarcely likely to have been invented again by such an eminently assimilative race as the Greeks. Hence evidence of the occasional occurrence of wooden columns has no bearing on the general question: the pillars of oak in the market-place at Elis (Paus. vi. 24, § 7), the trunks of vines in the temple of Juno at Metapontum (Plin. *H. N.* xiv. § 9), may have been relics of an older mode of construction, but can prove nothing. The verandahed huts of Xanthos described by Fellowes (*Journal*, p. 234) undoubtedly throw light upon the Lycian rock-hewn tombs and temples, which clearly exhibit a wooden type. But this is a local style; moreover, these monuments being monolithic, the change of material does not require structural accommodation.

The theory of direct imitation of wooden structures had been pushed to its logical conclusion by Vitruvius, according to whom the triglyphs cover the ends of the beams supporting the cornice, and the mutules are the representatives of the ends of rafters; but the rather lame attempt of the Roman architect to explain the details of the Doric order only accentuates more strongly the material difficulties. A like failure has hitherto attended nearly all essays to find a meaning for the symbolic and decorative elements apparent or suggested in the several orders. The story of Callimachus (Vitr. iv. 1, 9) is chronologically inconsistent; the anthropomorphic speculation (iv. 1) requires the absence of the Doric flutings; and Vitruvius' fantastic explanations are only paralleled by some of the modern theories.

Recently, however, the materials and the methods for the elucidation of the history of the Greek orders have been enlarged and improved. Fragments of temples dating from before the Persian wars, the evidence of coins and vases, and a cautious comparison of Egyptian and Assyrian styles, are all helping to throw light on this difficult subject. Thus a glimpse, however slight, has been obtained of the importation into Hellas of the elements of two orders, the Doric and the Ionic. Through the Phoenicians and the races of Asia Minor, the resources and motives of Egyptian and Assyrian art were made familiar to the Greek mind. Perhaps even a precise moment may be seized for that imposing creation the Doric temple; and we may suppose, with M. Chipiez, that the idea was first inspired in those Greeks who, serving under Psammetichus, had beheld the wonderful temples on the Nile. This would not only account for the new departure, in the use of stone, but also for that most remarkable parallel to Egyptian art, the principle of polychromy.

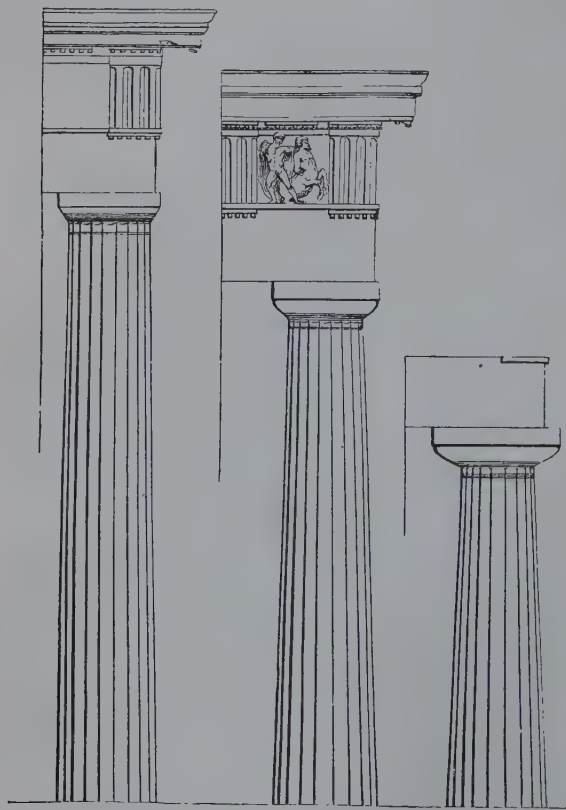
For a full account of the positive results hitherto attained, and for a criticism of the



Fallen Column. (Swinburne's *Tour in the Two Sicilies*, ii. p. 301.)

older Vitruvian views, the student must be referred to the literature cited below. In M Chipiez's work, the historical side is most ably illustrated, and in H. Adamy's treatise aesthetic considerations receive ample appreciation.

(Beulé, *Hist. de l'Art grec avant Périclès;* Id., *Fouilles et Découvertes résumées et discutées en vue de l'Histoire de l'Art;* Chabat, *Fragments d'Arch.;* Chandler, *Ionian Antiquities;* Batissier, *Art Monument.;* Chipiez, *Hist. crit. des Orig. et de la Format. des Ordres grecs;* Adamy, *Architektonik auf hist. und aesthet. Grundlage;* Donaldson, *Architectura Numismatica;* the works of Schliemann and Cesnola, and reports of excavations at Olympia. Also Prisse d'Avennes on *Egyptian Architecture;* Perrot and Chipiez, *History of Ancient Art;* and in particular Milchhoefer, *Die Anfänge der Kunst in Griechenland.*)



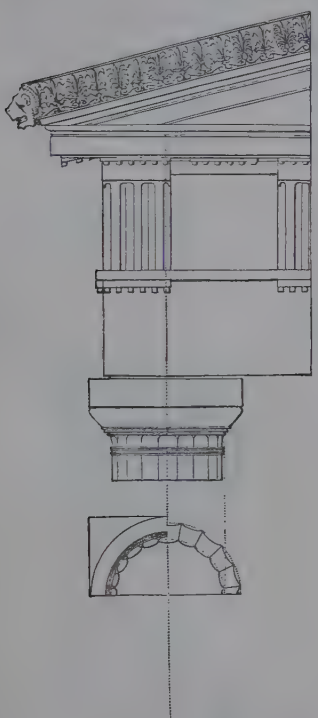
Temple at Delos. Parthenon at Athens. Temple at Corinth.
Doric Columns. (Fergusson.)

I. GREEK.—Before proceeding to the detailed description of the several orders, a few words may be devoted to more general matters. The members of an order from below upwards are: the foundation (*κρηπίδωμα*) of one or more steps (*κρηπίδες*); the column (*στῦλος*), consisting of shaft (*σῶμα, scapus*) and capital (*ἐπίκρανον, κιόκρανον*); and the entablature, consisting of architrave (*ἐπιστύλιον* [EPISTYLIUM]), frieze (*ζωοφόρος* [ZOPHORUS]), and cornice (*γεῖσον, corona*). For the gable-end or pediment (*ἀετός*), see FASTIGIUM; for the door-posts (*παραστάδες*), see ANTAE. From the constitutive character of the column in an order immediately follows its importance in determining the proportions and disposition of the other members. The ancient unit (*ἐμβάτης, modulus*) for this purpose was the inferior diameter of the column, or in the Doric order the breadth of a triglyph (one semidiameter). Each order, then, has its canon (*κανών*) of proportion as well as of form. Also, except when the disposition of the columns is indefinite [PORTICUS], intercolumniations (*μεσοστύλιον*) are determined by reference to the modulus [TEMPLUM].

1. The *Doric Order* is characterised by the absence of a base — the shafts of the columns spring immediately from the floor (*στυλοβάτης, podium*) — the thickness and rapid diminution of the shaft, and the simplicity of the capital, which consists of a deep square *abacus* (*ἄβαξ*) supported by a circular ovolo (*ἐχῖνος*), beneath which are from three to five steps or channels (*ἰμάντες, annuli*). Below these the shaft sometimes retreats (*ἀποφυγή*), and in most cases a narrow neck (*ὑποτραχήλιον*), traversed by the flutes, is cut off by grooves or fillets,—three in early examples (Corinth), one in later (Parthenon).

This portion was of one piece with the capital (see engraving of fallen column, p. 489), and did not share in the diminution, but its channels served as indications for the fluting (*ῥάβδωσις*) of the lower drums. The shaft swells from the base to about one-third and then diminishes; this character (*ἔντασις* [ENTASIS]) is exaggerated in some ancient specimens, as at Assos, while it is entirely absent in others, as at Corinth. The shallow flutes (*διάξυσμα, striae*), commonly sixteen to twenty in number, although twenty-four, twenty-eight, and thirty-two are known, are separated by a sharp edge; their section is circular, semi-elliptical, or eccentric. In the earliest examples of the order, the columns are very short in proportion to their greatest thickness. Thus, in the temple at Corinth, the height of the columns is only $7\frac{3}{4}$ modules (semi-diameters), and in the great temple at Paestum only $8\frac{1}{2}$; but greater lightness was afterwards given to the order, so that in the Parthenon,

which represents the canonical proportion, the height of the columns is 11 modules. Originally the echinus moulding was full and impending (Corinth and Assos); its outline, usually parabolic or circular, became later almost flat (hyperbolic), as in the Propylaea and Parthenon. The architrave, impending the columns half as much as the abacus the shaft, is flat and plain, except at Assos, where it bears a bas-relief of bulls fighting. It is marked off by a narrow band (*taenia*) from the frieze. The latter is ornamented by equally-spaced surfaces (*τρίγλυφοι*), one over each column and each intercolumniation, with the exception of those at the extremities, whose axes do not coincide with

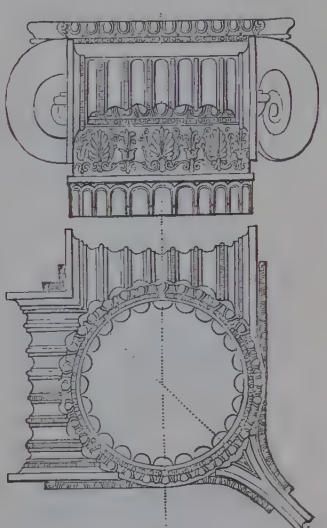


Doric Order. Temple of Apollo Epicurius, Phigaleia. (Mauch, pl. 11.)

those of the angular columns. The triglyphs are so called from the channels, two whole and two half, of triangular or curved section, which appear upon them, leaving three flat strips (*μηροί*). They are bound above and below by narrow bands: the upper of these is continuous, although here deeper, with the fascia of the frieze; from the under-surface of the lower band (*regula*) depend six cylindrical or conical drops (*guttae*). The square intervals of frieze (*μετόπαι*) are supposed to have been originally left open (Eurip. *Iph. Taur.* 113), and are so represented on vases. In extant examples they are occupied with flat plates often sculptured in high relief. The cornice consists of a flat larmier (*γεισιπόδισμα, corona*) and a group of mouldings (*κυμάτιον, ἀκρογείσιον*), comprising a square fillet and ogee. The corona is continuous and greatly projecting, with its lower surface sloped. Attached to a narrow sunk face, forming the soffit of the cornice, is a series of inclined plates (*mutuli*), one over each triglyph and metope; from their under-surfaces depend eighteen cylindrical guttae in three rows. The cymatium, so called from the form of its characteristic moulding (*κῦμα*), carries lion-heads. For the arrangement of the roof, see FASTIGIUM; and for further details, ACROTERIUM, ANTEFIXA, STELAE.

The profile in the preceding column is from the temple of Apollo Epicurius at Phigaleia, built by Ictinus, the architect of the Parthenon.

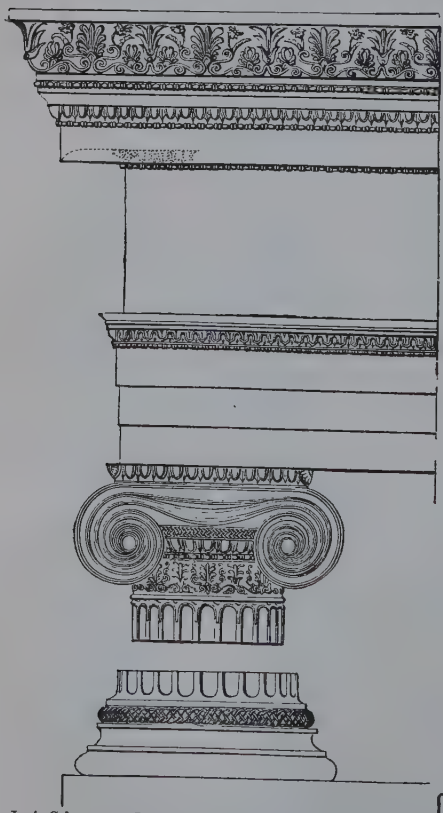
2. The *Ionic Order* is distinguished by the elegance of each member, a characteristic betraying Asiatic influence. Thus, the column from the first is slender: that of the temple of the Ilissus has a height of 8 modules, a proportion later increased to 9 (Erechtheium) and 9½



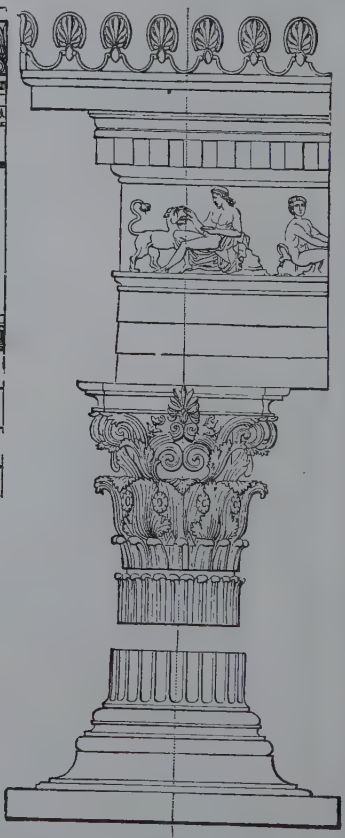
Ionic Corner Capital. Portico of Temple of Athena Polias (Erechtheium), Athens. (Mauch, pl. 34.)

(Athena Polias, Priene). The shaft rests upon a circular base (*σπεῖρα*), towards which it gradually curves. [SPIRA; ATTICURGES.] Its surface is occupied with alternate flutes (24) and fillets. The capital consists of an astragal, an echinus with egg and tongue pattern, and, sometimes a *torus* intervening, the *canalis*, from which proceed the spirals of two lateral volutes (*ἕλικες*), whence the name for the whole *σπειροκέφαλον*. The upper and lower lines of the canalis may be either convex or horizontal. The volutes have a central disc (*oculus*), and are flat in front and behind, presenting a surface of double curvature at the sides, where they are

bound together with astragals [BALTEI] in the directrices. When the order had to be carried round a corner, the plane of the outer volute was sometimes given an inclination of 45° to the surfaces (see figure in preceding page). Below the astragal of the capital there is often a hypotrachelium, sometimes, as in the Erechtheium, adorned with palm-leaves (*ἀνθέμιον*), separated from the shaft by an astragal. Upon a narrow ornamental rectangular abacus rests the architrave of three faces, slightly overlapping. There is a small cornice between architrave and frieze; the latter sometimes exhibits bas-reliefs, and all three members are more or less ornamented with mouldings. Modillions (*πρόμοχθοι*) and dentils sometimes appear under the upper part of the cornice.



Ionic Column and Entablature. Portico of Temple of Athena Polias (Erechtheium), Athens. (Fergusson.)



Corinthian Order. Monument of Lysicrates, Athens. (Mauch, pl. 54.)

The finest specimens of the order in its most simple form are those in the temple of the Ilissus, and that of Athena Polias at Priene. The engraving shows the portico of the temple of Athena Polias (Erechtheium) at Athens, which, while displaying a greater profusion of ornament, is equally pure in its outlines.

3. The *Corinthian Order* is more slender than the Ionic, but the chief difference is the greater richness of the capital. From a sort of basket (*κάλαθος*) spring two rows of acanthus-leaves, surmounted by four volutes at the angles, the spaces between the volutes being occupied by flowers, leaves, and opposed or intertwining helices. In the earlier examples, however, there is frequently but one row of acanthus leaves; and in the Horologium of Andronicus Cyrrhestes, vulgarly called "The Temple of the Winds," the volutes are wanting, the capital consisting only of an astragal, a row of acanthus leaves, and a row of tongue-shaped leaves. In all the examples except the last-mentioned, the abacus, instead of being square, is hollowed at the edges, and the middle of each edge is ornamented with a flower. The details of flowers, leaves, tendrils, and volutes seem derived from metal-work applied to a central core. Indeed, it is known that the capital was frequently made of bronze, or even gold and ivory.

A very early capital was found in the ruins of the temple of Apollo at Phigaleia. The most typical specimen of this order is the choragic

monument of Lysicrates at Athens (335 B.C.). (See cut on preceding page.) The next example is from the Horologium of Andronicus Cyrrhestes, spoken of above. (See cut below.)

The Olympieium or temple of Zeus Olympius at Athens, commenced by Peisistratus and finished by Hadrian, after many suspensions and interruptions, is, strictly speaking, a Roman and not a Grecian example; except that, being executed at Athens, there is a degree of taste and art displayed in its execution which we do not find in any strictly Roman example. (Fergusson.)

Although the combination of Greek orders in one plane follows no rule, when superposed the same order is used in each tier, and the columns separated by an architrave have their axes common. (This arrangement is to be seen in the temple of Poseidon at Paestum.)

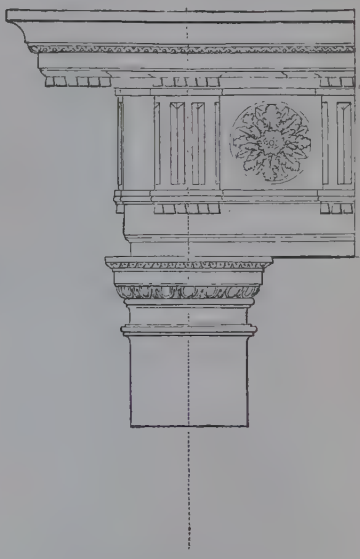
Corinthian Order. Horologium of Andronicus Cyrrhestes, Athens. (Fergusson.)

The frequently recurring want of symmetry in the dispositions of the Greek temple can here only be noted. For details on this and other matters, such as the inclination of columns and horizontal surfaces, variations from canonical forms, and surface colouring and the employment of coloured tiles, reference must be made to the authorities below (see also ENTASIS).

II. The TUSCAN ORDER, although at one time the prevailing style at Rome, has left such meagre remains, that we are obliged to fall back upon the description of Vitruvius (iv. 7). With this, however, the fragments of columns discovered and the bas-reliefs on Etruscan tombs do not quite agree. The order seems to have been an undeveloped or simplified Doric. (Dennis, *Cities and Cemeteries of Etruria*; Carlo Promis, *Le Antichità di Alba Fucense*, pl. iii.; Canina, *Etruria maritima*, pl. cx.; Abeken, *Mittelitalien.*)

III. ROMAN.—The *Roman* imitations of the Greek orders are chiefly notable for their inferiority in proportion and vulgarity in detail, and for their perverse misapprehension of the more characteristic features in the originals.

1. In the *Doric Order* the shaft is often smooth (Coliseum) and always slender, and it is in later work provided with a base. The proportions of the capital are disregarded, and the effect of the abacus is destroyed by a fillet. Mutules are sometimes absent from the cornice, and dentils appear instead. (The figure in the text represents the details of an example at Albano, near Rome.)

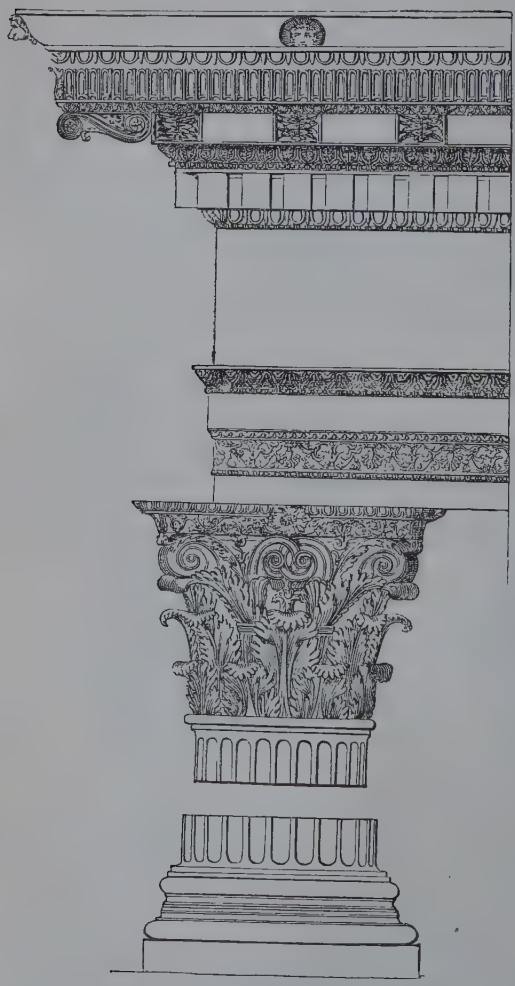


Roman Doric Order. Albano, near Rome. (Mauch, pl. 19.)

2. In the *Ionic Order*, a square plinth was added to the base, and frequently all the capitals were given corner volutes.

3. The *Corinthian Order.* "The fate of this order," says Fergusson, "was different from that of the other two. The Doric and Ionic orders had reached their acme of perfection in the hands of the Greek artists, and seem to have become incapable of further improvement. The Corinthian, on the contrary, was a recent conception; and although nothing can surpass the elegance and grace with which the Greeks adorned it, the new capital never acquired with them that fulness and strength requisite to render it an appropriate architectural ornament.

These were added to it by the Romans, or rather perhaps by Grecian artists acting under their direction, who thus, as shown in the cut below, produced an order which for richness, combined with proportion and architectural fitness, has hardly been surpassed."



Roman Corinthian Order. Temple of Jupiter Stator. (Fergusson.)

This order sometimes shows a plinth, and a base, composed of two tori, including two scotiae, separated by a double astragal.

4. The *Roman* or *Composite Order* is a mongrel of the Corinthian and Ionic; the general character being Corinthian, except that the upper part of the capital has Ionic volutes. Both capital and entablature are overloaded with ornaments. The cut on the next page is from the triumphal arch of Titus, which is considered the best example.

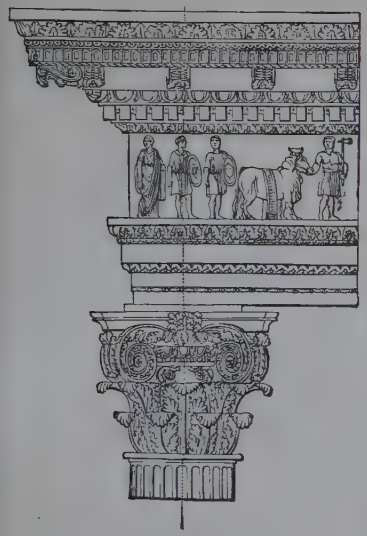
Structural incongruities, such as an order of columns standing free from the architrave, which is otherwise supported, and *complete* ordonnances (Doric, Ionic, and Corinthian), superimposed one on another, the upper members thus losing all significance, are of common occurrence. In the Coliseum, the three orders are further surmounted by a wall decorated with pilasters of the Composite order. (See the elevation, AMPHITHEATRUM, p. 109 *b*.)

It now remains to mention some other uses of the column or pillar, in addition to that in an architectural ordonnance. Long rows of columns were used to support aqueducts (Crates, *ap.* Athen. vi. 94); and single pillars were fixed in harbours for mooring ships (Hom. *Od.* xxii. 466). Various other structures in which the column appears are described under HOROLOGIUM and MILLIARIUM.

Single columns were erected from the earliest times to commemorate persons or events (Leon. Tarent. in Brunck, *Anal.* i. 239). Early Roman examples are those in honour of C. Maenius and P. Minucius, mentioned by Pliny (*H. N.* xxxiv. § 21); of a later date is the marble monolith to Julius Caesar, set up in the Forum after his death (Suet. *Jul.* 85). *Columnae rostratae* were employed by the Romans to record their naval victories (Verg. *Georg.* iii. 29; Serv. *ad loc.*), the most celebrated being that to C. Duilius, who gained a victory over the Carthaginians in B.C. 260, a copy of which is now in the museum of the Capitol. (See cut on the next page.)

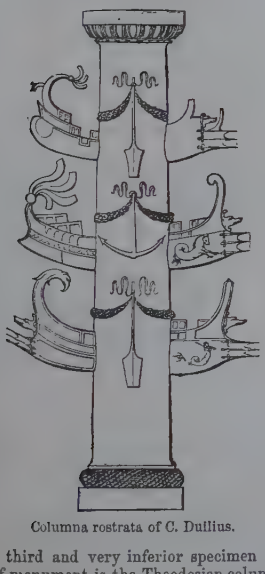
More important, as well on account of their imposing size as of their value to the archaeologist, are the lofty and elaborate columns erected in imperial times. The finest of these monuments is that which was voted by the senate in honour of Trajan, and executed by Apollodorus in 104 A.D. The column itself is apparently of the Tuscan order, and is composed of huge drums of white marble, pierced within so as to form a spiral staircase, to which there is an entrance in the pedestal. A bas-relief of the chief episodes in the Dacian campaigns winds round the shaft. Including the bronze statue of the emperor, the total height was not less than 130 feet. (Piranesi, *Col. Traj.*; Fröhner, *La Col. Tr.* (photolithographic reprod. of castings); Percier, *La C. T. restaur. exécut. en* 1788; Chipiez, *Columna* in Daremberg and Saglio.)

The above mode of construction, which received the name of *columna cochlis*, was likewise adopted in the Antonine column erected to the memory of Marcus Aurelius, illustrating his



Roman Composite Order. Arch of Titus. (Mauch, pl. 77.)

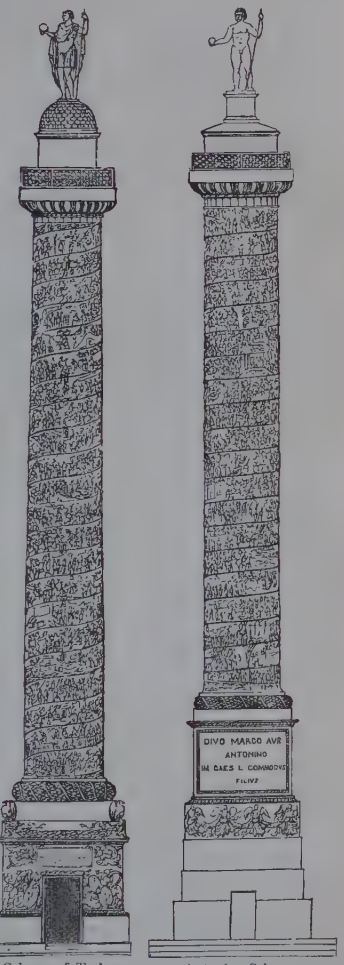
victories over the Marcomanni. (Bartoli et Bellori, *Col. cochl. M. Aur. Ant. Aug. dicata*, &c., 1672 and 1704.)



Columna rostrata of C. Duilius.

The third and very inferior specimen of this type of monument is the Theodosian column, the base of which still exists at Constantinople. (G. Bellino, *Col. Theodos.* 1702; Séroux d'Agincourt, *Hist. de l'Art*, pl. xi. 1823.)

Authorities.—Principles of Greek architecture:—Vitruvius, *De Arch.*, ed. Rose u. Müller-Strübing; *Index*, Nohl.; Penrose, *An Investig. of the Principles of Athenian Archit.*; Bötticher,



Column of Trajan. Antonine Column.

Tektonik der Hellenen; Durm, *Constructive Détail der gr. Baukunst*; Fabricius, *De Arch. Graeca*; Lohde, *Die Architektonik der Hell.*; Mauch, *Die Architekt. Ordn. der Gr., Römer, u. neueren Meister*; Id., *Neue system. Darstell. d. arch. Ordn. der Gr., R., u. neueren Baum.*; Id., *Vergl. Darstell. Gr. Bau-Ordn.* (Kupfertaf.); Reber, *Gesch. der Bauk. im Alterthum.* The Greek canon:—Aurès, *Études des dimensions du gr. Temple de Paestum*, &c.; Id., *Nouvelle théorie*

du Module; Choisy, *Études sur l'Archit. grecque*. On optical accommodations, curvature, &c., see ENTASIS. Polychromy:—Hittorf, *Restit. du Temple d'Empédocle à Sélinounte, ou l'Arch. polychrôme chez les Grecs* (Atlas); Kugler, *Ueber Polychromie*; Rosz, *Bemalte Att. Marmorstelen*; Bormann u. Siebold, *Ueber Verwendung von Terrakotten am Geison und Duche Gr. Bauwerke*. Special works:—Penrose (above), Michaelis, Fergusson—the *Parthenon*; Leake, *Topogr. of Athens*; Stuart and Revett, *Antiq. of Athens and Attica*; Blouet, *Expéd. scient. de Morée*; Stackelberg, *Der Apollotempel zu Bassae*; F. Lenormant, *Rech. arch. à Eleusis*; Hittorf et Zanth, *Archit. ant. de la Sicile*; Texier, *Descr. de l'Asie Mineure*; Rayet et Thomas, *Milet et le golfe Lathmique*; Perrot et Guillaume, *Explor. de la Galatie*; Pacho, *Voy. dans la Cyrén.*; Labrouste, *Les Temples de Paestum*; and works by Wood, Newton, Ramsay, and others. [J. M.]

COLUMNA'RIUM, a tax imposed in the time of Julius Caesar upon the pillars that supported a house. (Cic. *ad Att.* xiii. 6.) It was probably imposed by the lex sumtuaria of Julius Caesar, and was intended to check the passion for the building of palaces, which then prevailed at Rome. The *Ostiarium* was a similar tax. [OSTIARIUM.] The *columnarium* levied by Metellus Scipio in Syria, in B.C. 49–48, was a tax of a similar kind, but had nothing to do with the tax to which Cicero alludes in the passage quoted above. This columnarium was simply an illegal means of extorting money from the provincials. (Caes. *B. C.* iii. 32.) [W. S.]

COLUS, a distaff. [FUSUS.]

COMA (κόμη). I. GREEK.—The word κομᾶν in Greek signifies "to wear long hair," and the constant epithet of the Achaeans in Homer is καρηκομόωντες, *i.e.* with the hair all over the head being allowed to grow. They are thus distinguished from the Abantes (*Il.* ii. 542), who only allowed their back hair to grow long (ὄπιθεν κομόωντες), and the Thracians, who were called ἀκρόκομοι (*Il.* iv. 533), because they wound their hair into a knot on the top of their heads. The gods, too, are represented as having splendid hair: Zeus has "ambrosial locks;" Apollo is "unshorn" (ἀκερσεκόμης); and the goddesses and distinguished ladies have "beautiful plaits" (καλλιπλόκαμοι, εὐπλόκαμοι). By contrast, the vulgar Thersites is represented as almost bald (*Il.* ii. 219). The old scholiasts supposed, probably rightly, that κέρᾳ ἀγλαὲ in *Il.* xi. 385 referred to a horn-shaped lock of hair, and Helbig (*Das homerische Epos*, p. 166) gives a representation of what he considers this to be. As to the colour of the hair in early times, we hear of yellow hair (ξανθαὶ τρίχες) belonging to several of the characters in Homer: Menelaus (*Il.* iii. 284), Odysseus (*Od.* xiii. 399), Demeter (*Il.* v. 501), Agamede (*Il.* xi. 740); cf. Hes. *Theog.* 947. Unfortunately we have no certain illustration of the way the hair was dressed in Homeric times, and without illustrations we can seldom be very positive as to what descriptions exactly signify; though conversely a little later we must not lay too much stress on archaic statues, as the sculptors, having little command over the material, were forced to observe a greater homogeneity of treatment than was probably observed in the actual arrangements of the hair by the men of their day.

Turning, then, with this proviso, to the ancient statues, we find in them the hair built up in arrangements as stiff and symmetrical as, if not quite similar to, that of the Egyptian and Assyrian statues. The winged Artemis of Delos has an artificial arrangement of spiral curls on the forehead, and stiff symmetrical ringlets hanging down the back and shoulders (see Saglio, *Dict. des Antiq.* i. fig. 1800). Stiffer still are the front curls and the back ringlets of the Apollo of Orchomenus; and in the Apollo of Tenea there are a series of perpendicular curls on the brow similar one to another, and long hair hanging down the back, divided by horizontal lines into a series of homogeneous divisions. These horizontal lines doubtless point to the threads or thin metal spirals (often of gold or silver) which were fastened in this fashion round the hair. A bas-relief of a discobolus given by Saglio (fig. 1799) exhibits a similar arrangement, except that the back-hair is compressed into a circular roll. It is some arrangement of this sort which is described by Homer (*Il.* xvii. 52), where he tells that Euphorbus had πλοχμοί θ' οἱ χρυσῷ τε καὶ ἀργύρῳ ἐσφήκωντο: and Helbig (*Das Hom. Epos*, p. 167 ff.) has supposed that this wasp-like fastening was effected by spirals (σύριγγες) of gold or silver. We hardly ever find in the archaic statues the front hair otherwise arranged than in some artificial symmetrical fashion (very frequently with three long ringlets or παρωτίδες beside the ears) of a row or fringe of curls or ringlets (σπεῖραι), the back hair gradually passing, as time went on, from perpendicular or horizontally arranged locks to a fastening up of the back hair on the crown of the head by means of a band or bands. Illustrations tending to exemplify this may be seen in the following drawings, one representing the head of Apollo from an early Greek sculpture, and the other the head of Hermes, with braided hair, in the Etruscan style, and a sharp pointed beard, from an altar in the museum of the Capitol at Rome. In none of the statues is a

Apollo. (British Museum.)

Hermes. (Mus. Cap. Rome.)

band wanting. A very common arrangement is that figured in the cut on the next page of an ephebus of the fifth century, taken by Saglio from Gerhard's *Berliner Trinkschale*.

Owing to its frequency, this arrangement has been supposed by some archaeologists, *e.g.* Conze (*Nuove Mem. dell' Inst.* p. 408 ff.), to be the fashion of wearing the hair noted by Thucydides

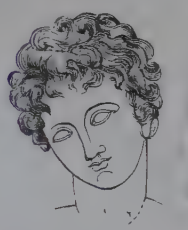
(i. 6) as retained by the Athenians till a short time before he wrote (χρυσῶν τεττίγων ἐνέρσει κρωβύλον ἀναδούμενοι τῶν ἐν τῇ κεφαλῇ τριχῶν). The κρωβύλος was a large tuft or bunch of hair, also called κόρυμβος. It is generally supposed that it was on the top of the crown, as in the Belvedere Apollo or the Venus of the Capitol, or as in the accompanying figure of Artemis in the British Museum: others, as we have seen Conze does, suppose that it was on the back

An Ephebus of the fifth century. (Gerhard.)

Apollo Belvedere. Artemis. (British Museum.)
Both figures with κρωβύλος.

of the neck; and the τέττιξ was a pin for fastening it. Helbig (*l. c.*) thinks the fashion was the same as that of Euphorbus noticed above, and that the τέττιγες are the metal spirals which compressed the collected hair, and which resembled the sunk-in bodies of grasshoppers. Many such spirals have been found in tombs, just at the head of the corpse; but it is not quite decided whether these were not some kind of ear-ring. Birt (*Rhein. Mus.* 1878, p. 625 ff.) supposes the τέττιγες to be a kind of clasp (*fibula*, περόνη), but such is not like the grasshopper. Schreiber (*Mtth. der deutschen arch. Instit.* viii. 246) supposes the arrangement to be the hair drawn back from the ears and coming behind, while in front the hair is raised up in a tuft, and the τέττιγες fasten this front hair. This, indeed, agrees somewhat with the statement of Athenaeus (xii. p. 512 c), who distinctly says they were used περὶ τὸ μέτωπον.

In the Archaic period, as both sexes wore their hair long, the difference between the arrangement of the hair of men and women was not marked; but after the Persian wars the men begin to wear short hair; and, sculpture getting a greater mastery over its materials, the symmetry and homogeneous arrangements give place to the diversity of nature. We find heads on which the hair is represented falling into natural heterogeneous curls or ringlets: for example, the Hermes of Praxiteles. (See also the annexed cut of Hermes.) Rich luxurious hair falling in natural folds, such as is seen in the statues of Zeus (see annexed cut), was the ideal which the Greeks of this time conceived (O. Müller, *Arch. der Kunst.* § 330, 4). Though the men of this age all wore shortened hair, yet they not unfrequently represented ever-



Hermes. (Vatican.) Zeus. (Vatican.)

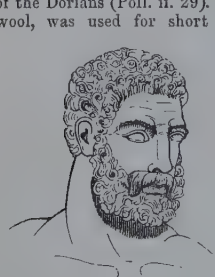
youthful gods with long flowing hair fastened up like a woman's: a well-known example is the Apollo Sauroctonos.

Children still wore their hair long, the front hair being tied up in a knot (σκόλλυς) on the crown (O. Müller, *op. cit.* § 330, 1), or arranged in a long plait or plaits stretching from the forehead across the middle of the crown to the back of the head. (See Saglio, figs. 1809, 1810.) The former is supposed to be the σκορπίος alluded to by the Scholiast on Thucydides (i. 6) as the tuft peculiar to children. The hair cut off when the boy became an ephebus was called σκόλλυς by Athen. (xi. p. 494 f) and μαλλὸς by Hesychius. It was cut off on the third day of the Apaturia (κουρεῶτις ἡμέρα) [APATURIA], the ceremony being preceded by a libation to Hercules called οἰνιστήρια, and the hair being dedicated sometimes to Apollo (for Theseus went to Delphi or Delos to perform this ceremony, Plut. *Thes.* 5; cf. Ath. xiii. p. 605 a; Theophr. *Charact.* 21), but generally to some river-god (cf. *Il.* xxiii. 146, and Eustath. *ad loc.*; Aesch. *Choëph.* 6; Paus. i. 37, 2; vii. 17, 4; viii. 41, 3). Besides the ephebi, athletes wore their hair cut very short (Lucian, *Dial. Meretr.* 5, 3, and the statue of Palaestra in Philostr. *Imag.* p. 433), as did also certain Cynic and Stoic philosophers (Juv. ii. 15; Pers. iii. 54; and Jahn *ad loc.*). A ψιλὴ κεφαλὴ is also recommended to the Christians (Clem. Alex. *Paed.* iii. 11). But it must be carefully remembered that by full-grown Greek men of the Classical period, especially the Ionians, the hair was worn moderately long, and much attention seems to have been bestowed upon it, especially by dandies (Aristoph. *Eq.* 579; *Nub.* 14, &c.). Agathon (*ap.* Ath. xii. p. 528 d) says that long hair was a sign of luxury (κόμας . . . μάρτυρας τρυφῆς).

Different from this was the custom of the Lacedaemonians, among whom the boys wore their hair short (Plut. *Lycurg.* 16) and the men long, considering their hair "the cheapest of ornaments" (Plut. *Apophthegm. Lac.* 230, 15), and tradition marking it as one of the institutions of Lycurgus (Plut. *Lys.* 1: cf. Herod. vii. 208, 209; Plut. *Nic.* 19; Aristoph. *Av.* 1281; Aristot. *Rhet.* i. 9, 26, who considers the wearing of long hair a class-distinction of the Spartans), though doubtless it was an old Dorian custom (Becker-Göll, *Charikles*, iii. p. 288). There are, however, some assertions seemingly at variance

with this opinion. Thus Alcibiades (Plut. *Alc.* 23; *de Adult.* 7) is said to have cut his hair close, in order to be like a Spartan; and again they are said to have worn short hair till they defeated the Argives in 550 B.C. at Thyrea (Herod. i. 82); but this latter is controverted by Plutarch (*Lys.* 1), and the former may be some mistake of Plutarch's from the fashions of his own day. The Euboeans wore their hair long at the back (*ὀπισθοκόμαι*, Poll. ii. 28), like the Abantes in Homer; and the Macedonians wore long hair and beard till after the battle of Arbela, when Alexander made them cut both short, so as not to allow themselves to be seized thereby in hand-to-hand conflict (Plut. *Thes.* 5).

Pollux (ii. 29) has preserved to us a number of terms signifying different kinds of tonsures, which we can fix with some degree of definiteness. Thus, the "garden" cut (*κῆπος*) was the hair cut short on the crown, but raised all round with a crisping iron (Schol. Eur. *Tro.* 1165); the reverse, the "bowl" cut (*σκάφιον*), was the hair cut short all round the head (hence called *περιτρόχαλα*), with a centre tuft probably left intact (Schol. Ar. *Av.* 806; Hesych. *ad* Phot. *s. v.*; cf. Herod. iii. 8). The latter attached only to slaves and the lower orders (Schol. Ar. *Av.* 856), and it is to be remembered that a mark of class-distinction between slave and free was established by their hair (*τὴν ἀνδραποδώδη τρίχα*, Plat. *Alcib.* 120 B). The Ἑκτόρειος was apparently the hair in front, above the forehead, puffed out, and the back hair flowing about the neck (Poll. ii. 30); and the Θησηΐς, the hair cut close in the front (Plut. *Thes.* 5); while what we should call a fringe appears to have been called *προκόττα*, and was said to be a peculiarity of the Dorians (Poll. ii. 29). Μαλλός, a lock of wool, was used for short round fleecy hair, resembling wool (*μαλλοὶ πλοκάμων*, Eur. *Bacch.* 113), such as is seen in some of the early Greek sculptures, particularly in the heads of Hercules.



Hercules. (British Museum.)

As to the way Greek women wore their hair, we frequently find in vase-paintings the front hair crisped in a kind of fringe, and the rest fastened back by a band in one long cue, itself tied at the extremity, often in a lump of some size. There nearly always appears to have been some band behind. Sometimes long ringlets hang down the neck underneath the band, as in the statue of Peace at Munich; sometimes the hair is all drawn back in a mass at the back of the neck, as in the Venus of Milo and the Venus de Medici. A not uncommon arrangement for young girls was to have the hair drawn up and fastened in a large bunch on the top of the head; an example is the Victory given by Stackelberg (*Gräber der Hellenen*, plate 60; cf. pl. 29 and 15). It would be endless to describe all the different forms in which women wore their hair which appear on statues. Saglio (i. p. 1361), Blümner (in Baumeister's *Denkmäler*, p. 618), and Guhl and Koner (fig. 222, p. 205, ed. 4) give a great number of illustrations, which show that they were as various as may be seen in our drawing-rooms to-day. As time went on, the

Fashion of hair of Greek girls. (Right-hand figure, Niobe; left, from a bas-relief at Rome.)

arrangements of the hair came to be more and more artificial and crisped with the curling-tongs, till the climax is reached in the wonderful structures which appear in Roman times. Especial notice is to be taken of the head of Berenice, wife of Ptolemy Soter (Visconti, *Icon. greoque*, pl. 52, 6 and 7), which exhibits a great number of delicately arranged curled ringlets hanging over the forehead all down the temples and on to the shoulders. The only feature noticeable as common to the different head-dresses is that they all tended to narrow the forehead, and we know that such was considered a mark of beauty (see O. Müller, *Arch. der Kunst*, § 329, 3).

For the barbers and their instruments, see Tonsor; and for the various pomades used, Unguentum. But a word must be said about false hair and dyeing. The wearing of false hair, whether wig (*πηνίκη, φενάκη, πρόσθετον, ἔντριχον, κεφαλὴ περίθετος*) or front (*προκόμιον*), a custom which undoubtedly came to the Greeks from the East (Wilkinson, *Manners and Customs of the Ancient Egyptians*, iii. 355; Xen. *Cyrop.* i. 3, 2), is chiefly mentioned of women and effeminate men (Aristoph. *Thesm.* 258; Ael. *V. H.* i. 26; Lucian, *Dial. Meretr.* v. 3, &c.). As to dyeing, the colour most affected was yellow (*ξανθή*): see Plut. *Amat.* 25; Lucian, *Amor.* 40; Poll. ii. 30; Ath. xii. p. 542. It is noticed as something strange that the hair of Atalanta (Ael. *V. H.* xiii. 1) and Lais (Alciphr. *Frag.* 1) was naturally of this colour. But, as in all ages, it was considered as a mark of being "fast" for women to wear yellow hair (Menander *ap.* Clem. Alex. *Paed.* iii. 2); though we find men too choosing this colour, *e.g.* Demetrius Phalereus (Ath. xii. p. 542). Dyeing was frequently resorted to in order to conceal grey hairs (Ael. *V. H.* vii. 20).

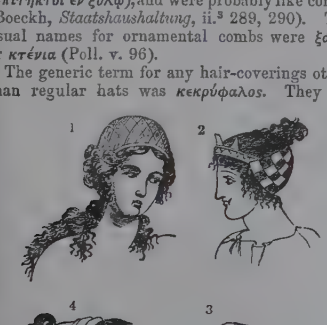
When Andromache hears of the death of Hector (*Il.* xxii. 469), in her distraction she lets fall from her head her *ἄμπυξ*, a band or fillet fastened from the front of the forehead to the back of the head near the neck [Ampyx]; her *κεκρύφαλος* or coif (though Buchholz, *Die homer. Realien*, ii. 2, 269, takes it as similar to the *tutulus*; see below); her *πλεκτὴ ἀναδέσμη*, a thick puffed-out band at the end of the coif, fastening in the mass of hair enclosed thereby; and her *κρήδεμνον*, a cloak or mantilla, with

lappets hanging down on both the cheeks (hence the plural *κρήδεμνα*), or, according to Buchholz, a "veil," = *καλύπτρη*. The *κρήδεμνον* could be drawn at will entirely over the face (*Il.* xiv. 184; cf. Helbig, *op. cit.* pp. 157 ff.). It appears to have been similar to the Latin *calantica*; see below. As to other fastenings used for the hair, we hear of the *στεφάνη*, a metal plate resting on the front part of the head, and especially found in representations of goddesses (*Il.* xviii. 597). The *σφενδόνη* (Poll. v. 96) or "sling-shaped band" was perhaps similar,

Hera (Juno) with *σφενδόνη*. (British Museum.)

broad in the middle, where it stood on the forehead, and tapering away towards the extremities; the *ὀπισθοσφενδόνη* (Aristoph. *Thesm.* Fr. 320, ed. Kock) was a similar band for the back hair. The *στλεγγὶς* was, according to Pollux (vii. 179), "a gilt band," and indeed most hair-bands were somehow ornamented with gold or silver (*ib.* v. 96). Those dedicated by Nicias in *C. I. A.* ii. 824, line 10, had raised work in wood (*ἐπίτηκτοι ἐν ξύλῳ*), and were probably like combs (Boeckh, *Staatshaushaltung*, ii.[3] 289, 290). The usual names for ornamental combs were *ξάνια* or *κτένια* (Poll. v. 96).

The generic term for any hair-coverings other than regular hats was *κεκρύφαλος*. They ap-



Greek Head-dresses. (From ancient vases.)

The left-hand figure on the top wears a *κεκρύφαλος* proper (*reticulum*). Of the two bottom figures, the one on the left hand wears a *μίτρα*, and the one on the right a *σάκκος*.

pear to have been made of silk (Salmas. *ad* Solin. p. 392), byssus (Paus. vii. 24, 7), and wool (Poll. vii. 66). Yet *κεκρύφαλος* was strictly applied to a net, like that in No. 1 of the accompanying cut. The *σάκκοι* were pouches of thicker stuff, not of net-work, which covered either the whole or part of the head, and were usually coloured (examples in Nos. 2 and 3). Bladders (*πομφόλυγες*, Aristoph. *Thesm.* Fr. 320, ed. Kock) appear to have been used for this purpose (Moeris, *Att.* 222; cf. Martial, vii. 33, 19). The *μίτραι* were originally bands which gradually became broader and broader (see No. 4), till they developed into a kind of cap with lappets hanging down over the ears and cheeks, not dissimilar to the *κρήδεμνα*. They were of bright colours, a non-Grecian article of apparel, and were especially (at least in later times) worn by prostitutes (Serv. *ad Aen.* iv. 216; Mayor on Juv. iii. 66).

It has been customary among most peoples to cut off some of the hair as a sign of mourning for the dead. For Grecian examples, see Hom. *Od.* iv. 198; *Il.* xxiii. 135; Eur. *Hel.* 1087; *Iph. Aul.* 1438; Lysias, *Epitaph.* § 60; Athen. xv. p. 675 a. According to Plutarch, indeed (*Quaest. Rom.* 14 = ii. 267, ed. Reiske), it was a custom among the Greeks for the women to shave off their hair in sign of mourning, while the men let the hair grow, each sex reversing its usual practice (cf. Artemid. *Oneir.* i. 19, who says that the men whose custom it was to wear long hair were philosophers, prophets, priests, kings, rulers, and actors); but these statements no doubt refer solely to Imperial times (Hermann-Blümner, *Privatalt.* p. 370, note 1). In an interesting section of his *Ceremonial Institutions* (§ 361) Mr. Herbert Spencer, with great wealth of illustration from tribes and nations in all parts of the world, shows how cutting off the hair, like most other mutilations, is a sequence of trophy-taking, and, whether used as a class-distinction or in religious ceremonial (especially in ceremonies to the dead), it betokened the subjection of the shorn man either to his fellow-man or to the gods. We still observe the practice of cutting the hair in order to mark our convicts.

II. ROMAN.—1. *Men's hair.* The Romans in early days used to wear long hair (Liv. v. 41, 9; Cic. *Cael.* 14, 33), and they often speak of their *incompti avi* (Ov. *Fast.* ii. 30): cf. also Hor. *Od.* ii. 15, 11; Juv. v. 30, and Mayor on Juv. xvi. 31. The coin representing Quirinus, struck under Augustus, represented him as having long ringlets hanging down his back (cf. Verg. *Aen.* vi. 810). In 300 B.C. we are told that Titinius Mena introduced barbers into Rome from Sicily (Varro, *R. R.* ii. 11, 10; Plin. *H. N.* vii. § 211). Whether this was the case or not may be disputed; certain it is that we have the story of Attus Navius pointing to the knowledge of the razor in most remote times: perhaps it was the scissors (*forfex*), which was introduced about 300 (Marquardt, *Privatleben*, 581). At any rate, it was from about that time that it became the custom to wear the hair cut short, and it was only in times of misfortune (*e.g.* when M. Livius was disgraced: Liv. xxvii. 34, 5), or from exceptional circumstances, as in foreign countries in order to appear more imposing to the inhabitants (*e.g.* Scipio in Africa, Liv. xxviii. 35, 6), that a Roman allowed his hair to grow. The men wore their hair cut

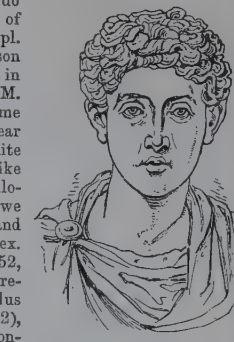
quite short, and let it lie without making any division, either quite flat or curled (*crispus*) or waving (*capillo leniter inflexo*), according as nature willed it, using no artificial dressing whatsoever further than combing it on feast days (cf. Hor. *Od.* i. 15, 14). On statues we generally find the hair brushed forward on the head, so that the forehead was narrowed, a narrow forehead being considered by the Romans, as by the Greeks, a mark of beauty (Hor. *Epist.* i. 7, 26; *Carm.* i. 33, 5; Mart. iv. 42, 9). This is seen in the fine coin of Antonius annexed.

Coin of Antony.

The hair hanging over the forehead like a fringe was called *capronae* (Lucil. *ap.* Non. p. 22; Apul. *Flor.* iii. p. 342; Fest. p. 48, M.), while the locks which hung on each side down the temples were called *antiae* (Apul. *l. c.*; Fest. p. 17, M.). Both the *capronae* and *antiae* are seen in the annexed figure of Cupid from the British Museum. To be sure, dandies paid elaborate attention to their hair, wearing artificially arranged curls and fringes crisped with the curling-tongs and soaked with unguents, but are spoken of with contempt for so doing (Cic. *Cat.* ii. 10, 22; *Sest.* 8, 18; *Rosc. Am.* 46, 135; *Pis.* 11, 25). The ordinary simple way of wearing the hair continued under the early empire, the statues of Augustus and his immediate family exhibiting it (Visconti, plates 18 ff.). Nero indeed (*ib.* pl. 30, 3) and Otho (31, 6) appear to have arranged their hair in tiers of curls (*comam in gradus formatam*, Suet. *Nero*, 51); but they were notorious fops, and fops always spent much time and trouble on the arranging of their hair, "preferring disorder in the state than in their curls" (Senec. *de brev. Vitae*, 12, 3, a vigorous declamation on the extravagance in this direction). We find true Romans, like Trajan (Visconti, pl. 36, 4 and 5), wearing their hair combed quite plainly, forward from the crown towards the forehead. Some of the Antonines, especially the luxurious Lucius Verus, appear with highly-crisped and curled hair, as indeed do several statues of M. Aurelius (*ib.* pl. 41) and his son Commodus; but in the reign of M. Aurelius it became the custom to wear the hair cut quite short (ἐν χρῷ), like the austere philosophers; and as we see from coins and statues, *e.g.* Alex. Severus (*ib.* pl. 52, 1 and 2) and Trebonianus Gallus (pl. 57, 1 and 2), this practice continued, except in the case of Elagabalus and Gallienus (pl. 51 and 57), down to the time of Diocletian, when the hair appears a little longer, but combed quite flat down on the crown without division, and cut evenly round the forehead. See the figures on the broken disc in Saglio (fig. 1852), and the busts of Constantine the Great in Visconti (pl. 61, 1 and 2). A fine medal of Constantine (Saglio, fig. 1853) shows us the hair worn still longer, but yet not of any extreme length, with a fringe of short curls on the forehead and the neck covered with similar curls. After this time there appears to have been a great deal of attention paid to the adornment of the hair, and the barbers were people of no small pretensions, as may be seen from the story of Julian and the barber in Amm. Marc. xxii. 4, 9–10, and the *Misopogon* of the emperor himself.

Cupid. (Brit. Museum.)

Bust of M. Vipsanius Agrippa.



Bust of Commodus.

Bust of Alexander Severus.

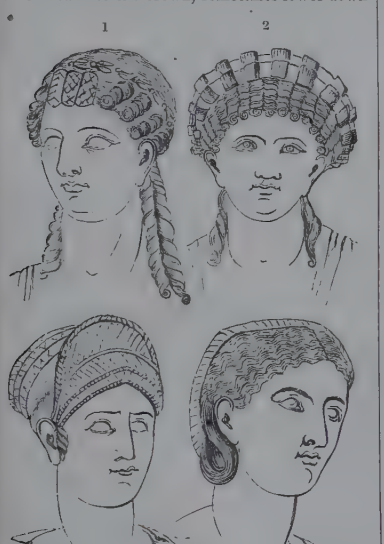
Bust of Elagabalus.

Boys appear ordinarily to have had their hair cut short, and combed forward on the forehead like the men. See the bust of Marcellus in Visconti (pl. 19, 6 and 7), Drusus (*ib.* 23), Annius Verus (*ib.* 42), Commodus (*ib.* 44), Philip (*ib.* 55). Sidonius (*Ep.* iv. 13) says it was cut round the forehead *in rotae specimen*. But young boys employed in the service of religion (the *Camilli*) are always represented as wearing long hair (*e.g.* on the Column of Trajan); and favourite boy-slaves employed to wait at table are especially noted as *comati* (Mart. xii. 70, 9; Lucian, *Saturn.* 24). Similar

terms are *capillati, cincinnatuli.* Seneca (*Ep.* 95, 24) even says that the arrangement of their hair formed one of the modes of classification of such slaves.

In the case of men, dyeing the hair black (Mart. iii. 43) and blonde (Trebell. *Gallien.* 21, 4) is well attested (cf. Mart. iv. 36, &c.). Wigs (*capillamenta, galeri*) are also mentioned (Suet. *Cal.* 11; *Nero*, 26; *Otho*, 12), and remains of wigs have been found in the Catacombs (Marquardt, *Privatleben*, p. 586).

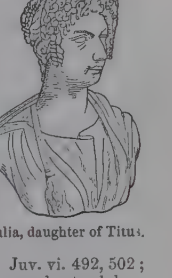
2. *Women's hair.*—Binding the hair back in a plain knot with fillets (*vittae*), occasionally with a plait in front, appears to have been the ordinary arrangement followed by maidens (Ov. *Met.* viii. 319; iii. 170), and such is seen on coins representing Diana, Victory, &c., struck during the republic, the knot being sometimes on the back of the crown, sometimes lower down



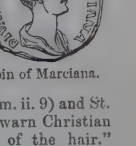
1. Octavia, the niece of Augustus. (Capitol. Mus., Rome.) 2. Messalina, wife of Claudius. 3. Sabina, wife of Hadrian. 4. Plautilla, wife of Caracalla. (The last three from the British Museum.)

on the back of the head or on the neck; sometimes, however, on the middle of the crown. All artificial arrangements, curls, ringlets, &c., were considered meretricious (Plaut. *Truc.* ii. 2, 82). At marriage the dressing of their hair was altered (Tert. *de Virg. Vel.* 12). It was one of the wedding ceremonies for the bridegroom to divide the hair of the bride with the *caelibaris hasta* (Ov. *Fast.* ii. 560; Festus, *s. v.*) into six divisions (*sex crines*: see Festus, *s. v. senis crinibus*), and these were fastened up with a different (Val. Max. v. 2, 1) kind of vitta (Serv. *ad Aen.* vii. 403) on the crown of the head (cf. Plaut. *Mil.* iii. 1, 196; Prop. v. 11, 33; v. 3, 15). The matrons also in ancient times wore a high mass of hair on the crown, which was called *tutulus*, and Varro (*L. L.* vii. 44) likens it to a boundary stone (*meta*); but it ceased to be worn in comparatively early times, though we do not know when (for *ornatrix a tutulis* in Wilmann's *Ex. Inscr.* 203 has been proved by Henzen to be not genuine), and the *vittae* came to be the special mark of the matron (Ov. *A. A.* i. 31; *Pont.* iii. 3, 51), the *tutulus* being retained only by the Flaminica (Festus, s. v. *tutulus*).

In the early empire Ovid (*A. A.* iii. 149) says that there were as many ways of ladies dressing their hair as there were bees in Hybla. But though they varied, as in our own days, according to what was considered becoming by the individual (and Ovid gives numerous precepts on that point), yet there were no very elaborately constructed arrangements. We find the hair divided in the middle by a plait stretching from the forehead across the crown to the back of the neck; sometimes instead of the plait a tuft of hair on the front of the forehead (the *tenuis frons* being in all cases aimed at), but the hair was let wave in natural folds along the temples and head. For different varieties see Livia (in Visconti, pl. 19, 1); Agrippina (pl. 24*, 1 and 2). However, as time went on, the way in which the hair was arranged became more and more artificial, with curls and ringlets in front and plaits behind, till the most wonderful structures came to be erected towards the latter end of the first century and the beginning of the second. (See cuts opposite.) The next cut, representing Julia, daughter of Titus, gives an example of them, as well as the annexed coin of Marciana, the sister of Trajan, and also the cut above (No. 3) representing Sabina, wife of Hadrian. These drawings show what Juvenal and Martial allude to in several passages (Mart. ii. 66; Juv. vi. 492, 502; Stat. *Silv.* i. 2, 114). We can understand how severe the duty must have been on the unhappy tirewomen. The whole diadem-like arrangement appears to have been called *orbis*, and the single ringlet *annulus*. The hair, too, was frequently adorned with jewels (Plin. *H. N.* ix. § 117; cf. Clem. Alex. *Paed.* ii. 2 and 11). St. Paul (1 Tim. ii. 9) and St. Peter (1 Pet. iii. 3) felt bound to warn Christian women against such "braiding of the hair." During the whole of the second century there continued the most artificial arrangements of ladies' hair, but we find crisped curls in front giving way to plaits; but these latter were no less employed to build up tower-like structures on the front part of the head. Such structures, however, which must have been excessively uncomfortable, gradually (see the bust of Faustina in Saglio, fig. 1864) went out of fashion (see Lucilla in Visconti, pl. 43); and in



Julia, daughter of Titus.



Coin of Marciana.

the third century waving hair (*e.g.* Crispina, pl. 45; Julia Domna, pl. 48; Plautilla, pl. 49, No. 4 above) appears to have been sought after, —though very likely the high arrangements of the preceding century continued to be worn, especially in the provinces (Tert. *de Cult. Fem.* ii. 7; and later St. Jerome, *de Virg. serv. Ep.* 8) —till we arrive at such elegant simplicity as may be seen in the bust of Soaemis (pl. 51) or Mammaea (pl. 52, 5), though the hair of the latter appears to have been fastened behind with a mass of what looks like false plaits. From the time of Alexander Severus onward the arrangement adopted was to draw the back hair up and fasten it on the crown. This was sometimes done simply, as in the accompanying cut of Helena, or it was drawn up over a chignon; sometimes it was plaited, and then fastened up, either simply as in the coin of Herennia (Saglio, fig. 1869) or wound round in circles rising one above the other on the top of the head (*ib.*, fig. 1873)—like a tower, says Prudentius (*Psych.* 183). The figure of Galla Placidia in the diptych of Monza (*ib.*, fig. 1874) shows two massive plaits of hair on the top of the head, one slightly higher and behind the other. It is noticeable that statues of the third and later centuries have often movable hair, so that it could be altered to suit the taste of each period; see Visconti, vol. iii. 181, 192.

Coin of Helena. (British Museum.)

Women, of course, as well as men dyed their hair both black (Plin. *H. N.* xxvi. § 164) and especially auburn, often to cover grey hairs (Ov. *A. A.* iii. 163). The practice is as old as Cato's time (cf. Serv. *ad Aen.* iv. 698: "in Catone legitur de matronarum crinibus: flavo cinere unctitabant ut rutilae essent"). In later times it was effected by a kind of pomade called *spuma Batava* or *caustica* (Mart. viii. 33, 20; xiv. 26). It is noticed by Marquardt (*Privatl.* p. 764) that Galen (xv. 185, ed. Kuhn) declares that ξανθός, yellow or golden hair, is sometimes incorrectly used for πυρρός, red.

False hair was used by ladies in the time of the early empire (Ov. *A. A.* iii. 165), and later (Mart. v. 68, xii. 23); also wigs, generally yellow (*galeri*, Juv. vi. 120; *corymbia*, Petr. 110; *capillamenta*, Tert. *de Cult. Fem.* ii. 7), and chignons (*cadiendra*, Hor. *Sat.* i. 8, 48). We find the hair for these was imported, especially from Germany (Mart. v. 68), and even from India (*capilli Indici*, Dig. 39, 4, 16, 7).

The hair was fastened up with hair-pins (*acus crinales*, Apul. *Met.* viii. 13; *acus comatoria*, Petron. 21) [ACUS], and combs (*pectines*), which we find made of boxwood (Juv. xiv. 194), ivory (Claud. *de Nupt. Honor. et Mar.* 102), and tortoiseshell (Ov. *A. A.* iii. 147). The hair was also at times fastened with bands (*diademata*) of gold set with jewels (Isid. *Orig.* xix. 31; cf. Ov. *Am.* iii. 13, 25; Lampr. *Hel.* 23), like the Greek στεφάνη. As to nets, the women used to wear *reticula* (Nonius, p. 542), sometimes made of gold threads (Juv. ii. 96; Petr. 67). The *mitra* (Juv. iii. 66) has been explained above; while the *calautica* or *calantica* or *calvatica* (Cic. *in Clod. et Cur.* ed. Orelli, v. 2, p. 336) was a cap with lappets covering the ears and with two strings for tying under the chin. Ausonius (*Periocb. Odyss.* v.) uses it to translate the κρήδεμνον of Homer, and it is used as nearly synonymous with *mitra* by Serv. *ad Aen.* ix. 616. Nonius (p. 537) says it was worn by women only.

The chief works on the subject of the hair of the ancients are Salmasius, *Epistola de caesarie virorum et mulierum coma*, 1644; Krause, *Plotina*, 1858; Becker-Göll, *Charikles*, iii. 287 ff.; *Gallus*, iii. 237 ff., 269 ff.; Hermann-Blümner, *Privatalterthümer*, 204 ff.; Guhl and Koner, *Leben der Griechen und Römern* (ed. 4), 200 ff., 623 ff.; Marquardt, *Privatleben der Römer*, 579-588; Blümner in Baumeister's *Denkmäler*, art. *Haartracht* and *Kopfbedeckung*; Helbig, *Das homerische Epos*, pp. 157–170; but, above all, the article in Saglio, *Dict. des Antiquités*, on *Coma*. All descriptions must, however, be supplemented by carefully looking through such illustrated works as the volumes of plates belonging to Visconti's *Iconographie grecque* and *Iconographie romaine*. [L. C. P.]

COMES denotes originally a fellow-traveller: hence it is applied to the members of the retinue of a magistrate or high official sent into the provinces (cf. Cic. *Verr.* ii. 10, 27; *ad Quint. Fr.* i. 1, 3, 11; Suet. *Jul.* 42, "neu qui senatoris filius nisi contubernalis aut comes magistratus peregre proficisceretur"); and under the emperors the term is used especially of those accompanying the emperor or members of his family (cf. Hor. *Ep.* i. 8, 2; Mommsen in *Hermes*, iv. 120 ff.; Suet. *Aug.* 16, 98, *Tib.* 46, *Calig.* 45, &c.). From this it was a natural transition to apply the term to the courtiers generally, even when not on a journey; and in later Latin we find it used of the holders of the various state-offices. About the time of Constantine it became a regular honorary title, including various grades, answering to the *comites ordinis primi, secundi, tertii*. The power of these officers, especially the provincial, varied with time and place; some presided over a particular department, with a limited authority, as we should term them, *commissioners*; others were invested with all the powers of the ancient proconsuls and praetors.

The names of the following officers explain themselves:—Comes Orientis (of whom there seem to have been two, one the superior of the other), comes Aegypti, comes Britanniae, comes Africae, comes rei militaris, comes portuum, comes stabuli, comes domesticorum equitum, comes clibanarius, comes linteae vestis or vestiarii (master of the robes). In fact the emperor had as many *comites* as he had functions: thus, comes consistorii, the emperor's privy-councillor; comes largitionum privatarum, an officer who managed the emperor's private revenue, as the comes largitionum sacrarum did the public exchequer. The latter office united in a great measure the functions of the aedile and quaestor. The four comites commerciorum, to whom the government granted the exclusive privilege of trading in silk with barbarians, were under his control. An account, however, of the duties and functions of the comites of the later empire does not fall within the scope of the present work. (Cf. *Notitia Dignitatum*, ed. Böcking; Wilmanns, *Exempla Inscript. Latin.* Ind. p. 555.) [B. J.] [A. S. W.]

COMISSA'TIO (derived from κῶμος, according to Varr. *de Ling. Lat.* vii. 89, but more exactly from κωμάζειν, *comissari*: Roby, *Lat. Gr.* § 189, ii. 3), the name of a drinking entertainment, which took place after the CENA, from which, however, it must be distinguished. Thus Demetrius says to his guests, after they had dined in his own house, "Quin comissatum ad fratrem imus?" (Liv. xl. 7, 5); and when Habinnas comes to Trimalchio's house after taking his cena elsewhere, it is said that "Comissator intravit" (Petron. 65). It appears to have been the custom to partake of some food at the comissatio (Suet. *Vitell.* 13), but usually only as a kind of relish to the wine.

The comissatio was frequently prolonged to a late hour at night (Suet. *Tit.* 7); whence the verb *comissari* means "to revel" (Hor. *Carm.* iv. 1, 11), and the substantive *comissator* a "reveller" or "debauchee." Hence Cicero (*ad Att.* i. 16) calls the supporters of Catiline's conspiracy *comissatores conjurationis.* (Becker-Göll, *Gallus*, i. p. 203.) [W. S.] [A. S. W.]

COMITIA, assemblies of the people at Rome, for the purpose of transacting business. They were thus distinguished, on the one hand, from the *contio* (=*conventio*), which was a meeting summoned to listen to an address from a magistrate, but incapable of passing any resolution, and from the *concilium*, the general term for a gathering; hence applied to meetings of sections of the people, especially the *concilium plebis*, or to meetings in foreign nations, either of the whole people or of delegates. According to the primitive conception in the time of the kings, all power ultimately rested with the assembly of the citizens; it was only so far as it delegated power to the king and vowed obedience to him that this supreme authority of the people was limited; and according to the spirit of the constitution, every innovation in practice or change in the existing law required the assent of the citizens. Every proposal (*rogatio*) had to be laid before the people by the king himself: no one was allowed to discuss it, but those to whom he gave permission; and the people then gave or refused their assent. The assembly was summoned (*comitia calata*) regularly twice in the year, on March 24th and May 24th, and as often besides as seemed good to the king. They met in the curies [CURIAE], and apparently the answer to be given to the king was decided by the vote of the majority of the curies.

The first step towards the reform of this primitive constitution was that which is associated with the name of Servius Tullius. The historical circumstances of this change are veiled in the darkness which covers the whole legendary history of the kings. But it is clear from the facts implied that it was brought about only when the community had outgrown its earlier limits, and when its territory included at least that which had belonged to the neighbouring state of Alba. The primary purpose of this change was to incorporate all owners of land in the Roman territory in the ranks of the army, so that military service should not fall, as heretofore, solely upon the citizens. Hence all members of the state were classed according to the property which they possessed, and this classification was made the basis of the military organisation of the state. But by degrees the assembly of the citizens so classified, representing, as it did, the fighting force of the state, acquired important powers, and in fact came to be regarded for many purposes as *the* representative assembly of the citizens. It has been conjectured with much probability, but it can hardly be said to be demonstrated (Mommsen, *Hist.* i. 264), that this important change was brought about at the time of the expulsion of the kings.

The plebeians were now admitted to a share in the popular assembly, but with such restrictions that the power lay entirely in the hands of the wealthier citizens (see below). The financial distress of the poorer classes necessitated further reforms: and in B.C. 495 tribunes of the commons were first created.

It was probably at this time that the division of the Roman territory into four tribes (introduced by the Servian constitution) was replaced by the creation of twenty tribes—four belonging to the city, sixteen to the country districts; but the assembly over which the tribunes presided still met in curies, in which the voting was by heads—a circumstance which gave great power to the wealthier families, inasmuch as all their clients had a right of voting. By the Publilian law of B.C. 471 a most important change was introduced. One more tribe, the Crustuminian—deriving its name from the place where first the *plebs* by secession won the right to an independent organisation—was added, in order to preclude the possibility of an equality of votes; and henceforward the assemblies of the commons were held, not by curies, but by tribes. But the basis of the tribes was the possession of land, whether in small or large amount; none voted but freeholders, and thus the clients were excluded, and the assembly of the tribes became an assembly of the independent middle classes, where there was a property qualification, but where the large landholder had no more weight in voting than his poorer neighbour. (Cf. Mommsen, *Hist.* i. 282 = *Röm. Gesch.*[8] i. 278.)

We thus find in existence within the first half century of the Roman republic three distinct assemblies of the people, which now call for separate consideration in greater detail.

I. COMITIA CURIATA (ἐκκλησία φρατρική or φρατριακή). Under the kings, as we have seen, this was the only assembly of the people. It was always presided over by the king in person: the statement in Dionysius (iv. 71), apparently confirmed by Livy (i. 59), that the *tribunus celerum* had this right in the absence of the king, rests upon a complete misapprehension of the nature of this office. Under the republic the presiding magistrate was always a consul, praetor, or dictator (Liv. ix. 38; Cic. *de Leg. Agr.* 2, 11, 27). The citizens were summoned by a lictor (Gell. xv. 27; Dionys. ii. 7). The votes were given by curies, each citizen having one vote, and the majority of individual votes determining the vote of the curia (Gell. *l. c.*; Liv. i. 43; Dionys. ii. 14, iv. 20, 84, v. 6). We have no means of knowing what was done in the case of an equality of votes, a result not impossible with an even number of curies. The votes of the curies were all taken at the same time; but it was decided by lot in what order the votes should be announced: that first reported was

called the *principium* (Liv. ix. 38). The meetings of the curies were always held in the comitium.

The functions of the comitia were limited, as has been already noticed, to giving or refusing assent to any proposal laid before them by the presiding magistrate. In theory the power of the king was as unlimited over all citizens as that of the father over all members of his family. But in practice he was bound to keep within the limits prescribed by custom, and every change in the law had to receive the previous sanction of the assembled citizens. The most important duty of the citizens was to vow allegiance to the head of the state. Normally it was the privilege of a king to nominate the successor, who was to make the solemn contract in his turn with the people. But in the case of a king dying without having done so, the supreme power (*imperium*) and right of invoking the divine protection (*auspicia*) of the state reverted to the general body of the citizens. They assembled unsummoned and named an *interrex*, a temporary holder of these rights, who could lawfully convene them, for the election of a second interrex. It was the duty of the latter then to nominate a king, who might challenge the allegiance of the citizens. Doubtless he would take means, by consulting the senate or even the assembled curies, to ascertain who would be generally acceptable; but legally nothing was necessary but a nomination by the actual holder of the supreme power. When the citizens had assented on their part to the formal compact (*lex curiata de imperio*) which bound them to allegiance to the king thus nominated, he was formally installed as the absolute head of the state. Livy's account (i. 17) of the election of Numa is misleading, as suggesting that as a main feature which was but a subordinate and unessential portion of the election, viz. the nomination by the senate. When once the reins of government had been transferred to the new king, the assembly of the people had nothing further to do with the administration. An appeal to this body from the judgment of the king was allowed as a matter of grace, but not of right. It was the custom to consult the assembly in the case of aggressive war, and in the extension of the franchise to those who were not citizens; for both of these involved a change in the circumstances of the original contract. (Liv. i. 32; Gell. xvi. 4; Dionys. viii. 91, ix. 69.) Hence a *lex curiata* was necessary for all acts of adoption (Gell. v. 19; Tac. *Hist.* i. 15), and for admission into the curies, whether of foreigners or of plebeians. Similarly the sanction of the people was required for all transfers of property, which were to take place after the death of the owner; that is, for all wills.

After the recognition of the *comitia centuriata* as the representative assembly of the people, whether this took place immediately upon their institution, as is commonly supposed, or in connexion with the expulsion of the kings, as seems more probable, the power of passing laws, of electing magistrates, and of declaring war was transferred to them. But the comitia of the curies continued to meet for various purposes, mainly formal.

In the first place, the compact by which the citizens bound themselves to obey the commands of an elected magistrate was still made under the form of a *lex curiata de imperio*. Until this was passed, no magistrate could enter upon his office, or be regarded as in possession of all its privileges (*magistratus optima lege* or *optimo jure*). In the latter days of the republic this became a mere form. The curies were represented by thirty lictors (Cic. *de Leg. Agr.* ii. 12, 31), who met in the presence of three augurs (Cic. *ad Att.* iv. 18; *ad Fam.* xiii. 1) to give the necessary vote; and their meetings attracted so little attention, that plans might be formed for prevailing upon three augurs to declare that they had been present at the passing of a *lex curiata*, though no meeting of the curies had been held (Cic. *ad Fam.* i. 9; *ad Quint. Fratr.* iii. 2).

Secondly, the comitia of the curies continued to meet for business in which their functions were passive rather than active. In such cases they were known as *comitia calata*. They met when summoned (*calata*) in the presence (not, as is often asserted, under the presidency) of the three pontiffs (*pro collegio pontificum*: Gell. xv. 27) on the Capitol in front of the curia Calabra, an official building assigned to the pontiffs (Varro, *de Ling. Lat.* vi. 27; Paul. Diac. p. 49, M.). They met (1) to witness the making of wills, for which purpose in the earlier times meetings were held regularly twice in the year (Gaius, ii. § 101), though this custom after fell into disuse (Gaius, ii. § 103); (2) to witness the *detestatio sacrorum*, a solemn renunciation of the *sacra* of the original gens, which was made in cases of *adrogatio* or adoption; (3) to inaugurate the flamens and the rex sacrorum; and (4) to hear from the pontiffs on the calends of each month on what days the nones and ides would fall, and the nature of the other days, whether *fasti* or *nefasti*, *comitiales*, *feriae*, &c. (Liv. ix. 46; Macrob. *Sat.* i. 15, 10; Serv. *ad Aen.* viii. 654; Varro, *de Ling. Lat.* vi. 27). It is possible, however, from the language of Gellius (xv. 27), that in the last case the *comitia calata* consisted of the centuries, rather than the curies.

II. COMITIA CENTURIATA (ἡ λοχῖτις ἐκκλησία). In the legislation ascribed to Servius Tullius, the whole body of Roman citizens was divided into six property classes and 193 centuriae (λόχοι) or votes, from which the assemblies in which the people gave their votes were called comitia centuriata [CENSUS]. By this means the poor citizens were compelled to bear their share in military service, but were unable to exercise any great influence upon public affairs, for the wealthier classes voted first; and if they agreed among themselves, they formed a majority before the poorer classes would be called upon to vote at all. The whole people was conceived as an army (*exercitus*, or, according to the more ancient term, *classis*: Dionys. iv. 18; Fabius Pictor in Gell. x. 15), and was therefore divided into two parts: the cavalry (*equites*) and infantry (*pedites*), though it is not by any means necessary to suppose that the people assembled in arms. The infantry was divided into five classes, or, as Dionysius has it, into six classes, for he regards the whole body of people, whose property did not come up to the census of the fifth class, as a sixth. The class to which a citizen belonged, determined

the *tributum*, or war tax, he had to pay, as well as the kind of service he had to perform in the army and the armour in which he had to serve. But for the purpose of voting in the comitia, each class was subdivided into a number of centuries (*centuriae*: probably because each was conceived to contain 100 men, though the centuries may have greatly differed in the number of men they contained), one-half of which consisted of the *seniores*, and the other of the *juniores*. Each century, further, was counted as one vote, so that a class had as many votes as it contained centuries. In like manner, the equites were divided into a number of centuries or votes. The two principal authorities on these subdivisions are Livy (i. 43) and Dionysius (iv. 16–21, vii. 59), and the annexed table will show the census as well as the number of centuries or votes assigned to each class, and the order in which they voted.

According to Livy.

I. Classis. Census: 100,000 asses.
40 centuriae seniorum.
40 centuriae juniorum.
2 centuriae fabrum.

II. Classis. Census: 75,000 asses.
10 centuriae seniorum.
10 centuriae juniorum.

III. Classis. Census: 50,000 asses.
10 centuriae seniorum.
10 centuriae juniorum.

IV. Classis. Census: 25,000 asses.
10 centuriae seniorum.
10 centuriae juniorum.

V. Classis. Census: 11,000 asses.
15 centuriae seniorum.
15 centuriae juniorum.
3 centuriae accensorum, cornicinum, tubicinum.
1 centuria capite censorum.

According to Dionysius.

I. Classis. Census: 100 minae (= 100,000 asses).
40 centuriae seniorum.
40 centuriae juniorum.

II. Classis. Census: 75 minae.
10 centuriae seniorum.
10 centuriae juniorum.
2 centuriae fabrum (one voting with the seniores and the other with the juniores).

III. Classis. Census: 50 minae.
10 centuriae seniorum.
10 centuriae juniorum.

IV. Classis. Census: 25 minae.
10 centuriae seniorum.
10 centuriae juniorum.
2 centuriae cornicinum and tubicinum (one voting with the seniores, and the other with the juniores).

V. Classis. Census: 12½ minae.
15 centuriae seniorum.
15 centuriae juniorum.

VI. Classis. Census: below 12½ minae.
1 centuria capite censorum.

According to both Dionysius and Livy, the equites voted in eighteen centuries before the seniores of the first class; and hence there were, according to Livy, altogether 194, and, according to Dionysius, 193 centuries or votes. Livy's even number of 194 centuries would have rendered it impossible to obtain an absolute majority in the comitia; and it has been assumed, that he made a mistake in the three centuriae accensorum, cornicinum, tubicinum, which he adds to the fifth class. The account given by Cicero (*de Rep.* ii. 22, 39) agrees with that of Dionysius, except that he assigns seventy centuries to the first class. According to him, the centuries of the knights (18) and of the first class (70), with one of *fabri tignarii*, if eight of the other centuries voted with them, made up a clear majority (97) of the whole. Cf. Madvig, *Verf.* i. p. 114 (note). The other discrepancies between Livy and Dionysius are not of great importance. They consist in the places assigned to the two centuriae fabrum, the two of the cornicines and tubicines, and in the census of the fifth class. With regard to the last point, Dionysius is at any rate more consistent in his gradation, and in so far deserves to be preferred to Livy.

In this manner all Roman citizens, whether patricians or plebeians, who had property to a certain amount, were privileged to take part and vote in the centuriata comitia, and none were excluded except slaves, peregrini, women and the aerarii. The juniores were all men from the age of seventeen to that of forty-six; and the seniores, all men from the age of forty-six upwards. The order of voting was arranged in such a manner, that if the eighteen centuries of the equites and the eighty centuries of the first class were agreed upon a measure, the question was decided at once, there being no need for calling upon the other classes to vote. Hence, although all Roman citizens appeared in these comitia on a footing of equality, yet by far the greater power was thrown into the hands of the wealthy.

All the business which had before belonged to the comitia curiata, in the early days of the republic had been transferred to the comitia centuriata; that is, they had the right of electing the higher magistrates, of making laws and of deciding upon war, and afterwards also of concluding peace with foreign nations. (Cic. *de Leg.* iii. 3, 10; *de Div.* ii. 35, 74).

(a.) *The election of magistrates.* After the presiding magistrate had consulted with the senate about the candidates who had offered themselves, he put them to the vote. The magistrates that were elected by the centuries are the consuls (whence the assembly is called *comitia consularia*, Liv. i. 60, x. 11), the praetors (hence *comitia praetoria*, Liv. vii. 1, x. 22), the military tribunes with consular power (Liv. v. 52), the censors (Liv. vii. 22, xl. 45), and the decemvirs (Liv. iii. 33, 35). There are also instances of proconsuls being elected by the centuries, but this happened only in extraordinary cases (Liv. xxxiii. 30; xxxiv. 13).

(b.) *Legislation.* The legislative power of the centuries at first consisted in their passing or rejecting a measure which was brought before them by the presiding magistrate in the form of a senatus consultum, so that the assembly had no right of originating any legislative measure, but voted only upon such as were brought before them as resolutions of the senate. (Dionys. v. 27; viii. 22, 43; x. 26. This is not explicitly stated by any Latin writer.) When a proposal was passed by the centuries, it became law (*lex*). The first law passed by the centuries of which we have any record was the Lex Valeria de provocatione (Cic. *de Rep.* ii. 31, 53), and the laws of the Twelve Tables were sanctioned by the centuries (Liv. iii. 34).

(c.) *The decision upon war*, on ground of a senatus consultum, likewise belonged to the centuries, and is often mentioned. This was from the constitutional point of view an act of legislation (Liv. iv. 30). Peace, however, was concluded by a mere senatus consultum, and without any co-operation of the people, in the early part of the republic, and perhaps down to the peace of Caudium. (Cf. Rubino, *Ueber Röm. Staatsverf.* pp. 259–289.)

(d.) *The highest judicial power.* The comitia centuriata were in the first place the highest court of appeal (Dio Cass. xxxix. 27, &c.; comp. APPELLATIO), and, in the second, they had to try all offences committed against the state: hence all cases of *perduellio* and *majestas*, and no case involving the life of a Roman citizen, could be decided by any other court. (Cic. *pro Sest.* 30, 65; 34, 73: *de Rep.* ii. 36, 61: *de Leg.* iii. 4, 11: Polyb. vi. 4, 14.) This last right was revived or introduced by the Valerian law (Plut. *Publ.* 11), and Spurius Cassius was condemned by the comitia of the centuries. There is no reason for believing that the laws of the Twelve Tables increased the power of the centuries in this respect.

All the powers which we have here mentioned as possessed by the centuries had to receive the *patrum auctoritas* before they became valid and binding. But, in the course of time, the assembly shook off this control, which became merely a formality, and, in the end, the *patres* were obliged to give their sanction beforehand to whatever the centuries might determine. This was effected by the Publilian law, in B.C. 337 (Liv. viii. 12). As thus the centuries gradually became powerful enough to dispense with the sanction of the *patres*, so they also acquired the right of discussing and deciding upon matters which were not brought before them in the form of a senatus consultum; that is, they acquired the power of originating measures. In reference to the election of magistrates, the comitia originally were not allowed to elect any other except those who were proposed by the president, who himself was entirely guided by the resolution of the senate; but in the course of time, the people asserted their right so far as to oblige the president to propose any candidate that might offer himself, without the previous sanction of the senate. This change, according to Zonaras (vii. 344), took place in B.C. 482. In legislative measures a senatus consultum was indispensable, and this senatus consultum was brought before the people by the consul or the senator who had originated the measure, after it had previously been exhibited in public for seventeen days, to give the people an opportunity of becoming acquainted with the nature of the proposed law. (Appian, *Bell. Civ.* i. 59; Cic. *pro Sest.* 51, 109; *in Pison.* 15, 34.) Whether the comitia required a senatus consultum in cases where they acted as the supreme court of justice, is uncertain; at least we have no example of a senatus consultum in such a case on record.

The comitia centuriata could be held only on *dies comitiales* or *fasti*, on which it was lawful to transact business with people, and the number of such days in every year was about 190 (Varro, *de L. L.* vi. 29; Fest. s. v. *Comitiales dies*; Macrob. *Sat.* i. 16); but on *dies nefasti* (that is, *dies festi, feriati*; comp. DIES), and at first also on the nundinae, no comitia could be held (Plin. *H. N.* xviii. § 13; Paul. Diac. p. 171), until in B.C. 287 the Hortensian law ordained that the nundinae should be regarded as dies fasti (Macrob. *Sat.* i. 16), so that henceforth comitia might be held on the nundinae, though it was done rarely. Comitia for the purpose of passing laws could not even be held on all dies fasti (Cic. *de prov. Cons.* 19, 45). The comitia for elections took place every year at a certain period (Liv. xxv. 2), though it depended upon the senate and the consuls as to whether they wished the elections to take place earlier or later than usual (Cic. *pro Mil.* 9, 24; *ad Fam.* viii. 4; *pro Muren.* 25, 51).

The place where the centuries met was necessarily outside the *pomoerium*; the place selected was sometimes *in luco Petelino* (Liv. vi. 20), or *in aesculeto* (Plin. *H. N.* xvi. § 37), but usually in the Campus Martius (Cic. *ad Q. Frat.* ii. 2; Dionys. iv. 84, vii. 59), which contained the saepta for the voters, a tribunal for the president, and the villa publica for the augurs. (Cic. *pro Rab. Perd.* 4, 11; Gellius, xiv. 7; Varro, *de Ling. Lat.* vi. 87.). The president at the comitia was the same magistrate who convoked them, and this right was a privilege of the consuls, and, under some circumstances, of the praetors. (Cic. *ad Fam.* x. 12.) An interrex and dictator also, or his representative, the magister equitum, might likewise convene and preside at the comitia. (Liv. viii. 23, xxv. 2; Cic. *de Leg.* iii. 4, 10.) At the beginning of the republic, the praefectus urbi held the comitia for the election of the first consuls (Liv. i. 60); and the censors assembled the people only on account of the census and the lustrum (Varro, *de L. L.* vi. 86). In cases when the assembly was constituted as a court of justice, the tribunes of the plebs, after having obtained the permission of the consuls, sometimes appear as prosecuting (Liv. xxvi. 3). One of the main duties devolving upon the president, and which he had to perform before holding the comitia, was to consult the auspices (*auspicari*). For this purpose, the magistrate accompanied by an augur went out of the city early in the morning, and chose a tabernaculum or templum. There the augur began his observations, and gave his opinion either that the comitia might be held, or that they must be deferred till another day. This declaration was given to the magistrate; and when the auspices were favourable, the people were called together, which was done by three successive and distinct acts: the first was quite a general invitation to come to the assembly (*inlicium*, Varro, *de L. L.* vi. 94; comp. 86,

88). At the same time when this invitation was proclaimed *circum muros* or *de muris*, a horn was blown, which being the more audible signal, is mentioned by some writers alone, and without the inlicium (Gellius, xv. 27; Varro, *de L. L.* v. 91). When upon this signal the people assembled—in the earlier days armed, as for a march—there followed the second call by the accensus, or the call *ad contionem* or *conventionem;* that is, to a regular assembly, and the crowd then separated, grouping themselves according to their classes and ages (Varro, *de L. L.* vi. 88). Hereupon the consul appeared, ordering the people to come *ad comitia centuriata;* and led the whole *exercitus*—for in these comitia the Roman people are always conceived as an exercitus—out of the city, to the Campus Martius (Varro, *l. c.;* Liv. xxxix. 15). It was customary from the earliest times for an armed force to occupy the Janiculum, when the people were assembled in the Campus Martius, for the purpose of protecting the city against any sudden attack of the neighbouring people; and on the Janiculum a red flag (*vexillum*) was hoisted, during the whole time that the assembly lasted. This custom continued to be observed even at the time when Rome had no longer anything to fear from the neighbouring tribes (Liv. *l. c.;* Gell. xv. 27; Macrob. *Sat.* i. 16, 15; Dio Cass. xxxvii. 27, &c.; Serv. *ad Aen.* viii. 1). When the people were regularly assembled, the business was commenced with a solemn sacrifice, and a prayer of the president, who then took his seat on his tribunal (Dionys. vii. 59, x. 32; Liv. xxxi. 7, xxxix. 15; Cic. *pro Muren.* 1; Liv. xxvi. 2). The president then opened the business by laying before the people the subject for the decision upon which they had been convened, beginning with the formula *quod bonum, felix, faustum fortunatumque sit* (Cic. *de Div.* i. 45, 102), and concluding his exposition with the words *velitis, jubeatis Quirites*, e.g. *bellum indici*, or *ut M. Tullio aqua igni interdictum sit*, or whatever the subject might be. This formula was the standing one in all comitia, and the whole exposition of the president was called *rogatio* (Liv. iv. 5, vi. 40, xxi. 17, xxii. 10, xxx. 43; Cic. *de Fin.* ii. 16, 54; *in Pison.* 29, 72; *pro Dom.* 17, 45; Gell. v. 19). When the comitia were assembled for the purpose of an election, the presiding magistrate had to read out the names of the candidates, of which a list had been published at least a *trinundinum* previously, and might exercise his influence by recommending the one whom he thought most fit for the office in question (Liv. x. 22, xxii. 35). He was, however, not obliged to announce the names of all the candidates that offered themselves; as, for example, if a candidate had not attained the legitimate age, or when he sued for one office without having been invested with those through which he had to pass previously, or if there was any other legal obstacle; nay, the president might declare, that if a person, to whom he had any such objection, should yet be elected, he would not recognise his election as valid (Liv. iii. 21, xxiv. 7; Val. Max. iii. 8, § 3; Velleius, ii. 92). If the assembly had been convened for the purpose of passing a legislative measure, the president usually recommended the proposal, or he might grant to others, if they desired it, permission to speak about the measure, either in its favour or against it (*contionem dare*, Liv. iii. 71, xxxi. 6, &c., xlii. 34; Appian, *B. C.* i. 11; Dio Cass. xxxviii. 4; Quintil. ii. 4, § 3). In this case, however, it was customary for private persons to speak before any magistrate. When the comitia acted as a court of justice, the president stated the crime, proposed the punishment to be inflicted upon the offender, and then allowed others to speak either in defence of the accused or against him. Sometimes, however, although the consul presided, the tribunes acted as prosecutors (cf. Bouché Leclercq, *Institutions Romaines*, p. 121).

When the subject brought before the assembly was sufficiently discussed, the president called upon the people to prepare for voting by the words *ite in suffragium, bene juvantibus dis* (Liv. xxxi. 7). If the number of citizens present at the assembly was thought too small, the decision might be deferred till another day, but this was rarely done, and a question was usually put to the vote, if each century was but represented by a few citizens (Liv. vii. 18; Cic. *pro Sest.* 51, 109; *de Leg. Agr.* ii. 9; Plut. *Tib. Gracch.* 16; Dio Cass. xxxix. 30). The leges tabellariae ordained that the votes should be given in writing [LEGES TABELLARIAE]. But previous to the leges tabellariae, the rogatores, who subsequently collected the written votes, stood at the entrance of the saepta, and asked every citizen for his vote, which was taken down, and used to determine the vote of each century (Dionys. vii. 64). In legislative assemblies, the voter, probably from the earliest times, signified his disapproval by the word *antiquo*, and his approval by *uti rogas* (Liv. vi. 38, x. 8, xxx. 43, xxxi. 8, xxxiii. 25; Cic. *de Leg.* ii. 10, 24). The two tablets which were given to each person for the purpose of voting on legislative measures were marked the one with VR, and the other with A (*uti rogas* and *antiquo:* Cic. *ad Att.* i. 14). At elections, the name of the successful candidate was mentioned to the rogator, who had to mark the favourable votes by dots which he made by the side of the name: hence *puncta ferre*, to be successful (Liv. x. 13, 22; xxix. 22; Hor. *Ep.* ii. 2, 99). The custom of voting at elections by tablets with the name of the candidates written on them, was introduced in B.C. 139, by the Lex Gabinia tabellaria (Cic. *de Leg.* iii. 16, 35); two years later L. Cassius introduced the same custom, in cases of the comitia acting as a court of justice (Cic. *Brut.* 27, 106), and afterwards it was established also in legislative assemblies, and in cases where the comitia tried persons for perduellio [LEGES TABELLARIAE]. At elections, the citizens obtained blank tablets, that they might write upon them the name of the candidate for whom they voted (Cic. *Phil.* xi. 8, 19; Plut. *C. Gracch.* 5, *Cat. Min.* 46; Plin. *Epist.* iv. 25). In judicial assemblies, every citizen received two tablets marked A (*absolvo*) and C (*condemno*), and, according to Pseudo-Ascon. p. 108, a third tablet containing the letters N. L. (*non liquet*); but this last statement is probably transferred by mistake from the practice in the law-courts. There were in the Campus Martius saepta or enclosures, originally marked off only by ropes, but afterwards formed by palisades, *tabulata* (Cic. *pro Mil.* 15, 41; Ovid, *Fast.* i. 53; Serv. on Verg. *Ecl.* i. 34; Liv. xxvi. 22), and later on

by marble walls (Cic. *ad Att.* iv. 16), into which one class of citizens was admitted after another for the purpose of voting. The first that entered were the eighteen centuries of the equites; then followed the first class, and so on. It very rarely happened that the lowest class was called upon to vote, as there was no necessity for it, unless the first class did not agree with the equites (Dionys. iv. 20, vii. 59, viii. 82, x. 17; Liv. i. 43). In this case, however, the *contio* was kept quite distinct from the comitia (Cic. *pro Flacc.* 7, 15), and was held not in the *ovile*, but in some neighbouring place, *e.g.* the *circus Flaminius*, before the final summons of the consul (*exercitum educere*, Liv. xxxix. 15). On entering the saepta, the citizens received their tablets (Cic. *ad Att.* i. 14; *de Leg.* iii. 17; *in Pis.* 15, 36; *pro Planc.* 6, 14); and when they had consulted within the enclosures, they passed out of them again by a *pons* or *ponticulus*, at which they threw their vote into a chest (*cista*) which was watched by *rogatores*. Hereupon the *diribitores* classified and counted the votes, and reported the result to the presiding magistrate. That there was a separate body of *custodes*, who again checked them off by points marked on a tablet, is a very doubtful inference from Cic. *in Pis.* 15, 36—"vos rogatores, vos diribitores, vos custodes tabellarum." The order in which the centuries voted was determined in the Servian constitution, in the manner described above; but after the union of the centuries and tribes, the order was determined by lot; and this was a matter of no slight importance, since it frequently happened that the vote of the first determined the manner in which subsequent ones voted. The voting, of course, was continued, until the majority was ascertained. In the case of elections, the successful candidate was proclaimed twice,—first, by the praeco, and then by the president, with a prayer that the choice might have the blessing of the gods (Cic. *pro Mur.* 1, 1), and without this renuntiatio the election was not valid. After all the business was done, the president dismissed the assembly with the word *discedite*.

Cases are frequently mentioned in which the proceedings of the assembly were disturbed, so that it was necessary to defer the business till another day. This occurred—(1) when it was discovered that the auspices had been unfavourable, or when the gods manifested their displeasure by rain, thunder, or lightning; (2) when a tribune interceded (Liv. xlv. 21; Dionys. vi. 89; Cic. *in Vat.* 2, 5); (3) when the sun set before the business was over, for it was a principle that the auspices were valid only for one day from sunrise to sunset (Varro, *de L. L.* vii. 51; Dio Cass. xxxix. 65; Liv. x. 22, xli. 17; Dionys. ix. 41); (4) when a *morbus comitialis* occurred, *i.e.* when one of the assembled citizens was seized with an epileptic fit (Dio Cass. xlvi. 33; Gellius, xix. 2; Macrob. *Sat.* ii. 8); (5) when the vexillum was taken away from the Janiculum, this being a signal which all citizens had to obey (Liv. xxxix. 15; Dio Cass. xxxvii. 27; Macrob. *Sat.* i. 16); (6) when any tumult or insurrection broke out in the city, as happened now and then during the latter period of the republic (Cic. *pro Sest.* 36, 78). In all these cases, the assembly had to continue its business on some other day, sometimes on the next. The only exception seems to have been in the case of the election of the censors, for if both could not be elected on the same day, it was necessary to begin the election afresh; and if one had been elected, his election was not valid (Liv. ix. 34).

The organisation of the comitia centuriata, as constituted by the Servian legislation, underwent during the time of the republic a very material change, as to the date, purpose, and nature of which we are unfortunately reduced to conjecture. The only positive statements upon the subject are contained in two passages, one in Livy and one in Dionysius, which have been made the subject of the most various interpretations. Livy (i. 43) says: "Nec mirari oportet hunc ordinem, qui nunc est post expletus quinque et triginta tribus duplicato earum numero centuriis juniorum seniorumque, ad institutam ab Servio Tullio summam non convenire." Dionys. iv. 21, after describing the Servian constitution, goes on to say: *ἐν δὲ τοῖς καθ'ἡμᾶς κεκίνηται χρόνοις, καὶ μεταβέβληκεν εἰς τὸ δημοτικώτερον, ἀνάγκαις τισὶ βιασθεὶς ἰσχυραῖς, οὐ τῶν λόχων καταλυθέντων, ἀλλὰ τῆς κλήσεως αὐτῶν οὐκέτι τὴν ἀρχαίαν ἀκρίβειαν φυλαττούσης, ὡς ἔγνων ταῖς ἀρχαιρεσίαις αὐτῶν πολλάκις παρών.* The fact of such a change is also implied in the phrase of Cicero *tum quidem*, in his description of the Servian centuries (*de Rep.* ii. 22, 40), and in the use of the term *tribus* in connexion with assemblies of the centuries (Cic. *pro Planc.* 20, 49, &c.). The date of the change may be assigned with some probability to the year B.C. 241. Two passages in Livy seem at first to point to an earlier date; but in v. 18 (B.C. 396) there is little doubt that for *jure vocatis tribubus* we should read with Mommsen *iis revocatis*, and in vi. 21 (B.C. 383) the phrase *omnes tribus bellum jusserunt* is unquestionably an inaccurate expression, corrected by his own language in x. 22. The chief reason for the Servian classification had indeed been removed by the introduction of the custom of paying soldiers in B.C. 408, but it by no means follows that the institution was remodelled as soon as it ceased to be theoretically equitable. Livy assumes the existence of the change in his third decade (xxiv. 7–9, xxvi. 22), where we find the democratic party able to carry their candidates in the *comitia centuriata*. It is not likely that it was one of the measures carried by C. Flaminius in his censorship (B.C. 220), or it would have been mentioned among his other popular acts (Liv. *Ep.* xx.; Polyb. ii. 21); hence it is most natural to assume that it accompanied the creation of the last (35th) tribe *Quirina* in the censorship of C. Aurelius Cotta and M. Fabius Buteo in B.C. 241. As to the nature of the change, it is clear, in the first place, that the division into centuries was not abandoned. This is proved beyond doubt by all our authorities. Nor was the principle of division into *seniores* and *juniores* abandoned. The five classes also continued to exist, but probably with an alteration in the amount of property required of the several classes, corresponding to the altered value of money [As]. The first satisfactory explanation of the relation of the tribes to the centuries was given by Octavius Pantagathus (died 1567; quoted by Ursinus on Liv. i. 43). His view has been much attacked, but with some modifications it has been ac-

cepted by the best modern authorities (*e.g.* Marquardt, Lange, and Mommsen), and has been confirmed by epigraphic evidence. According to this theory, each of the 35 tribes contained 5 centuries of *seniores* and 5 of *juniores*, so that the total number was 350. Whether the equites were included in the centuries of the first class, or formed 35 distinct centuries of their own, or continued to be divided into 18 centuries, which, along with the 4 centuries *fabrum*, &c., and the century *capite censorum*, would make the total $350 + 18 + 4 + 1$ (the view defended by Lange, ii. 477 ff.), it is perhaps impossible to determine. It appears from many inscriptions (cf. Mommsen, *Röm. Tribus*, p. 76 f.) that the half-tribes consisting of the *centuriae seniorum* and the *centuriae juniorum* respectively were usually considered as distinct bodies, so that we find *tribus Esquilina seniorum* or *tribus Palatina corporis junioris*, and the like. This appears to be what Livy means in the ambiguous words *duplicato earum numero* in the passage quoted above. Madvig, however (*Röm. Verf.* i. 119), still holds to the view of Niebuhr, that this must mean that the number of centuries was twice that of the tribes, and therefore assumes that the *seniores* and *juniores* of each tribe formed one century, so that the total number was 70. He confesses that it is not possible to explain how this hypothesis can be reconciled with the continued existence of the classes, which is an unquestioned fact (Cic. *Phil.* ii. 33, 82; *pro Flacc.* 7, 15; *de Leg.* iii. 3, 7, &c.: cf. Sall. *Jug.* 86; Gell. xvi. 10; Lex Agr. *C. I. L.* i. 200, v. 37), and it is quite needless to interpret the words of Livy in such a way as to create this difficulty. It is true that the term *centuria praerogativa* (Cic. *pro Planc.* 20, 49; Liv. xxvi. 22) is used always in the singular, except where there is a reference to several elections (Fest. p. 249), of the reformed comitia, as against the *centuriae praerogativae* of the equites under the earlier constitution, and that this now bears the name of the half-tribe to which it belonged: e.g. *Aniensis juniorum* (Liv. xxiv. 7), *Veturia juniorum* (Liv. xxvi. 22), *Galeria juniorum* (Liv. xxvii. 6). But it is natural to suppose that it was only the centuries of the first class in the several tribes, which drew lots for the right of voting first, and that hence the addition of the tribe-name was quite enough to distinguish them. There is no reason to suppose from the accidental circumstance that the three prerogative centuries, whose names happen to have been preserved, were all *juniores*, that these enjoyed any right of previous voting: the very fact of the addition of the term *juniorum* points in the opposite direction.

III. Comitia tributa. The researches of Mommsen have established satisfactorily, against the views previously current and supported by Niebuhr and his followers, that the Servian tribes were a division of the land and not of the people of Rome. Hence the fact, for which there is abundant evidence (Liv. iv. 24, xxix. 37, cf. v. 30, 32; Cic. *Phil.* ix. 7, 15), that the patricians were included in the tribes, and that several of the tribes bore the names of patrician families. But as citizens possessed of no freeholds were not included in a division based upon landed property, there could be no *comitia* of the tribes in the earliest times, for it was essential to the character of *comitia* that all citizens should have a right of taking part in them. It was only after the action of the censors Appius Claudius (B.C. 312) and Q. Fabius (B.C. 304) had admitted the landless citizens into the four city-tribes, that *comitia tributa* could be held in accordance with the principles of Roman public law. The earliest extant instances of resolutions passed in the patricio-plebeian assembly of the tribes dates from the year B.C. 443; but these are at first limited to the election of quaestors under the presidency of a consul. In B.C. 367 the same procedure was adopted in the case of the curule aediles, and it was extended subsequently to the election of minor ordinary or extraordinary officials, the earliest instance of which is the election of a part of the military tribunes in B.C. 362 (cf. Cic. *de Leg. Agr.* ii. 7, 17). There is no clear case of a law passed in the *comitia tributa* before B.C. 332 (Liv. viii. 17), when the praetor L. Papirius brought before the tribes a proposal to confer the franchise on the people of Acerra. But it is probable that this procedure had been adopted immediately after the introduction of the praetorship; for the praetor had no power to summon the centuries except for criminal proceedings. The *comitia tributa* were known as *comitia leviora* (Cic. *pro Planc.* 3, 7); the auspices taken before they were held were *auspicia minora*; the magistrates elected by them were *magistratus minores*. They were presided over by patrician magistrates who had the *jus cum populo in comitiis tributis agendi*, i.e. the consuls, the praetors, and (for judicial business only) the curule aediles (Liv. x. 23, xxxv. 41: cf. Cic. *in Verr.* i. 12, 36; Gell. xiii. 15). This view appears to be inconsistent with the statements of Livy (iii. 55, 67) and Dionysius (xi. 45), that in B.C. 449 the Lex Valeria Horatia ordained *ut quod tributim plebs jussisset, populum teneret*, and of Livy that in B.C. 339 the dictator Q. Publilius proposed a law *ut plebiscita omnes Quirites tenerent*. But it is highly probable that our authorities have here simply transferred to resolutions of the *plebs* what really applied only to resolutions passed by the tribes under the presidency of the patrician magistrates (cf. Mommsen, *Röm. Forsch.* i. 164–5). The correct legal phrase would have been *quod tributim populus jussit*. If we accept this view, the two laws are brought into a natural connexion, the former with the election of quaestors, the latter with the extended powers given to the praetor by another Publilian law. The same theory accounts for a statement in Zonaras (vii. 19) that in B.C. 449 the right of taking the auspices was granted to the tribunes. This is evidently incorrect as it stands; but it may well be a perversion of the fact that from that date forwards laws could be passed *auspicato* in the assembly of the tribes, under the presidency of a magistrate who had the right of the auspices.

The *comitia tributa*, presided over by a consul or an extraordinary magistrate replacing him (Liv. x. 21; xxii. 33; xxxiv. 35), or by a praetor, elected the quaestors (Tac. *Ann.* xi. 22), the curule aediles (Liv. vi. 42, ix. 46; Gell. vi. 9), the regular and extraordinary lesser magistrates (Gell. xiii. 15; Cic. *de Leg. Agr.* ii. 7, 17), and of the tribunes of the soldiers after B.C. 362

six, after B.C. 311 sixteen (Liv. vii. 5; ix. 30), and at a later date twenty-four (Liv. xxvii. 36). These elections, like those of the *comitia centuriata*, required to receive the *patrum auctoritas*, which however, after the Lex Maenia, passed some time in the third century B.C. (Cic. *Brut.* 14, 55), was given beforehand *in incertum comitiorum eventum* (Liv. i. 17).

At the election of the *pontifex maximus*, according to Livy (xxv. 5), a pontifex presided; but if the evidence of Cicero's letters to Brutus (i. 5) may be trusted, a consul presided in his time. The college of pontiffs was first completed by co-optation, and then seventeen tribes chosen by lot (a minority of the whole number) voted for the election of one of these as the pontifex maximus (Cic. *de Leg. Agr.* ii. 7, 18; Liv. *l. c.* xxxix. 46, xl. 42; Suet. *Jul.* 13). After the Lex Domitia de Sacerdotiis (B.C. 104) the members of the three great and politically important colleges of *pontifices, augures*, and *x. (xv.) viri sacris faciundis* were elected in the following manner. The candidates, usually three in number, were nominated, each by not more than two of the college (Cic. *Phil.* ii. 2, 4; *Brut.* 1, 1); the election was made by the people in seventeen tribes (*comitia sacerdotum*) chosen by lot, and the elected candidate co-opted into the college, as previously.

The Lex Domitia was repealed by Sulla in B.C. 83, but its provisions were re-enacted by the Lex Atia of B.C. 63. The purpose of this curious method of election was to take the real selection out of the hands of the college, without formally resorting to election by the whole people.

For the legislative and judicial functions of the *comitia tributa*, see below.

We must keep entirely distinct from the *comitia tributa* the assemblies of the tribes under the presidency of the plebeian magistrates, *i.e.* the tribunes and the plebeian aediles, who had the *jus cum plebe agendi* (Fest. p. 293; Cic. *de Leg.* ii. 12, 31). The technical name for these was *concilium plebis;* and the term *comitia tributa*, so commonly applied to them by modern writers, is quite destitute of authority. But it will be convenient to treat of them under the present head, inasmuch as they constituted one, and in course of time one of the most important, of the assemblies of the people at Rome.

The distinguishing feature of the *concilium plebis* was that, as it was summoned and presided over by magistrates who had no right of summoning patricians (Gell. xv. 27), it could not be regarded as an assembly of the whole people, and any resolutions which it passed were not strictly speaking *leges*, but only *plebi scita*, although we find the term *lex plebive scitum* sometimes employed, and ultimately even *lex*. (Cp. Mommsen, *Röm. Forsch.* i. 195.) The two requisites which were necessary for *leges*—(1) that they should be proposed under favourable auspices, and (2) that they should receive the *auctoritas patrum*—were both absent in the case of the *concilia plebis*. From the legal point of view the assemblies of the plebs were nothing more than the meetings of any other recognised corporation under the presidency of its elected head, passing resolutions which were binding upon all its members. But doubtless there was from the first a desire to shape these *concilia* as much as possible upon the model of the *comitia*, as is shown by the adoption of the patrician calendar as regards the lawful days of meeting. The first separate meeting of the plebs, that held on the Mons Sacer in B.C. 494, may perhaps have been held under the military forms of the centuriate comitia; but the earliest regular meetings after the institution of the tribunate were doubtless organised by curies. This explains the statement, which according to the theories of Niebuhr and his school is so utterly inexplicable, that the tribunes of the commons were elected in the comitia curiata (Cic. *pro Cornel.* in Ascon. p. 76; Dionys. vi. 86, ix. 41: cf. Liv. ii. 56). In B.C. 471 the plebs resolved, on the proposal of Volero Publilius, to hold the elections of tribunes, and doubtless to pass their other resolutions also, according to tribes (Liv. ii. 56, 60; Dionys. ix. 41, 43). The importance of this lay in the fact that thus the landless clients of the patricians were excluded from all share in the elections, which henceforward lay in the hands of the plebeian freeholders. The Publilian law thus created the independent organisation of the middle-class plebeians (excluding the *turba forensis*), which was destined within the next hundred years to win them equal civic rights with the patricians.

The regulations of the *concilium plebis* closely resembled those of the comitia curiata, and were contrasted with those of the comitia centuriata. The vote of each tribe was determined by the majority of the votes of the citizens belonging to it; and although the votes were taken simultaneously, they were reported in an order determined by lot, the same name (*principium*) being given to the *curia* and to the tribe whose vote was first announced. As no meeting of the centuries could be legally held within the pomoerium, so no meeting of the curies or of the tribes was, as a rule, held without it, and the Comitium was the regular place of assembly for both, the Capitol being also allowable in both cases. But while we have no instance of a meeting of the curies outside the pomoerium, there are some cases of meetings of the tribes, not merely on the Aventine, but also in the Prata Flaminia (Liv. iii. 54), and the elections presided over by the tribunes were in the later days of the republic usually held in the Campus Martius (Cic. *ad Att.* i. 1, 1; *pro Planc.* 6, 16, &c.). It is a common but erroneous view that the Comitium was regarded as especially proper for the curies, the Forum generally for the tribes, though doubtless the Comitium itself must have been too small for the meetings of the tribes. The *concilia plebis* were never held *auspicato:* this is shown by the positive statements of Livy (vi. 41, 5) and Dionysius (ix. 41, x. 4), which we have no reason to consider as referring simply to the earliest times. At the same time, although it was not necessary to seek for the approval of the gods, any indication of their disapproval could not be overlooked (Cic. *in Vat.* 7, 17); a storm would break up a meeting of the commons as much as a meeting of the people. We must explain in this way cases of plebeian magistrates who resigned as *vitio creati* (Liv. x. 47; xxx. 39), and of *plebiscita* annulled as invalid (Cic. *pro Cornel.* in Ascon. p. 68). Anyone, but especially a magistrate, who noticed a lightning-flash, was bound to report it to the

president of the assembly, who, acting on his own judgment or on that of the augurs, might declare the meeting at an end; and after the laws of Aelius and Fufius (about B.C. 150) he was required to do so. Hence after this date we find *obnuntiatio* commonly employed as a means of obstruction (Cic. *Or. cum sen. gr. eg.* 5, 11; *in Vat.* 8, 20; *Phil.* v. 3, 7). The days specially reserved for the *concilia plebis* were the *nundinae* [NUNDINAE], which the Lex Hortensia seems to have made non-comitial for this purpose (Macrob. i. 16, 29–34). The commons were summoned by *praecones;* after the usual prayers, the presiding magistrate read the *rogatio* (preceded, if he thought fit, by a *contio*), and then the tribes were summoned to vote (Liv. iii. 71; vi. 37; x. 9, &c.). The functions of the *concilia plebis* may be arranged under three heads.

1. *Elections.* — After the Lex Publilia of Volero (B.C. 471) the tribunes of the commons and the plebeian aediles were elected (as noticed above) by the commons organised as tribes (Liv. ii. 56; Dionys. ix. 49).

2. *Legislation.*—Resolutions adopted by the *concilia plebis* were in theory binding only upon the commons (Liv. iii. 55; Gell. xv. 27; Gaius, i. 3). But if they received the sanction of the senate, they were valid for all citizens. We have no definite information as to when this principle was formally recognised, but Mommsen's view seems the most probable, that a *lex centuriata*, earlier than the *plebiscitum Terentilium* (B.C. 462), first formally sanctioned it. It is certain that the necessity for the sanction of the senate was removed by the Lex Hortensia in B.C. 287, and that from this time forward the *concilia plebis* formed the principal legislative organ of the Roman people (Plin. xvi. 15, 10; Gell. xv. 27; Gaius, i. 3). Here the tribunes proposed *rogationes*, to which, when passed, the term *lex* was commonly, though not strictly applied. These *leges* must be carefully distinguished from the *leges praetoriae* which were passed by the *comitia tributa* under the presidency of the praetors (see above), and from the *leges consulares*, which, especially in the later times of the republic, were frequently carried in the same body under the presidency of a consul.

3. *Judicial.*—The *concilium plebis* attempted to assert its right to pronounce a capital sentence in the case of Coriolanus (B.C. 491) (Dionys. vii. 69), on the ground of a violation of the *leges sacratae;* and in the next half-century there are several similar instances (Liv. ii. 52, 54, 61; iii. 12, 31); but the decemviral legislation expressly enacted *de capite civis nisi per maximum comitiatum ne ferunto* (Cic. *de Leg.* iii. 4, 11, 19, 44; *de Rep.* ii. 36), a provision which was not obsolete in the time of Cicero (*pro Sest.* 34, 73). Henceforward the assemblies of the plebeians could inflict no punishment more severe than a fine (*inrogare multam*); the amount imposed at the discretion of the magistrate was strictly limited by the Lex Aternia Tarpeia of B.C. 454: hence, in all graver cases, it was necessary to obtain the sanction of the tribes assembled either in the *comitia tributa* or in the *concilium plebis.* In political cases the tribunes generally presided; in questions of police, the aediles.

Sulla, according to some, abolished the *comitia tributa* altogether, or, according to others, deprived them of the right of electing the sacerdotes, and of all their legislative and judicial powers. (Cic. *in Verr.* i. 13, 15; *de Legg.* iii. 9; Liv. *Epit.* 89; Appian, *de Bell. Civ.* i. 59, 98; comp. TRIBUNUS.) But the constitution, such as it had existed before Sulla, was restored soon after his death by Pompeius and others, with the exception of the jurisdiction, which was for ever taken from the people by the legislation of Sulla. The people suffered another loss in the dictatorship of Caesar, who decided upon peace and war himself in connexion with the senate. (Dio Cass. xlii. 20.) He had also the whole of the legislation in his hands, through his influence with the magistrates and the tribunes. The people thus retained nothing but the election of magistrates; but even this power was much limited, as Caesar had the right to appoint half of the magistrates himself, with the exception of the consuls (Suet. *Caes.* 41; Cic. *Phil.* vii. 6; Dio Cass. xliii. 51), and, in addition to this, he recommended to the people those candidates whom he wished to be elected: and who would have opposed his wish? (Dio Cass. xliii. 47; Appian, *Bell. Civ.* ii. 18.) After the death of Caesar the comitia continued to be held, but were always more or less the obedient instruments in the hands of the rulers, whose unlimited powers were even recognised and sanctioned by them. (Appian, *Bell. Civ.* iv. 7; Dio Cass. xlvi. 55, xlvii. 2.) Under Augustus the comitia still sanctioned new laws and elected magistrates, but their whole proceedings were a mere farce, for they could not venture to elect any other persons than those recommended by the emperor. (Suet. *Aug.* 40, &c.; Dio Cass. liii. 2, 21, lv. 34, lvi. 40.) Tiberius deprived the people even of this shadow of their former power, and conferred the power of election upon the senate. (Tac. *Ann.* i. 15, 81, ii. 36, 51; Vell. Pat. ii. 126.) When the elections were made by the senate, the result was announced to the people assembled as comitia centuriata or tributa. (Dio Cass. lviii. 20.) Legislation was taken away from the comitia entirely, and was completely in the hands of the senate and the emperor. Caligula placed the comitia again upon the same footing on which they had been in the time of Augustus (Dio Cass. lix. 9; Suet. *Cal.* 16); but this regulation was soon abandoned, and everything was left as it had been arranged by Tiberius. (Dio Cass. lix. 20.) From this time the comitia may be said to have ceased to exist, as all the sovereign power formerly possessed by the people was conferred upon the emperor by the Lex Regia. [LEX REGIA.] The people only assembled in the Campus Martius for the purpose of receiving information as to who had been elected or appointed as its magistrates, until at last even this announcement (*renuntiatio*) appears to have ceased.

In addition to the works on Roman history in general, the reader may consult Unterholzner, *De Mutata Centuriatorum Comit. a Servio Tullio Rege Institutorum Ratione*, Breslau, 1835; G. C. Th. Francke, *De Tributim, de Curiarum atque Centuriarum Ratione*, Schleswig, 1824; Huschke, *Die Verfassung des Servius Tullius*, 1838; Hüllmann, *Römische Grundverfassung;* Rubino, *Untersuchungen über die röm. Verfassung*, 1839:

Zumpt, *Ueber die Abstimmung des röm. Volkes in Centuriatcomitien.*

[The views previously held as to the *comitia curiata* and *comitia tributa* have been largely modified by the researches of Mommsen, *Römische Forschungen*, vol. i. The most complete statement of the theories commonly accepted previous to these researches will be found with full references to ancient and modern authorities in Becker and Marquardt's *Römische Alterthümer*, vol. ii. part 1, pp. 353–394, and part 3, pp. 1–196. Cf. Lange, *Röm. Alterthümer*,[2] [i. 341–355, 391–491; ii. 418–682.] [L. S.] [A. S. W.]

COMITIA'LIS DIES. [DIES.]

COMIT'IUM. [FORUM.]

COMMENTA'RIUS, COMMENTARII (ὑπομνήματα), properly notes or note-books. Hence the word acquires a variety of meanings, of which the most important are the following:—

1. *C. domestici*, or family memorials, the records of events interesting to the members of particular families. Possibly these are the *veteres* or *antiqui c.*, to which Cicero refers in *Brut.* 15, 60; 18, 72: they may have contained, but they were not limited to, the funeral panegyrics to which Cicero (*Brut.* 16, 62) and Livy (viii. 40) ascribe much of the falsification of early Roman history.

2. The "memoirs" drawn up by public men as to events in which they had taken part. Thus Cicero wrote a *commentarius* in Greek on his consulship (*ad Att.* i. 19, 10; ii. 1, 1), and Caesar *commentarii* on his Gallic and Civil Wars.

3. "Memoranda" were kept by different departments of the public service, the officials in charge of them being known as *a commentariis*. These are frequently mentioned in inscriptions.

4. In towns a register was kept of the official acts of the municipal authorities. We have interesting extracts from the *commentarii* of Caere in an inscription in the Museum at Naples (Wilmanns, 2083).

5. The unofficial record of recent events at Rome, sent by Caelius to Cicero in Cilicia, is called by him *c. rerum urbanarum* (Cic. *ad Fam.* viii. 2, 2).

6. The record of the daily occurrences at court was kept in *c. diurni* (Suet. *Aug.* 64), a kind of private diary, which must be distinguished from the formal *acta*, and also from

7. *C. principis*—the register of his official decisions (Plin. *Ep.* x. 106), and of accusations brought before him (Tac. *Ann.* xiii. 43; Suet. *Calig.* 15). In Suet. *Dom.* 20, "praeter commentarios et acta Ti. Caesaris nihil lectitabat," it is probable that *c.* refers to private memoirs written by that emperor (Mommsen, *Röm. Staatsr.* ii.[2] 869, note 1).

8. Tacitus once (*Ann.* xv. 74) speaks of *c. senatus*, by which he can hardly mean anything but the *acta senatus* (q. v.).

9. The *commentarii* of the pontiffs, the augurs, and the *xxviri* are often mentioned. These were records of their decrees, and are to be distinguished on the one hand from their *acta* or minutes of their meetings, and on the other from the books (*libri*) which contained the ritual, and the *annales maximi* or chronicle of public events. (Cf. Cic. *de Domo*, 53, 136; *de Div.* ii. 18, 42; *Brut.* 14, 55; Plin. *H. N.* xviii. § 14.)

10. Varro cites more than once *commentarii magistratuum*, of the nature of which we know practically nothing (Madvig, *Verf. und Verw.* i. 324). [A. S. W.]

COMMER'CIUM. [CIVITAS.]

COMMISSO'RIA LEX is a term met with in the law of pledge and in the law of sale. In the former it meant the agreement between pledgor and pledgee that the property pledged should be vested absolutely in the latter unless the debt which it secured was punctually discharged by the day fixed for payment. Such agreements, though apparently common in all three forms of pledge—Fiducia, Pignus, and Hypotheca—were declared unlawful and void by Constantine (Cod. Theod. 3, 2; Cod. 8, 35); but the principle of foreclosure was allowed to some extent, though under stringent limitations, by Justinian: see PIGNUS.

In the law of sale lex commissoria denotes an agreement between vendor and purchaser that the former shall be at liberty to rescind the contract if the latter does not perform his obligations under it in due manner and at the proper time (Dig. 18, 3, 1). This was not the same thing as a conditional sale; for in the latter, if the property were damaged or destroyed, the loss would fall on the vendor, whereas in our case, if the property was lost, damaged, or destroyed, the loss fell on the purchaser. If the vendor intended to take advantage of the lex commissoria, he had to communicate his intention to the other as soon as the latter had made default; and any acceptance or demand of performance (*e.g.* receipt of purchase-money) after the day agreed upon was an implied waiver of his right to avail himself of it. Upon communicating his intention, he was entitled to recover the *res vendita*, and to keep the *arra* or earnest given by the purchaser, and probably also any of the purchase-money which had been paid, though in this case the purchaser might retain any fruits which he had taken from the *res vendita* since the conclusion of the contract (Dig. 18, 3, 4, 1; *ib.* 6, pr.; *ib.* 8). The lex commissoria also commonly stipulated that, if the vendor had to sell the property again, the first purchaser should make up any difference between the price which he had promised himself, and the less sum obtained by the second sale. [J. B. M.]

COMMISSUM. One sense of this word is that of "forfeited," which is derived from the sense of the verb *committere*, "to attach legal effect to," "to make operative." So *committere edictum* is to occasion an edict to come into force (Dig. 37, 4, 8, § 11; 14, 10, § 5, 11 pr.); *committere poenam* or *mulctam* is to make oneself liable to a penalty (Cic. *pro Cluent*, 37, § 103); *stipulatio committitur* means that a stipulation is become operative by the occurrence of a condition precedent or otherwise. Hence property forfeited by the coming into effect of a condition was said to be *commissum*, as when a *lex commissoria* was attached to a mortgage (*pignus*). Thus Cicero (*ad Fam.* xiii. 56) speaks of a hypothecated thing becoming *commissa*; that is, becoming the absolute property of the creditor for default of payment. *Commissa hereditas* is an inheritance forfeited as a penalty (Cic. *Verr.* i. 10, § 27).

Commissum is specially applied to anything

such as merchandise confiscated because revenue duty had not been paid on it, or a proper return of it made to the *publicani*. A thing thus forfeited (*vectigalium nomine*) ceased to be the property of the owner and belonged to the *fiscus*. Things, the exportation of which was prohibited, such as arms and ships, might likewise be subject to forfeiture (*in causam commissi cadere*). In early times the *publicani* had the remedy of distraint on account of unpaid taxes (Gaius, iv. 28). The principle of forfeiture may have been made applicable to such cases by a *lex censoria*.

Commissum is used by mediaeval writers to signify property forfeited, as *e.g.* to the lord of whom a *fief* was held, and *commissio* is found in a corresponding sense. (Dig. 39, 4; Paul. *Sent. Recept.* v. 1; *Fragm. de jure fisci.*) [E. A. W.]

COMMIX'TIO. [CONFUSIO.]

COMMODA'TUM is one of the Roman obligations contracted *re*, by delivery. It is the gratuitous loan of a *res non fungibilis*, the loan of *res fungibiles* being called MUTUUM: in the latter not the very thing lent has to be returned, but an equivalent in quantity and quality (*e.g.* money, corn, wine, oil); in the former the borrower ("commodatarius, is qui rem commodatam accepit") has to restore to the lender (*commodator*) the very thing lent. As the Romans say, it has to be returned *in specie*, not *in genere*: whence Isidorus says (*Orig.* v. 25), "inter commodatum et mutuo datum nonnihil distat: commodamus amico pro tempore . . . . *hanc ipsam rem, quam dedimus, recepturi.*" (Cf. Agroecius, *de Orthographia*, pp. 2274, Putsch.) In *mutuum*, again, the property in the thing lent passed to the borrower (whence the name, "quia ita tibi a me datum est, ex *meo tuum* fiat," Gaius, iii. 90); but in *commodatum* the borrower acquired only detention or *naturalis possessio* (Dig. 13, 6, 8 and 9). If a thing were lent for a "consideration" instead of gratuitously, the contract was of a different nature; it was not *commodatum*, but *locatio conductio*, which was consensual, not real.

The duties of the borrower, which were enforced by *actio commodati directa*, an action which could be formulated either in *jus* or in *factum* (Gaius, iv. 47), were to return the *res commodata* (and its fruits borne while lent) at the time agreed upon, or, if there had been none, when the purpose for which it had been borrowed was satisfied; to take care of it in the fashion of a *bonus paterfamilias* (*i.e.* he was answerable for *culpa levis in abstracto*; see CULPA); and to use it only for the purpose for which it had been borrowed: to use it for any other, if the borrower thought this would not have been allowed by the lender, was theft in law (Gaius, iii. 195). If a thing was lent to two or more persons together, each was severally liable to pay the whole damages (*in solidum*) occasioned by breach of any of these duties. The obligations of the commodator (enforced by *actio commodati contraria*) were mostly only *ex post facto*; to let the borrower use the thing for the time or for the purpose agreed on (Dig. 13, 6, 17, 3), and to indemnify him for all unusual but necessary costs incurred in connexion with the object lent, and also for all damages occasioned by his own negligence (though here he was answerable only for *culpa lata*): *e.g.* if he knowingly lent rotten timber for shoring up a house, which fell in consequence, he must pay damages. The borrower's rights against the commodator could also be enforced by *retentio* or lien. (Gaius, iii. 196, 197, 206, iv. 47; Paul. *Sent. rec.* ii. 4; Dig. 13, 6; 44, 7, 1, 3 and 4; Cod. iv. 23.) [J. B. M.]

COMMU'NI DIVIDUNDO AC'TIO is one of the so-called *judicia divisoria*, or partition actions (the others being those known as *familiae erciscundae* and *finium regundorum*): they are said by Justinian (*Inst.* iv. 6, 20), "mixtam causam obtinere, tam in rem quam in personam," to be partly real, partly personal. The explanation of this lies in the structure of their formula [ACTIO], which contained two intentiones: one framed *in rem*, and followed by an adjudicatio or clause empowering the judge to award the property in severalty to the joint owners (Gaius, iv. 41); the other framed *in personam*, and followed by a condemnatio, by which the judge was enabled to charge any one of the joint owners who got more than his fair share of the *res communis* with a money payment in favour of the rest. These clauses were repeated in the formula for each of the joint owners, whence Ulpian calls these actions *mixtae* in another sense, because each of them is plaintiff in his turn, just as Gaius (iv. 160) calls some of the interdicts *judicia duplicia*. Under Justinian they are in reality *in personam* (Dig. 10, 1, 1), though distinguished from other personal actions in this, that by them disputed ownership could also be determined (Savigny, *System*, v. p. 36): the obligation upon which they are brought arising either *ex contractu* (as where the joint owners are *socii*, partners) or *quasi ex contractu* (*communio incidens*), as in the case of co-legatees and co-donees (*Inst.* iii. 27, 3).

The object of the *actio communi dividundo* was to compel a judicial partition of jointly-owned property at the suit of one or some of the joint owners only; and therefore it could not be instituted until the ratio in which it belonged to them respectively was ascertained, this being sometimes the object of a previous suit (*vindicatio partis*: Dig. 10, 2, 1, 1; cf. Gaius, iv. 54). It was maintainable whether the parties were technically owners (domini), or merely *bonâ-fide* possessors entitled to the *actio Publiciana in rem*; but where their joint title was a universal succession, civil or praetorian, this action would not lie, the proper remedy being the *actio familiae erciscundae*. The judge might take account of any damage done to the *res communis*, or any outlay upon it, or any profit received from it by any one of the joint owners in excess of the rest (*Inst.* iv. 17, 4 and 5); and though bound by any agreement which they might have entered into as to the partition (Dig. 10, 3, 3 and 21), he was otherwise free to act at his own discretion, *ex aequo et bono*, doing the best he could for them. Thus, if the *res communis* were exactly divisible, the matter was easily settled; but if it were not so, he would divide it so far as was possible, compensating those who got less than their due share with a money payment (*Inst.* iv. 17, 4 and 5), a usufruct, or other servitude (Dig. 17, 2, 6, 10; *ib.* 7, 1). If it could not be divided at all without depriving it of all value ("veluti homo forte aut mulus erit," *Inst.*

loc. cit), he might adjudge it to one and direct him to compensate the rest with a money payment, or put it up to auction, either publicly or among the joint owners alone, and divide the purchase-money. (Dig. 10, 3; Cod. 3, 37, 3; Cic. *ad Fam.* vii. 12.) [J. B. M.]

COMOE'DIA (κωμῳδία). **1.** GREEK.—The early stages of the history of comedy are involved in great indistinctness, as they never formed the subject of much inquiry even when information was extant. This was the case even among the Athenians, and to a still larger extent among the Dorians. The ancient Greeks seldom showed much aptitude for antiquarian research, and for a long time comedy was scarcely thought deserving of attention; "for it was not," says Aristotle (*Poët.* 5), "seriously cultivated from the beginning. And it was only quite recently that the archon gave a chorus of comedians; before that they were 'volunteers' (ἐθελονταί). It was only when comedy had attained something like form that comic poets are mentioned. Who fixed its masks or prologues or number of actors or the like, is not known." Aristotle does not give a formal definition of comedy; though in one passage (*Poët.* 5 *init.*) he seems to define it as μίμησις τοῦ γελοίου: but perhaps we should suppose with Mahaffy (*Hist. of Greek Lit.* i. 466) that the formal definition is lost, and that it ran parallel to his definition of tragedy, describing comedy as a purification of certain affections of our nature by laughter and ridicule.

That comedy took its rise at the vintage festivals of Dionysus is certain. It originated, as Aristotle says (*Poët.* 4), with those who led off the phallic songs (ἀπὸ τῶν ἐξαρχόντων τὰ φαλλικά) of the band of revellers (κῶμος), who at the vintage festivals of Dionysus gave expression to the feelings of exuberant joy and merriment which were regarded as appropriate to the occasion, by parading about, partly on foot, partly in wagons, with the symbol of the productive powers of nature, singing a wild, jovial song in honour of Dionysus and his companions. These songs were commonly interspersed with, or followed by petulant, extemporal (αὐτοσχεδιαστική, Arist. *Poët.* 4) witticisms with which the revellers assailed the bystanders (see the description of the phallophori at Sicyon in Athen. xiv. p. 622), just as the chorus in the *Frogs* of Aristophanes, after their song to Iacchus, begin ridiculing Archedemus (417, &c.). This origin of comedy is indicated by the name κωμῳδία, which undoubtedly means "the song of the κῶμος." This appears both from the testimony of Aristotle that it arose out of the phallic songs and from Demosthenes (*c. Mid.* p. 517), where we find mentioned together ὁ κῶμος καὶ οἱ κωμῳδοί. (Comp. Müller, *Hist. of Gr. Lit.* vol. ii. p. 4, *Dor.* iv. 7, § 1; Bode, *Gesch. der Hellen. Dichtk.* vol. iii. part 2, p. 4, &c.; Kanngiesser, *Die alte komische Bühne zu Athen*, p. 32; Schömann, *Gr. Alt.* ii.[3] 491.) Other derivations of the name were, however, given even in antiquity. The Megarians, conceiving it to be connected with the word κώμη, and to mean "village-song," appealed to the name as an evidence of the superiority of their claim to be considered as the originators of comedy over that of the Athenians (Arist. *Poët.* 3). This derivation was also adopted by several of the old grammarians (see Tzetzes, in Cramer's *Anecd. Gr.* vol. iii. pp. 335, 337; Anonym. περὶ κωμῳδίας in Meineke, *Hist. Crit. Comic. Graec.* pp. 535, 538, 558, where a very absurd account of the origin of comedy is given, but the important point that personal censure is of the essence of comedy is indicated: cf. Bekk. *Anecd. Gr.* 747, 10, κωμῳδία ἐστὶν ἡ ἐν μέσῳ λάου κατηγορία ἤγουν δημοσίευσις), and has the sanction of Bentley, W. Schneider, Bernhardy (*Grundriss d. Griech. Lit.* vol. ii. pt. 2, p. 450), and Mahaffy (*Hist. of Greek Lit.* i. 398).

Passing by the Homeric *Margites*, in which Aristotle sees the origin of comedy (*Poët.* 4), and which certainly does draw a character from a ridiculous point of view, we find that it was among the Dorians that comedy first assumed anything of a regular shape. The Megarians, both in the mother country and in Sicily, claimed to be considered as its originators (Arist. *Poët.* 3); and so far as the comedy of Athens is concerned, the claim of the former appears well founded. They were always noted for their coarse humour (Aristoph. *Vesp.* 57, with the Schol.; *Anthol. Pal.* xi. 440; Suidas, *s. v.* γέλως: Bode, vol. iii. pt. 2, p. 27); and their democratical constitution, which was established at an early period, favoured the development of comedy in the proper sense of the word. In the aristocratical states the mimetic impulse, as connected with the laughable or absurd, was obliged to content itself with a less unrestrained mode of manifestation. The Lacedaemonians, who had a great fondness for mimetic and orchestic amusements, had their δεικηλικταί, whose exhibitions appear to have been burlesques of characters of common life. The favourite personages were the fruit-stealer and the foreign quack, for the representation of which they had a peculiar mimetic dance. (Athen. xiv. p. 621; Plut. *Ages.* 21, p. 607 D; Schol. *ad* Apollon. i. 746; Müller, *Dor.* iv. 6, § 9; Bernhardy, *l. c.* p. 454.) Among the forerunners of comedy must be mentioned the Phallophori and Ithyphalli at Sicyon, who, Athenaeus says (xiv. p. 621 e), are the same as the δεικηλικταί. It was here, where at an early period the dithyramb also was dramatised, that the κῶμος first assumed a more dramatic form, and Dionysus was even said to have invented comedy at Sicyon (*Anthol. Pal.* xi. 32). The Phallophori had no masks, but covered their faces with chaplets of wild thyme, acanthus, ivy, and violets, and threw skins round them. After singing a hymn to Dionysus, they flouted and jeered at any one of the bystanders whom they selected. The Ithyphalli wore masks representing drunken persons, and were equipped in other respects in a manner which, if not very decent, was appropriate to the part they had to sustain. (Athen. *l. c.*) It was the iambic improvisations of the exarchi of such choruses which gave rise to the later comedy. Antheas of Lindus is spoken of as a poet who composed pieces for such comuses of phallus-bearers, which were called comedies (Athen. x. p. 445). Such pieces have been styled lyrical comedies by many scholars (as Böckh, *Corp. Inscript.* No. 1584, note; and Müller, *Hist. of the Lit. of Greece*, vol. ii. p. 6), to distinguish them from the comedy proper. Lobeck and Hermann, how-

ever, stoutly deny that there was any such thing as lyrical tragedy or comedy distinct from dramatical tragedy and comedy and yet not the same with dithyrambs or phallic songs, and affirm that the tragedies and comedies which we hear of before the rise of the regular drama were only a species of dithyramb and phallic song. (Hermann, *de Trajoedia Comoediaque Lyrica*, in *Opusc.* vol. vii. p. 211, &c.; cf. A. Müller, *Griech. Bühnenalterthümer*, p. 388.) The dispute is more about names than about things; and there seems no great objection to applying the term *lyrical tragedy* or *comedy* to pieces intended to be performed by choruses, without any actors distinct from the chorus, and having a more dramatic cast than other purely lyrical songs. This, apparently, was the point to which comedy attained among the Megarians before Susarion introduced it into Attica. It arose out of the union of the iambic lampoon with the phallic songs of the comus, just as tragedy arose out of the union of rhapsodical recitations with the dithyramb.

Among the Athenians the first attempts at comedy, according to the almost unanimous accounts of antiquity, were made at Icaria by Susarion, a native of Tripodiscus in Megara. (Schol. *ad* Dionys. Thrac. in Meineke, i. p. 559; Aspasius, *ad* Aristot. *Eth. Nic.* iv. 2, 20, fol. 53, B.) Icaria was the oldest seat of the worship of Dionysus in Attica (Athen. ii. p. 40), and comus processions must undoubtedly have been known there long before the time of Susarion. Iambistic raillery was also an amusement already known in the festivals of Bacchus and Demeter on the bridge between Athens and Eleusis (Müller, *Hist. of Lit. of Gr.* vol. i. p. 178; Hesychius, *s. v.* Γεφυρισταί: Suidas, *s. v.* γεφυρίζων: Schol. Arist. *Acharn.* 708). From the jests and banterings directed by the Bacchic comus, as it paraded about, against the bystanders, or any others whom they selected, arose the proverb τὰ ἐξ ἀμάξης (Schol. Arist. *Nub.* 296; Suidas, *s. v.*; Ulpianus *ad* Demosth. *de Cor.* p. 268, ed. Reiske; Bode, *l. c.* p. 22; Photius, *Lex.*, s. v. τὰ ἐκ τῶν ἁμαξῶν: cf. πομπεία, meaning "abuse"). This scoffing, which was considered part of the festival, continued customary not only at the rural Dionysia, but on the second day of the Anthesteria [DIONYSIA]. It was in the third year of the 50th Olympiad (B.C. 578) that Susarion introduced at Icaria comedy in that stage of development to which it had attained among the Megarians (Marm. Par. ep. 54, 55, in Böckh's *Corpus Inscript.* vol. ii. p. 301). It is not, however, easy to decide in what his improvements consisted. Of course there were no actors besides the chorus or comus; whatever there was of drama must have been performed by the latter. The introduction of an actor separate from the chorus was an improvement not yet made in the drama. According to one grammarian, Susarion was the first to give to the iambistic performances of the comus a regular metrical form (Schol. *ad* Dionys. Thrac. *ap.* Bekker, *Anecd. Gr.* p. 748; Meineke, *l. c.* p. 559). He no doubt substituted for the more ancient improvisations of the chorus and its leader premeditated compositions, though still of the same general kind; for, as Aristotle says (*Poët.* c. 5), Crates was the first who ἦρξεν ἀφέμενος τῆς ἰαμβικῆς ἰδέας καθόλου ποιεῖν λόγους ἢ μύθους. According to Schömann (*Gr. Alt.* ii.[3] 491), the regularity introduced into the Icarian choruses consisted of a definite number of persons uniting to form a chorus and arranging some general plan of performance, leaving a considerable amount of details to improvisation. Such choruses became frequent, and, as was to be expected, there would seem also to have been some kind of poetical contest, for we learn that the prize for the successful poet was a basket of figs and a jar of wine (Marm. Par. *l. c.*; Bentley, *Dissert. on the Ep. of Phal.* vol. i. p. 259, ed. Dyce). It was also the practice of those who took part in the comus to smear their faces with wine-lees, either to prevent their features from being recognised, or to give themselves a more grotesque appearance. Hence comedy came to be called τρυγῳδία or lee-song. Others connected the name with the circumstance of a jar of new wine (τρύξ) being the prize for the successful poet, or of the exhibition being held at the time of the vintage (τρύγη). (Athen. ii. p. 40; Anon. *ap.* Meineke, *l. c.* p. 535; *Acharn.* 851, 603, *Vesp.* 650, 1537; Schol. *ad* Arist. *Acharn.* 397, 498; Schol. *ad* Plat. *de Rep.* iii. p. 928, ed. Bait. et Orell.; Bentley, *Dissert. on the Ep. of Phal.* vol. i. p. 351, &c. ed. Dyce; Bode, *l. c.* p. 22.) An important gloss in the Sangallensis MS. edited by Usener (*Rhein. Mus.* xxviii. 418) says of these early comedies: *In fabulas primi eam contulerunt nam* [om. MS.] *magnas ita ut non excederent in singulis versus trecenos* [*tricenos* MS.]. Leo in *Rhein. Mus.* xxxiii. 140, note 2, thinks that *Magnes* is concealed under *magnas*. It is to be remarked, however, that Wilamowitz in *Hermes*, ix. 319 *sqq.*, considers that the so-called Megarian comedy in Attica was not derived from Megara at all, but was a species of comedy invented by the Athenians, in which they satirised the vulgarity and stupidity of the Megarians, laying the scene at Megara just as the Romans did that of the *Atellanae* at Atella. He urges that the fragments we have purporting to be those of the ancient Attic comedians up to Cratinus (*i.e.* Chionides, Magnes, &c.) are not genuine, as may be perceived both from the style, which is more that of the age of Eupolis than that even of Cratinus, and also from the fact that Aristotle knew merely the names of these authors, but not their plays. Be that, however, as it may, there can be but little question that what are called Susarion's pieces were merely intended for the amusement of the hour, and were not committed to writing: a laugh was the sole object sought. (Bentley, *l. c.* p. 250, &c.; Anonym. *de Com.* ap. Meineke, *l. c.* p. 540; Bode, *l. c.*) They doubtless partook of that petulant, coarse, and unrestrained personality for which the Megarian comedy was noted. But for entertainments of such a character the Athenians were not yet prepared. They required the freedom of a democracy. Accordingly, comedy was discouraged, and for eighty years after the time of Susarion we hear nothing of it in Attica.

It was, however, in Sicily that comedy was earliest brought to something like perfection. The Greeks in the Sicilian colonies always exhibited a lively temperament, and the gift of working up any occurrence into a spirited, fluent dialogue. (Cic. *Verr.* iv. 43, 95; Quintil.

vi. 3, § 41.) This faculty finding its stimulus in the excitement produced by the political contests, which were so frequent in the different cities, and the opportunity for its exercise in the numerous agrarian festivals connected with the worship of Demeter and Bacchus, it was natural that comedy should early take its rise among them. Yet before the time of the Persian wars we only hear of iambic compositions, and of a single poet, Aristoxenus of Selinus, "who first introduced the ancient fashion of reciting iambics," according to Epicharmus, and who ridiculed the soothsayers (Hephaestion, p. 49, ed. Gaisf.). The performers were called *αὐτοκάβδαλοι*, i.e. improvisatores (Athen. xiv. p. 622; *Etym. Magn. s. v. αὐτοκάβδ.*; Hesych. *s. v.*; Aristot. *Rhet.* iii. 7, § 1; Bode, *l. c.* p. 7, &c.), and subsequently *ἴαμβοι*. There is no evidence that they belonged exclusively to Sicily. The Italians called them *φλύακες*: the Thebans, *ἐθελονταί*: and some people apparently *σοφισταί* (Athen. xiv. p. 621 e). Their entertainments being of a choral character were, doubtless, accompanied by music and dancing. Athenaeus (xiv. p. 629) mentions a dance called the *ἰαμβική*, which was quieter than the *πυρριχή*; but as he ranks it with the *Μολοσσικὴ ἐμμέλεια*, the *σίκιννις Περσικὴ*, and the *κόρδαξ*, it was probably a generic term, like our "fling." Afterwards, the comic element was developed partly into travesties of religious legends, partly into delineations of character and manners, in the comedy of Epicharmus, Phormis, and Dinolochus; and in the mimes of Sophron and Xenarchus. Epicharmus is very commonly called the inventor of comedy by the grammarians and others (Theocr. *Epig.* 17; Suidas, *s. v.* *Ἐπίχαρμος*; Solinus, 5, 13); this, however, is true only of that more artistical shape which he gave to it. (Bernhardy, *l. c.* p. 460.) "He was the first who recovered the *disjecta membra* of comedy, and effected many improvements" (*οὗτος πρῶτος τὴν κωμῳδίαν διερριμμένην ἀνεκτήσατο πολλὰ προσφιλοτεχνήσας*, Anonym. *de Com.* ap. Meineke, i. 535). His comedy was that of character and travesty. Democopus built a theatre for him at Syracuse, and the entire management of the stage was reduced to system there long before it was at Athens. His plays had not very much plot, but clever dialogue and single comic scenes were elaborately worked out, in which the myths were travestied or philosophical notions aired and parodied. His sound practical wisdom was shown in the number of wise sayings collected from his writings (O. Müller, *op. cit.* 57, note). He wrote three kinds of plays: (1) travesties of the myths, e.g. *the Marriage of Hebe*, in which the gluttony of Heracles is represented. (2) Character comedies, *e.g.* *Ἐλπὶς ἢ πλοῦτος*, *Ἀγρωστῖνοι*, *Θεᾶροι*. (3) Dialectical arguments, *e.g.* *Γᾶ καὶ θάλασσα*. He is said to have first introduced the drunkard, though this is also attributed to Crates (O. Müller, p. 57), and to have invented the character of the *parasite* (in the *Ἐλπίς*): see Athen. vi. p. 236. He wrote in trochaic tetrameters and anapaests, and in the Doric dialect. His plays exhibit a close connexion, both with the Satyric drama and with such plays as the *Helena*, in which the heroes are somewhat vulgarized. Indeed, Epicharmus had probably much to say to the degradation of such characters as the Odysseus of the *Philoctetes* (Mahaffy, *op. cit.* i. 406; cf. *Hermathena*, i. 262 ff.). The titles of the plays by Phormis (e.g. *Admetus, Alcinous, Perseus*) and Dinolochus (*Althea, Medea, Telephus*) show that they were on mythological subjects, and were travesties of the heroes. The difference thought to subsist between these farces and the Satyric drama, is that in the former the gods and heroes were themselves ridiculed; whereas in the Satyric drama the nobler characters (*e.g.* Odysseus in the *Cyclops*) retain their dignity (Mahaffy, p. 401). O. Müller, however (*op. cit.* ii. 3, note), says: "Satyric poetry places by the lofty forms of the heroes, not human perverseness, but the want of real humanity, whereas comedy is conversant about the deterioration of civilised humanity." Sophron flourished about 450 B.C. His *Mimes* were written in rhythmical prose and in the broader Doric dialect, *patois* being often introduced. They were coarse in tone, but full of proverbs and of humour. We have no evidence of their being performed in public. Their titles show their nature: e.g. *The Tunny Fishes*, *Παιδικὰ ποιφύξεις* (cf. *ἔρωτα πνεῖν*), *Ὠλιεὺς* (= *ὁ ἁλιεὺς*) *τὸν ἀγροιώταν*. Theocritus is said to have borrowed his *Φαρμακευτρίαι* and *Ἀδωνιάζουσαι* from the *Ἀκεστρίαι* and *Ἰσθμιάζουσαι* of Sophron (Mahaffy, pp. 406–408).

In Attica, the first comic poet of any importance whom we hear of after Susarion is Chionides, who is said to have brought out plays in B.C. 488 (Suidas, *s. v.* *Χιωνίδης*). Euetes, Euxenides, and Myllus, "who heard everything," were probably contemporaries of Chionides; he was followed by Magnes and Ecphantides. Their compositions, however, seem to have been little but the reproduction of the old Megaric farce of Susarion, differing no doubt in form, by the introduction of an actor or actors separate from the chorus, in imitation of the improvements that had been made in tragedy. (Bode, *l. c.* pp. 29–36.) That branch of the Attic drama which was called the Old Comedy begins properly with Cratinus, who was to comedy very much what Aeschylus was to tragedy. (Anonym. *de Com.* ap. Meineke, 536.) Another (p. 534) says that, according to the proverb, *γυμνῇ τῇ κεφαλῇ τίθησι τὰς βλασφημίας κατὰ τῶν ἁμαρτανόντων*, but that he was careless in adhering to his plots. Under the vigorous and liberal administration of Pericles comedy found free scope, and rapidly reached its perfection. Cratinus is said to have been the first who introduced three actors in a comedy. (Anonym. *de Com.* ap. Meineke, p. 540.) But Crates is spoken of as the first who began *καθόλου ποιεῖν λόγους ἢ μύθους* (Arist. *Poët.* 5), *i.e.* raised comedy from being a mere lampooning of individuals, and gave it a character of universality, in which subjects drawn from reality or stories of his own invention received a free, poetic treatment, the characters introduced being rather generalisations than particular individuals. (See Aristotle's distinction between *τὰ καθ' ἕκαστον* and *τὰ καθόλου*, *Poët.* 9.) In what is known of his pieces no traces appear of anything of a personal or political kind. He was the first who introduced into his works the character of a drunken man. (Anonym. *de Com.* ap. Meineke, p. 536.) Though Crates was a younger contemporary of Cratinus, and at first an actor in his pieces, yet, except perhaps his earlier plays, the comedies of Cratinus

were an improvement upon those of Crates, as they united with the universality of the latter the pungent personal satire and earnest political purpose which characterised the Old Comedy. Crates and his imitator Pherecrates seem in the character of their pieces to have had more affinity with the Middle than with the Old Comedy. The latter has been described as the comedy of caricature, and such indeed it was, but it was also a great deal more. As it appeared in the hands of its great masters Cratinus, Hermippus, Eupolis, and especially Aristophanes, its main characteristic was that it was throughout *political*. Everything that bore upon the political or social interests of the Athenians furnished materials for it. It assailed everything that threatened liberty, religion, and the old established principles of social morality and taste, or tended to detract from the true nobleness of the Greek character. It performed the functions of a public censorship, and the utmost freedom was allowed the comic poets. (Isocr. *de Pace*, § 14; Cic. *de Rep.* iv. 8; Hor. *Sat.* i. 4, 1; Dion. Chrys. ii. 4, Reiske.) But it must be remembered that they attacked as party-men, not as perfectly disinterested lovers of what was right; just like the attacks of party newspapers of the present day. (Mahaffy, p. 436.) Though merely personal satire, having no higher object than the sport of the moment, was by no means excluded, yet commonly it is on political or general grounds that individuals are brought forward and satirised. A groundwork of reality usually lay at the base of the most imaginative forms which its wild licence adopted. All kinds of fantastic impersonations and mythological beings were mixed up with those of real life. With such unbounded stores of materials for the subject and form of comedies, complicated plots were of course unnecessary, and were not adopted. Though the Old Comedy could only subsist under a democracy, it deserves to be remarked that its poets were usually opposed to that democracy and its leaders. Some of the bitterest assailants even of Pericles were to be found among the comic poets, *e.g.* Teleclides and Hermippus.

But what is generally known as the Old Comedy at Athens—that is, the *political* Old Comedy—was in reality only one of the forms of comedy, which has been brought into excessive prominence for us owing to the fact that the principal plays of Aristophanes which have come down to us have this political reference. But it is a mistake to suppose that politics was the sole subject treated of by Aristophanes and his contemporaries; they handled also the various other subjects of comedy which we find in preceding and succeeding ages. Thus, besides Crates and Pherecrates, whom we have seen to be virtually writers of the New Comedy, the latter attacking innovations in music in the *Chiron*, painting the delights of the golden age in the *Agrioi*, and censuring the extravagances of the better classes in the Ἀγαθοὶ ἢ ἀργύρου ἀφανισμός, we find mythical subjects treated of by Cratinus in the *Nemesis* (*e.g.* the birth of Helen) and *Busiris*, and literary criticism in the *Seriphii* and *Archilochi*, in the latter of which Homer and Hesiod are introduced. Literature is also treated of in the *Musae* and *Tragoedi* of Phrynichus, and in the *Frogs* and *Amphiaraus* of Aristophanes. The guessing of riddles (γρῖφοι), a note of the New Comedy, is found in the *Cleobulinae* of Cratinus; Teleclides represents the golden age in the *Amphictyones*, as did Eupolis in the Χρύσουν γένος; Hermippus wrote the *Birth of Athena* (and we know γοναὶ were a favourite subject of the so-called Middle Comedy). Even in the *Plutus* of Aristophanes it is no longer on a political or literary subject, but on the unevenness and unjust division of wealth; it has all its characters general ones; and the slave, as in the later comedy, plays a principal part. But, above all, we actually hear of a play of Aristophanes, the *Cocalus*, which in its love-intrigue and recognition presents two of the most prominent features of the New Comedy plots.

Mahaffy (*op. cit.* i. p. 435) notices that the old comic writers could not be so prolific as the tragedians, because they had to invent their plots; but, as depending on the passing events of the day, were compelled to faster writing than the tragedians. In many points he notices analogies between the days of the Old Comedy and the Shakesperean era, such as that the authors often began as actors (Aristoph. *Eq.* 541)—thus Crates and Pherecrates, we are told, were actors (Anonym. *de Com.* ap. Meineke, i. 536); they had to work very fast, and brought out altered editions of their own plays to supply the place of new ones—thus we hear of two editions of the *Nubes* (Arg. v. to *Nub.*); they often collaborated, *e.g.* Eupolis is said to have helped Aristophanes in the *Equites* (Schol. ad *Eq.* 1291); and they brought out plays under other people's names, *e.g.* Aristophanes brought out the *Nubes* under the names of Philonides and Callistratus (Schol. on *Nub.* 531). In the year B.C. 440, a law was passed τοῦ μὴ κωμῳδεῖν (Schol. Arist. *Acharn.* 67), which remained in force for three years, when it was repealed. Some (*e.g.* Clinton, *F. H. s. a.*) understand the law to have been a prohibition of comedy altogether; others (Meineke, *l. c.* p. 40; Bernhardy, p. 943) a prohibition against bringing forward individuals in their proper historical personality and under their own name, in order to ridicule them (μὴ κωμῳδεῖν ὀνομαστί). To the same period probably belongs the law that no Areopagite should write comedies. (Plut. *de Glor. Ath.* p. 348 C.) About B.C. 415, apparently at the instigation of Alcibiades, the law of 440, or at all events a law μὴ κωμῳδεῖν ὀνομαστί, was again passed on the motion of one Syracosius (Schol. Arist. *Aves*, 1297). But the law only remained in force for a short time (Meineke, p. 41). The nature of the political events in the ensuing period would of itself act as a check upon the licence of the comic poets. A man named Antimachus got a law like that of Syracosius passed, but the date of it is not known (Schol. Arist. *Acharn.* 1149). With the overthrow of the democracy in 411, comedy would of course be silenced; but on the restoration of the democracy, comedy again revived. It was doubtless again restrained by the Thirty Tyrants. During the latter part of the Peloponnesian war also it became a matter of difficulty to get choregi; and hindrances were sometimes thrown in the way of the comic poets by those who had been attacked by them: *e.g.* the dithyrambic poet Cinesias, who had been attacked by the comic poets, introduced a law whereby the public expenditure on the comic drama was so much curtailed, that it had to renounce the chorus

altogether. On this account, Strattis wrote a play against him called *Cinesias*, in which he styled him χοροκτόνος (Kock, *fr.* 15; Schol. *Ran.* 404; cf. Schol. *Ran.* 153). Agyrrhius, though when is not known, got the pay of the poets lessened. (Schol. Arist. *Eccl.* 102.) Yet even in the ruin of Athens the old Attic comedy was not quite dead. Cleophon was attacked by Aristophanes and Plato in 405 B.C. The old Attic comedy lasted from Ol. 80 to Ol. 94 (B.C. 458–404). From Cratinus to Theopompus there were forty-one poets, fourteen of whom preceded Aristophanes. The number of pieces attributed to them amounted altogether to 365. (Anon. *de Com.* ap. Meineke, p. 535; Bode, *l. c.* p. 108.) An excellent and compendious account of these poets is given by Bernhardy. (*Grundriss der Griech. Lit.* vol. ii. pp. 515–525.) A more extended account will be found in Meineke (*Hist. Crit. Comic. Graec.* forming vol. i. of his *Fragm. Com. Graec.*), and in Bode (*Gesch. der Hellen. Dichtk.* vol. iii. pt. ii. p. 108, &c. &c.). The reader is also referred to the articles Crates, Cratinus, Pherecrates, Hermippus, Eupolis, and Aristophanes in the *Dictionary of Greek and Roman Biography and Mythology*. (Comp. Rötscher, *Aristophanes und sein Zeitalter*; and Schlegel's *Lectures on Dramatic Art and Literature.*) The later pieces of Aristophanes belong to the Middle rather than to the Old Comedy. The old Megaric comedy, which was improved by Maeson by the introduction of standing characters (he is said to have invented the masks for the servant and the cook; and hence the kind of jokes made by these characters were called μαισωνικά: cf. Ath. xiv. p. 659 a), continued for some time to subsist by the side of the more artistically developed Attic comedy, as did the ancient Iambistic entertainments both in Syracuse and in the Dorian states of Greece (Arist. *Poët.* 4; Bode, *l. c.* p. 28), and the *Oscum ludicrum* at Rome.

It was not usual for comic poets to bring forward more than one or two comedies at a time; and there was a regulation according to which a poet could not bring forward comedies before he was of a certain age, which is variously stated at thirty or forty years. (Aristoph. *Nub.* 530, with the Schol. Ald.) But this is all a fiction (see A. Müller, *op. cit.* p. 351, note). To decide on the merits of the comedies exhibited, five judges were appointed, which was half the number of those who adjudged the prize for tragedy. (Schol. *ad* Arist. *Av.* 445; Hesych. *s. v.* πέντε κριταί.) For details concerning the appointment of judges and the course of procedure in the production of plays, see THEATRUM; and for the chorus of comedy, see CHORUS and SALTATIO.

As the old Attic comedy was the offspring of the political and social vigour and freedom of the age during which it flourished, it naturally declined and ceased with the decline and overthrow of the freedom and vigour which were necessary for its development. It was replaced by a comedy of a somewhat different style, which was known as the Middle Comedy, the age of which lasted from the end of the Peloponnesian war to the overthrow of liberty by Philip of Macedon (Ol. 94–110). During this period, the Athenian state had the form but none of the spirit of its earlier democratical constitution, and the energy and public spirit of earlier years had departed. The comedy of this period accordingly found its materials in satirising classes of people instead of individuals, in criticising the systems and merits of philosophers and literary men, especially the Platonists and Pythagoreans (see the *Epicrates* of Alexis), and in parodies of the compositions of living and earlier poets, and travesties of mythological subjects. It formed a transition from the Old to the New Comedy, and approximated to the latter in the greater attention to the construction of plots, which seem frequently to have been founded on amorous intrigues (Bode, p. 396), and in the absence of that wild grotesqueness which marked the Old Comedy. The excellences now are mainly those of expression; there is little inventive genius in the characters (λογικὰς ἔχουσι τὰς ἀρετάς, ὥστε σπάνιον ποιητικὸν εἶναι χαρακτῆρα παρ' αὐτοῖς, Anonym. *ap.* Meineke, 537). Aristotle notices (*Eth. N.* iv, 8, 6) that in the Old Comedy the laugh was at coarse language (αἰσχρολογία), but in the later comedy at innuendo (ὑπόνοια). As regards its external form, the plays of the Middle Comedy, generally speaking, had neither parabasis nor chorus; and such was the case with the *Odysseis* of Cratinus, the *Aeolosicon* and *Plutus* of Aristophanes, and very many of the dramas of the Old Comedy. The word χορὸς is indeed found at the end of the acts in the *Plutus*, but the gap was doubtless filled up by a musical interlude. (Platonius, *de Differ. Com.* ap. Meineke, p. 532.) The absence of the chorus was occasioned, partly by the change in the spirit of comedy itself, partly by the increasing difficulty of finding persons capable of undertaking the duties of choregus. As the change in comedy itself was gradual, so it is most likely that the alterations in form were brought about by degrees. At first showing the want of proper musical and orchestic training, the chorus was at last dropped altogether. Some of the fragments of pieces of the Middle Comedy which have reached us are of a lyrical kind, indicating the presence of a chorus. The poets of this school of comedy seem to have been extraordinarily prolific. Athenaeus (viii. p. 336 d) says that he had read above 800 dramas of the Middle Comedy. Only a few fragments are now extant. Meineke (*Hist. Crit. Com. Gr.* p. 303) gives a list of thirty-nine poets of the Middle Comedy. The most celebrated were Antiphanes and Alexis. (Bode, *l. c.* p. 393, &c.; Bernhardy, pp. 592–603.) Anaxandrides is said to have invented that kind of play so common in later comedy, in which (as in the *Adelphi* of Terence) a girl is seduced and afterwards married to the hero (Suidas, *s. v.* Ἀναξανδρίδης), though we have found such a play in the *Cocalus* of Aristophanes. Alexis or Ararus first brought on the Attic stage the parasite under that name; the character, however, was invented by Epicharmus. Mahaffy (i. 473) thinks that the vast number of plays of the later comedy, the few victories recorded as having been won by their authors, and the slight effect their works had, show that they were meant to be *read* rather than acted, and that they filled the place of our novels and magazine articles.

The New Comedy was a further development of the last-mentioned kind. It answered in a certain measure to the modern comedy of

manners or character. The subjects were virtually meat, drink, and love—but in moderation: hence the detailed accounts of cookery and feasting, and the prominence of cooks, parasites, and courtesans. But we also find mythological parody in the New Comedy, especially by Diphilus, ridicule of the poets, aye, and even vigorous political attacks (cf. Meineke, vol. i. pp. 436–439, 471). Dropping for the most part personal allusions, caricature, ridicule, and parody, which in a more general form than in the Old Comedy had maintained their ground in the Middle Comedy, the poets of the New Comedy made it their business to reproduce in a generalised form a picture of the every-day life of those by whom they were surrounded. Hence the grammarian Aristophanes asked: *ὦ Μένανδρε καὶ βίε, πότερος ἂρ' ὑμῶν πότερον ἀπεμιμήσατο* (Meineke, *praef. Men.* p. 33). The New Comedy might be described in the words of Cicero (*de Rep.* iv. 11), as "imitationem vitae, speculum consuetudinis, imaginem veritatis." The frequent introduction of sententious maxims was a point of resemblance with the later tragic poets. There was no rhetoric in the writers of the New Comedy: they aimed at saying everything plainly and neatly. There were various standing characters which found a place in most plays, such as we find in the plays of Plautus and Terence, the *leno perjurus, amator fervidus, servulus callidus, amica illudens, sodalis opitulator, miles proeliator, parasitus edax, parentes tenaces, meretrices procaces* (Apul. *Flor.* 16; Ovid, *Amor.* i. 15, 17). In the New Comedy there was no chorus, and the dramas were commonly introduced by prologues, spoken by allegorical personages, such as *Ἔλεγχος, Φόβος, Ἀήρ.* The New Comedy flourished from about B. C. 340 to B. C. 260. The poets of the New Comedy amounted to 64 in number. The most distinguished was Menander. Next to him in merit came Philemon, Diphilus, Philippides, Posidippus, and Apollodorus of Carystus. (Bernhardy, p. 603 ff., &c.; Meineke, *l. c.* p. 435, &c.)

This division into Old, Middle, and New Comedy is the traditional one, and on that account it has been retained here. But the prevailing opinion now held on the point is that the division is faulty in making the Middle Comedy a special class. Kock, in his edition of the Fragments of the Attic Comedians, divides his subject into the Old and the New Comedy, and assigns (vol. ii. p. 11) the following reasons for rejecting the Middle. (1) The latter is not recognised till the age of Hadrian: for Aristotle (*Eth. N.* iv. 8, 6), the Alexandrine critics, Quintilian (x. 1, 65–72), Velleius (i. 16, 3), Plutarch (*Symp.* vii. 712 a), even the anonymous writer *de Comoedia* ap. Meineke, i. 539, only recognise the Old and the New Comedy. (In the latter *τὸ δὲ μέσον* is an obvious insertion, as the next sentence shows: cf. Fielitz, *de Atticorum comoedia bipartita*, 1866.) (2) The Old Comedy had been originally divided (*e.g.* by Diomedes, 488–9, Keil; and Tzetzes, *de divers. Poet.* 81, 29) into two classes, that before and that after Cratinus. But the grammarians of Hadrian's time thought, as the New Comedy was so vastly more extensive both in time and writings than the Old, that it was the New Comedy which should be divided. (3) And again, there is no really decided distinction between the so-called Middle and New Comedy as there is between the Old and the later comedy, in the fact that the parabasis and the choral odes are wanting in the latter. (4) It can be shown that in point of subjects the line cannot be drawn: all subjects which are considered notes of the Middle and New Comedy are exhibited in writings of the Old, and what is considered as belonging peculiarly to the Old (viz. political attack) is found occasionally in the New.

As to the *occasions on which comedies were produced:* (1) the original festival at which dramas were exhibited was the *Lesser Dionysia*, or the *Διονύσια τὰ κατ' ἄγρους*, held from the 8th to 12th of Poseideon (Nov.–Dec.). This was held principally in the Piraeus, but also in the country parts of Attica, *e.g.* Collytus (Aeschin. *Tim.* § 157), Aixone, Eleusis, Thoricus (Schömann, *Gr. Alt.* ii.[3] 492). After the establishment of the Lenaea and the Greater Dionysia, the plays produced at the Lesser Dionysia were in all likelihood ones which had been previously performed. They were produced without a chorus. (2) At the *Lenaea* (8–12 Gamelion = Dec.–Jan.), which was probably established by Pisistratus, tragedies were originally acted, but after the establishment of the Greater Dionysia it became the festival at which comedies especially were performed. The *Acharnenses, Equites, Vespae,* and *Ranae* were all produced at it, and comedies continued to be acted at the Lenaea down to the second century (*C. I. A.* ii. 977, fr. i. *m–n*). Tragedies began to be acted again at this festival in 464 B.C. (Bergk, *Rhein. Mus.* xxxiv. 302). It is not known for how many days the contest at the Lenaea lasted — in the third century probably two days, as that would suffice for two tragic trilogies (cf. *C. I. A.* ii. 972) and the preceding comic agon (A. Müller, *op. cit.* 327). Only new pieces were produced in early times. Strangers were not allowed to be present at the dramatic performances of the Lenaea (Ar. *Ach.* 504). The administration was in the hands of the Archon Basileus (Poll. viii. 90). (3) At the *Greater Dionysia* or *Διονύσια τὰ ἐν ἄστει* (8–14 Elaphebolion = Feb.–Mar.) established after the Persian Wars, both comedies and tragedies were acted, but the latter were certainly the principal feature (Law of Evagoras in Dem. *Mid.* 517, § 10; Schol. on *Ran.* 406). It is disputed whether dramatic performances were held on three of the days, viz. 11, 12, 13, as Sauppe, A. Mommsen, and A. Müller hold; on two (Schneider); or on six (Geppert). See A. Müller, *op. cit.* 320, note 2. That comedies were acted is quite certain, as may be proved from the famous inscription, *C. I. A.* ii. 971, frag. *a*: *Ξενοκλείδης ἐχορήγει Μάγνης ἐδίδασκεν Τραγῳδῶν Περικλῆς Χολαργεὺς ἐχορήγει Αἴσχυλος ἐδίδασκεν* (467 B.C.), where the mention of tragedies points to the Greater Dionysia: cf. also Arg. v. to *Nubes* (424 B.C.), Arg. i. to *Pax* (422), Arg. i. to *Aves* (415 B.C.), Schol. to *Ran.* 404, *C. I. A.* ii. 977, frag. *d–h*, which extend over the whole of the Old and New Comedy. For Roman times see Lucian, *Piscat.* 14. In the comic agon there were mostly three competitors (Arg. v. *Nubes;* Arg. i. *Pax;* Arg. i. *Aves*). In the fourth century and afterwards the number was increased to *five* (Arg. iv. to *Plutus* (389 B.C.); cf *C. I. A.* ii. 972 (354 B.C.), 975 (second century), for the number could be increased as the chorus

had disappeared. The administration was in the hands of the ἄρχων ἐπώνυμος (Poll. viii. 89). There were no comedies performed at the Anthesteria (11–13 Anthesterion = Jan.–Feb.): for the law of the orator Lycurgus, τὸν περὶ τῶν κωμῳδῶν ἀγῶνα τοῖς Χύτροις ἐπιτελεῖν ἐφάμιλλον ἐν τῷ θεάτρῳ (Plut. *Vit. X. Or.* vii. 1, 10 = ii. 841 e), refers to the agon of comic *actors*, not to the performance of comedies. At all the festivals at which there were dramatic contests the comedies came on before the tragedies (Law of Evagoras, *ap.* Dem. *Mid.* 517, § 10; *C. I. A.* ii. 971). Some refer to *Aves*, 785, 789, to prove that tragedies were played in the morning and comedies in the evening; but perhaps ἐφ' ἡμᾶς only means "to us in the theatre," for tragedy and comedy formed one single and connected entertainment (Wecklein, *Philolog.* xxxi. 457).

After the age of the great tragedians it became customary to act one of their dramas at each tragic agon. Such is noted in the didascaliae as παλαιά (opp. to καινή). In the comic agon of 354 four *new* comedies are mentioned (*C. I. A.* ii. 972, l. 16); in 352 there is a tragedy of Euripides (*ib.* 973): but not till the second century (*C. I. A.* ii. 975, col. 3) do we find produced a comedy by an old master (Menander, Posidippus or Philemon, but of course not Aristophanes, whose works would have little point if acted in a different age to that of the individuals they satirised). We may thus perhaps infer that the custom of producing a play by an old master was later in the department of comedy than in that of tragedy.

The question has been often raised whether women were allowed to be present at comedies, as they certainly were at tragedies (Plat. *Gorg.* 502 D; *Legg.* ii. 658 C, vii. 817 C). The literature on both sides of the question is collected by A. Müller, *op. cit.* pp. 289, 290. The answer to be given is that they were allowed as far as the law was concerned. That they were present is expressly stated for the Old Comedy in *Pax*, 964 foll.; for the New Comedy in Alciphr. ii. 3, 10; and for Roman times by certain seats in the Dionysiac theatre being marked as belonging to priestesses (*C. I. A.* iii. 313, 315, &c.). Further, tragedy and comedy formed a single connected entertainment, so that permission to attend at tragedies would naturally imply permission to attend at comedies (Wecklein, *l. c.*). Yet though all women were allowed to be present, as far as the law was concerned, yet we may well conceive that many especially of the young women of respectability did not attend. That *all* women did not attend may in a measure be inferred from *Aves*, 793–796. Boys were certainly present (*Nub.* 537, 765; *Pax*, 56; Eupolis, frag. 244, ed. Kock; cf. Aristot. *Pol.* iv. 17, 9, τοὺς δὲ νεωτέρους οὔτε ἰάμβων οὔτε κωμῳδίας θεατὰς θετέον, πρὶν ἢ τὴν ἡλικίαν λάβωσιν ἐν ᾗ κατακλίσεως ("seat at table") ὑπάρξει κοινωνεῖν ἤδη, where it is no doubt intended to censure a prevailing custom. For details as to the public at dramatic performances, see THEATRUM.

The *costume* worn in the *Old Comedy* can in a great measure be ascertained as well from indications in the plays as from pictures found on vases of Southern Italy representing scenes from the φλύακες or comedies of that country, which were in many ways similar to the comedy at Athens (O. Müller, *Arch.* § 390, 7): for undoubtedly one represents the first scene of the *Ranae*. When we remember that comedy started from phallic songs (Aristot. *Poët.* 4), we are not surprised to find the phallus as the most prominent feature of comic costume. It was made of leather, red at the top (*Nub.* 538 and Schol.), and was sometimes hung round the neck (Suidas, *s. v.* φαλλοί). The σωμάτιον was a kind of tights, generally drawn over padding for the chest and stomach (προστερνίδιον, προγαστρίδιον), and so often confused with the latter (A. Müller, *op. cit.* 230). This σωμάτιον appears to have been nearly always worn, and often in the pictures it gives the figures the appearance of being naked. We find it at one time with holes pierced in it like eyes; at another with embroidery or horizontal stripes. Sometimes it does not fit the skin tightly, but falls in folds. Rarely we find the actor wearing a loose kind of trousers. The σωμάτιον was made sometimes of leather, sometimes of woven stuffs. Dividing the rest of the dress of the body into ἐνδύματα and ἐμβλήματα, the former consisted of a tunic either with two sleeves (ἀμφιμάσχαλος, Hesych. *s. v.*; Schol. *Eq.* 882), worn only by freemen, or else the ἐξωμίς [EXOMIS], which was the same as the ἑτερομάσχαλος (Phot. *s. v.*), which left the right arm and shoulder bare, and was worn by slaves and the working classes; the latter also wore a διφθέρα or leather jerkin (*Vesp.* 444), which appears to have been similar to the σπολάς (*Av.* 933; Poll. vii. 70). The χιτὼν is seldom mentioned by Aristophanes; but at times we find certain kinds of it, the ἡμιδιπλοίδιον (*Eccl.* 318), the κροκωτίδιον (*ib.* 332), and the κροκωτὸς (*ib.* 879) worn by women [CROCOTA]. The principal ἔμβλημα for men was the ἱμάτιον (*e.g. Ach.* 1183); a poorer kind was the λῃδάριον (*Av.* 915 and Schol.) and the τριβώνιον (*Plut.* 882). The χλαῖνα was a comfortable cloak for old men (*Vesp.* 738, 1132; Poll. x. 123); and the σισύρα was a sheepskin blanket, also used for a thick cloak (Schol. on *Vesp.* 738). Women, too, wore the ἱμάτιον (*Thesm.* 250), a special kind of which was the ἔγκυκλον (*ib.* 261 and Schol.), which appears to have been of a round cut. Compare generally the instructive scene in *Thesm.* 253 ff., where the parts of the woman's dress are put on in this order: σωμάτιον, κροκωτός, στρόφιον ("girdle"), ἔγκυκλον. As to what was worn on the head, there is mention of κυνῆ (*Nub.* 269), and all sorts of hats appear in pictures: *e.g.* the πέτασος on Hermes. Crowns, too, were worn on certain occasions (*Pax*, 1044, &c.). We find women wearing nets (κεκρύφαλοι), snoods (μίτραι), and wigs (κεφαλαὶ περίθετοι, *Thesm.* 257-8). In pictures the feet appear for the most part naked, though that is no doubt due to the carelessness of the artist. We hear of ἐμβάδες (*Eq.* 872), Λακωνικαὶ (*Vesp.* 1157) worn by men, and Περσικαὶ (*Thesm.* 734) worn by women [CALCEUS]. The κόθορνος, which was a woman's shoe (*Eccl.* 346; cf. 319), was probably similar to the latter. Besides this ordinary dress, the *dramatis personae* had their special attributes: *e.g.* Dionysus when personating Heracles had the club and lion's skin (*Ran.* 44), and so Zeus appears in pictures with the thunderbolt. Of course grotesque characters appeared in grotesque costume: *e.g.* Pseud-artabas in the *Acharnenses* and Iris in

the *Aves*. For the dress of the chorus, see CHORUS.

The *costume* worn in the *New Comedy* is still more the dress of ordinary life than that of the Old Comedy, being much less of the nature of caricature. The σωμάτιον is often found, but without the excessive padding of the Old Comedy. With men the χιτὼν is generally found long on freemen of all ages, the parasite, and some slaves: with soldiers and the majority of slaves it is short. The ἱμάτιον was worn by men of all ranks, the lower part of it being thrown over the left shoulder. The χλαμὺς was worn by soldiers (Plaut. *Pseud.* iv. 7, 40). The mysterious κοσύμβη (Suid., Hesych. *s. v.*) appears to have been a sort of shawl wound round the body or thrown over the shoulders; and the ἐγκόμβωμα (Poll. iv. 119) or ἐπίρρημα a white pallium worn by slaves, so fastened that it no doubt left both hands free. The legs were generally covered with tights, seldom loose trousers. The διπλῆ of cooks (Poll. iv. 119) was an apron. A covering for the head is rarely found in representations. The soldier has a round flat hat (Baumeister, *Denkmäler*, fig. 910). As covering for the feet the actors wore the EMBAS, or else shoes which left the toes bare: stockings also are sometimes found (A. Muller, *op. cit.* 264, note 2; cf. Becker-Göll, *Charikles*, iii. 284). Women wore the χιτὼν reaching to the feet, which was often called συμμετρία (Poll. vii. 54), and as an over-covering the ἱμάτιον. Heiresses used to wear ἱμάτια with fringes (Poll. iv. 120). On their feet women wore either socci or sandals with thongs. As to the additional accessories of certain characters, we are told that old men carried a curved walking stick (καμπύλη, Poll. iv. 119); rustics (*ib.*) a straight staff (λαγωβόλον), wallet (πήρα), and leathern tunic (διφθέρα); procurers a straight stick called ἄρεσκος (*ib.* 120); the parasite a strigil (στλεγγὶς) and an oil-pot (λήκυθος, *ib.*; cf. Plaut. *Stich.* i. 3, 75); and the soldier a sword (Plaut. *Mil.* i. 1, 5).

The different *colours* of the dress of the different stock-characters are much insisted on both by Pollux and Donatus (*de Comoedia et Tragoedia*). Thus old men wore white, younger men (νεώτεροι) red or dark purple (φοινικοῦς ἢ μελαμπόρφυρον ἱμάτιον, Poll. iv. 119), youths (νεανίσκοι) purple (*ib.*), though Donatus (11, 21) says it was party-coloured (*discolor*). Parasites had black or grey (φαιὸς) cloaks (cf. οἱ μελάνες ἡμεῖς, Ath. vi. p. 237 b; Cic. *Caec.* 10, 27). The soldier has a *chlamys purpurea* (Donatus, 11, 24), slaves and artisans white ἱμάτια (Artemid. *Oneir.* ii. 3). Old women wore apple-green (μηλίνη) or dark blue (ἀερίνη) dresses, except priestesses, who wore white. Young women had white dresses. Procuresses had a purple band round their heads (Poll. iv. 119). There was a law at Athens that hetaerae should wear bright-coloured costume (ἄνθινα φορεῖν, Suidas, *s. v.*), and pictures show them with red and yellow chitons and white and yellow himatia. The soubrette (ἄβρα περίκουρος) wore a white chiton, and the hetaera's servant (παράψηστον θεραπαινίδιον) a saffron-coloured chiton (Poll. iv. 154). For the masks of comedy, see PERSONA. The most important work on the costume of the drama is Wieseler, *Theatergebäude und Denkmäler des Bühnenwesens* (1851), the main results of which are collected and criticised in the light of more recent researches by A. Müller, *Die griechischen Bühnenalterthümer* (1886), who is chiefly followed in the above sketch.

Besides the works cited in the text, the reader is referred to the article *Lustspiel* in Baumeister's *Denkmäler des klassischen Altertums*, and that on *Comoedia* in Daremberg and Saglio, *Dict. des Antiquités*. [C. P. M.] [L. C. P.]

2. ROMAN.—The account which is given by Livy (vii. 2) of the introduction of comedy at Rome is to the following effect. In the year B.C. 363, on the occasion of a severe pestilence, among other ceremonies for averting the anger of the deities, scenic entertainments were introduced from Etruria, where it would seem they were a familiar amusement. Tuscan players (*ludiones*), who were fetched from Etruria, exhibited a sort of pantomimic dance to the music of a flute, without any song accompanying their dance, and without regular dramatic gesticulation. The amusement became popular, and was imitated by the young Romans, who improved upon the original entertainment by uniting with it extemporaneous mutual raillery, composed in a rude irregular measure—a species of diversion which had been long known among the Romans at their agrarian festivals under the name of *Fescennina* [FESCENNINA]. They regulated their dances so as to express the sense of the words. This amusement became popular, and those who had an aptitude for this sort of representation set themselves to improve its form, supplanting the old Fescennine verses by compositions called *saturae*, which were written in a more regular measure (*impletae modis*) and set to the music of the flute (*descripto jam ad tibicinem cantu*), and delivered with appropriate gestures. Those who took part in these exhibitions were called *histriones*, *ister* being the Etruscan word which answered to the Latin *ludio* [HISTRIO]. After some years Livius introduced dramas with a regular plot, in which he acted himself. When acting had thus developed from mere amusement to a recognised profession, the young citizens, leaving the representation of plays to actors, began to bandy jests thrown into verse, which afterwards got the name of *exodia*, and were introduced into the Atellan plays. In this account Livy seems unquestionably mistaken in describing the *saturae* as due to the imitation of Etruscan actors: there is no reason to doubt that they were, as Virgil (*Georg.* ii. 385) and Horace (*Epist.* ii. 1, 139 ff.) represent them, connected in the earliest times with the rustic festivals in honour of the deities presiding over agriculture. But under the influence of the foreign *histriones* they doubtless took a more formal shape. Nor can he be right in suggesting a connexion between the Atellan farces and the *satura* with the drama thence developed. The drama arose from the combination of the text of the *saturae* with the music and dancing of the *histriones*. (Cf. Mommsen, *Hist.* iii. 455, note.)

Livius Andronicus, a native of Magna Graecia, in B.C. 240 introduced both tragedies and comedies, which were merely adaptations of Greek dramas. His popularity increasing, a building on the Aventine hill was assigned to him for his use, which served partly as a theatre, partly as a residence for a troop of players, for

whom Livius wrote his pieces. Livius, as was common at that time, was himself an actor in his own pieces. His Latin adaptations of Greek plays, though they had no chorus, were interspersed with *cantica*, which were more lyrical in their metrical form, and more impassioned in their tone than the ordinary dialogue. In the musical recitation of these Livius seems to have been very successful, and was frequently encored. The exertion being too much for his voice, he introduced in these *cantica* the practice of placing a slave beside the flute-player to recite or chant the words, while he himself went through the appropriate gesticulation. This became the usual practice from that time, so that in the cantica the histriones did nothing but gesticulate, the only parts where they used their voice being the *diverbia*. For the distinction between the *cantica* and the *diverbia*, see CANTICA.

The first imitator of the dramatic works of Livius Andronicus was Cn. Naevius, a native of Campania. He composed both tragedies and comedies, which were either translations or imitations of those of Greek writers. In comedy his models seem to have been the writers of the Old Comedy. (*Dict. Biogr.*, art. *Naevius*.) The most distinguished successors of Naevius were Plautus (*ib.*, art. *Plautus*) and Terence (*ib.*, art. *Terentius*), whose materials were drawn chiefly from Menander, Diphilus, Philemon, and Apollodorus. The comedy of the Romans was throughout but an imitation of that of the Greeks, and chiefly of the New Comedy. Where the characters were ostensibly Greek, and the scene laid in Athens or some other Greek town, the comedies were termed *palliatae*. All the comedies of Terence and Plautus belong to this class. When the story and characters were Roman, the plays were called *togatae*, because the costume was the toga. These *fabulae togatae* represented the life of the lower classes in Rome, and were coarser in tone than the *palliatae*. One kind of these, called *trabeatae*, representing the knights, was of late introduction and little importance. (Diomed, iii. p. 489, K.) In the *comoediae palliatae*, the costume of the ordinary actors was the Greek pallium. There was a species of burlesque travesty of tragic subjects, named from the poet who introduced that style *Rhinthonica*. The mimes are sometimes classed with the Latin comedies. (Hermann, *de Fabula togata:* Opusc. vol. v. p. 254, &c.) Respecting them, the reader is referred to the article MIMUS. The mimes differed from the comedies in little more than the predominance of the mimic representation over the dialogue, which was only interspersed in various parts of the representation.

Latin comedies had no chorus, any more than the dramas of the New Comedy, of which they were for the most part imitations. Like them, too, they were introduced by a prologue, which answered some of the purposes of the parabasis of the Old Comedy, bespeaking the good will of the spectators, and defending the poet against his rivals and enemies. It also communicated so much information as was necessary to understand the story of the play. The prologue was commonly spoken by one of the players (who did not appear in the first act), or by the manager of the troop. Occasionally the speaker of it assumed a separate mask and costume for the occasion (Plaut. *Poen.* prol. 126; Terent. *Hecyr.* prol. ii. 1). Sometimes the prologue is spoken by one of the dramatis personae (Plaut. *Amph.*; *Mil. Glor.*; *Merc.*), or by some supernatural or personified being, as the Lar familiaris in the *Aulularia* of Plautus, Arcturus in the *Rudens*, Auxilium in the *Cistellaria*, Luxuria and Inopia in the *Trinummus*. (Baden, *von dem Prologe im Röm. Lustsp.* in Jahn's *Archiv*, i. 3, p. 441, &c.; Becker, *de com. Roman. Fabulis*, p. 89, &c.; Wolff, *de Prologis Plautinis*.) Pliny (*H. N.* xxxvi. § 204) says that Servius Tullius first instituted the Compitalia in honour of the Lares, in commemoration of the miraculous circumstances of his own birth; for he was said to have been the son of a Lar familiaris. Respecting the use of masks, see the article PERSONA. The characters introduced were much the same as in the New Comedy, and their costume was not very different. Donatus gives the following account of it: "comicis senibus candidus vestis inducitur, quod is antiquissimus fuisse memoratur, adolescentibus discolor attribuitur. Servi comici amictu exiguo conteguntur paupertatis antiquae gratia, vel quo expeditiores agant. Parasiti cum intortis palliis veniunt. Laeto vestitus candidus, aerumnoso obsoletus, purpureus diviti, pauperi phoeniceus datur. Militi chlamys purpurea, puellae habitus peregrinus inducitur, leno pallio varii coloris utitur, meretrici ob avaritiam luteum datur."

A word remains to be said on the *Atellanae fabulae*. These were of very early origin; the Latins having been accustomed, probably before the foundation of Rome, to improvise songs and jests in masks which represented certain standing characters. It has been commonly supposed, on the strength of our Greek authorities (*e.g.* Strabo, v. p. 356 a), that the name of *ludi Osci* or *ludicrum Oscum* points to their origin in Campania, and it has even been asserted that they were performed at Rome in the Oscan language. This statement, which is quite incredible in itself, when we consider how unintelligible the dialect must have been to actors and audience alike, is now universally rejected. Mommsen's view (*Hist.* iii. 455) is far preferable, that the Latin farce with its fixed characters and standing jests needed a permanent scenery, which was fixed at the ruined town of Atella in order not to give offence to any existing community. We need not attempt to find any other connexion with the Oscan nation. Nor did they form any part of dramatic literature: the text was never written, or at any rate not published. Apparently it was only in the generation preceding Cicero that the Atellan farces were taken up by professional actors (cf. Cic. *ad Fam.* ix. 16), who continued to play them under the empire (Tac. *Ann.* iv. 14) as after-pieces (*exodia*) to more serious dramas. Among the standing characters were Pappus or Casnar, Bucco, Maccus, and Dossennus (Mommsen, *Unterital. Dial.* p. 118). The first is an old man, vain and very stupid; the second, a fat-faced chattering glutton; the third, a filthy, amorous fool; the fourth, a cunning sharper. The earlier writers who composed complete texts for these plays were L. Pomponius of Bononia and Novius (about 100–80 B.C.). From the extant fragments the language seems to have been extremely

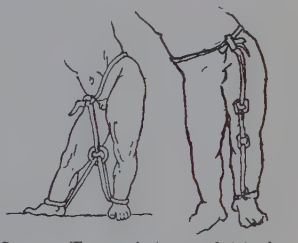
coarse, and the jokes mostly obscene (Teuffel, *Röm. Lit.* § 125). (C. E. Schober, *Ueber die Atellanen*, Lips. 1825; Weyer, *Ueber d. Atell.*, Mannheim, 1826; Munk, *de Fabulis Atellanis*, Breslau, 1840; Mommsen, *Hist.*; Bähr, *Gesch. der röm. Litteratur;* Teuffel, *Roman Literature*, §§ 9, 10). [C. P. M.] [A. S. W.]

COMPENSA'TIO is defined by Modestinus (Dig. 16, 2, 1) as "debiti et crediti inter se contributio:" it corresponds to the English set-off and counterclaim. The full application of this principle was only of slow development in Roman law. Gaius says (iv. 64) that bankers in suing their debtors were compelled to make allowance for what they themselves owed the latter, and bring their action only for the balance (Plautus, *Aulul.* iii. 5, 56; *Captiv.* i. 2, 89), and that the actions of *bonorum emptores* (BONORUM EMPTOR) were governed by the same rule (*deductio*). In *bonae fidei judicia* (such as the actions on most contracts), the judge was bound, as acting under his commission *ex fide bona*, to take account of sets-off arising *ex eadem causa*, from the same transaction (Gaius, iv. 61); and though Justinian says (*Inst.* iv. 6, 30) that set-off was not allowed in *stricti juris* actions (*i.e.* actions in the main on formal contract and *mutuum*) till a rescript of M. Aurelius, and then only on the condition of the defendant's getting an *exceptio doli* inserted in the formula, it would seem that this had been done before in some actions of this class by special favour (Dig. 16, 2, 4 and 5), and that the emperor's enactment only made the matter a general rule. Apparently, too, from that time onward, claims arising *ex dispari causa* could be set off in actions of either kind by the employment of the same *exceptio doli*. This distinction between compensatio effected *officio judicis*, and that resulting from the use of the *exceptio doli*, seems to have lasted on in the system of procedure which superseded that of the formula about the end of the 3rd century of our era, until Justinian abolished it (Cod. 4, 31, 14, pr. and 1). In his time, set-off of any kind, whether arising *ex eadem* or *ex dispari causa*, could be advanced with effect at any stage of the action up to judgment, though it is uncertain whether, by the enactment last referred to, he first allowed compensatio in Real actions. It was essential, however, that the claims set off against one another should relate to *par materia* or *genus* ("veluti pecunia cum pecunia compensatur, triticum cum tritico, vinum cum vino," Gaius, iv. 66; cf. Cod. 4, 31, 4). But it is hardly certain how far it was required that the set-off should be clearly proved or provable: perhaps from Cod. 4, 31, 14, 1, we should infer that the proof and assessment of the counterclaim must not be so intricate as practically to reverse the *rôles* of the parties, and, as it were, to turn the defendant into a plaintiff.

When a person appeared as plaintiff on behalf of another (*e.g.* a tutor for his pupillus), the debtor could not advance in compensatio a debt due to him from the agent on his own account; and sureties when called upon to discharge an obligation in lieu of the principal debtor, might set off debts due from the plaintiff, either to the latter or to themselves. (Cf. Dig. 16, 2; Cod. 4, 31; Paul. *Sent. rec.* ii. 5, 3; Bethmann-Hollweg, *Zur Lehre von der Compensation*, Rhein. Mus. i. 257; Brinz, *Die Lehre von der Compensation*, 1849; Dernburg, *Die Compensation*, 1868; Savigny, *System*, v. p. 467 *sq.*)
[J. B. M.]

COMPERENDINA'TIO. [JUDEX.]

COMPES (πέδη), a fetter or shackle for the ankles. These were sometimes so constructed as to deprive the prisoner almost or entirely of the power of walking (Aesch. *Prom.* 6), the shackles being attached by means of a chain to a wall or post, or joined together by a small plate of metal. A variety in more common use left the fettered person free to work, but impeded his flight, as is seen in the following illustrations, the first of a Cupid from a gem, the



Compes. (From ancient gem and statue.)

second from a statue in the Villa Borghese (Claud. *Eutrop.* ii. prol. 3). Such fetters, the effect of which was simply to interfere with the free action of the legs, were especially worn by the slaves who cultivated so large a portion of the soil of Italy (Cato, *R. R.* 57; Colum. i. 6; Plin. *H. N.* xviii. § 21; Ov. *ex Pont.* i. 6, 31; Juv. xi. 80; cf. Athen. p. 272 e), as well as those to whom heavier tasks, such as quarrying, were assigned by way of punishment (Plaut. *Capt.* iii. 5, 76; v. 1, 24). Sometimes the fetters were worn round the calf (Plaut. *Pseud.* iv. 7, 80). Statues of Saturn were fitted with compedes, which were taken off in the month of December (Stat. *Silv.* i. 6, 4). Πέδαι were also used for hobbling horses (Hom. *Il.* xiii. 36).

Compes sometimes denotes the ornamental anklet worn by women (Plin. *H. N.* xxxiii. § 152; Petron. *Sat.* 67). [PERISCELIS.] [J. H. F.]

COMPETI'TOR. [AMBITUS.]

COM'PITA. [COMPITALIA.]

COMPITA'LIA, also called LUDI COMPITALI'CII, a festival celebrated once a year in honour of the two Lares compitales, to whom sacrifices were offered at the places where two or more ways met (*compita*, Varro, *de Ling. Lat.* vi. 25, ed. Müller; Festus, *s. v.*). Dionysius (iv. 14) similarly ascribes its origin to Servius Tullius, and describes the festival as it was celebrated in his time. He relates that the sacrifices consisted of honey-cakes (πέλανοι), which were presented by the inhabitants of each house, and that the persons who assisted as ministering servants at the festival were not freemen, but slaves, because the Lares took pleasure in the service of slaves: he further adds that the Compitalia were celebrated a few days after the Saturnalia with great splendour, and that the slaves on this occasion had full liberty given them to do what they pleased. We are told by Macrobius (*Saturn.* i. 7, 34) that the celebration of the Compitalia was restored by Tarquinius

Superbus, who sacrificed boys to Mania, the mother of the Lares; but this practice was changed after the expulsion of the Tarquins, and the heads of garlic and poppies offered instead of human heads.

The persons who presided over the festival were the *Magistri vicorum* (Liv. xxxiv. 7, 2; Madvig, *Em. Liv.* p. 497), who were on that occasion allowed to wear the praetexta (Ascon. *ad* Cic. *in Pis.* p. 7, ed. Orelli). They were aided by *collegia ex servitiorum faece constituta* (Asconius, *l. c.*). Public games were added at some time during the republican period to this festival, but they were suppressed by command of the senate in B.C. 64; and it was one of the charges brought forward by Cicero against L. Piso that he allowed them to be celebrated by Clodius in his consulship, B.C. 58 (Cic. *in Pis.* 4, 8; Ascon. *l. c.*). But that the festival itself still continued to be observed, though the games were abolished, is evident from Cicero (*ad Att.* iii. 3). When Julius Caesar dissolved most of the *collegia* (Mommsen, *Hist.* iv. 503), the Compitalia necessarily fell into disuse. Augustus restored the festival on an entirely new basis, not reviving the *collegia*, but assigning the charge of it to a newly constituted set of *magistri vicorum*. These were four in number, for each of the 265 *vici* included in his new division of the city. The first set entered upon office on Aug. 1, B.C. 7. To the two Lares compitales was now added the *genius Augusti* (Ovid, *Fast.* v. 145; Hor. *Carm.* iv. 5, 39, *Laribus tuum miscet numen*), and the festival was observed twice in the year, on May 1 and Aug. 1. At an earlier time the Compitalia belonged to the *feriae conceptivae;* that is, festivals which were celebrated on days appointed annually by the magistrates or priests. The day on which this festival was celebrated appears to have been always in the winter. Dionysius relates (iv. 14), as we have already said, that it was celebrated a few days after the Saturnalia, and Cicero (*in Pison.* iv.) that it fell on the Kalends of January; but in one of his letters to Atticus (vii. 7) he speaks of it as falling on the fourth before the nones of January. The exact words with which the festival was announced are preserved by Macrobius (*Saturn.* i. 4, 27) and Aulus Gellius (x. 24). [A. S. W.]

COMPLU'VIUM. [DOMUS.]

COMPROMISSUM. [JUDEX; RECEPTA ACTIO.]

COMUS (κῶμος). [CHORUS; COMOEDIA.]

CONCHA (κόγχη, κόγχος), a mussel- or cockle-shell, was the name of a vessel made in the form of such a shell. These vessels were used for various purposes, and were of different sizes. Thus they were used as salt-cellars (*concha salis puri*, Hor. *Sat.* i. 3, 14), for holding perfumes and unguents (Hor. *Carm.* ii. 7, 23; Juv. vi. 304, 419, with Schol. *ad* 419), oil (Cat. *R. R.* 13, 3; Colum. xii. 52, § 8), colours for painters (Dig. 33, tit. 7, § 17), &c. Vessels of a similar shape, but of a larger size, were used for washing, and for other purposes (Paul. *Sent.* iii. 6, 56 and 83; *conchas, in quibus pedes lavant*, Schol. *ad* Juv. iii. 277, x. 64). We find vessels in the shape of shells depicted in works of art. Two examples are given by Daremberg and Saglio (s. v. *Concha*). *Concha* or *conchula* (*concula*) was also the name of a liquid measure, of which there were two sizes. The smaller was half the *cyathus* (=·0412 of a pint English); the larger, which was the same as the *oxybaphum*, was three times the former (=·1238 of a pint). (Hussey, pp. 207, 209; Wurm, p. 129; Hultsch, *Metrol.* p. 91.) [W. S.]

CONCILIA'BULUM. [COLONIA.]

CONCILIA'RII. [ASSESSOR.]

CONCI'LIUM, an assembly in general, sometimes used in a loose way to designate the comitia of the centuries (Liv. ii. 28), or any contio (Liv. ii. 7, 28, v. 43; Gell. xviii. 7; comp. Becker, *Handb. der Röm. Alterth.* vol. ii. part i. p. 359, note 693). For the *concilium plebis*, see COMITIA, p. 510. The word also denotes the assemblies or meetings of confederate towns or nations, at which either their deputies alone, or any of the citizens who had time and inclination, met, and thus formed a representative assembly. (Liv. i. 50.) We find frequent traces of this, not only among the Italian nations, *e.g.* the Aequi (Liv. iii. 2), Samnites (iv. 25; x 12), Etruscans (iv. 23, 25, 61; v. 17; vi. 2), Hernicans (ix. 42), and Latins (vi. 33; vii. 25; viii. 3); but also in the Greek states (*τὸ κοινόν*), *e.g.* the Achaeans (Liv. xxxvi. 31), Aetolians (xxxi. 29, xxxviii. 34), Boeotians (xlii. 43), Macedonians (xlv. 18; cp. Gell. ii. 6). As the Romans conquered the neighbouring states of Italy, it was a regular part of their policy to break up the union of the vanquished tribes by forbidding the existence of such *concilia* (Liv. viii. 14, 10, "ceteris Latinis populis connubia commercia que et concilia inter se ademerunt:" cf. ix. 43, 24). After the defeat of Perseus, four *concilia* were established for Macedonia (Liv. xlv. 29). But Augustus not merely allowed the *concilia* to continue where they had previously been held, but instituted them also in other provinces, and this representative character was recognised. In theory, they were associations formed for the worship of the imperial house. The president was the *ἀρχιερεὺς* or *sacerdos provinciae*, an official elected annually by the deputies (*legati*) from the most important towns. This dignitary was usually one of the most eminent and wealthy of the provincials, and had the immediate direction of the finances of the temple and its festivals; at a later time he had a certain power of control over all the priests of the province. After the concilium had taken part in the religious festival, it met again for the conduct of business. Its first duty was to pass the accounts of the expenditure connected with the provincial temple to Augustus, and to provide for the maintenance of the worship for the coming year; but then it was entitled to criticise the conduct of the governor, and either vote thanks to him, or lay a complaint before the emperor (cf. Inscription of Torigny edited by Mommsen), which was frequently followed by his accusation (Plin. *Ep.* vii. 6). In this manner some control was exercised over the governor, and there was some approach to the creation of a representative body. As the worship of the emperors fell out of use with the growth of Christianity, the *concilium provinciae* replaced by degrees the old *conventus* (cf. Willems, *Dict. Romaine*, p. 594), and became a representative assembly for each diocese. (Cf. Marquardt, *Röm. Staatsverw.* i.² 503–516, and his important essay in the *Ephem. Epigr.* 1872, pp. 200–214; Mommsen, *Provinces*

of the Roman Empire, i. 35, 94, 300; ii. 238, &c.) [L. S.] [A. S. W.]

CON'CIO. [CONTIO.]

CONCLA'VE, a separate room in a house, or a series of rooms, which might be locked with the same key ("conclavia . . . quae una clave clauduntur," Fest. p. 38, 9 M.; Ter. *Heaut.* v. 1, 29; Cic. *Rosc. Am.* 23, 64, *de Orat.* ii. 86, 353; Hor. *Sat.* ii. 6, 113; Vitruv. vi. 3, 8.) [W. S.]

CONCUBI'NA (παλλακή, παλλακίς).

I. GREEK. The παλλακή occupied at Athens a kind of middle rank between the wife (cf. Lys. i. 31) and the ἑταίρα. The distinction between the ἑταίρα, παλλακή, and legal wife, is accurately described in [Dem.] *c. Neaer.* § 122, p. 1386, τὰς μὲν γὰρ ἑταίρας ἡδονῆς ἕνεκ' ἔχομεν, τὰς δὲ παλλακὰς τῆς καθ' ἡμέραν θεραπείας τοῦ σώματος, τὰς δὲ γυναῖκας τοῦ παιδοποιεῖσθαι γνησίως καὶ τῶν ἔνδον φύλακα πιστὴν ἔχειν. Thus Antiphon (i. § 17 ff.) speaks of the παλλακὴ of Philoneos as following him to the sacrifice, and also waiting upon him and his guest at table. If her person were violated by force, the same penalty was exigible from the ravisher as if the offence had been committed upon an Attic matron; and a man surprised by the quasi-husband in the act of criminal intercourse with his παλλακὴ might be slain by him on the spot, as in the parallel case (Dem. *in Aristocr.* § 55, p. 637, ἢ ἐπὶ δάμαρτι . . . ἢ ἐπὶ παλλακῇ ἣν ἂν ἐπ' ἐλευθέροις παισὶν ἔχῃ, and Lys. i. 31; cf. also the decree said to have been passed during the time of the Peloponnesian War, γαμεῖν μὲν ἀστὴν μίαν, παιδοποιεῖσθαι δὲ καὶ ἐξ ἑτέρας, Diog. Laert. ii. 26. See Athen. xiii. 556 a, and Gell. *Noct. Attic.* xv. 20). The concubine of Philoneos was a slave woman (after his death she undergoes servile punishment, Antiph. i. 20); but from Isaeus (iii. 39) we learn that also Athenian women, probably of the poorer families, became sometimes concubines, and that their κύριος stipulated a sum of money to be paid to the woman in case her quasi-husband died or dismissed her. From this it would appear that a kind of *concubinatus* was recognised by law, and scarcely proscribed by public opinion (Philoneos is called ἀνὴρ καλός τε κἀγαθός, Antiph. i. 14: see, however, Isae. vi. 18; Dem. *c. Boeot. de Dot.* § 5, p. 1009, etc.); but Buermann (*Supplem. Jahrb. f. cl. Phil.* 1878, p. 569 ff.) goes too far in thinking that such a παλλακὴ was duly betrothed by her κύριος (the δάμαρ, in addition to being betrothed, was introduced to the phrateres of her husband [GAMELIA]), and that the children of a παλλακὴ of civic birth were γνήσιοι. He draws these conclusions from the case of Mantias and Plangon (Dem. *in Boeot. de nom.* and *de dot.*), the case of Euctemon and the sister of Democrates (Isae. vi. 22 ff.), and the reports of Socrates' bigamy. Mantias was compelled by Plangon's oath (that he was the father of her children, *de nom.* § 4, p. 995: cf. Arist. *Rhetor.* ii. 23, 11, p. 1398 B) to introduce forthwith her two sons into his phratry. On this occasion he had to swear that the children were ἐξ ἀστῆς καὶ ἐγγυητῆς γυναικός: hence, B. concludes, Plangon must have been betrothed to him. Lipsius (*Att. Proc.* p. 543. n. 166; see also Gilbert in *Jahrb. f. cl. Phil.* 1887, p. 24), however, shows that this oath was not necessary in all the phratries; and Philippi (*Jahrb. f. cl. Phil.* 1879, p. 417) points out that the distinction between ἐγγυᾶσθαι and γαμεῖν, as indicated by B., is not borne out by the use made of these words by the orators (cf. Isae. vi. 24, ἐγάμει, in what B. considers an instance of *concubinatus*; ἐπέγημε, Andoc. i. 128, 124; and especially Isae. iii. 39, where ἐπὶ παλλακίᾳ διδόναι is contrasted with ἐγγυᾶν). The connexion of Mantias and Plangon was probably of a different nature; it would seem that Mantias married her (her son Boeotus claimed the name of the paternal grandfather as being the eldest grandchild, *de nom.* § 27, p. 1002), but divorced her (hence her sons returned with her to the φυλὴ Ἱπποθωντίς, *de nom.* § 23, p. 1001), before marrying the daughter of Polyaratus (*de dot.* § 6, p. 1009), without, however, breaking off intercourse with her (*de dot.* § 27, p. 1016). If one of the characteristics of the legitimate *concubinatus* had been, as B. says, that no dowry was brought, and if Plangon had been a παλλακή, Mantitheus would no doubt have met Boeotus' claim to his mother's dowry in a different way from what he does (*de dot.* § 20 foll., p. 1014). As regards Euctemon, he too, as Luzac suggests (*Lect. Attic.* p. 59 ff.; cf. Schoemann, *ad* Isae. p. 334), divorced his wife (for a time, § 40) and threatened to marry the sister of Democrates (§§ 22, 25). Luzac likewise exposes the fallacy of the view entertained by several writers of the Peripatetic school, that Socrates had two wives at once;* and Zeller (*Socr. and the Socr. Schools*, transl. by Reichel, p. 57 n.) accounts thus for the origin of the story: "We gather from the remains of the treatise περὶ εὐγενείας, that this dialogue was concerned with the question, whether nobility belonged to those whose parents were virtuous. Now none were more celebrated for their spotless virtue and their voluntary poverty than Aristeides and Socrates. Accordingly the writer brought the two into connexion. Socrates was made to marry a daughter of Aristeides; and since Xanthippe was known to be his wife, Myrto was made to be his second wife and the mother of his younger children. Others, however, remembered that Xanthippe survived her husband. They thought it unlikely that Socrates should be the son-in-law of a man dead before he was born, and they tried to surmount these difficulties in various ways. As regards the first difficulty, either it was maintained that Myrto was his second wife and that the younger children were hers, in which case it was necessary to place her side by side with Xanthippe, as Hieronymus actually did, and invented a decree of the people to make it probable; or to avoid romance, this supposition was given up, and Myrto was made to be his first wife, who then can have borne him no children, since Lamprocles, his eldest son, according to Xenophon, was a child of Xanthippe. The second difficulty might be got over either by making Myrto a grand-daughter of Aristeides, or by making her father to be Aristeides the Just. The former is the usual one; the latter is the

* The Spartan king Anaxandridas had two wives: cf. Herod. v. 39 foll. (γυναῖκας ἔχων δύο διξὰς ἰστίας οἰκέε, ποιέων οὐδαμῶς Σπαρτιητικά) and Pausan. iii. 3, 9; see also Aelian, *V. H.* 13, 10, ἐν μιᾷ ἡμέρᾳ δύο γυναῖκας ἠγάγετο Διονύσιος.

view of Athenaeus." Buermann interprets ἐλεύθερος in the law (Dem. *in Aristocr.* § 55, p. 637) to mean γνήσιος. This is scarcely correct when we consider [Dem.] *c. Neaer.* § 118, p. 1385; the speaker meets what might be urged in defence: "They cannot say that Neaera is a woman of civic birth, for it is in evidence that she is a ἑταίρα, and has been the slave of Nicarete; perhaps they will pretend that she is not his γυνή, but that he keeps her as a παλλακή. This cannot be; for her sons, who have been introduced by Stephanus to his phrateres, and her daughter, who has been given in marriage to an Athenian citizen, clearly prove that Stephanus lived with her as his wife." Hence it follows that the children of a concubine were not admitted to the phratry of the father; they were not γνήσιοι, for "wives are kept τοῦ παιδοποιεῖσθαι γνησίως ἕνεκα" (§ 122, p. 1386; cf. Luc. *Tim.* 17, ἐπ' ἀρότῳ παίδων γνησίων), but they were ἐλεύθεροι, *i.e.* possessed civic rights, and by an act of legitimation (ποιεῖσθαι, Andoc. i. 124; Dem. *in Boeot. de nom.* § 29, p. 1003) the father could procure for them all the rights and privileges of children born in wedlock. If the mother was not an Athenian, the father might not adopt this course (*Att. Proc.* p. 529 ff.). [J. S. M.] [H. H.]

II. ROMAN. According to an old definition, an unmarried woman who cohabited with a man was originally called *pellex* (Paul. Diac. p. 222; Gell. iv. 3), but afterwards by the more decent appellation of *concubina* (Dig. 50, 16, 144). *Concubinatus* is cohabitation other than marriage (*i.e.* without *affectio maritalis*) between free persons who are already unmarried, or between an unmarried free man and an *ancilla*. In the older times this was viewed as an offence deserving punishment (Livy, x. 31, xxv. 2); but when the possibility of a lasting affection between persons who had not *connubium* came to be recognised, the cohabitation of an unmarried man with his *liberta* or *ancilla* (Plautus, *Epid.* iii. 4, 29, 30; *Poen.* prol. 102) was regarded without censure. In Cicero's time (*de Orat.* i. 40, § 183) the name of *concubina* would have applied to a woman who cohabited with a man who had not divorced his wife; but this was not considered lawful concubinage in after-times. The Lex Julia de adulteriis of Augustus imposed severe penalties on *adulterium*, *incestus* (Gaius, i. 64; *Inst.* i. 10, 12), and *stuprum* (which is defined, *Inst.* iv. 18, 4, as "cum quis sine vi vel virginem vel viduam honeste viventem stupraverit:" cf. Dig. 25, 7, 1, 1; 48, 5, 12, 13); but by the Lex Julia and Papia Poppaea *concubinatus* was legalised ("per leges nomen assumpsit," Dig. 25, 3, 1) and exempted from the penal provisions of the earlier statute (Dig. 25, 7, 3, 1), though an *honesta femina* who wished to become a *concubina* was not dispensed from them unless she made an express declaration of her intention or testatio (Dig. ib. 3, pr.). But a man who already had an *uxor* could not have a *concubina* at the same time (Paul *Sent. rec.* ii. 20; Dig. 50, 16, 144), nor apparently could a man have more than one *concubina* at a time: and widowers who already had children, and did not wish to contract another legal marriage, took a *concubina*, as we see in the case of Vespasian (Suet. *Vesp.* 3), Antoninus Pius, and M. Aurelius.

Concubinatus differed from lawful marriage in three especial respects: (1) In the relation of the parties, there being no *affectio maritalis*: "Concubina ab uxore *solo dilectu* separatur," Paul. *Sent. rec.* ii. 20. (2) In the loss of reputation to the woman if *honesta*: "parvi autem refert, uxori an concubinae quis leget, sane enim, *nisi dignitate*, nihil interest," Ulpian in Dig. 32, 49, 4. Yet there is an inscription in Fabretti (p. 337) to the memory of Paullianus by Aemilia Prima, "concubina ejus et heres," which seems to show that the term *concubina* was not one that a woman need be ashamed of. (3) In its legal effects: it was not a marriage, and therefore the rules as to *dos*, *donatio propter nuptias*, *donatio inter virum et uxorem*, had no application; nor were the children in *patria potestas*, though their paternity was recognised: they could be legitimated, and under the emperors were entitled to maintenance, even from the legitimate children after the father's death (*Nov.* 89, 12, 6); also they had some rights of succession on the father's dying intestate. *Concubinatus* between a patron and his *liberta* was governed by special rules (Dig. 25, 7, 1, pr.; 23, 2, 41, 1; 48, 5, 13, pr.); and others were made by Justinian relating to that between a *dominus* and his *ancilla*, e.g. as to the children becoming free and legitimate (Cod. 7, 15, 3; *Nov.* 78, 4).

Heineccius (*Syntag. Ap.* i. 39) denies that an *ingenua* could be a *concubina*, and asserts that those only could be *concubinae* who could not be *uxores*; but that this is wrong is shown by Aurelian's prohibition (Vopisc. *Aur.* 49) of *ingenuae* becoming *concubinae*, which however was a dead letter. By later emperors *concubinatus* was discouraged, but it was not made generally unlawful till the 9th century by Leo Philosophus.

Cohabitation between two slaves was called *contubernium*, a name also applied to that between a slave and a free person (Paul. ii. 19, 6). The paternity of the children was recognised: *e.g.* as a *justa causa manumissionis* under the Lex Aelia Sentia. [J. B. M.]

CONDEMNA'TIO. [ACTIO; JUDEX.]

CONDICTIO [ACTIO.]

CONDITO'RIUM. [FUNUS.]

CONDUCTIO. [LOCATIO.]

CONDY (κόνδυ), an Asiatic drinking vessel, sometimes used by the Greeks, made of silver or gold. According to some authorities it was of Persian (Athen. xi. p. 478 a), according to others of Cappadocian origin (Pollux, vi. 96). (Cf. Hesych. ποτήριον βαρβαρικόν.) Menander, quoted by Athenaeus (xi. p. 477 f), speaks of a golden condy holding ten cotylae. In Genesis (xliv. 2) the Hebrew word, which is translated σκύφος by Aquila, φιάλη by Symmachus, and *scyphus* in the Vulgate, is translated in the old Alexandrine version κόνδυ, and the same word is used in Is. li. 17 and 22. (Schweighäuser, *Animadv. ad Athen.* vol. vi. p. 147.) [W. S.]

CONFARREA'TIO. [MATRIMONIUM.]

CONFES'SIO. The ordinary course of a civil action was summarily interrupted if the defendant, while the case was before the praetor (*in jure*), made an acknowledgment (*confessio*) of the plaintiff's claim instead of disputing it (*infitiari*). From an early time a confession thus made was considered to have the same effect as judgment (*confessus pro judicato est*);

the defendant, by condemning himself, dispensed with the necessity of a trial (*judicium*), and gave the plaintiff a right to execution. This rule is frequently asserted and referred to in our sources.

It was, as we are informed by Gellius (*Noct. Att.* xx. 1), a provision of the law of the XII. Tables that those who confessed money debts (*aeris confessi*) and also judgment debtors (*judicati*) should be liable to personal execution by *manus injectio* (cf. Muirhead, *Hist. Intr. to the Law of Rome*, 203–205). When a claim was of uncertain value and the defendant confessed to it, or was adjudged liable, execution could not follow at once, because an ascertained money debt (*certa pecunia*) was necessary for execution. Hence under the *legis actio* procedure such a confession or judgment was supplemented by a judicial proceeding for the assessment of damages (*litis aestimatio*).

The principle of the formulary procedure, which required that a condemnation should be pecuniary in all cases, made it difficult to give the same effect to the confession of an uncertain claim as to condemnation. So the principle that confession is equivalent to judgment seems at first only to have been applicable in this procedure, in case of the acknowledgment of a money debt. If a defendant admitted a claim of uncertain value, pressure was put upon him to make him further acknowledge a liquidated debt (Dig. 42, 2, pr. 1). But in course of time full effect was given to *confessio* in all cases by means of a *formula arbitraria*, which was called in some cases *actio confessoria* (Dig. 9, 2, 23, § 11). This change, which may have begun as a practice of procedure, was fully recognised by an *oratio divi Marci* (Dig. 42, 1, 56; 2, 6, § 2). In the *actiones quae infitiando crescunt*, such as the Aquilian action and the action on account or a *legatum per damnationem*, a defendant who did not confess was condemned to pay double damages if he lost the action. The formula for the assessment of damages may have been first introduced in respect to these actions. A *confessio* had to be made before the praetor in the presence of the plaintiff; impossibility or mistake made confession nugatory. The silence of the defendant was treated as equivalent to admission ("in jure nihil respondere," *Lex Rubria*, c. 21, 22). *Confessio* when made at a trial in a civil case before a judex (*in judicio*) or out of court did not do away with the necessity of judgment, but was only evidence against the defendant. Some writers maintain that confession in criminal cases had also, under certain circumstances, the same effect as *confessio in jure* in an action; but the better opinion seems to be that confession of a crime at whatever stage in a trial it occurred was only evidence of guilt, though such as would in most cases be conclusive. (Cic. *in Verr.* iii. 56, § 130; Sall. *Cat.* 52; Suet. *Aug.* 33.)

The main object of the inquisitorial criminal procedure which grew up under the empire was to discover either by means of torture, by interrogatories or otherwise, whether the defendant could be induced to confess the charge made against him. (*Lex Rubria*, c. 21, 22; Paul. v. 5 a, §§ 2–5; Dig. 42, 2; Cod. Just. vii. 59; Savigny, *System*, vii. §§ 303, &c.; Keller, *Civilprocess*, § 63; Bethmann-Hollweg, *Civilproce s*, § 105; G. Demelius, *Die Confessio in röm. Civilprocess*; Geib, *De Confessionis effectu*, and *Röm. Crim. Proc.* pp. 137, 528, 612.) [E. A. W.]

CONFESSO'RIA ACTIO is the remedy of a person who has a right of SERVITUS (*e.g.* a right of way or a usufruct), in the exercise or enjoyment of which he is hindered: the action is Real (Dig. 8, 5, 2, pr.), and is a *vindicatio* of the servitude, lying against any one who infringes his right, whether it be the owner of the property over which that right extends, or a third person (Dig. 7, 6, 5, 1). Its object is to establish the existence of the servitude, removal of any obstacles placed in the way of its enjoyment, damages for actual hindrance (Dig. 8, 5, 4, 2, &c.), and a *cautio de non amplius turbando*, security against further disturbance by the defendant (Dig. 7, 6, 5, 6). By means of a fiction (after the analogy of the *actio Publiciana*) the *actio confessoria* could be brought in respect of all servitudes created in the plaintiff's favour by the bonâ-fide possessor of property, and in respect of *praedial* servitudes by the bonâ-fide possessor of the *praedium dominans*; in its *utilis* form it could be employed for the establishment of praedial servitudes by the *emphyteuta*, *superficiarius*, and pledgee, no less than by the *dominus* (Dig. 8, 1, 16).

If a person claimed a servitude over property of another, the latter could take the first step, and bring a *negatoria in rem actio*, asserting the freedom of the property from the alleged right, the objects of which (*mutatis mutandis*) were much the same as those of the *actio confessoria*. (Dig. 7, 6; 8, 5; Gaius, iv. 3; *Inst.* iv. 6, 2; Vangerow, *Pandekten*, §§ 353, 354.) [J. B. M.]

CONFISCA'TIO. [PUBLICATIO; PROSCRIPTIO.]

CONFU'SIO. Under this head it will be convenient to group a number of the "naturales rerum singularum adquisitiones," or titles to property based on the *jus gentium* or *naturale*, which the Roman lawyers (e.g. *Inst.* ii. 1, 21 *sq.*; Dig. 41, 1, 7) usually treat in connexion with one another.

Confusio is the mixing together of things of the same kind, so that they become inseparable: *e.g.* by pouring together liquids (for instance, wines, *Inst.* ii. 1, 27); mixing grain (Dig. 6, 1, 5, pr.); fusing metals together (Dig. ib. 4), or combining them in the forge (*ferruminatio*, Dig. ib. 23, 5). If the things had belonged to different owners, and the mixing had been accidental or made by mutual consent, they became joint owners by the new title of *confusio*. *Commixtio* is a non-classical term derived from *commiscere*, which occurs less frequently than *confundere* in the juristic texts: by the jurists themselves the two are not clearly distinguished (Dig. 41, 1, 7, 8; 6, 1, 3, 2 and 5), but *commixtio* is used by the moderns chiefly to denote the mixture of solid things, such as grain. Where the mixture was accidental and the two portions were separable, each of the owners retained his former property, and might separate it from the mass; but where it was made by consent, and in all cases where separation was impossible, they became joint owners by a new title; and the same held good if the mixing was done in good faith by one only without the other's consent. It is a case of *commixtio*, when a man's money is paid without his knowledge or consent, and

then becomes so mixed with other money of the payee that it cannot be recognised and distinguished: otherwise it remained the property of the person to whom it originally belonged (Dig. 46, 3, 78).

Confusio is also used in an altogether different sense to express the union in one and the same person of a right and its corresponding duty, and the consequent extinction of both (merger): *e.g.* when a creditor becomes his debtor's heir or *vice versâ*: "confusione perinde extinguitur obligatio ac solutione" (Dig. 34, 3, 21, 1): but if the creditor becomes heir to his debtor's surety, or *vice versâ*, the accessory obligation of suretyship is extinguished, but not the principal debt (Dig. 46, 3, 43). So too in the case of servitudes and other *jura in re aliena*; if the person who has the right becomes *dominus* of the property over which it exists, the right is extinguished: "si fructuarius proprietatem assecutus fuerit, desinit usus fructus ad eum pertinere propter confusionem" (Dig. 7, 9, 4; cf. *Inst.* ii. 4, 3). For praedial servitudes extinguished in this manner, see Dig. 8, 6, 1; 8, 2, 30, pr.

Specificatio is a non-classical term employed to denote the making of a new "species" or substance out of another man's material: *e.g.* wine out of his grapes, oil out of his olives, a ship or bench out of his timber (Gaius, ii. 29; *Inst.* ii. 1, 25). By the law as settled by Justinian the *nova species* belonged to him who made it, provided it could not be restored to its pristine character, and that he was acting on his own behalf (*suo nomine*) and (it would seem from Dig. 10, 4, 12, 3) in good faith; though of course he was bound to pay for the materials. If it could be restored to its original character, the ownership was not changed, though the *specificator*, if he had acted in good faith, had a right to retain the thing till he was paid the value of his labour. If the materials out of which the *nova species* was made belonged partly to the maker, partly to another person, the new product belonged (subject to the same conditions) to the former; but if it was made by consent of the owners of the diverse materials, or accidentally (as mead by the chance mixing of wine and honey), it belonged to them jointly (*Inst.* ii. 1, 27. Cf. Seneca, *Ep.* 65; Pliny, *H. N.* xxxiv. § 5 ff.; Ovid, *Met.* ii. 5; Martial, viii. 51, 7).

Where two things belonging to different persons became united or combined in the way of principal and accessory so as not to be separable without injury to one or both, the owner of the principal thing became owner of the accessory (*accessio*). Instances of this are the building by one man with his own bricks or timber on another man's land, for "superficies solo cedit" (Gaius, ii. 73; *Inst.* ii. 1, 29); the planting of shrubs and sowing of seed, when they have once taken root, in another's soil (Gaius, ii. 74, 75; *Inst.* ii. 1, 31, 32); the weaving by a man into his coat of another's purple (*Inst.* ii. 1, 26); writing on another man's paper or parchment (Gaius, ii. 77; *Inst.* ii. 1, 33): though by an anomalous rule if one man painted a picture on another's canvas the canvas and picture both belonged to the painter (Gaius, ii. 78; *Inst.* ii. 1, 34), and similarly, if a piece of land were torn away by a stream from one man's land and became attached to that of another, it became the property of the latter so soon as the union was complete (*Inst.* ii. 1, 21): but this is a different case from *alluvio*, which is described in the preceding paragraph of the Institutes. In all these cases, however, the losing party was entitled to compensation unless there had been *mala fides* on his part. (Vangerow, *Pandekten*, §§ 310, 328–331; Puchta, *Institutionen*, § 242.) [J. B. M.]

CONGIA'RIUM (sc. *vas*, from CONGIUS), a vessel containing that liquid measure (Paulus, in Dig. 33, 8, 13).

In the early times of the Roman republic, the *congius* was the usual measure of oil or wine which was, on certain occasions, distributed among the people; and thus *congiarium*, as Quintilian says, became a name for the gift as well as for the measure (*congiarium commune liberalitatis atque mensurae*, vi. 3, § 52). It does not follow that all the citizens or even heads of families received a *congius* apiece. The earliest mention of a distribution of oil is in B.C. 213, when two Cornelii, Scipio afterwards called Africanus and Cethegus, in their aedileship gave a certain number of *congii* (the numeral has dropped out) to the inhabitants of each street (Liv. xxv. 2, with Madvig's note). Lucullus on his return from his Eastern victories distributed more than 100,000 *cadi* of wine to the people (Plin. *H. N.* xiv. § 96). The name *congiarium* was also applied, less accurately, to presents of corn or other provisions. Thus Pliny speaks of king Ancus Marcius giving 6000 *modii* of salt as a *congiarium* to the people (*H. N.* xxxi. § 89). In the later republic such *congiaria*, like the giving of games and shows, were the regular passport to high office (Liv. xxv. 2; xxxvii. 57).

Under the empire the tranquillity of the capital was ensured by a gigantic system of outdoor relief (FRUMENTARIAE LEGES), supplemented by frequent doles. The general term for these imperial presents is LARGITIO, sometimes (especially on coins) LIBERALITAS. Distributions to the soldiers were called DONATIVA, to the people *congiaria* (Suet. *Aug.* 41, *Tib.* 20 and 54, *Ner.* 7; Tac. *Ann.* xii. 41, xiii. 31; Plin. *Paneg.* 25; Hist. Aug. *Hadr.* 7, *Comm.* 16, *Al. Sev.* 26, *Aurelian.* 48); but sometimes the former also are called *congiaria* (Cic. *Att.* xvi. 8; Curt. vi. 2). The sums thus spent were enormous. Hadrian's *congiarium* was three *aurei* per head on his proclamation as emperor, double that amount on his arrival in Rome; Commodus gave 725 *denarii* to each citizen (cf. Casaubon's note *l. c.*). Marquardt has computed the imperial *congiaria* at an average of £90,000 a year from Julius Caesar to Claudius, £300,000 a year from Nero to Sept. Severus; it must have been, however, a periodical emptying of the treasury rather than a continuous drain.

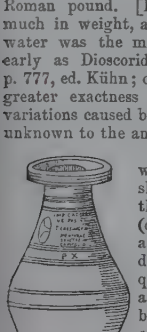
Congiarium. (Coin of Trajan: British Museum.)

Congiarium was moreover used to designate presents or pensions given by men of rank to their friends, clients, or dependents

(Caelius to Cicero, *Fam.* viii. 1; Suet. *Jul.* 27, *Vesp.* 18; and often in Seneca, e.g. *de Brev. Vit.* 8, § 2, "Annua congiaria homines clarissimi accipiunt"; cf. *Cons. ad Marc.* 22, § 4, where the sacrifice of a political victim is Seianus' *congiarium* to a client). Fabius Maximus called the presents which Augustus made to his friends, on account of their smallness, *heminaria* instead of *congiaria*, because a *hemina* was only the twelfth part of a *congius* (Quintil. *l. c.*). (Marquardt, *Staatsverw.* ii. 132–136.) [P. S.] [W. W.]

CON'GIUS, a Roman liquid measure containing six sextarii (*Carm. de Pond.* 72), or the eighth part of the amphora. It was equal to the CHOUS of the Greeks, 3·283 litres (Hultsch), or about 5·76 pints.

There is a congius in existence, known as the Farnese congius, but now at Dresden, bearing an inscription which states that it was made in the year 75 A.D., according to the standard measure in the Capitol, and that it contained, by weight, ten pounds. (*Imp. Caes. Vespas.* vi. *T. Caes. Aug. F.* iiii. *Cos. Mensurae exactae in Capitolio, P. X.*; see also Festus, s. v. *Publica Pondera.*) This congius is one of the means by which the attempt has been made to fix the weight of the Roman pound. [LIBRA.] That liquids varied much in weight, and that the weight of rainwater was the most uniform, was known as early as Dioscorides (*fr.* 9, p. 766; *fr.* 14, p. 777, ed. Kühn; cf. *Carm. de Pond.* 98 ff.). The greater exactness of distilled water and the variations caused by temperature were of course unknown to the ancients.



Congius. (Dresden Collection.)

Cato tells us that he was wont to give to each of his slaves a congius of wine at the Saturnalia and Compitalia (*de R. R.* 57). Pliny relates, among other examples of hard drinking, that Novellius Torquatus of Mediolanum obtained a cognomen (*tricongius*, a nine-bottle man) by drinking three congii of wine at one sitting (*H. N.* xiv. § 144).

(On this, as on other weights and measures, the chief authority is Hultsch, *Metrologie*, pp. 90, 99, ed. i. = 114, 125, ed. ii. For the *Carmen de Ponderibus*, see Weber, *Corp. Poet.* p. 1371, or better Hultsch, *Script. Metrol.* p. 88 ff.; for discussions on its authorship, Teuffel, *Röm. Lit.* § 444, 2.) [P. S.] [W. W.]

CONNU'BIUM. [MATRIMONIUM.]

CONOPE'UM (κωνωπεῖον), a gnat or mosquito-curtain, *i.e.* a covering made to be expanded over beds and couches to keep away gnats and other flying insects, so called from κώνωψ, a gnat.

These curtains were especially used in Egypt on account of the mosquitoes which infest the Nile (Isid. *Orig.* xix. 5, 5); hence they are spoken of by Horace (*Epod.* ix. 16) and by Propertius (iii. 11, 45) with contempt, as signs of Oriental effeminacy. They were used by Roman ladies as early as Varro's day (*R. R.* ii. 10). The use of them is still common in Italy, Greece, and other countries surrounding the Mediterranean. The Scholiast on Juvenal vi. 80 describes them as being a thread network woven in very fine meshes ("linum tenuissimis maculis nanctum"), and tells us that at Rome they were called *cubiculare*; while in Juvenal (*l. c.*), on the contrary, *conopeum* seems to be used in the sense of bed. *Conopeum* is the origin of the English word *canopy*. (Judith x. 21, xiii. 9, xvi. 19; Varr. *R. R.* ii. 10, § 8.) [J. Y.] [J. H. F.]

CONQUISITO'RES, persons employed to go about the country and impress soldiers when there was a difficulty in completing a levy. (Liv. xxi. 11, 113; xxi. 21, 13; xxiii. 32, 19; Cic. *pro Mil.* 25, 67; *ad Att.* vii. 21, 1; Hirt. *B. Alex.* 2; cf. Plaut. *Merc.* iii. 4, 80.) Sometimes commissioners were appointed by a decree of the senate for the purpose of making a *conquisitio*. (Liv. xxv. 5, 9.) [R. W.] [W. S.]

CONSANGUI'NEI. [COGNATI.]

CONSCRIPTI. [SENATUS.]

CONSECRA'TIO. [APOTHEOSIS; INAUGURATIO.]

CONSENSUS. [OBLIGATIONES.]

CONSILIARII. [CONSILIUM.]

CONSI'LIUM, a select assembly of official persons who *sat* together (root *sed*); thus distinguished from *concilium*, a public meeting of unofficial persons *called* together (*calare*). The principle of Roman law, especially in early times, was to entrust large powers to individuals rather than to majorities; in other words, trial by a judge was the rule, trial by jury the exception. This principle was mitigated in practice by requiring the person responsible for the decision, whether in public or private matters, to call in the aid of impartial and intelligent advisers (*consiliarii*). Family councils were in use among the Romans, as they still are in Latin countries, and the patria potestas was exercised subject to their control. According to tradition, Sp. Cassius, the agrarian reformer, was put to death by his father, *adhibito propinquorum et amicorum consilio* (Val. Max. v. 8, § 2). L. Gellius Publicola, the venerable friend of Cicero (*Brut.* 47, § 174), having to try his son on a charge nearly affecting himself, called in almost the whole senate as his consilium, and in consequence of their opinion declared him innocent (Val. Max. v. 9, § 1). The imperium of the kings and chief magistrates, in itself primarily an extension of the patria potestas, was subject to a like restraint. The tyranny of Superbus was shown in his trying capital charges *sine consiliis* (Liv. i. 49, § 4). The senate was the natural consilium of the kings and afterwards of the consuls. Cicero as consul could not think of acting in a time of public danger without his *consilium publicum*, the senate (*in Cat.* iii. 3, § 7). The senate-house burnt at the funeral of Clodius is "templum consilii publici" (*pro Mil.* 33, § 90). There are, however, examples of consuls choosing for themselves a consilium for a particular question (Ascon. *in Or. in Tog. Cand.* p. 89; Mommsen, *Staatsr.* i.² p. 297 n.). Other magistrates, as for instance the aediles (Juv. iii. 161), likewise summoned a consilium at their own discretion.

2. *Consilium of Provincial Governors.* In Rome itself the right of appeal (*provocatio*) enabled the consuls and praetors to act in many cases without a consilium: in the provinces the consilium was almost the only check on the arbitrary power of the governor, and the omission to call it in, as we see from the Verrine orations, of itself afforded a strong presumption of mis-

government. It was consequently expected that every important decision of a proconsul or propraetor should be "de consilii sententia" (Cic. *de Leg. Agr.* ii. 19, § 51). [For this formula the abbreviation D. C. S. was used, Cic. *Verr.* v. 21, § 53; the rarer phrase, *ex cons. sent.*, occurs Liv. xlv. 29.] The conduct of Verres on the occasion of one of his most iniquitous judgments throws a clear light on the authority and position of the consilium of a provincial governor (Cic. *Verr.* ii. 29, § 71). In order to get rid of M. Petilius, the leading member of it, whose integrity he feared, he tells him to go and attend to his function of *judex* in a *res privata*. Petilius, who wanted his friends to act as his own consilium in this arbitration, declined to act while Verres required their services on his *consilium publicum*. Verres "kindly and liberally" says he will not detain any who wish to go and act with Petilius; they all go; and he is left with his *cohors* or "personal staff" (cf. Hor. *Sat.* i. 7, 23). He then, in spite of the protests of the defendant's counsel, pronounces a hasty decision against him, and rushes from the judgment seat in fear lest Petilius and the other members of his regular consilium should return in time to stop the iniquity. We see that the *consilium publicum*, headed by a man like Petilius, of equestrian rank, could neither be intimidated nor ignored, even by a hardened oppressor like Verres; that it could only be got out of the way by a stratagem; but that, in its absence, Verres could turn his *cohors* (which Cicero calls *nequissima*) into a consilium for the nonce, and colourably declare that he had acted on the best advice he could get. We see, further, that the office of a consilium extended to a *judicium privatum*: a *judex* in a *res privata* was often assisted by the advice of his friends, though he gave the judgment himself. Long calls this a "quasi consilium" (*ad* Cic. *l. c.*).

This consilium must be carefully distinguished from the *tres arbitri* and the *recuperatores* so often mentioned in private suits [JUDEX]; and from the *assessores* or professional experts [ASSESSOR]. To these the powers of the magistrate were delegated, and the decision of the majority was binding; the consilium, on the other hand, was designed as a safeguard against error and partiality on the part of the magistrate, but his decision was his own. As Mommsen puts it, the principle of the consilium and the principle of decision by a majority were mutually exclusive both in theory and practice (*l. c.* p. 295). This distinction is the more necessary, as the body of the judices is also sometimes loosely called consilium (*Div. in Caecil.* 4, § 13; *Act.* i. *in Verr.* 6, § 17).

The consilium of a provincial governor was formed partly from the principal persons in his suite, partly from the leading Roman citizens on the spot; and it is probable that all the latter of equestrian rank had a right to sit, and that no one was admitted who was not rated to the first class in the census (Mommsen, *l. c.* p. 303). The relation of a governor to his consilium was bound, according to Cicero, to be a friendly and confidential one; he vehemently denounces one Decianus, who had turned against Flaccus after having stood in this relation to him (*pro Flacc.* 32, § 78; 33, § 81). Here, however, Cicero is almost certainly defending a bad case; it may be doubted whether he would have been equally indignant at similar conduct on the part of the consilium of Verres.

3. *Councils of War.* These are constantly mentioned as matters of course, without its being stated of what officers they were composed. Some discretion was no doubt allowed to the general. The legati and the military tribunes as the highest legionary officers were of course present (Polyb. i. 49; iii. 41, &c.), and a varying number of centurions; the primuspilus probably always, as Polybius mentions this privilege in his great description of the Roman army (vi. 24, *ὁ πρῶτος αἱρεθεὶς καὶ συνεδρίου κοινωνεῖ*); the centurions *primorum ordinum* usually (Caes. *B. G.* v. 28); on one occasion, probably exceptional, the centurions *omnium ordinum* (*ib.* i. 40). This, however, was not so much a council of war as a reprimand to the officers for giving way to panic. It is almost needless to say that Rome would not have conquered the world if her generals had been controlled by their councils. When the conquest was practically complete, and the chief object of the now dominant senate was to keep the spoils for their own order, we find generals in the field controlled by senatorian *legati* (Mommsen, pp. 298, 301). With the commencement of the civil wars this state of things came to an end; revolutionary leaders naturally brooked no such restraint.

4. *Under the Empire.* The judicial council of the emperors is discussed under CONSISTORIUM, a name which, however, was not given to it till the time of Diocletian. For the gradual increase in the emperor's right of interference with the regular course of justice, see also APPELLATIO.

There was, besides, an administrative council, the composition of which varied. Augustus on first organising his empire (B.C. 27) set up a committee of the senate consisting of the consuls, one magistrate of each denomination, and fifteen unofficial senators chosen by lot every six months (Suet. *Aug.* 35; Dio, liii. 21). At the end of his life we find his adopted son and colleague, his two grown-up grandsons, the acting and designate consuls, and twenty senators also apparently chosen by lot, meeting in the name of the entire senate within the palace on account of the emperor's age and infirmities (Dio, lvi. 28; cf. lv. 27; Jos. *Ant.* xvii. 9, § 5; Mommsen, *Staatsr.* ii.² 865). The council of Tiberius included, besides his *amici* and *familiares*, twenty *principes civitatis;* and Suetonius further notes the curious fact that not more than two or three of these escaped destruction at his hands (Suet. *Tib.* 55). The notices of councils in the succeeding imperial period are less regular (Dio, lx. 4; Suet. *Ner.* 15, *Vesp.* 21, *Tit.* 7; Plin. *Ep.* 31, *Paneg.* 88, for Trajan). For changes under Hadrian, Alexander Severus, &c., see CONSISTORIUM. (Mommsen, *Staatsr.* i.² 293–305; ii.² 865–867, 948–952; Cuq, *Le Conseil des Empereurs d'Auguste à Dioclétien*, Paris, 1884; Humbert, *ap.* D. and S. s. vv. *Consilium, Consilium Principis, Consistorium.*) [W. W.]

CONSISTO'RIUM. Augustus and his successors, following an ancient practice of Roman magistrates, consulted their friends and followers (*amici, familiares, comites*) before giving judicial decisions in cases of importance. The *consilium p. incipis* or judicial council thus in-

stituted was not at first a standing body of advisers, but was constituted for each particular occasion only. This, however, had ceased to be the rule by the time of Hadrian, for we are informed that this emperor, when he was sitting in a judicial capacity, included in his *consilium* not only his personal followers, but also certain jurists who had been approved of by the senate (Spartian. *Hadr.* cc. 8, 18). From this time the position of members of the imperial council (*consiliarii augusti*) seems to have been regarded as a permanent one. The council was composed of persons of the greatest eminence; both senators of the highest rank and members of the order of Equites sat in it. The imperial prefects and especially the *praefecti praetorio* were generally members of it. The council was not confined to lawyers, though on account of the nature of its business it was especially requisite that it should contain the most eminent jurists. It was not usual to summon the whole body of councillors to meet, but certain councillors were selected on each occasion as they were required. Alexander Severus is said to have been in the habit of summoning at least twenty jurists and fifty other members. The *consilium principis* was not a general council for state affairs, and is not to be confused with the political council we find certain emperors convening. Its functions were generally confined to legal business. The emperor not only took its advice respecting his judgments, but also in all matters connected with legal administration. It was strictly consultative in character, the emperor not being bound in any way by its opinion. The council as a rule only sat at Rome, though it might be held wherever the emperor was. The term *auditorium principis* is used as equivalent to *consilium*. Such, according to Mommsen (*Staatsrecht*, ii. 948), was the nature of the *consilium* previous to the changes made in its constitution by Diocletian and his successors. The usual name for the *consilium* after it had been newly organised by these later emperors is *consistorium principis*, a term which first appears in inscriptions of the middle of the fourth century (Orelli, 3184, 3185; cf. Mommsen, *Staatsrecht*, ii. 949, n. 2), and which perhaps originally meant the place in the imperial palace where the *consilium* was held. The ordinary members of the re-constituted body, which is known as the *consistorium principis*, were called *comites consistoriani:* they were divided into the two classes of (1) *illustres*, (2) *spectabiles*. The *illustres* consisted of four great officers of the palace: viz. the *quaestor sacri palatii*, the *magister officiorum*, the *comes sacrarum largitionum*, and the *comes rei privatae*. The class of *spectabiles* was a larger one: its members are generally named simply *comites consistoriani*. Besides these two classes of ordinary and active members of the consistorium (*in actu positi*), there was a class of extraordinary members, called *vacantes*. There was also a class of purely honorary members (*honorarii*). The *praefectus praetorio* and the *praefecti militum* attended when business relating to their departments was in question; other officials might be summoned as extraordinary members. The functions of the consistorium seem to have been wider than those of the earlier *consilium*, since it acted as a council for advising the emperor not only in matters relating to legal administration, but in other matters of state. According to Haubold, the *consistorium principis* was the administrative council of the state, and should be distinguished from the *auditorium principis*—the emperor's supreme court of justice; but Bethmann-Hollweg has shown that this view is erroneous, more especially because we find the word *consistorium* used for the council in its judicial as well as in its administrative aspect. Thus, in *Nov.* 23, cc. 2, 3, the terms *consistorium* and *auditorium* are used interchangeably. For this and other reasons it would seem that the consistorium was not exclusively a state council, as Haubold supposes, but also a supreme court of justice—a body analogous to the Privy Council in this country, as it was once constituted. (Mommsen, *Staatsr.* ii.[2] p. 948; Bethmann-Hollweg, *Civilprocess*, iii. 17, 94; Haubold, *De Consistorio Principum;* Rein, *ap.* Pauly *s. v.*) [CONSILIUM; AUDITORIUM.] [E. A. W.]

CONSTITU'TA PECU'NIA. [PECUNIA.]

CONSTITUTIO'NES are the enactments of the Roman emperors, in the exercise of their legislative authority, which (Gaius, i. 5) "legis vicem obtinent," have statutory force, "cum ipse imperator per legem imperium accipiat:" so, too, Justinian says (*Inst.* i. 2, 6) that they are binding because "populus ei et in eum omne imperium suum et potestatem concessit." They comprise the following varieties:—

i. *Orationes*, by which, in the earlier imperial period, the emperor submitted a "bill" to the senate (*Inst.* ii. 17, 7; Dig. 2, 12, 1, 1, &c.); they were regarded as law apart from the senatusconsulta by which, in theory, they received the character of "acts," and are often cited as such in preference to the latter.

ii. *Edicta* or *edictales constitutiones*, general rules of law made by the emperor, at any rate at first, after the analogy of the edicts of the republican magistrates (for examples, see Gaius, i. 55, 93; iii. 172; *Inst.* ii. 6, 14).

iii. *Mandata*, by which the emperor delegated his authority to other magistrates, such as *legati, praesides*, and *praefecti;* in the main they were merely administrative regulations, but may be regarded as laws proper so far as they contained general instructions as to the exercise of the delegated authority (Dig. 1, 16, 6, 3; 1, 18, 3 and 19, &c.).

iv. *Decreta* and *rescripta*, issued by the emperor in his capacity as praetor, judge, or supreme jurisconsult: up to the time of Constantine they were by far the commonest kind of constitutio. *Decreta* were determinations of suits by the emperor either as sitting in a court of first instance or on appeal (Sueton. *Octav.* 33): *rescripta* (Tac. *Ann.* vi. 9) were provisional decisions on the *legal* point at issue (as to which he had been consulted by a magistrate or a private individual, Pliny, *Ep.* x. 2), the facts being left to be inquired into, and a final judgment given, by another magistrate or judex. Technically *rescripta* were of two kinds, *epistolae* and *subscriptiones* or *adnotationes*. The first are independent replies on consultation (Dig. 1, 4, 1, 1; *Inst.* iii. 20, 4); many issued by Hadrian, Severus, and Caracalla being extant in the Digest. The second are brief opinions on cases

submitted to the emperor by petition, and written at the foot of the latter; this form being most commonly employed in answering private persons (Dig. 1, 4, 1, 1; Cod. 1, 23, 6, &c.). There has been much difference of opinion as to whether *decreta* and *rescripta* had (as precedents) the force of general law, which is denied them by Savigny (*System*, i. pp. 125–141), but the evidence seems strong the other way: *e.g.* Ulpian says (Dig. 1, 4, 1, pr.), "quodcunque imperator vel per epistolam constituit vel cognoscens decrevit legem esse constat;" cf. Cod. 1, 14, 12. In the Eastern empire a peculiar kind of rescripts acquired the name of "pragmatic sanctions:" they were drawn up in a peculiar and solemn form, and were more highly taxed than others. Zeno restricted their use to petitions preferred by corporations.

In framing constitutions of any kind the emperor was assisted by a council called *consistorium* (Cod. 1, 14, 8), of which the praefects of the city and praetorian guard and the most celebrated jurists were members, and which gradually assumed the character of a council of state. [CONSISTORIUM.] It was regularly consulted by the emperor in the exercise of his supreme appellate jurisdiction, and the chamber in which such consultations were held was, as early as M. Aurelius, called *auditorium principis*. Many of the imperial constitutions are preserved in their original form in the extant codes [CODEX THEODOSIANUS, &c.]. [J. B. M.]

CONSUA'LIA, a festival celebrated at Rome in honour of the god Consus, the protector of horses, identified by Livy (i. 9) and the Greeks (Dionys. Hal. ii. 31, and Plutarch, *Quaest. Rom.* 45) with Neptunus Equester, *i.e.* Poseidon Hippios, but to be regarded rather as a god connected with the earth and agriculture (Preller, *Röm. Myth.* p. 420). His altar, at the lower end of the Circus Maximus (Tac. *Ann.* xii. 24; Tertull. *de Spectac.* 5 and 8), was covered as a rule with earth, which was cleared away only on the three yearly festivals in his honour. On the nones of July the Pontifices sacrificed at this altar: on the 21st of August the Flamen Quirinalis and the Vestal Virgins offered the sacrifices, while the Pontifices presided at chariot and horse races in the circus. This day was observed as a holiday for all horses and mules, which had rest from work and were adorned with garlands (Dionys. i. 33; Paul. p. 148); it was probably intended to mark the end of harvest. A similar festival on the 15th of December seems to have marked the close of seed-time (cf. Mommsen, *C. I. L.* i. p. 400). It was during the festival in August that, according to the legend, the Sabine maidens were carried off by the young Romans (Varro, *L. L.* vi. 20; Liv. i. 9; Verg. *Aen.* viii. 636: cf. Schwegler, *Röm. Gesch.* i. 471 ff.). [A. S. W.]

CONSUL (*ὕπατος*), the highest republican magistrate at Rome. The derivation of the name is still quite uncertain. It was derived by the Romans from *consulere*: "qui recte consulat, consul cluat" (Varro, *L. L.* v. § 80: cf. Cic. *de Leg.* iii. 3, 8; *de Orat.* ii. 39, 165), and Corssen (*Ausspr.* ii. 71) admits this, connecting *consulere* itself with the root *sal* in *salire*: others, while finding in *consul* the same root, deny the connexion with *consulere*. Some, again, prefer the root *sed* (*sel*), "sit," or *sal*, "dwell." (Cf. Nettleship in *Journal of Philology*, iv. 272 ff.)

There was a tradition that king Servius, after regulating the constitution of the state, intended to abolish the kingly power, and substitute for it the annual magistracy of the consulship; and whatever we may think of the tradition, the person who devised it must have had a deep insight into the nature of the Roman state and its institutions; and the fact that on the abolition of royalty it was instituted forthwith, seems, at any rate, to show that it had been thought of before. Thus much is also certain, that the consulship was not a Latin institution, for in Latium the kingly power was succeeded by the dictatorship, a magistracy invested with the same power as that of a king, except that it lasted only for a time.

The consulship which was established as a republican magistracy at Rome, immediately after the abolition of royalty, showed its republican character in the circumstance that its power was divided between two individuals (*imperium duplex*), and that it was only of one year's duration (*annuum*). This principle was, on the whole, observed throughout the republican period; and the only exceptions are, that sometimes a dictator was appointed instead of two consuls, and that in a few instances, when one of the consuls had died, the other remained in office alone, either because the remaining portion of the year was too short, or from religious scruples (Dionys. v. 57; Dio Cass. xxxv. 4), for otherwise the rule was, that if either of the consuls died in the year of his office, or abdicated before its expiration, the other was obliged to convene the comitia for the purpose of electing a successor (*subrogare* or *sufficere collegam*). It is only during the disturbances in the last century of the republic, that, after Cinna's death, Carbo maintained himself as sole consul for nearly a whole year (Appian, *Bell. Civ.* i. 78; Vell. Pat. ii. 24; Liv. *Epit.* lxxxiii.); and that Pompeius was appointed sole consul, in order to avoid the necessity of a dictator. (Ascon. *ad* Cic. *pro Mil.* p. 37; Liv. *Epit.* 107; Appian, *Bell. Civ.* ii. 23, 25.) Even he, after five months, had a colleague elected. On one occasion during the Civil Wars Cinna and Marius, without any election at all, continued to hold the power of the consulship for a second year. (Liv. *Epit.* lxxx.)

Under the early emperors the practice as to the duration of the consulship varied in the most arbitrary manner. (Mommsen, *Staatsr.* ii. 79–81.)

In the earliest times, the title of the chief magistrates was not only *consules*, but also *praetores* (Madvig, *Verf.* i. 368); characterising them as the commanders of the armies of the republic. Traces of this title occur in ancient legal and priestly documents (Liv. vii. 3; Fest. p. 161), and also in the names *praetorium* (the consul's tent) and *porta praetoria* in the Roman camp. (Paul. Diac. p. 123; Pseudo-Ascon. *ad* Cic. *in Verr.* i. 14.) It appears also to have been the title used in the Twelve Tables (Plin. *H. N.* xviii. § 12). After the introduction of the office of *praetor urbanus*, the consuls were known as *praetores maximi* (*στρατηγοὶ ὕπατοι*), the praetors strictly as *praetores minores*, though the last epithet was commonly dropped,

and they were known to the Greeks simply as στρατηγοί. Sometimes the consuls are designated by the title *judices*, especially as presiding over the centuriate assemblies. (Varro, *de L. L.* vi. 88; Liv. iii. 55.) After B.C. 449 (Zonar. vii. 19), the name consules was the established title until the final overthrow of the Roman empire. Upon the establishment of the republic, after the banishment of Tarquin, all the powers which had belonged to the king were transferred to the consuls, except that which had constituted the king high priest of the state; for this was kept distinct and transferred to a priestly dignitary, called the *rex sacrorum*, or *rex sacrificulus*.

As regards the election of the consuls, it invariably took place in the comitia centuriata, under the presidency of a consul or a dictator; and, in their absence, by an interrex. The consuls thus elected at the beginning of a year were styled *consules ordinarii*, to distinguish them from the *suffecti*, or such as were elected in the place of those who had died or abdicated, though the privileges and powers of the latter were in no way inferior to those of the former. (Liv. xxiv. 7, &c.; comp. xli. 18.) At the time when the consulship was superseded by the institution of the *tribuni militares consulari potestate*, the latter, of course, presided at elections, as the consuls did before and after, and must in general be regarded as the representatives of the consuls in every respect. It was, however, a rule that the magistrate presiding at an election should not be elected himself, though a few exceptions to this rule are recorded. (Liv. iii. 35, vii. 24, xxiv. 9, xxvii. 6.) The day of the election, which was made known by an edict three nundines beforehand (Liv. iii. 35, iv. 6, xlii. 28), naturally depended upon the day on which the magistrates entered upon their office. The latter, however, was not the same at all times, but was often changed. In general it was observed as a rule, that the magistrates should enter upon their office on the kalendae or idus, unless particular circumstances rendered it impossible; but the months themselves varied at different times, and there are no less than eight or nine dates at which the consuls are known to have entered upon their functions, and in many of these cases we know the reasons for which the change was made. The real cause appears to have been that the consuls, like other magistrates, were elected for a whole year; and if before the close of that year the magistracy became vacant either by death or abdication, their successors, of course, undertook their office on an irregular day, which then remained the *dies solennis*, until another event of a similar kind rendered another change necessary. The first consuls entered upon their office on the ides of September, the day on which in later years the praetor maximus drove the annual nail in the temple of the Capitol; or, according to others (cf. Hartmann, *Röm. Kal.* p. 228), traditionally on the kalends of March, but really on the kalends of October. (Dionys. v. 1; Liv. vii. 3.) The first change seems to have been brought about by the secession of the plebs, B.C. 493, when the consuls entered upon office on the kalends of September. (Dionys. vi. 49.) In B.C. 479, the day was thrown a whole month backward; for of the consuls of the preceding year one had fallen in battle, and the other abdicated two months before the end of his year: hence the new consuls entered on the kalends of Sextilis. (Dionys. ix. 13; Liv. iii. 6.) This day remained until B.C. 451, when the consuls abdicated to make room for the decemvirs, who entered upon their office on the ides of May. The same day remained for the two following years (Dionys. x. 56; Zonar. vii. 18; *Fast. Cap.*); but the third year of the decemvirate not having been completed, another day must have become the dies solennis. We have no information what day it was, until in B.C. 443 we find that it was the ides of December. (Dionys. xi. 63.) This change had been occasioned by the tribuni militares who had been elected the year before, and had been compelled to abdicate in the third month of office, to make room for consuls. (Liv. iv. 7; Dionys. xi. 62.) Henceforth the ides of December remained for many years the dies solennis. (Liv. iv. 37.) In B.C. 401, the military tribunes, in consequence of the defeat at Veii, abdicated, and their successors entered upon their office on the kalends of October. (Liv. v. 9.) In B.C. 391, the consuls entered upon their office on the kalends of Quintilis. (Liv. v. 32; comp. 31, vii. 25, viii. 20.) From this time no further change is mentioned, though several events are recorded which must have been accompanied by an alteration of the dies solennis, until in B.C. 223 we learn that the consuls entered upon their office on the ides of March, which custom remained unaltered for many years (Liv. xxii. 1, xxiii. 30, xxvi. 1, 26, xliv. 19), until in B.C. 154 it was decreed that in future the magistrates should enter upon their office on the 1st of January, a regulation which began to be observed the year after, and remained in force down to the end of the republic. (Liv. *Epit.* xlvii.; *Fast. Praenest. Kal. Jan.*; cf. Mommsen, *Chron.* pp. 81–98.)

The day on which the consuls entered on their office determined the day of the election, though there was no fixed rule, and in the earliest times the elections probably took place very shortly before the close of the official year, and the same was occasionally the case during the latter period of the republic. (Liv. xxxviii. 42, xlii. 28, xliii. 11.) But when the 1st of January was fixed upon as the day for entering upon the office, the consular comitia were usually held in July or even earlier, at least before the kalends of Sextilis. (Cic. *ad Att.* i. 16; *ad Fam.* viii. 4.) But even during that period the day of election depended in a great measure upon the discretion of the senate and consuls, who often delayed it. (Cic. *ad Att.* ii. 20, iv. 16; *pro Leg. Man.* 1.)

Down to the year B.C. 366, the consulship was accessible to none but patricians, but in that year L. Sextius was the first plebeian consul in consequence of the law of C. Licinius. (Liv. vi. 42; vii. 1.) The patricians, however, notwithstanding the law, repeatedly contrived to keep the plebeians out (Liv. vii. 17, 18, 19, 22, 24, 28), until in B.C. 342 the legislation of Publilius Philo secured the firm establishment of the plebeian consulship; and it is even said that at that time a plebiscitum was passed, enacting that both consuls might be plebeians. (Liv. vii. 42.) Attempts on the part of the patricians to exclude the plebeians occur as late as the year

B.C. 297 (Liv. x. 15; Cic. *Brut.* 14, 55); but they did not succeed, and it remained a principle of the Roman constitution that both consuls should not be patricians (Liv. xxvii. 34; xxxix. 42). The candidates usually were divided into two sets, the one desirous to obtain the patrician, and the other to obtain the plebeian place in the consulship (*in unum locum petebant*, Liv. xxxv. 10). In B.C. 215, the augurs indeed successfully opposed the election of two plebeians (Liv. xxiii. 31); but not long after, in B.C. 172, the fact of both consuls being plebeians actually occurred (*Fast. Capitol.*), and after this it was often repeated, the ancient distinction between patricians and plebeians falling completely into oblivion.

The consulship was throughout the republic regarded as the highest office and the greatest honour that could be conferred upon a man (Cic. *pro Planc.* 25, 60; Paul. Diac. p. 136; Dionys. iv. 76), for the dictatorship, though it had a *majus imperium*, was not a regular magistracy; and the censorship, though conferred only upon consulars, was yet far inferior to the consulship in power and influence. It was not till the end of the republic, and especially after the victories of Caesar, that the consulship lost its former dignity; for in order to honour his friends, he caused them to be elected, sometimes for a few months, and sometimes even for a few hours. (Cic. *ad Fam.* vii. 30; Sueton. *Caes.* 76, 80, *Nero*, 15; Dio Cass. xliii. 46; Macrob. *Sat.* ii. 3.)

The power of the consuls was at first equal to that of the kings into whose place they stepped, with the exception of the priestly power of the rex sacrorum, which was detached from it. Even after the Valerian laws and the institution of the tribuneship, the consuls who alone were invested with the executive retained the most extensive powers in all departments of the government. But in the gradual development of the constitution, some important functions were detached from the consulship and assigned to new magistrates. This was the case first with the censorship in B.C. 443,—an office which at first was confined to holding the census and registering the citizens according to their different classes, but afterwards acquired very extensive powers. [CENSOR.] The second function that was in this manner taken from the consuls was their judicial power, which was transferred in B.C. 366 to a distinct magistracy under the title of the praetorship [PRAETOR]; and henceforth the consuls appeared as judges only in extraordinary cases of a criminal nature, when they were called upon by a senatus consultum. (Cic. *Brut.* 34, 128; Liv. viii. 18, xxxix. 17 ff., xli. 9.) But, notwithstanding these curtailings, the consulship still continued to be regarded as the representative of regal power. (Polyb. vi. 11; Cic. *de Leg.* iii. 3, 8.)

In regard to the nature of the power of the consuls, we must in the outset divide it into two parts, inasmuch as they were the highest civil authority, and at the same time the supreme commanders of the armies. So long as they were in the city of Rome, they were at the head of the government and the administration, and all the other magistrates, with the exception of the tribunes of the people, were subordinate to them. They convened the senate, and as presidents conducted the business; they had to carry into effect the decrees of the senate, and sometimes on urgent emergencies they might even act on their own authority and responsibility. They were the medium through which foreign affairs were brought before the senate; all despatches and reports were placed in their hands before they were laid before the senate; by them foreign ambassadors were introduced into the senate, and they alone carried on the negotiations between the senate and foreign states. They also convened the assembly of the people and presided in it; and thus conducted the elections, put legislative measures to the vote, and had to carry the decrees of the people into effect. (Polyb. vi. 12; COMITIA; SENATUS.) The whole of the internal machinery of the republic was, in fact, under their superintendence; and in order to give weight to their executive power, they had the right of summoning and arresting offenders (*vocatio* and *prehensio*), but not in their own houses (Cic. *in Vat.* 9, 22; *pro Dom.* 41, 109), and a general right of inflicting punishment, limited only by the right of appeal from their judgment (*provocatio*); which might be exercised even against inferior magistrates.

The outward signs of their power, and at the same time the means by which they exercised it, were twelve lictors with the fasces, without whom the consul never appeared in public (Liv. xxv. 17, xxvii. 27; Val. Max. i. 1, § 9; comp. Liv. vi. 34, xxxix. 12), and who preceded him in a line one behind another. (Liv. xxiv. 44; Val. Max. ii. 2, § 4.) In the city, however, the axes did not appear in the fasces; a regulation which is said to have been introduced by Valerius Publicola (Dionys. v. 2, 19, 75; x. 59), and which is intimately connected with the right of appeal from a consul's sentence, whence it did not apply to the decemvirs nor originally to the dictator. Now as the provocatio could take place only within a thousand paces from the city, it must be supposed that the axes did not appear in the fasces within the same limits, an opinion which is not contradicted by the fact that the consuls on returning from war appeared with the axes in their fasces in the Campus Martius, at the very gates of Rome; for they had the imperium militare, which ceased only when they had entered the city.

But the powers of the consuls were far more extensive in their capacity of supreme commanders of the armies, and wherever they were without the precincts of the city, and were invested with the full imperium. When the levying of an army was decreed by the senate, the consuls conducted the levy, and, at first, had the appointment of all the subordinate officers—a right which subsequently they shared with the people; and the soldiers had to take their oath of allegiance to the consuls. They also determined the contingent to be furnished by the allies; and in the province assigned to them they had the unlimited administration, not only of all military affairs, but of everything else, even over life and death, excepting only the conclusion of peace and treaties. (Polyb. vi. 12, 5; compare EXERCITUS.) The treasury was, indeed, under the control of the senate; but in regard to the expenses for war, the consuls do not appear to have been bound down to the sums

granted by that body, but to have availed themselves of the public money as circumstances required; the quaestors, however, kept a strict account of the expenditure (Polyb. vi. 12, 13, 15; Liv. xliv. 16). The quaestors also kept the keys of the treasury (even of the *aerarium sanctius:* cf. Mommsen, *Staatsr.* ii. 117), and their co-operation was therefore necessary for any expenditure (Polyb. xxiii. 14). The control thus exercised became a real one when the quaestors were no longer nominated by the consuls, but were elected by the people. In the early times, the consuls had the power to dispose of the booty in any way they pleased; sometimes they distributed the whole or a part of it among the soldiers, and sometimes they sold it, and deposited the produce in the public treasury, which in later times became the usual practice. The first limitation of the military command of the consuls was in B.C. 227, when Sicily was erected into a province, committed to a special governor (*praetor*), and thus removed from the consular jurisdiction. But a more important change was that introduced by Sulla, who extended to the whole of Italy the legal privileges of the city of Rome. From this time forward the consuls ceased to hold military command during their year of office, and passed at the expiration of it into the ranks of the generals in office in the provinces by virtue of a special resolution of the senate (Mommsen, *Staatsr.* ii. 90).

Abuse of the consular power was prevented, first of all, by each of the consuls being dependent on his colleague, who was invested with equal rights; for, if we except the provinces abroad where each was permitted to act with unlimited power, the two consuls could do nothing unless both were unanimous (Dionys. x. 17; Appian, *Bell. Civ.* ii. 11), and against the sentence of one consul an appeal might be brought before his colleague; nay, one consul might of his own accord put his veto on the proceedings of the other. (Liv. ii. 18, 27, iii. 34; Dionys. v. 9; Cic. *de Leg.* iii. 4.) But in order to avoid every unnecessary dispute or rivalry, arrangements had been made from the first, that the real functions of the office should be performed only by one of them every alternate month (Dionys. ix. 43); and the one who was in the actual exercise of the consular power for the month was preceded by the twelve lictors, whence he is commonly described by the words *penes quem fasces erant* (Liv. viii. 12, ix. 8). In the early times, his colleague was then not accompanied by the lictors at all, but he was preceded by an accensus. (Cic. *de Rep.* ii. 31, 55; Liv. ii. 1, iii. 33; comp. Dionys. v. 2, x. 24.) In later times, the consul, even when he did not perform the functions of the office, was also accompanied by twelve lictors (Suet. *Caes.* 20), but these followed him: when this custom arose is uncertain, and we only know that, in the time of Polybius, the dictator, as representing both consuls, had twenty-four lictors. It has been maintained that the consul who for the month being performed the functions of the office, was designated as the *consul major;* but Festus (p. 161) leaves it doubtful whether the term applied to the one who had the fasces, or to the one who had been elected first; and there seems to be good reason for believing that the word *major* really had reference only to the age of the consul, so that the elder of the two was called consul major. (Liv. xxxvii. 47; Cic. *de Rep.* ii. 31, 55; Val. Max. iv. 1, § 1; Plut. *Publ.* 12; Dionys. vi. 57.) Owing to the respect paid to the elder, he presided at the meeting of the senate which was held immediately after the election. (Liv. ix. 8; Gellius, ii. 15.) The exercise of the consular power was also checked by the knowledge that after the expiration of their office they might be called to account for the manner in which they had conducted themselves in their official capacity. Many cases are on record, in which after their abdication they were accused and condemned not only for illegal or unconstitutional acts, but also for misfortunes in war which were ascribed either to their carelessness or want of ability. (Liv. ii. 41, 52, 54, 61; iii. 31; xxii. 40, 49; xxvii. 2, 3; xxvii. 34; Cic. *de Nat. Deor.* ii. 3, 8; Val. Max. viii. 1, § 4.) The ever-increasing arrogance and power of the tribunes did not stop here, and we not unfrequently find that consuls, even during the time of their office, were not only threatened with punishment and imprisonment, but were actually subjected to them. (Liv. iv. 26, v. 9, xlii. 21; *Epit.* xlviii., lv.; Cic. *de Leg.* iii. 9, 20; *in Vat.* 9, 21; Val. Max. ix. 5, § 2; Dio Cass. xxxvii. 50, xxxviii. 6, xxxix. 39.) Sometimes the people themselves opposed the consuls in the exercise of their power. (Liv. ii. 55, 59.) Lastly, the consuls were dependent upon the senate. [SENATUS.] There occurred, however, times when the power of the consuls thus limited by republican institutions was thought inadequate to save the republic from perils into which she was thrown by circumstances; and on such occasions a senatus consultum *viderent* or *darent operam consules, ne quid respublica detrimenti caperet*, conferred upon them full dictatorial power, not restrained either by the senate, the people, or the tribunes. In the early times, such senatus consulta are rarely mentioned, as it was customary to appoint a dictator on such emergencies; but when the dictatorship had fallen into disuse, the senate by the above-mentioned formula invested the consuls, for the time, with dictatorial power. [DICTATOR.] On this senatus consultum ultimum, see Heitland's App. A to Cic. *pro C. Rabirio.*

On entering upon their office, the consuls, and afterwards the praetors also, agreed among one another as to the business which each had to look after, so that every one had his distinct sphere of action, which was termed his *provincia*. The ordinary way in which the provinces were assigned to each was by lot (*sortiri provincias*), unless the colleagues agreed among themselves, without any such means of decision (*comparare inter se provincias*, Liv. xxiv. 10, xxx. 1, xxxii. 8; Cic. *ad Fam.* i. 9). The decision by lot was resorted to for no other reason than because the two consuls had equal rights, and not, as some believe, because it was thereby intended to leave the decision to the gods. If it was thought that one of the consuls was eminently qualified for a particular province, either on account of his experience or personal character, it frequently happened that a commission was given to him *extra sortem* or *extra ordinem*, i.e. by the senate and without any drawing of lots. (Liv. iii. 2, viii. 16, xxxvii. 1;

Cic. *ad Att.* i. 19; comp. Liv. xxxv. 20, xli. 8.) In the earliest times, it seems to have been the custom for only one of the consuls to march out at the head of the army, and for the other to remain at Rome for the protection of the city, and to carry on the administration of civil affairs, unless, indeed, wars were carried on in two different quarters which rendered it necessary for both consuls to take the field. (Dionys. vi. 24, 91; comp. Liv. iii. 4, 22, vii. 38.) Nay, we find that even when Rome had to contend with one formidable enemy, the two consuls marched out together (Liv. ii. 44, iii. 8, 66, viii. 6, &c.); but the forces were equally divided between them, in such a manner that each had as a rule the command of two legions, and had the supreme command on every alternate day (Polyb. iii. 107, 110, vi. 26; Liv. iv. 46, xxii. 27, 41, xxviii. 9; comp. iii. 70).

When the Roman dominion extended beyond the natural boundaries of Italy, the two consuls were not enough to undertake the administration of the provinces, and praetors were appointed to undertake the command in some, while the more important ones were reserved for the consuls. Hence a distinction was made between *provinciae consulares* and *praetoriae*. (Liv. xli. 8.) [PROVINCIA.] It lay with the senate to determine into which provinces consuls were to be sent, and into which praetors, and this was done either before the magistrates actually entered upon their office (Liv. xxi. 17), or after it, and on the proposal of the consuls (Liv. xxv. 1, xxvi. 28, xxvii. 7, &c.). Upon this, the magistrates either agreed among themselves as to which province each was to undertake, or they drew lots; first, of course, the consuls, and after them the praetors. One of the laws of C. Gracchus (*de provinciis ordinandis*; Cic. *de Prov. Cons.* 2, 3; Sall. *Jug.* 27), however, introduced the regulation, that every year the senate, previous to the consular elections, should determine upon the two consular provinces, in order to avoid partiality, it being yet unknown who were to be the consuls. It had been customary from the earliest times for the consuls to enter their province in the year of their consulship; but in the latter period of the republic, the ordinary practice of the consuls was to remain at Rome during the year of their office, and to go into their province in the year following as pro-consuls, until at length in B.C. 53, a senatus consultum, and the year after a law of Pompeius, enacted that a consul or praetor should not go into any province till five years after the expiration of their office. (Dio Cass. xl. 46, 56.) When a consul was once in his province, his imperium was limited to it; and to exercise the same in any other province was, at all times, considered illegal. (Liv. x. 37, xxix. 19, xxxi. 48, xliii. 1.) In some few cases, a breach of this rule was pardoned after a brilliant success. (Liv. xxvii. 43, xxix. 7.) On the other hand, a consul was not allowed to quit his province before he had accomplished the purpose for which he had been sent into it, or before the arrival of his successor, unless, indeed, he obtained the special permission of the senate. (Liv. xxxvii. 47.) Other functions also were sometimes divided between the consuls by lot, if they could not agree: for example, which of them was to preside at the consular elections or those of the censors (Liv. xxiv. 10, xxxv. 6, 20, xxxix. 32, xli. 6), which of them was to dedicate a temple (Liv. ii. 8, 27), or nominate a dictator (Liv. iv. 26). So long as the consuls had to hold the census, they undoubtedly drew lots, *uter conderet lustrum*; and even when they went out on a common expedition, they seem to have determined by lot in what direction each should exert his activity. (Liv. xli. 18.)

The entering of a consul upon his office was connected with great solemnities: before daybreak each consulted the auspices for himself, which in the early times was undoubtedly a matter of great importance, though, at a later period, we know it to have been a mere formality. (Dionys. ii. 4, 6.) It must, however, be observed, that whatever the nature of the auspices were, the entering upon the office was never either rendered impossible or delayed thereby, whence we must suppose that the object merely was to obtain favourable signs from the gods, and as it were to place under the protection of the gods the office on which the magistrate entered. After the auspices were consulted, the consul returned home, put on the *toga praetexta* (Liv. xxi. 63; Ov. *ex Pont.* iv. 4, 25, *Fast.* i. 81), and received the *salutatio* of his friends and the senators. (Dio Cass. lviii. 5; Ov. *ex Pont.* iv. 4, 27, &c.) Accompanied by these and a host of curious spectators, the consul, clad in his official robes, proceeded to the temple of Jupiter in the Capitol, where a solemn sacrifice of white bulls was offered to the god. It seems that in this procession the sella curulis, as an emblem of his office, was carried before the consul. (Ov. *l. c.* iv. 4, 29 ff., 9, 17 ff.; Liv. xxi. 63; Cic. *de Leg. Agr.* ii. 34, 92.) After this, a meeting of the senate took place, at which the elder of the two consuls made his report concerning the republic, beginning with matters referring to religion, and then passing on to other affairs (*referre ad senatum de rebus divinis et humanis*, Liv. vi. 1, ix. 8, xxxvii. 1; Cic. *ad Quir. post Red.* 5, 11). One of the first among the religious things which the consuls had to attend to, was the fixing of the feriae Latinae, and it was not till they had performed the solemn sacrifice on the Alban mount that they could go into their provinces. (Liv. xxi. 63, xxii. 1, xxv. 12, xlii. 10.) The other affairs upon which the consuls had to report to the senate had reference to the distribution of the provinces, and many other matters connected with the administration, which often were of the highest importance. After these reports, the meeting of the senate broke up, and the members accompanied the consuls to their homes (Ov. *ex Pont.* iv. 4, 41); and this being done, the year of office was formally begun.

Respecting the various offices which at different times were temporary substitutes for the consulship, such as the dictatorship, the decemvirate, and the office of the tribuni militares consulari potestate, the reader is referred to the separate articles.

Towards the end of the republic, the consulship lost its power and importance. Caesar, in his dictatorship, gave it the first severe blow, for he himself took the office of consul along with that of dictator, or he arbitrarily caused persons to be elected who in their actions were entirely dependent upon his will. He himself was elected at first for five years, then for ten,

and at length for life. (Sueton. *Jul.* 76, 80; Dio Cass. xlii. 20, xliii. 1, 46, 49; Appian, *de Bell. Civ.* ii. 106.) In the reign of Augustus the consular power was a mere shadow of what it had been before, and the consuls who were elected did not retain their office for a full year, but had usually to abdicate after a few months. (Dio Cass. xlviii. 35, xliii. 46; Lucan, v. 399.) The emperors themselves usually took the consulship at the beginning of the year, and laid it down in a month or two. (Dio Cass. liii. 32; Tac. *Hist.* i. 77.) Nero received from the senate *continui consulatus* (Tac. *Ann.* xiii. 41), and Vitellius arranged the elections for ten years in advance, with himself as *perpetuus consul* (Suet. *Vitell.* 11). Vespasian was consul eight times in ten years, Domitian seventeen times in all. The usual time for the tenure of the office came to be either four or two months (Dio Cass. xliii. 46). In A.D. 69 there were fifteen consuls. (Cf. Mommsen in *Ephem. Epigr.* 1872, p. 189.) In the reign of Commodus there were no less than twenty-five consuls in one year. (Lamprid. *Commod.* 6; Dio Cass. lxxii. 12.) In the republican time, the year had received its name from the consuls, and in all public documents their names were entered to mark the year; but from the time that there were more than two in one year, only those that entered upon their office at the beginning of the year were regarded as *consules ordinarii*, and gave their names to the year, though the suffecti were likewise entered in the Fasti. (Sueton. *Domit.* 2, *Galb.* 6, *Vitell.* 2; Senec. *de Ira*, iii. 31; Plin. *Paneg.* 38; Lamprid. *Al. Sev.* 28.) The consules ordinarii ranked higher than those who were elected afterwards. The election from the time of Tiberius was in the hands of the senate, who, of course, elected only those that were recommended by the emperor; those who were elected were then announced (*renuntiare*) to the people assembled in what were called comitia. (Dio Cass. lviii. 20; Plin. *Paneg.* 77; Tac. *Ann.* iv. 68.) In the last centuries of the empire, it was customary to create honorary consuls (*consules honorarii*), who were chosen by the senate and sanctioned by the emperor (Cassiod. i. 10; Justin. *Nov.* lxx. 80, c. 1), and consules suffecti were then scarcely heard of at all, for Constantine restored the old custom of appointing only two consuls, one for Constantinople, and the other for Rome, who were to act as supreme judges (under the emperor) for a whole year, and besides these two there were no others except honorary consuls and consulares. Although the dignity of these honorary consuls as well as of the consules ordinarii and suffecti was merely nominal, still it was regarded as the highest in the empire, and was sought after by noble and wealthy persons with the greatest eagerness, notwithstanding the great expenses connected with the office (Dio, lx. 27) on account of the public entertainments which a newly appointed consul had to give to his friends and the people. (Fronto, *Ep.* ii. 1; Lydus, *de Magistr.* ii. 8; Liban. *Orat.* 8; Symmach. ii. 64, iv. 8, x. 44; Sidon. Apollin. *Epist.* ii. 3; Cassiod. ii. 2, vi. 1; Procop. *de Bell. Pers.* i. 25.) Julius Caesar (Suet. *Jul.* 76) and Augustus (Dio Cass. xlvi. 41) conferred the *ornamenta consularia* without the actual office; and this practice became so common afterwards, that the title *consulares* was used for this class, which held rank as the most distinguished class of senators, and their honour ultimately became hereditary. After Diocletian, however, they ranked below the *viri illustres* and the *viri spectabiles*. The last consul of Rome was Decimus Theodorus Paulinus, A.D. 534, and at Constantinople Flavius Basilius Junior, in A.D. 541. After that time, the emperors of the East took the title of consul for themselves, until in the end it fell quite into oblivion.

Under the empire the consuls were regarded as the official representatives of the senate, and were even allowed by some emperors a formal precedence (Suet. *Tib.* 31). Their official functions were as follows:—1. They presided in the senate, though, of course, never without the sanction of the emperor; 2. They administered justice, partly *extra ordinem* (Tac. *Ann.* iv. 19, xiii. 4; Gell. xiii. 24) [SENATUS], and partly in ordinary cases, such as manumissions or the appointment of guardians (Dig. 1, 10, 1; Ammian. Marcell. xxii. 7; Cassiod. vi. 1; Sueton. *Claud.* 23); 3. The letting of the public revenues, a duty which had formerly been performed by the censors (Ov. *ex Pont.* iv. 5, 19), although the consuls had always possessed the right of acting as the representatives of the censors, when there were none in office at the time; 4. The conducting of the games in the Circus and of public solemnities in honour of the emperors, for which they had to defray the expenses out of their own means. (Sueton. *Nero*, 4; Juv. xi. 193, &c.; Cassiod. *l. c.*, and iii. 39, v. 42, vi. 10.) Some emperors indeed granted the money necessary for such purposes, and endeavoured to check the growing extravagance of the consuls, but these regulations were all of a transitory nature. (Lamprid. *Al. Sever.* 43; Vopisc. *Aurel.* 12; Justin. *Nov.* 105.)

Compare besides the various works on Roman history, K. D. Hüllmann, *Röm. Grundverfassung*, p. 125, &c.; K. W. Göttling, *Gesch. der Röm. Staatsverf.* p. 269, &c.; above all, Mommsen, *Staatsrecht*, ii. 70–124; and Becker, *Handbuch der Röm. Alterth.* vol. ii. part ii. pp. 87–126, and part iii. pp. 235 ff. [L. S.] [A. S. W.]

CONSULA'RIS, throughout the time of the Roman republic, signifies a person who has been invested with the consulship; but under the empire it became a mere title for the higher class of officers, who thereby obtained permission to have the insignia of a consul, without ever having actually been consuls. Hence the title was almost equivalent to that of an "honorary consul" (*consul honorarius*; Cod. Theod. vi. tit. 19, s. 1; vi. tit. 2, s. 2). The title was given especially to generals, as formerly persons after their consulship had usually undertaken the command of an army in the provinces, and in many instances they were the same as the legati principis or the magistri militum. (Veget. ii. 9; Dig. 3, tit. 2, s. 2.) It was further a common custom, established even by the first emperors, to give to governors of imperial provinces the title of consularis, irrespective of their ever having been consuls. (Suet. *Aug.* 33, *Tib.* 33, *Domit.* 6; Tac. *Agric.* 8, 14, 40.) Consularis thus gradually became the established title for those entrusted with the administration of imperial provinces. During the 2nd century A.D. the title *consularis* always denotes a governor who had actually held the office of consul, or had

received the rank from the emperor *per codicillos;* but by the 4th century it had become a mere title of a particular class of provincial governors. The Emperor Hadrian divided Italy into four regions, and over each he placed an officer who likewise bore the title of consularis, and was entrusted with the administration of justice in his district, whence he is frequently called *Juridicus* (Spartian. *Hadr.* 22, with the note of Salmas.). At Constantinople the title was given to the superintendents of the aqueducts (*consulares aquarum*), who had to see that all public and private places were properly supplied with water, and who seem to have been analogous to the curatores aquarum of Rome. They are frequently mentioned in inscriptions, and also in the Codex of Justinian and Theodosius. (Cf. Marquardt, *Röm. Staatsverwaltung*, i. 408-9.) [L. S.] [A. S. W.]

CONTIO, often erroneously spelt CONCIO, is a contraction for *conventio;* that is, a meeting, or a *conventus.* In a loose mode of speaking it denotes any popular assembly, even among non-Romans (Liv. xxiv. 22; Cic. *pro Flacc.* 7, § 15), and any speech or harangue addressed to such an assembly; hence the common phrase *contionem habere* means indifferently "to hold a meeting" and "to make a speech." Written speeches are sometimes called *contiones* (Cic. *in Vat.* 1, § 3; *ad Att.* xiv. 20). In the technical sense, however, a contio was an assembly of the Roman people convened regularly (*per praeconem*) by a magistrate or a *sacerdos publicus* (Fest. p. 66 M.). A general in the field by virtue of his imperium could summon his troops as often as he pleased to hear what he had to say to them (*in contionem vocare; contionem habere*, Liv. xxvii. 13); and what he said before the assembled army was *pro contione* (Sall. *Jug.* 8). But when L. Paullus after his triumph (with which his imperium came to an end) wished to make an explanatory statement, he had to obtain leave from a magistrate, who was said *contionem dare* (Liv. xlv. 40 *extr.;* cf. Cic. *ad Att.* iv. 2). A contio thus lawfully convened was the usual mode of initiating public discussion, *e.g.* of measures which were to be brought before the comitia, and of working upon the people either to support or oppose the measure. Contiones were also summoned for other purposes, *e.g.* of persuading the people to take part in a war (Dionys. vi. 28) or of bringing complaints against a party in the republic or an individual (id. ix. 25; Liv. xxxix. 15; Plut. *C. Gracch.* 3). But no question of any kind could be decided by a contio, and this constitutes the difference between contiones and comitia (Gell. *N. A.* xiii. 16 [in old edd. 15, §§ 8–10]; Cic. *pro Sest.* 50, § 106; 54, § 115). Contrasting Roman and Greek methods, Cicero says that the former went to the poll and voted deliberately, *summota contione;* while the Athenians in the days of their glory were governed by the hasty decisions of the assembly, *contionis temeritate* (*pro Flacc.* l. c.).

Meetings of this kind naturally were of very frequent occurrence at Rome. The earliest that is mentioned is one held immediately after the death of Romulus by Julius Proculus in the Campus Martius (Liv. i. 16; Plut. *Rom.* 27); the first after the expulsion of the kings was held by Brutus (Liv. ii. 2; Dionys. v. 10, &c.). Every magistrate had the right to convene contiones, but it was most frequently exercised by the consuls and tribunes, and the latter more especially exercised a great influence over the people in and through these contiones. A magistrate who was higher in rank than the one who had convened a contio, had the right to order the people to disperse, if he disapproved of the object (*avocare*, Gell. *l. c.*); and such a command and the vehemence of the haranguing tribunes rendered contiones often very tumultuous and riotous, especially during the later period of the republic (Cic. *pro Sest.* 50, § 106); so that their powers were curtailed by Sulla (id. *pro Cluent.* 40, § 110). The convening magistrate either addressed the people himself, or he introduced other persons to whom he gave permission to speak, for no private person was allowed to speak without this permission, and the people had nothing to do but to listen. (Dionys. v. 11; Liv. iii. 71, xlii. 34; Cic. *ad Att.* iv. 2.) The place where such meetings were held does not seem to have been fixed, for we find them in the Forum, the Capitol, the Campus Martius, and even the Circus Flaminius (Cic. *pro Sest.* 14, § 33). [L. S.] [W. W.]

CONTORNIATI. This Italian word (French and English *contorniates*) has been usually employed by numismatists to denote a particular class of circular metallic objects bearing various devices and legends, which were issued, though not for circulation as currency, under the Roman empire. The ancient appellation of these objects is not known: their modern name has been derived from the circle (in Italian *contorno*) which marks both of their sides, in incuse. They are to be distinguished not only from the current coins of Rome, but also from the metallic specimens commonly designated Roman "medallions," which were destined to serve a different purpose, and which are of more finished workmanship. The metal of which contorniates are composed is copper, with a certain amount of alloy: in size, they are, as a rule, somewhat larger than the "first brass" coins (*sestertii*) of the early empire, but they are of a much thinner fabric and are characterised by the circular depression already referred to. The greater number of them present on both sides a device in relief, which is generally obtained not by striking from a die (as in the case of the medallions), but by process of casting from a mould.

The first issue of the contorniates, which are all of Western origin, was assigned by Eckhel to the time of Constantine (A.D. 306–337), and this date has been practically accepted by the most recent authorities on the subject, such as M. François Lenormant and M. Charles Robert (*La Monnaie dans l'Ant.*, t. i. p. 51; *Médaillons contorn.* in *Revue Num.*, t. xiii., N. S., p. 249): their fabrication, according to Sabatier, ceased under Anthemius (A.D. 464–472).

The types or devices of the contorniates, though offering considerable varieties, may be considered—perhaps almost without exception—to have reference to the public games and spectacles in the Circus, the Odeum, the Stadium, and the Amphitheatre, which formed, at the period when the contorniates were issued, so prominent a feature in the life of the Imperial

city (cf. L. Friedlaender, *Sittengeschichte Röms*, pt. ii., p. 263 ff.). The type on one side of the piece is as a rule a head or bust; on the other, a subject: as the latter side is the more important, it may conveniently be considered as the obverse. The obverse types are either of a mythological, heroic, or historic character, or have reference to scenes in the Circus and other places of public amusement. In the opinion of M. Robert, even the mythological and heroic types relate to the public spectacles; the gods and heroes represented being merely human actors who assumed divine and heroic parts in the theatrical representations. (C. Robert, *Les Méd. contorn.* p. 6 f.: a different opinion has been maintained by Sabatier and Eckhel; cf. Lenormant, *La Monnaie*, t. i. p. 56 f.) The types of this class are derived chiefly from the adventures of Ulysses, Hercules, Theseus, Achilles, &c.: Apollo Citharoedus, the Sun-god in his chariot, Hecate, Endymion, Hero and Leander, and other personages also occur. Types of a quasi-historical character are less numerous: amongst them are the Foundation of Rome and the Rape of the Sabines. A certain number of subjects are copied from the Roman coin-types of an earlier period, such as the *carpentum* of Agrippina and the *decursio* type. But the types of the most frequent occurrence are those which relate to the games of the Circus. Sometimes the chariot-race and the Circus itself is portrayed, but more frequently we find a single chariot and its *auriga*. Representations of victorious charioteers, standing without horses or chariots, as well as of winning horses, are also very common. The men are generally represented with palms in their hands, and the horses' heads are bedecked with the same emblems of victory. Besides the sports in the Circus, the beast-hunts (*venationes*) of the Amphitheatre are introduced, though less frequently. The athletic contests of the Stadium are still rarer, though the contorniates sometimes represent foot-races and other exercises of strength and skill. In another remarkable series of scenes are depicted musicians engaged in playing an organ, and persons assembled probably to take part in competitions in singing and recitation. As reverse types of the contorniates, we find the heads and busts of various personages:—(1) Emperors, &c., among whom are J. Caesar, Augustus, Caligula, Nero, Galba, Vespasian, Trajan, Ant. Pius, Marcus Aurelius, Verus, Commodus, Caracalla, and one or two of the earlier empresses. Nero and Trajan are frequently selected, probably on account of their being regarded as patrons of the Circus. No emperors between Caracalla and Constantine are selected; the last represented is Anthemius: (2) the head of Alexander the Great; (3) busts of philosophers, writers, &c., such as Pythagoras, Apollonius of Tyana, Homer, Horace, Virgil, Sallust; (4) heads of Roma and Serapis; (5) an *auriga*. In addition to the types, various accessory devices appear in the field of either side of the contorniates. They are sometimes cast in relief (like the type itself), but more frequently are produced by engraving or by inlaying in silver. The following are among the principal devices which occur:—Palms, wreaths, leaves of heart-shaped form, cups, helmets, horses, chariots, spears, swords, bows, lions, panthers, bears, &c., and a symbol variously represented thus, , , , or .

The legends which appear upon the contorniates are nearly always descriptive of the types. Thus obverse types relating to Aeneas, Hypsipyle and Archemoros, the Rape of the Sabine women are accompanied by the words AENEAS, ΥΨΙΠΥΛΗ, SABINAE: the names of charioteers and even of horses are often given, and sometimes the particular "faction" of the "blues," "greens," "reds," and "whites" is indicated in the exergue, *e.g.* IN PRASINO, IN VENETO. As reverse legends we find the names of emperors surrounding their effigies: Alexander the Great is named "Macedonicus," and the names of the philosophers and writers are also given.

The precise destination and significance of the contorniates is a difficult problem, which has given rise to much controversy, and we have not even any information as to whether these pieces were fabricated and issued by authority, or merely by private enterprise. We may, however, safely set aside the explanation that the contorniates were tickets of admission to the Circus; nor, again, do they seem of sufficient importance to induce us to adopt the view of M. Longpérier, that they were given as prizes to the victors in the games. (*Rev. Num.*, N. S., 1865, t. x. p. 414.) The theory suggested by Cavedoni and De Rossi (*Bull. d'Archéol. chrétienne*, 1869, p. 60), which has been ingeniously worked out by M. Lenormant (*La Monnaie*, t. i. p. 56 f.), that the contorniates were employed by the competitors in the games and by their supporters as talismans or amulets, is far more worthy of consideration. That effigies like those of Alexander, Apollonius, Virgil, and others would be regarded at that epoch as being of wonder-working efficacy, is extremely probable; and contorniate legends, such as "Margarita vincas," "Petroni placeas" (ejaculations for the good success of a competitor), would also seem to indicate the talismanic character of these pieces. This theory, however, does not sufficiently take into account the numerous accessory devices which appear upon the contorniates, and especially the symbol , &c., which occurs with extreme frequency upon specimens of every variety of type. Of this symbol and its varieties numerous interpretations have been offered. (Longpérier, *Rev. Num.* 2e série, t. x., pp. 415, 416; Cannegieter, *Miscell. Observ. Crit.*, p. 133; *Miscell. Nov.*, 1740, p. 7; Bruzza, *Ann. dell' Inst. di Corrisp. Arch.*, 1877, p. 58; Friedlaender, *Zeitschrift f. Numismatik*, vol. vi., p. 268; Archangeli, *Gli Studj in Italia*, 1879, p. 42; Robert, *Les Médaill. cont.* p. 29 ff.) Several writers have seen in it a monogram composed of the letters E P or P E, and P has been supposed to stand for the word "palma." It has, however, been well shown by M. Robert, that the only constant element in the varieties of this symbol is the letter P, which he translates "praemia," or "prizes in money": the horizontal strokes, which vary in number, indicate, according to his suggestion, the actual sum of money won by the victor in the Hippic and other contests. If we adopt this interpretation, we may suggest as a

probable, though not absolutely certain explanation of the purpose of the contorniates, a theory which is substantially that of M. Robert. (Cf. *Les Méd. contorn.* p. 23 foll.) The contorniates, after being cast with designs in relief, were distributed to the competitors, and perhaps to their friends, before the games, &c., took place. During the contests they were doubtless considered to confer good luck upon their possessors, and to bring confusion upon the adversary. After the games and other competitions were decided, the contorniates held by the winners were stamped (generally by means of engraving) with various additional devices, indicative of the special prizes awarded to victors, and thus became a sort of metallic certificate of their owner's achievements. We know from other sources the nature of many of the prizes distributed, especially to the *aurigae:* they consisted not only of such simple recompenses as palms and wreaths, but also of more substantial rewards, such as golden helmets and very large sums of money. (Cf. Wilmanns, *Exempl. Inscript.*, Nos. 2600, 2601.) It is the non-pecuniary prizes which are indicated by some, at any rate, of the accessory devices of the contorniates (palms, wreaths, helmets, &c.), while the prizes in money, often referred to in Inscriptions as "praemia," are alluded to in the , &c.

[*Authorities:*—P. Charles Robert, *Étude sur les Médaillons contorniates*, Bruxelles, 1882 (reprinted from the *Revue belge de Numismatique* for 1882); *Catalogue des Médaillons contorniates réunis* par P. Charles Robert, Paris, 1879 (extrait de *l'Annuaire de la Soc. franç. de Numismatique*, 1878); Robert in *Revue Numismatique*, t. xiii. N. S.; F. Lenormant, *La Monnaie dans l'Antiquité*, i. pp. 49–61; Cohen, *Description hist. des Monnaies frapp. sous l'Empire romain*, 1862, vol. vi. pp. 547–590 (a new edition is in progress); Sabatier, *Description générale des Médaillons contorniates*, 1860 (with numerous engravings); Cavedoni, *Osservazioni* in *Bullet. archeol. ital.* 1862, pp. 33–38 and 49–56; cf. P. Bortolotti, *Notizie intorno alla vita ed alle opere di M. C. Cavedoni*, Modena, 1866, pp. 557–580; Eckhel, *Doctrina numor. vet.*, vol. viii. pp. 277–314; Lenormant, in Saglio, *Dict. des Ant.*, s. v. 'Contorniati': see also other articles cited in the text. [W——K W——H.]

CONTRACTUS. [Obligationes.]

CONTROVER'SIA. [Judex.]

CONTUBERNA'LES (*σύσκηνοι*). This word, in its original meaning, signified men who served in the same army and lived in the same tent. It is derived from *taberna* (afterwards *tabernaculum*), which, according to Festus, was the original name for a military tent, as it was made of boards (*tabulae*). Each tent was occupied by ten soldiers (*contubernales*), with a subordinate officer at their head, who was called *decanus*, and in later times *caput contubernii*. (Veget. *de Re Mil.* ii. 8, 13; compare Cic. *pro Ligar.* 7, 21; Hirt. *Bell. Alex.* 16; Drakenborch on Liv. v. 2.) [Castra, p. 381 *b*.]

Young Romans of illustrious families used to accompany a distinguished general on his expeditions, or to his province, for the purpose of gaining under his superintendence a practical training in the art of war, or in the administration of public affairs, and were, like soldiers living in the same tent, called his *contubernales*. (Cic. *pro Cael.* 30, 73, *pro Planc.* 11, 27; Suet. *Jul.* 42; Tacit. *Agr.* 5; Frontin. *Strateg.* iv. 1, 11; Plutarch, *Pomp.* 3.)

In a still wider sense, the name *contubernales* was applied to persons connected by ties of intimate friendship and living under the same roof (Cic. *ad Fam.* ix. 2; Plin. *Epist.* ii. 13); and hence when a free man and a slave, or two slaves, who were not allowed to contract a legal marriage, lived together as husband and wife, they were called *contubernales;* and their connexion, as well as their place of residence, *contubernium*. (Colum. xii. 1, 3, i. 8; Petron. *Sat.* 57, 6; Tac. *Hist.* i. 43, iii. 74; Dig. 50, 16, 220.) Cicero (*ad Att.* xiii. 28) calls Caesar the *contubernalis* of Quirinus, thereby alluding to the fact that Caesar had allowed his own statue to be erected in the temple of Quirinus (comp. *ad Att.* xii. 45, and Suet. *Jul.* 76). [L. S.] [A. S. W.]

CONTUBER'NIUM. [Contubernales; Concubina.]

CONTUS (*κοντός*, from *κεντέω*, to prick or pierce) was, as Nonius (p. 555 m., xviii. 24) expresses it, *hasta longior et robusta*, with a pointed iron at the one end. (Verg. *Aen.* v. 208.) It was used for various purposes, but chiefly as a punt-pole by sailors, who, in shallow water, thrust it into the ground, and thus pushed on the boat. (Hom. *Od.* ix. 287; Verg. *l. c.* and vi. 302. Cf. *κοντωτὰ πλοῖα* in Diod. Sic. xix. 22.) It also served as a means to sound the depth of the water. (Festus, s. v. *Perconctatio*, p. 214, ed. Müller; Nonius, p. 44 m.; Donat. on Terent. *Hec.* i. 2, 2.) At a later period, when the Romans became acquainted with the huge lances or pikes of some of the northern barbarians, the word *contus* was applied to that kind of weapon (Verg. *Aen.* ix. 510; Tac. *Hist.* i. 44, iii. 27; Lamprid. *Commod.* 13); and the long pikes peculiar to the Sarmatians were always designated by this name. (Tac. *Hist.* i. 79, *Ann.* vi. 35; Stat. *Achill.* ii. 416; Valer. Flacc. vi. 162.) [L. S.]

CONVENI'RE IN MANUM. [Matrimonium.]

CONVENTIO'NES. [Obligationes.]

CONVENTUS (*σύνοδος, συνουσία*, or *συναγωγή*) is properly a name which may be given to any assembly of men who meet for a certain purpose. (Paul. Diac. p. 41, ed. Müller.) But when the Romans had reduced foreign countries into the form of provinces, the word *conventus* was used also in a more definite meaning, for the meetings of the provincials in certain places appointed by the praetor or proconsul for the purpose of administering justice. (Cic. *in Verr.* ii. 20, 48; 30, 74; iv. 29, 67; Cic. *ad Fam.* xv. 4; Hor. *Sat.* i. 7, 22; Caes. *Bell. Civ.* ii. 21; Hirt. *Bell. Afr.* 97.) In order to facilitate the administration of justice, a province was divided into a number of districts or circuits, each of which was likewise called *conventus, forum*, or *jurisdictio*. (Cic. *in Verr.* ii. 26, 63, v. 11, 28; Plin. *Ep.* x. 5; *H. N.* iii. § 7, iv. § 117, v. § 105.) In Hispania Tarraconensis there were seven such *conventus*, in Baetica four, in Lusitania three, in Illyria three, in Cilicia in the time of Pompeius eight, in Asia about eleven (Marquardt, *Röm. Staatsverw.* i. 365). Roman citizens living in a province were likewise under the jurisdiction of the proconsul, and accordingly

all that had to settle any business at a conventus had to make their appearance there. The towns which had the Jus Italicum had magistrates of their own with a jurisdictio, from whom there was no doubt an appeal to the proconsul. At certain times of the year, fixed by the proconsul, the people assembled in the chief town of the district. To hold a conventus was expressed by *conventus agere, peragere, forum agere,* ἀγορᾶιους (sc. ἡμέρας) ἄγειν, &c. (Caes. *Bell. Gall.* i. 54, v. 1, viii. 46; Act. Apost. xix. 38.) At such a conventus litigant parties applied to the proconsul, who selected a number of judges from the conventus, generally from among the Romans residing in the province, to try their causes. (Cic. *in Verr.* ii. 13, 32.) It was made a charge against Verres that he selected the *judices* from among his own suite. The proconsul himself presided at the trials, and pronounced the sentence according to the views of the judges, who were his assessors (*consiliarii*). [CONSILIUM.] As the proconsul had to carry on all official proceedings in the Latin language (Val. Max. ii. 2, 2), he was always attended by an interpreter. (Cic. *in Verr.* iii. 37, 84; *ad Fam.* xiii. 54.) These *conventus* appear to have been generally held after the proconsul had settled the military affairs of the province; at least when Caesar was proconsul of Gaul he made it a regular practice to hold the conventus after his armies had retired to their winter-quarters. In the time of the emperors certain towns in each province were appointed as the seats of standing courts, so that the *conventus* were superseded. (Cod. Just. i. tit. 40, s. 6.) The term conventus is lastly applied to certain bodies of Roman citizens living in a province, forming a sort of corporation, and representing the Roman people in their district or town; and it was from among these that proconsuls generally took their assistants. Such corporations are repeatedly mentioned, as, for example, at Syracuse (Cic. *in Verr.* ii. 13, 32; 29, 72; iii. 13, iv. 25, 31, v. 36, &c.), Capua (Caes. *de Bell. Civ.* i. 14; Cic. *p. Sest.* 4), Salona (Caes. *de Bell. Civ.* iii. 9), Puteoli (Cic. *in Vat.* 5), and Corduba (Caes. *de Bell. Civ.* ii. 19; comp. PROVINCIA). [L. S.] [A. S. W.]

CONVI'VIUM. [SYMPOSIUM.]

COOPTA'RE. [COLLEGIUM.]

COPA, COPO. [CAUPONA.]

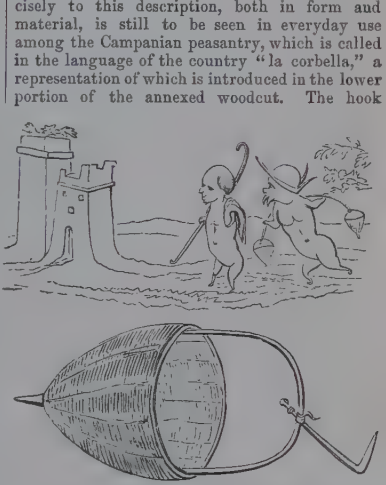
CO'PHINUS (κόφινος, Engl. *coffin, coffer*), a large kind of wicker basket, made of osier branches. (Moer. *Att.* and Hesych. *s. v.* Ἀρριχος.) From Aristophanes (*Av.* 1310) it would seem that it was used by the Greeks as a basket or cage for birds. The Romans used it for agricultural purposes, and Columella (xi. 3, § 51), in describing a method of procuring early cucumbers, says that they should be sown in well-manured soil, kept in a cophinus, so that in this case we have to consider it as a kind of portable hot-bed. Juvenal (*Sat.* iii. 14, and vi. 542), when speaking of the Jews, describes their whole furniture as consisting in *cophinus et faenum* (a truss of hay). Κόφινος is a more general term, while σπυρίς (*sporta*) is more properly a basket for food. Cf. Meyer on St. Matt. xvi. 10. [CORBIS.] [L. S.] [A. S. W.]

COPIS (κοπίς), a curved sword, like a falx, and therefore a kind of scimitar (Xen. *Eq.* xii. 11: "copidas vocabant gladios leviter curvatos, falcibus similes," Curt. viii. 14, § 29). It was used by the Thessalians (Eur. *Elect.* 837) and by the eastern nations (Xen. *Cyr.* ii. 1, § 9, vi. 2, § 10; Curt. *l. c.*).

Copis was also the name of a knife used in cutting the flesh of animals in sacrifices and the kitchen (Poll. x. 104; Athen. iv. p. 169 b; Plut. *Lyc.* 2). It is used as an adjective with μάχαιρα by Euripides (*Cycl.* 241). [W. S.]

COQUUS. [CENA, p. 394.]

CORBIS, *dim.* COR'BULA, CORBIC'ULA, a basket of very peculiar form and common use among the Romans, both for agricultural and other purposes. It was made of osiers twisted together, and was of a conical or pyramidal shape. (Varr. *L. L.* v. 139; Isidor. *Orig.* xx. 9; Cic. *pro Sest.* 38, 82; Ov. *Met.* xiv. 644; Plaut. *Aul.* ii. 7, 4; Suet. *Ner.* 19; Colum. vi. 3, 5; xi. 2, 99). A basket answering precisely to this description, both in form and material, is still to be seen in everyday use among the Campanian peasantry, which is called in the language of the country "la corbella," a representation of which is introduced in the lower portion of the annexed woodcut. The hook



Corbis. (The upper cut from a drawing at Herculaneum; the latter a basket used by Campanian peasantry.)

attached to it by a string is for the purpose of suspending it to a branch of the tree into which the man climbs to pick his oranges, lemons, olives, or figs. The upper portion of the woodcut (*Antichità di Ercolano*, tom. iii. tav. 29) represents a Roman farm, in which a farming man, in the shape of a dwarfish satyr, is seen with a pole (ἄσιλλα) across his shoulder, to each end of which is suspended a basket resembling in every respect the Campanian *corbella;* all which coincidences of name, form, and description leave no doubt as to the identity of the term with the object represented. Like the *calathus*, which it resembles in shape, it is sometimes employed as a distinguishing emblem of Ceres (Clarac, *Mus. de Sculpt.* pl. 214, n. 33). [A. R.] [J. H. F.]

CORBI'TAE, merchantmen of the larger class, so called because they hung out a *corbis* at the mast-head for a sign. (Festus; Nonius, *s. v.*) They were also termed *onerariae;* and hence Plautus, in order to designate the voracious appetites of some women, says, "Corbitam cibi comesse possunt" (*Cas.* iv. 1, 20). They were noted for their heavy build and sluggish sailing

(Lucil. *ap.* Non. s. v. *Corbitae;* Plaut. *Poen.* iii. 1, 4), and carried passengers as well as merchandise, answering to the large "felucca" of the present day. Cicero proposed to take a passage in one of these vessels, which he opposes to the smarter class of packets (*actuariola, ad Att.* xvi. 6). The name survives in the modern corvette. [A. R.] [J. H. F.]

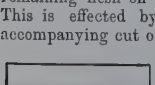
CORDAX. [Chorus.]

CORIA'RIUS (*βυρσεύς, βυρσοδέψης, σκυτοδέψης, δερματομαλάκτης*), a tanner. Most of the names for hides or skins in Greek—*δορά, δέρμα, διφθέρα, βύρσα, σκῦτος*—are used sometimes to signify the untanned hide, but more usually the tanned one. The Romans used *corium subigere* or *perficere* for tanning, and *depsere* for tawing (see below); but it must be remembered that *corium* as well as *scortum* and *aluta* all signify prepared leather, in opposition to unprepared hide. In Wilmann's *Ex. Inscr.* 2738, 21, *corium perfectum* and *pilosum* are contrasted.

Tanners at present divide the undressed material into *hides* and *skins*. *Hides* are skins of oxen, horses, and larger animals; while *skins* (in the technical sense) are thinner skins: *e.g.* those of calf, sheep, goats, &c. The term *tergora* was applied to *hides* by the Romans, the tanned leather being called *corium;* and *skins* were called *pelles*. Curriers (*pelliones*) first appear among the Romans; and though their work seems to be alluded to in an obscure passage of Plautus (*Men.* ii. 3, 45), still we may be said to know nothing of the details of their manufacture as distinct from tanning. To this latter, then, we now turn.

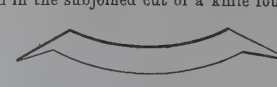
"Leather is made," says Mr. James Paton in the *Encyclopaedia Britannica*, "by three processes or with three classes of substances. Thus we have (1) *tanned* leather, in which the hides and skins are combined with tannin or tannic acid; (2) *tawed* leather, in which skins are prepared with mineral salts, especially alum; (3) *shamoyed* leather, consisting of skins, especially those of sheep, goat, deer and antelope, combined with oils or fatty substances." All these kinds of leather existed in ancient times.

The main endeavour of *tanning* is to try and unite as closely as possible the gelatinous part of the hide with the tanning principle of astringent vegetables, so as to produce leather which is smooth, flexible, and insoluble in boiling water. The preliminary processes preparing the hide for the reception of the tanning substance are, however, of no small importance. After the horns are taken off and the hide washed, the remaining flesh on one side has to be removed. This is effected by a knife, like that in the accompanying cut of a tanner's knife found in Pompeii: the shaded part is the wooden handle. This knife also removes the cuticle, which is rendered friable and easily removable by means of lime-water, though the ancients appear to have used for this purpose mulberry leaves dipped in urine (Plin. *H. N.* xxiii. § 140), or the seeds of the *ἄμπελος λευκή* or bryony (Dioscor. iv. 184). Next the hairy side must be depilated quite clean. This is done by stretching the hide on a bench or horse (*θρᾶνος*), which process was called *θρανεύω* (Arist. *Eq.* 369, and Scholiast),



Tanner's knife. (From Pompeii.)

and using a kind of scraping knife like that given in the subjoined cut of a knife found also



Tanner's knife. (From Pompeii.)

in the tannery at Pompeii. The pointed extremities fitted into wooden handles. Tanners at present use an exactly similar-shaped knife. Sometimes it appears that for the depilation the hide was stretched on the ground and pegs put into its four corners, to prevent it contracting in the sun (cf. *διαπατταλευθήσει χαμαί*, Arist. *Eq.* 371, and Schol.).

So far for preliminaries which prepare the hide to receive the tanning substances. These latter were for the most part what they are to-day, viz. the bark of certain trees—oak (Paul. Aegin. iii. 42), fir, alder (Theophr. *H. P.* iii. 9 (10), 1; 14, 3), pomegranate (Plin. *H. N.* xxiii. § 107), but especially the leaves of rhus, which was hence called *frutex coriarius* (*ib.* xxiv. § 91; cf. Dioscor. i. 147); also gall-nuts (*κηκίς, galla*, Plin. *H. N.* xvi. § 26), roots and berries of the wild vine (*labrusca*, ib. xiv. § 95), the Egyptian acacia (*Mimosa Nilotica* of Linnaeus, called *spina* by Pliny, xxiv. § 109), and an unknown plant called *notia* (*ib.* xxiv. § 175). We principally use oak-bark; but the most powerful tanning substance we have is the juice or extract of a species of acacia called the *mimosa catechu* or terra-japonica, one pound of which will tan as much leather as seven or eight pounds of oak-bark. Into an ooze made of some of these vegetable ingredients the hides were soaked, a process now called "colouring": and doubtless, as in modern times, they were removed at certain intervals from pits of weaker to stronger ooze; and later to the "laying-away," where they are laid flat in heaps and the vegetable substance powdered very fine, strewn between each skin; till after some few changes of pits, and lying in each a few months, they are taken out, hung on poles, and smoothed with a steel pin. In the tannery at Pompeii, in the second room, there are as many as fifteen tubs.

From all these processes, on material also liable to putrefaction, tanneries have always had a foul smell; and this foul smell rendered it necessary that they should be located outside cities (Artemid. *Oneir.* i. 51)—*e.g.* at Athens in a place called *Λεπρός* (Schol. on Arist. *Ach.* 724), and at Rome across the Tiber (Juv. xiv. 203; Mart. vi. 93, 1).

The practice of *tawing*—viz. applying mineral salts to thin and light skins of sheep, lambs, kids, goats, &c.—was undoubtedly known to the ancients, and the product was called *aluta*, from the *alumen* (Plin. *H. N.* xxxv. § 190; *στυπτηρία*, Gloss. Labb.) applied. Salt was also sometimes used (Arist. *Nub.* 1237; cf. Cato, *R. R.* 135, 3). The product was naturally of a white colour (Ov. *A. A.* iii. 271)—and indeed "white leather" is to-day the technical term for this class of goods—but sometimes coloured black (Mart. vii. 35, 1) or scarlet (*ib.* ii. 29, 8). This latter passage shows the softness of *aluta* (cf. *ib.* xii. 26, 9). It was made into purses (Juv. xiv. 282), plasters (Ov. *A. A.* iii. 202), and by the Veneti was used for sails (Caes. *B. G.* iii. 13).

The oldest known form of preparing leather is *shamoying*, i.e. combining skins and hides with oils. It is alluded to in a simile of Homer's (*Il.* xvii. 387 ff.) and also in Cato (*R. R.* 135, 3). The chief point aimed at is to open the pores so as to admit the oil. This is done by repeated washings. Then the skins are staked out and taken to the stocks, where, after being rubbed with oil, they are hammered for about two hours to force the oil into the substance of the skin. That to this part of the process ἡ βύρσα σοῦ θρανεύσεται of Arist. *Eq.* 369 refers is the opinion of one of the Scholiasts: καὶ γὰρ τὰς βύρσας ξύλοις τύπτειν εἰώθασιν ἵνα ἁπαλαὶ ὦσι· ἔνιοι δὲ ἵνα διαλάβοιεν εὐχερῶς τοῦ φαρμάκου.

The preparation of parchment by *membranarii* (Ed. Diocl. vii. 38), διφθεροποιοί, did not differ essentially from that employed at present.

The substances used for colouring leather were for the most part lotus-tree (Plin. *H. N.* xvi. § 124), madder (ἐρευθέδανον, Herod. iv. 189; *rubia*, Plin. *H. N.* xix. § 47), scarlet (*coccum*; cf. Mart. ii. 29, 8), and for boots especially *atramentum sutorium*, or oil of vitriol (Plin. *H. N.* xxxiii. § 123); though of course there were boots of many different colours (*calcei mullei et cereī et albi et hederacii*, Vopisc. *Aurel.* 49). Parchment, we know, was often coloured yellow or purple on the side not used (cf. Pers. iii. 10; Isid. *Orig.* vi. 11, 4).

We have seen shamoying was known to Homer. In Homer, too, an untanned ox-skin (ἀδέψητος βοέη, *Od.* xx. 2 and 142) is used by Ulysses, but only when disguised as a beggar and for a bed covering to lie upon. In Homeric times, however, tanning appears to have been done in the household; just as among the early Germans there does not seem to have been a regular class of tanners (Riedenauer, *Handwerk und Handwerker in den homerischen Zeiten*, p. 139). But among the Romans tanners (σκυτοδέψαι) formed a guild distinct from shoe-makers (σκυτοτόμοι) in Numa's time (Plut. *Num.* 17). Yet in Greece, even in historical times, shoemaking does not appear to have been separated entirely from tanning (cf. Theophr. *Char.* 16, ἐκδοῦναι τῷ σκυτοδέψῃ ἐπιρράψαι; also Suidas, βυρσοδέψης· σκυτοτόμος, ὁ τὰς βύρσας θεραπεύων). At Rome under the later emperors, when the different classes of artisans crystallized into close guilds, we find a guild of wholesale tanners who sold boot-leather. (Orelli, 4074, *corpus coriariorum magnariorum † salaiariorum*; perhaps *salariorum*, "the guild of wholesale tawers," for, as we have seen, salt was used as well as alum for tawing.)

Greece and Italy were rich in cattle; but for all that there was a most extensive import trade of hides to Greece, especially from the Black Sea (Strab. xi. p. 493) and from Cyrene (Hermippus Frag. 63, 4, ed. Kock); and to Rome from Sicily (Cic. *Verr.* ii. 2, 6), Asia Minor (*ib.* i. 38, 9), Germany (Tac. *Ann.* iv. 72), Britain (Strab. iv. p. 200). It is in the highest degree remarkable that Homer does not mention the skins of sheep or swine as used for leather, only those of oxen, goats, and weasels (cf. κτιδέη κυνέη, *Il.* x. 335; see Riedenauer, *op. cit.* note 238). In the Edict of Diocletian (chap. viii.) we find that tanning was applied to the skins of oxen, goats, sheep, kids, hyaenas, gazelles, stags, wolves, martens, beavers, bears, seals, leopards, lions. As material for wearing, leather was principally used for boots: for though in early times, both in Greece and Rome, it was used extensively for clothes by all ranks (Varr. *R. R.* ii. 11, § 11; Prop. v. 1, 12), in later times skins were only worn by rustics, mostly by rustic slaves, and were called διφθέραι, σίττυβαι, σίσυρναι, ἀρνακίδες, βαῖται, σπολάδες, *mastrucae* (Aristoph. *Nub.* 72 and Schol.; *Vesp.* 444; Poll. vii. 70; Quintil. i. 5, § 8).

(For tanners among the ancients, see Blümner, *Technol. u. Term. der Gewerbe und Künste*, i. pp. 254–267; Daremberg and Saglio, s. v. *Coriarius*; Marquardt, *Privatleben der Römer*, p. 570.) [L. C. P.]

CORNICINES. [CORNU.]

CORNICULA'RIUS, the wearer of a CORNICULUM; hence in Roman armies an adjutant or aide-de-camp attached to the higher military commanders. In early times there was perhaps only one to each legion, under the orders of the *tribunus militum* whose turn it was to command (Frontin. *Strateg.* iii. 14, 1; Val. Max. vi. 1, 11). From the time of Marius and under the empire the legatus of each legion had one cornicularius, the tribune in command another: hence two cornicularii are usually mentioned in inscriptions (*C. I. L.* ii. 4122), though sometimes a single one occurs (*C. I. L.* 1681). Provincial governors had likewise their cornicularii,—two apiece, it would seem, as we find *officium cornicullariorum* in the plural (*C. I. L.* iii. 3543); and if the governor were of consular rank, his subordinate was *cornicularius consularis* (*ib.* 1106; cf. 3543). Other officers found with cornicularii attached to them are the *praefectus praetorio* (*C. I. L.* 3846; Orelli, 3157, 3488), perhaps the *praefectus urbi*, the tribunes of the praetorian (*C. I. L.* ii. 2610, iii. 2887) and urban cohorts (Orelli, 3462; Mommsen, *Inscr. R. Neap.* 1459), the *praefectus vigilum* (Orelli, 3456; Henzen, 6753, 7170), the *praefectus annonae* (Orelli, 3489), &c. (See fuller references to inscriptions in Marquardt, *Staatsverw.* ii. 528–9.) [W. W.]

CORNIC'ULUM, a little horn, was a Roman military decoration attached to the helmet. There seems no reason to think that the word was ever applied to the ornamental part of the helmet itself (Pottier, *ap.* D. and S.): this would be *crista*, and no example of such a sense is adduced. The corniculum was distinguished not merely by its shape, but by not forming an integral part of the helmet: it was simply fastened on. It was used either as (*a*) a military reward for bravery: thus Papirius Cursor gives cornicula and silver *armillae* to all the cavalry (Liv. x. 44); Orbilius, Horace's schoolmaster, serves first as a legionary, then on obtaining this decoration is promoted to the cavalry (*corniculo, mox equo meruit*, Suet. *de Ill. Gramm.* 9). It was also used (*b*) as a badge of office, and as such was worn by the CORNICULARII. 2. A small funnel of horn: Colum. vii. 5, 15 and 20. [W. W.]

CORNU denotes various objects made of horn, especially a wind instrument, anciently made of horn, but afterwards of brass. (Varr. *L. L.* v. 117.) According to Athenaeus (iv. p. 184 a), it was an invention of the Etruscans. Like the *tuba*, it differed from the *tibia*

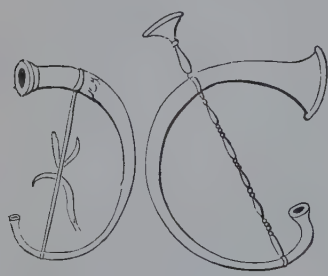
in being a larger and more powerful instrument, and from the *tuba* itself, in being curved nearly in the shape of a C, with a cross-piece to steady the instrument for the convenience of the performer. In Greek it is called *στρογγύλη σάλπιγξ*. It had no stopples or plugs to adjust the scale to any particular mode (Burney's *Hist. of Music*, vol. i. p. 518); the entire series of notes was produced without keys or holes, by the modification of the breath and the lips at the mouthpiece (Veget. iii. 5). Probably, from the description given of it in the poets, it was, like our own horn, an octave lower than the trumpet. The *classicum*, which originally meant a signal, rather than the musical instrument which gave the signal, was usually sounded with the *cornu*.

> "Sonuit reflexo
> Classicum cornu, lituusque adunco
> Stridulos cantus elisit aere." (Sen. *Oed.* 752.)

From which lines we learn the distinction between the *cornu* and *lituus*, as from Ovid (*Met.* i. 98) we learn that between the *tuba* and *cornu*—

> "Non tuba directi, non aeris cornua flexi."

The following woodcut, taken from Bartholini (*De Tibiis*, p. 403), illustrates the above account.



Cornua. (Bartholini.)

The resemblance of the *cornu* and the *bucina* may be inferred from Vegetius' somewhat confused statements: (1) That the *cornu* was the horn of the urus bound together by silver, while the *bucina* was a circular brass instrument (iii. 5); (2) that the *cornicines* employed a curved brass instrument, the *bucinatores* a *bucina* (ii. 7); (3) that the *bucinatores* sounded the *classicum* on a *cornu* (ii. 22). The *cornu* was also used in Bacchic festivals (Catull. lxiv. 263; Pers. i. 99), at funerals (Hor. *Sat.* i. 6, 44; Petr. *Sat.* 78), and at the games in the amphitheatre (Juv. iii. 34, x. 214). (Niccolini, *Case di Pompei*, i., *Anfiteatro*, pl. iii.)

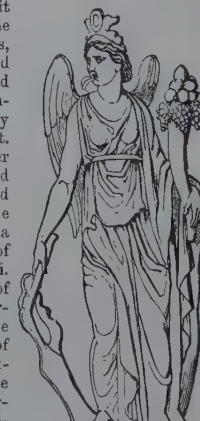
The *Cornicines* and the *Liticines*, the soldiers who blew the *cornu* and the *lituus*, in the Roman army (Liv. ii. 64, 10) are included under the general name of the *Aeneatores*. [AENEATORES.] The *Cornicines* and *Liticines* formed a collegium. In the cut in the next column, M. Julius Victor, a member of the Collegium, holds a lituus in his right hand, and touches with his left a *cornu* on the ground. See engraving under TUBA.

Cornu also signifies the end of the sailyards [NAVIS], a part of the helmet in which the crest was fixed [GALEA], the end of the stick on which books were rolled [LIBER], a part of a bow [ARCUS], a part of the lyre [LYRA], the hair

Altar of Julius Victor. (Bartoli, *Pict. Ant.*, p. 76.)

dressed in the German fashion [COMA], a wing of an army [EXERCITUS]. [B. J.] [J. H. F.]

CORNU COPIAE, or as one word, CORNUCOPIAE, later CORNUCOPIA (Amm. Marc. xxii. 9, § 1; xxv. 2, § 3), the horn of fruitfulness and abundance, used as the symbol of plenty. (Plaut. *Pseud.* ii. 3, 5; Gell. xiv. 6, 2; Hor. *Carm.* 1, 17, 13–16; *Carm. Saec.* 60; *Ep.* i. 12, 29; Ov. *Met.* ix. 88.) In mythology there are two different tales explaining the origin of this horn. One traces it to the horn of the goat Amaltheia, which suckled Zeus. The horn was broken off and filled with fruits and flowers, and was afterwards placed by Zeus together with the goat among the stars. (For references, see *Dict. of Biogr.*, art. AMALTHEIA.) Another legend relates that it was the horn of the river-god Achelous, which was wrenched off by Hercules, and which became forthwith a horn of plenty (*Dict. of Biogr.*, art. ACHELOUS). Later mythologists combined the two tales, and tried to explain how the horn of Amaltheia became the horn of Achelous (Apollod. ii. 7, § 5). The origin of this symbol may perhaps be traced in the use of the horns of oxen or goats as drinking-cups; hence the *ῥυτόν*, or drinking-horn, which is frequently confounded with the horn of abundance. (Athen. xi. pp. 468 d, 497 c.)



Fortuna holding cornucopia. (Bronze in the British Museum.)

The cornucopia constantly appears in works of art, especially of the Roman period, as the

symbol of abundance. It is associated with various divinities, as in the preceding statue of the goddess Fortuna. It appears on the Greek coins of the Ptolemies, kings of Egypt. The accompanying specimen is a coin of Arsinoë, daughter of Ptolemy I., the reverse of which contains a double cornucopia filled with various fruits. (Cf. Athen. xi. p. 497 c.) On

Coin of Arsinoë, with cornucopia.

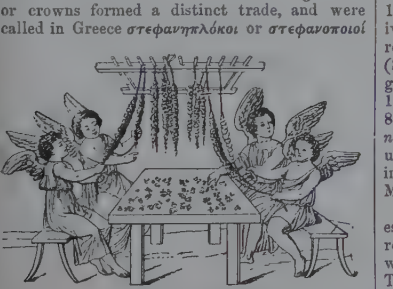
the coins of the Roman emperors the cornucopia occurs still more frequently. (Böttiger, *Amalthea*; Daremberg and Saglio, *s. v.*; Roscher, *Lexik. d. Gr. u. Röm. Myth.* p. 927.) [W. S.]

COROLLA. [CORONA.]

CORO'NA (*στέφανος*), a crown; that is, a circular ornament of metal, leaves, or flowers, worn by the ancients round the head or neck, and used as a festive as well as funeral decoration, and as a reward of talent, military or naval prowess, and civil worth. It includes the synonyms, for which it is often used absolutely, *στεφάνη*, *στέφος*, *στεφάνωμα*, *corolla*, *sertum*, a garland or wreath.

The use of crowns on public and private occasions was so general in antiquity, that there was a special literature on the subject, of which we have remains in Theophrastus (*Hist. Pl.* vi. 6), Athenaeus (lib. xv.), Pliny (*H. N.* xxi. §§ 1–70, xxii. §§ 4–13), and Pollux (vi. 106–7). At Rome Claudius Saturninus wrote a book *De Coronis* (Tertull. *de Cor. Mil.* 7, 10, 12). We shall first briefly describe the materials of which crowns were made, and then mention the principal public and private occasions when they were used.

I. MATERIALS OF CROWNS.—Crowns originally consisted of wool or the foliage of trees, especially myrtle-twigs or ivy, with which flowers of various kinds were subsequently interwoven. The makers and sellers of these garlands or crowns formed a distinct trade, and were called in Greece *στεφανηπλόκοι* or *στεφανοποιοί*



Coronarii, or makers of garlands. (Museo Borbonico.)

(Theophr. *Hist. Pl.* vi. 1; Plut. *Quaest. Conv.* iii. 1, 2), and in Rome *coronarii* (Plin. xxi. §§ 54, 177; Fronto, *ad M. Caes.* 2, 1). In ancient works of art we find frequent representations of the making of crowns and garlands, as in the preceding drawing from a picture at Pompeii. The flowers used for making crowns and garlands were named *στεφανώματα* (Theophr. *l. c.*; Athen. xv. p. 672, a, f; Hesych.) and *coronamenta* (Cat. *R. R.* 8; Plin. xxi. § 53, xxii. § 53). The foliage and flowers were sometimes fastened together by the inner bark of the linden-tree, whence such garlands were called by the Romans *coronae sutiles*. (Plin. xvi. § 65, xxi. § 11; Ov. *Fast.* v. 335, 337; Mart. v. 65, 4, ix. 90, 6; ix. 93, 5.) Such crowns were also called *nexae* and *sertae* (Mart. xiii. 51; Lucan. x. 164). At Athens the place in the market where crowns were sold was called *αἱ μυρρίναι* (Aristoph. *Thesm.* 448, cf. 457), because the myrtle was the most common material for making them. Many of the flower-girls were celebrated in antiquity, especially Glycera of Sicyon, the mistress of Pausias (Plin. xxi. § 4; xxxv. § 125). At Rome the temple of the Lares at the head of the Sacra Via was a place much frequented for the sale of flower-garlands. (Ov. *Fast.* vi. 783; Becker-Göll, *Gallus*, iii. p. 453.) Among the Romans crowns were frequently made of the leaves of plants (without an intermixture of flowers), especially the ivy (*hedera*, Hor. *Carm.* iv. 11, 4; Plin. xvi. §§ 147, 155; xxi. §§ 52, 55), the myrtle (*myrtus*, Cat. *R. R.* 8, 2; Hor. *Carm.* i. 4, 9; ii. 7, 25; Ov. *Fast.* iv. 869), and parsley (*apium*, Hor. *Carm.* i. 36, 16; ii. 7, 24; iv. 11, 3). Pliny says (xxi. § 14), "paucissima nostri genera coronamentorum intra hortensia novere, ac paene violas rosasque tantum." Of the various flowers used for crowns the violet was a favourite at Athens, whence *ἰοστέφανος*, "violet-crowned," is an epithet of Athens (Pind. *Fragm.* 46; Aristoph. *Eq.* 1323; *Ach.* 637). The hyacinth and the lily were also used for crowns (Theocr. x. 28; Hor. *Carm.* i. 36, 16; Ov. *Am.* ii. 5, 37). But the most popular flower for crowns both in Greece and Rome was the rose, called the king of flowers (Achill. Tat. ii. 1), and the rose of the Loves (*τὸ ῥόδον τὸ τῶν Ἐρώτων*, Anacr. 5), whence Demos in Aristophanes (*Eq.* 966) is said to have been crowned with roses. They were especially used for convivial crowns (Hor. *Carm.* i. 36, 15; i. 38, 3; ii. 3, 14; ii. 11, 14; iii. 15, 15; iii. 29, 3; Ov. *Fast.* iv. 870). Garlands of roses were in so much request in Rome that they were used in winter (Sen. *Ep.* 122, 8). With this object they were grown under glass (Mart. iv. 22, 5; xiii. 127), and were imported from Egypt (Mart. vi. 80). As luxury increased the leaves of the *nardus* or spikenard, brought from India, were used for crowns, with which roses were also intertwined (Plin. xxi. § 11; Lucan. x. 164; Mart. xiii. 51).

Garlands were also made of dried flowers, especially of amaranth, which, when moistened, retained the appearance of fresh flowers, and were called *hibernae coronae* (Plin. xxi. § 47). The same name was given to crowns made of artificial flowers (Plin. xxi. § 5). Sometimes they were made of a thin layer of metal, covered with gold or silver, and called by the Romans *corollae* or *corollaria inaurata* or *inargentata* (Plin. xxi. § 5; cf. Varr. *L. L.* v.

178; Blümner, *Techn. u. Term. d. Gewerbe u. Künste*, i. p. 304 *seq.*). But crowns of pure gold were frequent among the Greeks as honorary distinctions. (See below.) Crowns of silver were less common, but are mentioned by Pliny (*H. N.* xxi. § 6). Crowns of gold have been found in tombs in Etruria and the Crimea, of which the following specimen found in a tomb at Armento in Southern Italy, and now preserved in the museum at Munich, is one of the most remarkable. It is composed of branches of oak, intertwined with garlands of flowers, while a statue is placed at the top, and winged figures amidst the foliage. It bears an inscription beneath the top figure. (Gerhard, *Antike Bildwerke*, i. x.) [CAELATURA, p. 326 *a*.]

Golden Crown. (Museum at Munich.)

The *Corona Etrusca* was made of pure gold in the form of leaves, sometimes set with gems, and terminating in ribbons (*lemnisci*) of the same metal. It was held by a slave over the head of a general when he entered Rome in triumph (Plin. xxxiii. § 11; xxi. § 6; Juv. x. 41; Tertull. *de Cor. Mil.* 13). Crowns adorned with such pendent ribbons were called *Coronae lemniscatae* (Serv. *ad* Verg. *Aen.* v. 269, vi. 772). The lemnisci (λημνίσκοι) were first made of wool, adorned with ribbons (from λῆνος, wool, Fest. p. 155, M.), afterwards of linden-bast, and subsequently of gold. Crowns so adorned were the highest rewards of victors (Serv. *l. c.*; Plin. xvi. § 65), whence Cicero speaks of *palma lemniscata*, where *palma* means a victory or the highest reward (*Rosc. Am.* 35, 100; cf. Aus. *Ep.* xx. 5). Such crowns were also given as a distinction to guests at banquets, and on other occasions (Plaut. *Pseud.* v. 1, 23; Liv. xxxiii. 33, 2; Suet. *Ner.* 25).

Other epithets applied to crowns require a few words of explanation.

Coronae lon-jae (Cic. *de Leg.* ii. 24, 60) resembled what we call festoons, and were employed to decorate the doors of houses, temples, amphitheatres, &c. (Ov. *Fast.* iv. 738). Hence we read in Juvenal (vi. 51) *necte coronam postibus*, in Ovid (*Met.* iv. 759) *sertaque dependent tectis*, and in Lucan (ii. 354) *festa coronato non pendent limine serta.*

Corona pactilis (Plin. xxi. § 11), probably the same as the *corona plectilis* of Plautus (*Bacch.* i. 1, 37), *corona torta* (Propert. iii. 20, 18; cf. *torta quercu*, "a twisted oak-crown," Verg. *Georg.* i. 349), *plexa* (Lucr. v. 1399; Catull. lxiv. 283), and as the στέφανοι πλεκτοὶ and κυλιστὸς στέφανος of the Greeks. It was made of flowers, shrubs, grass, ivy, wool, or any flexible material twined or twisted together, and therefore opposed to the *corona sutilis* described above (see p. 545 *b*).

Corona tonsa was made of leaves only, closely cut, as for instance of the olive (Verg. *Aen.* v. 556; *tonsae olivae*, *Georg.* iii. 21; Serv. *ad loc.*).

In ancient paintings females are frequently represented with crowns of flowers.

Females with Crowns. (Pict. Antiq. in *Crypt. Rom.* tav. 8.)

II. CROWNS AS REWARDS. — Judging from Homer's silence, crowns do not appear to have been adopted amongst the Greeks of the heroic ages as rewards of merit, or as festive decorations; for they are not mentioned amongst the luxuries of the delicate Phaeacians, or of the suitors. But crowns are mentioned in the Homeric Hymns (vi. 42, xxxii. 6) and by Hesiod (*Theog.* 576, though this passage is considered spurious by many critics). The Tragic poets, transferring the customs of their own days to the heroic age, frequently represent the heroes wearing crowns. At what time the wearing of crowns first came into use is uncertain. Some writers attribute their introduction as honorary rewards to the athletic games in which they were bestowed as prizes upon the victors; but in opposition to this view is the express testimony of Pausanias (x. 7, § 3), that in the second Pythiad the Amphictyons enacted that the reward in the contests should be simply a crown or chaplet instead of the material prizes which had been formerly given. It is more probable that crowns were of religious origin (see below), and were for this reason given to the victors in the public games as the highest distinction. In the Olympic games the prize was a crown of wild olive (κότινος, Paus. v. 7, § 4), in the Pythian a crown of laurel (δάφνη, Paus. x. 7, § 4), in the Nemean a crown of parsley (σέλινον, cf. Pind. *Nem.* vi. 71), and in the Isthmian a crown of pine-leaves (πίτυς), though crowns of other materials were at different periods also given at the Isthmian games (Plut. *Symp.* v. 3).

For details see the articles on these games, and Hermann, *Privatalterth.* § 50. Poets also were crowned both among the Greeks and Romans, and are so represented in works of art.

Homer crowned and enthroned. (Bartoli, *Admiranda*, tav. 81.)

Crowns as rewards for public services are first mentioned in the time of the Persian wars. The Lacedaemonians gave to Eurybiades an olive crown as the prize of valour, and also to Themistocles a crown of the same material as the prize of wisdom and dexterity, when he had failed to obtain the prize at Athens (Herod. viii. 124). The Athenians also refused the crown as a prize to Miltiades and Aristides (Plut. *Cim.* 8; Aeschin. *c. Ctesiph.* § 45). They first granted it to Pericles (Val. Max. ii. 6, § 5); and next to Thrasybulus and the exiles who had seized Phyle, on their return to Athens (Aeschin. *c. Ctesiph.* § 50; Corn. Nep. *Thrasyb.* 4). The inhabitants of Scione crowned Brasidas with a golden crown as the liberator of Hellas (Thuc. iv. 120). Soon after the Peloponnesian war the Athenians substituted for the olive garland a crown of gold, and granted it for every trifling feat, whether civil, naval, or military. But, though such crowns were lavished without much discrimination as far as regards the character of the receiving parties, they were still subjected to certain legal restrictions in respect of the time, place, and mode in which they were conferred. They could only be presented in the public assemblies, and with the consent, that is by the suffrage, of the people, or by the senators in their council, or by the tribes to their own members, or by the δημόται to members of their own δῆμος. According to the statement of Aeschines, the people could not lawfully present crowns in any place except in their assembly, nor the senators except in the senate-house; nor, according to the same authority, in the theatre, which is, however, denied by Demosthenes; nor at the public games, and if any crier there proclaimed the crowns he was subject to ἀτιμία. Neither could any person holding an office receive a crown whilst he was ὑπεύθυνος, that is, before he had passed his accounts. But crowns were sometimes presented by foreign cities to particular citizens, which were termed στέφανοι ξενικοί, *coronae hospitales*. This, however, could not be done until the ambassadors from those cities had obtained permission from the people, and the party for whom the honour was intended had undergone a public investigation, in which the whole course of his life was submitted to a strict inquiry. Crowns were also given by one state to another. Demosthenes tells us that the inhabitants of Byzantium decreed a crown to the Athenian people in token of their gratitude, and also that the Chersonesites for a similar reason bestowed upon the senate and people of Athens a crown of gold of sixty talents. (See Aeschin. *c. Ctesiph.* and Dem. *de Coron.* passim.)

Among the Romans, in particular, honorary crowns of various kinds were among the *dona militaria*, which generals bestowed upon the soldiers, and with which soldiers honoured their generals. A full account of them is given by A. Gellius (v. 6), who, as well as Festus, derived his information from Varro. (Cf. Marquardt, *Röm. Staatsverw.* ii. p. 556.)

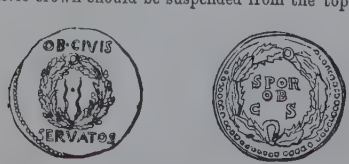
1. *Corona obsidionalis* or *graminea*. Among the honorary crowns bestowed by the Romans for military achievements, the most difficult of attainment, and the one which conferred the highest honour, was the *corona obsidionalis*, presented by a beleaguered army after its liberation to the general who broke up the siege. It was made of grass, or weeds and wild flowers (Plin. xxii. § 14), thence called *corona graminea* (Plin. xxii. § 7), and *graminea obsidionalis* (Liv. vii. 37), gathered from the spot on which the beleaguered army had been enclosed (Plin. *l. c.*; Gell. v. 6, ii. 11; Fest. pp. 97, 190, M.); in allusion to a custom of the early ages, in which the vanquished party in a contest of strength or agility plucked a handful of grass from the meadow where the struggle took place, and gave it to his opponent as a token of victory. (Gell. *l. c.*; Plin. xxii. § 8; Fest. *l. c.*; Serv. *ad* Verg. *Aen.* viii. 128.) A list of the few Romans who gained this honour is given by Pliny (xxii. §§ 9–13), who tells us that though it was properly given by the army, yet Q. Fabius Maximus received it from the senate and people, and Augustus from the senate.

2. *Corona civica*, the second in honour and importance (Plin. xvi. §§ 7–14), was presented to the soldier who had preserved the life of a

Roman citizen in battle (Gell. v. 6; Fest. p. 42, M.), and therefore accompanied with the inscription *Ob civem servatum* (Sen. *Clem.* i. 26, 5). It was originally made of the *ilex*, afterwards of the *aesculus*, and finally of the *quercus* (Plin. *l. c.*), three different sorts of oak, the reason for which choice is explained by Plutarch (*Quaest. Rom.* 92). As the possession of this crown was so high an honour, its attainment was restricted by very severe regulations (Plin. *l. c.*), so that the following conditions must have been satisfied before a claim was allowed:—To have preserved the life of a Roman citizen in battle, slain his opponent, and maintained the ground on which the action took place. The testimony of a third party was not admissible; the person rescued must himself proclaim the fact, which increased the difficulty of attainment, as the Roman soldier was commonly unwilling to acknowledge his obligation to the prowess of a comrade, and to show him that deference which he would be compelled to pay to his preserver if the claim were established. (Cic. *pro Planc.* 30, 72.) Originally, therefore, the *corona civica* was presented by the rescued soldier (Gell. *l. c.*; Polyb. vi. 39), after the claim had been thoroughly investigated by the tribune who compelled a reluctant party to come forward and give his evidence (Polyb. *l. c.*); but under the empire, when the prince was the fountain from whence all honours emanated, the civic crown was no longer received from the hands of the person whose preservation it rewarded, but from the prince himself, or his delegate. (Tac. *Ann.* iii. 21, xii. 31, xv. 12.)

The preservation of the life of an ally, even though he were a king, would not confer a sufficient title for the civic crown. When once obtained, it might always be worn. The soldier who had acquired it had a place reserved next to the senate at all the public spectacles; and they, as well as the rest of the company, rose up upon his entrance. He was freed from all public burthens, as were also his father and his paternal grandfather; and the person who owed his life to him was bound, ever after, to cherish his preserver as a parent, and afford him all such offices as were due from a son to his father. (Polyb., Cic., Plin., Aul. Gell. *ll. cc.*)

A few of the principal persons who gained this reward are enumerated in the following passages:— Plin. vii. §§ 101–6, xvi. §§ 11–14; Liv. vi. 20, x. 46. L. Gellius Publicola proposed to confer it upon Cicero for having detected and crushed the conspiracy of Catiline (Gell. v. 6); and among the honours bestowed upon Augustus by the senate, it was decreed that a civic crown should be suspended from the top of



Corona civica, on coins of Augustus (left hand) and of Galba (right hand). (British Museum.)

his house (Dio Cass. liii. 16; *Mon. Ancyr.* 6, 14; Val. Max. ii. 8 *fin.*; Ovid. *Fast.* i. 614, iv. 953, *Trist.* iii. 1, 6; cf. Sen. *Clem.* i. 26, 5; Suet. *Calig.* 19, *Claud.* 17, *Tib.* 26); hence a crown of oak leaves, flanked by two branches of laurel, with the inscription *ob civis servatos*, is frequently seen on the reverse of the Augustan medals, as also on those of Galba, Vitellius, Vespasian, Trajan, &c., showing that they likewise assumed to themselves a similar honour.

3. *Corona navalis* or *rostrata*, also called *classica* by Vell. Pat. ii. 81, a golden crown, given to the sailor who first boarded an enemy's ship (Fest. p. 163, M.; Gell. *l. c.*). Virgil (*Aen.* viii. 684) unites two of the terms in one line: "tempora *navali* fulgent *rostrata* corona." According to other authorities, it was granted very rarely, and only to a commander who destroyed the enemy's fleet, or gained any very signal victory at sea. Thus it was conferred upon Varro by Pompeius in the war against the pirates, and upon Agrippa by Augustus on his conquest of Sex. Pompeius in B.C. 36. (Vell. Pat. *l. c.*; Liv. *Epit.* 129; Dio Cass. xlix. 14; Ov. *A. A.* iii. 392; Sen. *de Ben.* iii. 32; Plin. vii. § 115, xvi. § 7; Suet. *Claud.* 17; Orelli, *Inscr.* 3454.) It occurs on the coins of Agrippa, the crowns being decorated with the beaks of ships, like the *rostra* in the forum (Plin. xvi. § 7; Eckhel, vi. p. 164).

Corona rostrata, on a coin of Agrippa. (British Museum.)

The Athenians likewise bestowed golden crowns for naval services; upon the trierarch who got his trireme first equipped, or the captain who had his vessel in the best order. (Dem. *de Cor. Trierarch.* p. 1228, § 1, ed. Schaefer.)

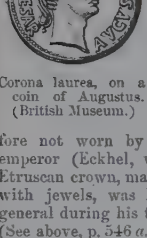
4. *Corona muralis*. The first man who scaled the wall of a besieged city was presented by his commander with a mural crown, made of gold and decorated with turrets (*quasi muri pinnis decorata*, Gell. *l. c.*); and being one of the highest orders of military decorations, was not awarded to a claimant until after a strict investigation. (Polyb. vi. 39; Liv. xxvi. 48; Sil. It. xv. 257; Suet. *Aug.* 25; Orelli, *Inscr.* 3569, &c.) Cybele is always represented with this crown upon her head (Lucr. ii. 607–10; Ov. *Fast.* iv. 219); as shown in the woodcut on p. 553. Agrippa is represented on a coin wearing a combination of the naval and mural crowns.

Corona muralis and rostrata combined, on a coin of Agrippa. (British Museum.)

5. *Corona castrensis* or *vallaris*. The first soldier who surmounted the *vallum*, and forced an entrance into the enemy's camp, was, in like manner, presented with a golden crown, called *corona castrensis* or *vallaris* (Gell. *l. c.*; Fest. p. 57, M.; Val. Max. i. 8, § 6; Liv. x. 46; Suet. *Aug.* 25; Plin. xxxiii. § 38; *Corona castrensis*, Orelli, 3048; *vallaris*, Orelli, 749, 3509), which was ornamented with the palisades (*valli*) used in forming an entrenchment.

6. *Corona triumphalis* was worn upon the head of the commander during his triumph. It

was first made of laurel and bay leaves, and afterwards of gold. (Gell. *l. c.*; Fest. p. 367, M.; Liv. x. 7; Cic. *in Pis.* 24, 58; Dionys. ii. 34; Zonar. vii. 21; Ov. *Pont.* ii. 2, 92; Plin. xv. § 127 *seq.*; Juv. x. 41; Suet. *Tib.* 17, *Ner.* 13.) Those who had received the laurel crown had the right of wearing it at the public games (Dio Cass. xlvi. 40, xlviii. 16). It was conferred upon Julius Caesar and Augustus, and appears on the coins of subsequent emperors as a mark of sovereignty, and was therefore not worn by any one but the reigning emperor (Eckhel, vi. p. 361). The triumphal Etruscan crown, made of gold and often enriched with jewels, was held over the head of the general during his triumph, by a public officer. (See above, p. 546 *a*.) This crown, as well as the former one, was presented to the victorious general by his army. [TRIUMPHUS.]



Corona laurea, on a coin of Augustus. (British Museum.)

Crowns, likewise of gold and of great value, were sent as presents from the provinces to the commander, as soon as a triumph had been decreed to him, and were carried before him in his triumphal procession (Fest. p. 367, M.; Plut. *Aemil. Paul.* 34; Liv. xxxvii. 58). In the early ages of the republic, these were gratuitous presents, but subsequently they were exacted as a tribute under the name of *aurum coronarium*, to which none were entitled but those to whom a triumph had been decreed. [AURUM CORONARIUM.] The custom of presenting golden crowns from the provinces to victorious generals was likewise in use among the Greeks, for they were profusely lavished upon Alexander after his conquest of Dareius (Athen. xii. p. 539 *a*); and the Romans probably borrowed the custom from the Greeks.

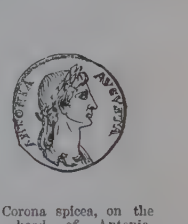
7. *Corona ovalis* was another crown of less estimation, appropriated solely to commanders who merely deserved an ovation [OVATIO], on which account it was made of myrtle, the shrub sacred to Venus, "Quod non *Martius*, sed quasi *Veneris* quidam triumphus foret." (Gell. *l. c.*; Fest. p. 195, M.; Plut. *Marcell.* 22; cf. Plin. xv. §§ 125–6; Dionys. v. 47.)

8. *Corona oleagina* was likewise an honorary wreath, made of the olive leaf, and conferred upon the soldiers as well as their commanders. According to Gellius (*l. c.*), it was given to any person or persons through whose instrumentality a triumph had been obtained, but when they were not personally present in the action. It was conferred both by Augustus and the senate upon the soldiery on several occasions. (Dio Cass. xlvi. 40.)

III. RELIGIOUS CROWNS.—Crowns in general probably owed their origin to religious rites. Certain trees were from the most ancient times regarded as sacred, and it is probable that those who presented offerings to the gods carried in their hands branches of such trees, which in course of time were woven into garlands and worn upon the head. However this may be, the use of the sacrificial crown, though later than the Homeric poems, was established at least as early as the times of Sappho, who says that "the gods turn away from those who are uncrowned" (Athen. xv. p. 674 *e*). Certain trees were sacred to certain divinities, as the ivy to Dionysus or Bacchus, who is constantly represented with the *corona pampinea* (Hor. *Carm.* iii. 25, 20; iv. 8, 33), the oak to Zeus, the laurel to Apollo, the myrtle to Aphrodité or Venus, the olive to Athena or Minerva, &c. Garlands of leaves and flowers were worn by the worshippers, the priests and priestesses, and the victims offered in sacrifice. In like manner persons who went to consult an oracle wore crowns, which they laid aside when they returned. Crowns imparted a sanctity to the persons, and secured them inviolability. Thus they were worn by the archons at Athens (Dem. *Mid.* § 33), their office being called στεφανηφόρος (Aeschin. *Tim.* § 19), and by orators when addressing the assembly (Aristoph. *Thesm.* 380). For further details, see Hermann, *Griech. Antiq.* vol. i. §§ 124, 129; vol. ii. §§ 24, 35.

Among the Romans crowns were, in like manner, worn by priests and the victim, as well as the bystanders, when officiating at the sacrifice. It does not appear to have been confined to any one material, but was sometimes made of olive (Stat. *Theb.* iii. 466), sometimes of gold (Prudent. *Peristeph.* x. 1011; Tertull. *de Idol.* 18), and sometimes of the ears of corn, then termed *corona spicea*, which kind was the most ancient one amongst the Romans (Plin. xviii. § 6; Tac. *Ann.* xi. 4), and was consecrated to Ceres (Hor. *Carm. Sec.* 30; Tibull. ii. 1, 4, i. 1, 15), before whose temples it was customarily suspended (Tibull. i. 1, 16). In particular the *insigne* of the Fratres Arvales was the *corona spicea* and *infulae albae*, or white woollen fillets (Gell. vii. (vi.) 7, § 8; Plin. *l. c.*; Marquardt, *Röm. Staatsverw.* iii. p. 429). [INFULA.] The *corona spicea* was likewise regarded as an emblem of peace (Tibull. i. 10, 67), in which character it appears in the subjoined coin, which commemorates the conclusion of the civil war between Antony and D. Albinus Brutus.

Corona spicea, on coin of D. Albinus Brutus.



Corona spicea, on the head of Antonia. (British Museum.)

The *corona spicea* also appears in coins on the heads of some of the females of the imperial family, as Livia, Antonia, and Agrippina (Eckhel, vi. p. 257).

Among religious crowns may be mentioned the *corona radiata*, which was a mark of divinity. It had been originally given only to gods and deified heroes,—thus Virgil (*Aen.* xii. 162) represents the hero Latinus:

> "Cui tempora circum
> Aurati bis sex radii fulgentia cingunt,
> Solis avi specimen,"—

and it was first assumed by some of the successors of Alexander the Great, who claimed divine

honours. Thus we find it on the coins of the Ptolemies, kings of Egypt.

Corona radiata, on a coin of Ptolemaeus V., king of Egypt. (British Museum.)

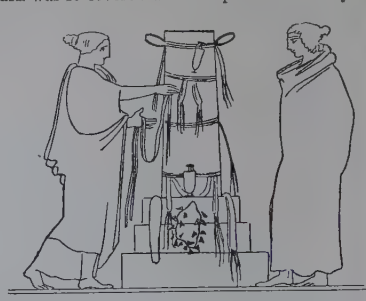
Among the Romans divine honours were decreed to Julius Caesar and Augustus, who claimed a divine descent (*corona radiata*, Suet. *Aug.* 94); but the first emperor who assumed the *corona radiata* in his lifetime was Nero, upon whose coins it appears. We find, however, Augustus thus represented on coins struck after his death, as in the accompanying coin of Caligula. The example of Nero was not followed by the subsequent emperors till Caracalla, who is represented on coins with the *corona radiata*,

Corona radiata, on head of Augustus. (Coin of Caligula in British Museum.)

Corona radiata, on a coin of the Emperor Decius. (British Museum.)

and it appears frequently on those of succeeding emperors. (Eckhel, vi. p. 269 ff.)

IV. Funeral Crowns. — The practice of crowning the dead with chaplets of leaves and flowers was doubtless of religious origin. Clemens of Alexandria (*Paedag.* ii. p. 181) explains it by the crown being a symbol of freedom and deliverance from every annoyance. In any case it was regarded as a mark of honour (Eurip. *Troad.* 1143; Aristoph. *Eccl.* 538; *Lysistr.* 602–4; Cic. *pro Flacc.* 31, 75; Alciphr. i. 36; Tert. *de Cor.* 10). Thus Euripides (*Phoen.* 1632) represents Creon forbidding the crowning of the corpse of Polynices under the penalty of death. All kinds of flowers and leaves were used for this purpose (στεφανώσαντες τοῖς ὡραίοις ἄνθεσι, Lucian. *de Luct.* 11), but parsley (σέλινον) was most commonly employed among the Greeks (Plut. *Timol.* 26; Suid. *s. v.*). Although the corpse was probably crowned with only one garland, the relations and friends sent, as with us, numerous garlands to the funeral, with which they crowned both the bier and the tomb. The *taeniae* (ταινίαι), bands, ribbons, or fillets of leaves and flowers, not necessarily for crowning, were also sent to funerals (τὰς ταινίας, ἃς τοῖς νεκροῖς ἔπεμπον οἱ φίλοι, Schol. *ad* Aristoph. *Lysistr.* 603). Caecilius (*ap.* Fest. *s. v.*) speaks of a "tomb, full of *taeniae*, as usual;" and on ancient vases funeral stelae are often represented hung with chaplets or bound with taeniae. (Dennis, *Etrur.* i. p. 395; Stephani, *Compte Rendu* for 1874, p. 114.) Such chaplets or fillets were frequently deposited on tombs, not only at the time of the funeral, but also at subsequent periods. The Greeks entwined with garlands the cinerary urn of their friends (Plut. *Demetr.* 53); Philopoemen's urn was so covered with chaplets as scarcely to



A funeral stele, with crowns and taeniae. (Baumeister.)

be visible (Plut. *Philop.* 21), and Hannibal crowned the urn of Marcellus (Plut. *Marcell.* 30).

The crowning of the dead was not so common among the Romans as among the Greeks. But a law of the Twelve Tables enacted that a person who had obtained an honorary crown in his lifetime might have it placed upon him in the funeral procession. (Cic. *de Leg.* ii. 24, 60; Plin. xxi. § 7.) Garlands of flowers were also placed upon the bier and the funeral pyre (Plin. xxi. § 10; Dionys. xi. 39). Pliny (*ib.* § 11) says that crowns were used in honour of sepulchres and the manes. (Cf. Ov. *Trist.* iii. 3, 82; Tibull. ii. 4, 48.)

We have seen that funeral crowns were usually of leaves and flowers, but golden crowns in the shape of leaves and flowers have also been found in tombs. (See above, p. 546 *a.*) (Becker-Göll, *Charikles*, i. p. 260, iii. pp. 122, 159; *Gallus*, iii. p. 491.)

V. Crowns as Signs of Rejoicing. — 1. *Coronae conviviales.* The name of *coronae* was only applied to convivial garlands at a late period, as the word was originally restricted to religious crowns, and those given as rewards (Plin. xxi. § 3). Among the Greeks and Romans, the guests wore crowns at their banquets, but they were not put on till the first course was finished, and the *symposium* or *comissatio* began (Athen. xv. pp. 685, 669; Plut. *Symp.* iii. 1, 1; Val. Max. ii. 6, 1). Guests crowned with flowers are frequently depicted in the drinking scenes on ancient vases. The practice was borrowed by the Romans from the Greeks, and was already usual in the second Punic war: but it was considered a mark of luxury; and when anyone was seen in public, even accidentally, crowned with flowers, he was severely punished. (Plin. xxi. § 8.) At first woollen fillets were only used, tied round the head, to prevent intoxication, but afterwards crowns of leaves and flowers, especially the myrtle and the rose (Plin. *ib.* § 3). The Greeks also believed that crowns of flowers likewise mitigated the effects of wine. (Athen. xv. pp. 674, 675; Plut. *Symp.* iii. 1.) On the various kinds of flowers, especially roses, used for convivial crowns, and the luxury attending them, see above, p. 545. The rose was used as synonymous with, or to indicate, the *comissatio*. Thus Cicero says (*de Fin.* ii. 20, 65) *in rosa potare*; and Martial (x. 19, 20), *dum regnat rosa, cum*

madent capilli, also (iii. 68, 5) *deposito post vina rosasque pudore*. Unguents or perfumes were introduced with the flowers (Sen. *de Ir.* ii. 33, 4; Athen. xv. p. 669; Mart. x. 19, 20), and sometimes, as a special honour, crowns were

Guests crowned in a Symposium. (From a painting on a vase.)

dedicated with *lemnisci* or pendent ribbons, like the triumphal crowns already mentioned (p. 546). (Plaut. *Pseud.* v. 1, 21; Capitol. *Ver.* 5.) In ancient times each guest brought his own crown (Ov. *Fast.* i. 403), but subsequently the crowns were provided by the host. The guests not only wore crowns upon their heads, but also garlands round their necks, called *ὑποθυμίδες* (Athen. xv. p. 674), so that they might enjoy the scent. Thus Verres is represented as wearing one garland on his head, and another round his neck (Cic. *Verr.* v. 11, 27). The garlands round the neck, as well as on the head, are mentioned in other passages (Hor. *Sat.* ii. 3, 256; Catull. vii. 51; Ov. *Fast.* ii.

The god Hymenaeus with a nuptial crown. (Baumeister.)

739). Among the extravagances in the house of Trimalchio we are told that the legs, feet, and ankles of the guests were bound with flowers (Petron. 70). (On convivial crowns, see Becker-Göll, *Gallus*, iii. p. 493 *seq.*)

2. *Corona nuptialis.* Both the bride and bridegroom among the Greeks and Romans wore crowns (Schol. *ad* Aristoph. *Pac.* 869; cf. *Aves*, 159), and are often so represented on ancient vases. Those who were present at the marriage also wore crowns; and the doors of the bridegroom as well as the bridal bed were also decorated with garlands (*στέφος γαμήλιον*, Bion, *Id.* i. 88; Lucian. *Dial. Meretr.* ii. 3; Plut. *Amat.* 10, *Pomp.* 55: Catull. lxiv. 294; Juv. vi. 51, 227; Lucan. ii. 358; Stat. *Silv.* i. 2, 231; Apul. *Met.* iv. c. 26.) Among the Romans the *verbena* and other plants, of which the bridal crown was composed, were plucked by the bride herself. (Fest. p. 63, M.; cf. Catull. lxi. 7.)

3. *Corona natalicia*, the chaplet suspended over the door of the vestibule of the house in which a child was born (Juv. ix. 85). At Athens, when the infant was male, the chaplet was made of olive; when female, of wool (Hesych. *s. v. στέφανος*). (Paschalius, *de Coronis*, Paris, 1610; Garcke, *de Horatii Corollis*, Altenburg, 1860; the works of Becker-Göll, Hermann, Blümner, Marquardt, referred to above; Daremberg and Saglio, *s. v.*) [W. S.]

CORO'NIS (*κορωνίς*), the cornice of an entablature, is properly a Greek word signifying anything curved (Schol. *ad* Aristoph. *Plut.* 253; Hesych. *s. v.*). It is also used by Latin writers, but the genuine Latin word for a *cornice* is *corona* or *coronix*. (Vitrüv. v. 2, 3.) [P. S.]

CORPORA'TI, CORPORA'TIO. [COLLEGIUM.]

CORPUS. [COLLEGIUM.]

CORPUS JURIS CIVI'LIS is the term which, since the end of the 16th century, has been used to denote Justinian's three great compilations—the Institutes, the Digest or Pandects, and the Code (together with the Novels), which form one compact body of law, and were considered as such by the glossators, or law school of Bologna, at the beginning of the 12th century, who divided it into five volumina. The Digest was distributed into the three first volumes under the respective names of "Digestum vetus," "Infortiatum," and "Digestum novum;" the fourth volume contained the first nine books of the "Codex repetitae praelectionis;" in the fifth were the Institutes, the "liber authenticorum" (Novels), and the three last books of the Code. This division into five volumes is found in the oldest editions of the Corpus Juris Civilis, but its portions are now usually arranged in the order Institutes, Digest, Code, Novels. The name "Corpus Juris Civilis" seems to have originated with Dionysius Gothofredus, who prefixed it to his edition of the Justinianean compilations towards the end of the 16th century: it is especially used in contradistinction to the "Corpus Juris Canonici" or Canon Law.

Most editions of the Corpus also contain thir-

teen edicts of Justinian, five constitutions of Justin the younger, and several of the younger Tiberius, and a series of constitutions of Justinian, Justin, and Tiberius; 113 Novels of Leo, a constitution of Zeno, and a number of constitutions of different emperors under the name of Βασιλικαὶ διατάξεις; the Canones sanctorum et venerandorum Apostolorum, Libri Feudorum, a constitution of the Emperor Frederick II., two of the Emperor Henry VII. called *extravagantes*, and a Liber de pace Constantiae. Sometimes there is also to be found an attempt to reconstruct the Twelve Tables, the Praetorian Edict, and other celebrated monuments of the older law.

The Roman Law, as received in Europe, consists only of the Corpus juris, *i.e.* the three compilations of Justinian, and the Novels by which he supplemented them; and it is only received within the limits and in the form which was given to it in the famous school of Bologna. Accordingly, all the ante-Justinianean law is now excluded from all practical application, as are the Greek texts in the Digest, for which the translations received at Bologna are substituted, and also the few unimportant restorations in the Digest, and the more important restorations in the Code. Of the three collections of Novels that only is received which is called Authenticum, and in the abbreviated form which was given to it at Bologna, called the Vulgata.

But, on the other hand, there are received the additions made to the Code in Bologna by the reception of the Authentica of the Emperors Frederick I. and Frederick II., and the still more numerous Authentica of Irnerius. The application of the matter comprised within these limits of the Corpus juris has not been determined by the school of Bologna, but by the operation of other principles, such as the customary law of different European countries, and the development of law. Various titles of the Corpus juris have little or no application in modern times; for instance, that part of the Code in particular which relates to constitutional forms and administration (Savigny, *System*, vol. i, p. 66).

Some editions of the Corpus juris are published with the *glossae* of the great Bolognese lawyers, and some without: the latest edition with them is that of J. Fehdius, Lugd. 1627, six vols. fol. Of the editions without the *glossae* the most important are those of Russardus, Lugd. 1560–61, fol., several times reprinted; Contius, Lugd. 1571 and 1581, 15 vols., 12mo; Lud. Charondae, 1575, fol.; Dionysii Gothofredi, Lugd. 1583, 4to. The best modern edition of the Corpus Juris Civilis is by Mommsen and Krueger, Berlin, 1877. [G. L.] [J. B. M.]

CO'RREUS. [OBLIGATIONES.]

CORRI'GIA. 1. A shoe-string or boot-lace (Cic. *de Div.* ii. 40; Varr. *ap.* Non. p. 448, 26), which was sometimes made of dog's skin (Plin. *H. N.* xxx. § 35). [See an illustration under CREPIDA.] 2. In the Edict of Diocletian, p. 26, it is used for a whip-lash or a horse's rein. [J. H. F.]

CORTI'NA. 1. In its primary sense, a large circular vessel for containing liquids, and used in cooking (Plin. *H. N.* xxxvi. § 191), or preparing *defrutum* (Colum. i. 6, 19), dyeing wool or preparing dye (Plin. *H. N.* xxxv. §§ 43 and 150), and receiving oil when it first flows from the press. (Cat. *de Re Rust.* 66.) The illustration given under FULLO shows its use by fullers. In Plautus, *Poen.* v. 5, 12 ("qui cortinam ludis per circum ferunt"), it is supposed to denote a vessel in which water was carried round the circus during the games for the use of the horses, drivers, or attendants, which is possibly represented in the cut on p. 435 in the hands of two of the children thrown down by the horses. 2. The table or hollow slab, supported by a tripod, upon which the priestess at Delphi sat to deliver her responses; and hence the word is used for the oracle itself. (Verg. *Aen.* vi. 347.) The Romans made tables of marble or bronze after the pattern of the Delphian tripod, which they used as we do our sideboards, for the purpose of displaying their plate at an entertainment, or the valuables contained in their temples, as is still done in Catholic countries upon the altars. These were termed *cortinae Delphicae*, or *Delphicae* simply. (Plin. *H. N.* xxxiv. § 8; Schol. *ad* Hor. *Sat.* i. 6, 116; Mart. xii. 66, 7; Suet. *Aug.* 52.) [TRIPOS.] 3. From the conical form of the vessel which contains the first notion of the word, it came also to signify the vaulted part of a theatre over the stage ("*magni* cortina *theatri*," *Aen.* 295), such as is in the Odeium of Pericles, the shape of which we are expressly told was made to imitate the tent of Xerxes (Paus. i. 20, § 3; Plut. *Pericl.* 13); and thence metaphorically for anything which bore the appearance of a dome, as the vault of heaven (Ennius, *ap.* Varr. *de Ling. Lat.* vii. 48, ed. Müller); or of a circle, as a group of listeners surrounding any object of attraction. (Tac. *Dial.* 19.) Finally, in the Vulgate (Exod. xxvi.) *cortina* is used in the sense of a curtain. [A. R.] [J. H. F.]

CORVUS, a sort of crane, used by C. Duilius against the Carthaginian fleet in the battle fought off Mylae, in Sicily (B.C. 260). The Romans, we are told, being unused to the sea, saw that their only chance of victory was by bringing a sea-fight to resemble one on land. For this purpose they invented a machine, of which Polybius (i. 22) has left a minute, although not very perspicuous description. In the fore part of the ship a round pole was fixed perpendicularly, twenty-four feet in height and about nine inches in diameter; at the top of this was a pivot, upon which a ladder was set, thirty-six feet in length and four in breadth. The ladder was guarded by cross-beams, fastened to the upright pole by a ring of wood, which turned with the pivot above. Along the ladder a rope was passed, one end of which took hold of the *corvus* by means of a ring. The *corvus* itself was a strong piece of iron, with a spike at the end, which was raised or lowered by drawing in or letting out the rope. When an enemy's ship drew near, the machine was turned outwards, by means of the pivot, in the direction of the assailant. Another part of the machine which Polybius has not clearly described is a breastwork, let down (as it would seem) from the ladder, and serving as a bridge, on which to board the enemy's vessel. (Compare Curtius, iv. 2, 4.) By means of these cranes the Carthaginian ships were either broken or closely locked with the Roman, and Duilius gained a complete victory.

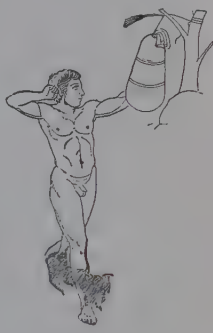
The word *corvus* is also applied to various kinds of grappling-hooks, such as the *corvus demolitor*, mentioned by Vitruvius (x. 19) for pulling down walls, or the terrible engine spoken of by Tacitus (*Hist.* iv. 30), which being fixed on the walls of a fortified place, and suddenly let down, carried off one of the besieging party, and then by a turn of the machine put him down within the walls. The word is used by Celsus (vii. 19) for a scalpel. It is hardly necessary to remark that all these meanings have their origin in the supposed resemblance of the various instruments to the beak of a raven. [B. J.] [J. H. F.]

CORYBANTES (*κορύβαντες*). The history and explanation of the deities bearing this name, in the early mythology of Greece, cannot be given in this place, as it would lead us to enter into historical and mythological questions beyond the limits of this Dictionary. The Corybantes, of whom we have to speak here, were the ministers or priests of Rhea or Cybele, the great mother of the gods, who was worshipped in Phrygia. (See *Dict. of Biogr. and Mythol.*, art. RHEA.) In their solemn festivals they dis-

Corybantes and Cybele, with infant Zeus. (Museo Capitolino.)

played the most extravagant fury in their dances in armour, as well as in the accompanying music of flutes, cymbals and drums. (Eurip. *Bacch.* 125; Hor. *Carm.* i. 16, 8; Ov. *Fast.* iv. 210; Juv. v. 25; Mart. i. 71, 10.) Hence *κορυβαντισμὸς* was the name given to a disease in which persons felt as if some great noise was rattling in their ears. (Plat. *Crit.* p. 54 D; Hermann, *Gottesdienstl. Alterth.* § 3, 8.) They were subsequently confounded with the Curetes, who are said to have brought up Zeus in Crete, and concealed him from his father Cronos. (Strab. x. p. 470; Lucr. ii. 630; Verg. *Georg.* iv. 151, *Aen.* iii. 131; Ov. *Met.* iv. 282, *Fast.* iv. 210.) In the festival of the Corybantica (*κορυβαντικά*) celebrated at Cnosus in Crete, the person to be initiated was seated on a throne, and those who initiated him formed a circle and danced around him. This part of the solemnity was called *θρόνωσις* or *θρονισμός*. (Strab. *l. c.*; Plat. *Euthydem.* p. 277 D; Dion Chrysost. *Orat.* xii. p. 387; Proclus, *Theol. Plat.* vi. 13.) The Corybantes were associated with the mysterious divinities called Cabeiri. (*Dict. of Biogr. & Myth.*, art. CABEIRI.) [W. S.]

CORYCUS (*κώρυκος*), a large leathern sack, filled with flour, fig-grains, or sand, hung up in the gymnasium, for the athletes to swing to and fro by striking it, whence the exercise is called *κωρυκομαχία* or *κωρυκοβολία* (Hesych. *s. v.*; Pollux, x. 172; Philostr. *de Gymnast.* 57; Antyll. *ap.* Oribas. vi. 33; and the other authorities in Krause, *Gymnastik*, p. 314). The game is alluded to by Plautus (*Aud.* iii. 4, 16), "ego et follem pugilatorium faciam, et pendentem incursabo pugnis." The *corycus* is represented in works of art, as in the annexed cut from the celebrated Ficoroni cista. From this game came the proverbial expression, *πρὸς κώρυκον γυμνάζεσθαι* (Diog. vii. 54), of labour in vain. Cicero (*Phil.* xiii. 12, 26) uses the word figuratively in reference to the exercise of the voice. [W. S.]



Corycus. (From Ficoroni cista.)

COSMETAE (*κοσμηταί*), a class of slaves among the Romans, whose duty it was to dress and adorn ladies (Juv. *Sat.* vi. 476). Some writers on antiquities, and among them Böttiger in his *Sabina* (i. 22), have supposed that the cosmetae were female slaves, but the passage of Juvenal is alone sufficient to refute this opinion: for it was not customary for female slaves to take off their tunics when a punishment was to be inflicted upon them. There was, indeed, a class of female slaves who were employed for the same purposes as the cosmetae; but they were called *cosmetriae*, a name which Naevius chose as the title for one of his comedies. This interpretation of the word is in accordance with its Greek usage, for Xenophon (*Cyr.* viii. 8, 20) explains *κοσμηταὶ* as "those who anoint and paint" the Persian nobles, "and perform the rest of their toilet." (See Heindorf, *ad* Hor. *Sat.* i. 2, 98.) [L. S.] [J. H. F.]

COSMETES (*κοσμητής*), an officer in the Athenian Gymnasia in the time of the Romans. [GYMNASIUM.] [W. S.]

COSMI (*κόσμοι*), the chief magistrates of Crete. It is proposed under this head to give a brief account of the Cretan constitution.

Different opinions are held by scholars as to the time when Crete, where the Phoenicians had settlements, was first colonised by the Greeks. O. Müller (*Dorians*, i. p. 36 ff.) believes in Andron's account (Strab. x. p. 475, *fin.*; Steph. Byz. *s. v.* *Δώριον*; Diod. v. 80), according to which Dorians came to Crete, before the time of Minos, from Hestiaeotis, at that time called Doris, together with some Achaeans and Pelasgi who had remained in Thessaly, and looks upon

Cnosus (Κνωσός on coins and inscriptions; in MSS. mostly Κνωσσός) as the first Greek settlement in the island. This view is opposed by Hoeck (*Kreta*, ii. p. 15 ff.) and Grote (*Hist. of Gr.* ii. p. 311, n. 3). Duncker (*Hist. of Gr.* i. p. 321 f.) likewise considers Cnosus to have been the first settlement of the Greeks; but according to him, Dorians from Argos, under their leader Althaemenes, succeeded in reducing Karath (in Greek legend the abode of Minos), which now received the name of Cnosus (Strab. p. 479, 653; Conon, *Narr.* 47). At least a century later (p. 421 ff.) Achaeans, with Pollis as their leader, landed on the island, built Lyctus (Gortyn, according to Conon, *Narr.* 36; Plato, *Legg.* iv. p. 708 A, says, Gortyn was founded ἐξ Ἄργους), and subjugated many other cities (Plut. *de Mulier. Virt.* p. 247 d.; *Quaest. Gr.* p. 296 b.). Hoeck (ii. p. 445 ff.) adduces strong reasons against the opinion that Cnosus was the oldest Greek settlement in Crete, and it is now more generally believed that Argives and Lacedaemonians settled in the island subsequent to the return of the Heracleidae (Diod. v. 80), and that Lyctus (Λύκτος in MSS., Λύττος on coins and inscriptions), a colony of the Lacedaemonians (Arist. *Pol.* ii. 7, 1 S.=10, 2 B.), was the oldest Greek town there (Polyb. iv. 54). This question as to the time of the earliest settlement is closely connected with that of the relation existing between the Cretan and Spartan constitutions. The social and political institutions of Crete appeared to be so similar to the Spartan, that it was a disputed point amongst the ancients whether the Spartan constitution had its origin in Crete, or whether the Cretan constitution was transferred from Laconia thither. Ephorus argues at length that the Spartan institutions originally existed in Crete, but were perfected in Sparta; and Aristotle agrees in the general view that the Cretan institutions were older than the Spartan. Hoeck (iii. 8 ff.), however, shows that this is an untenable position (cf. Trieber, *Forschungen z. spart. Verfassungsgesch.* p. 95 ff.). In O. Müller's opinion, "at a very remote period the principles of the Doric constitution were systematised and established in Crete, so that they afterwards became the model and standard for other states of that race;" he considers Minos of Cnosus to have been a Dorian, and takes the name of Minos to indicate "a period in which the Doric invaders united a part of the island into one state, and by extending their power over the Cyclades and many maritime districts obtained, according to the expression of Herodotus, Thucydides and Aristotle, the dominion of the sea" (*Dor.* i. p. 36; cf. Curtius, *Griech. Gesch.* i.[4] p. 157). According to Duncker, on the other hand, the tradition of the Greeks had personified and expressed in the form of Minos the dominion of the Phoenicians in the Aegean Sea, in his laws the well-ordered life of the cities of Crete which the Phoenicians had occupied (Karath = Καίρατος, the old name of Cnosus; Ethanath = Ἰτανός, Lebana = Λεβήν, Arvad = Ἄραδος, etc.). He holds (p. 371) that the Spartan laws were asserted to have come from Crete (Arist. *l. c.*; [Plat.] *Minos*, p. 318 C), "because it was supposed that the laws of the Cretan cities came from Minos, and that Minos received them from Zeus (*Odyss.* xix. 178). If Sparta's laws came from Crete, they came from Zeus." In Duncker's opinion, the similarity of institutions in Crete and Sparta is due to their resting on the same foundations, viz. an armed immigration and a long period of war; and Schoemann (*Griech. Alterth.* i. p. 297) expresses a like opinion: "This similarity may be explained, without intentional imitation, by the community of nationality, which under like conditions must produce like institutions." This then, and especially the fact that colonists from Sparta transplanted Spartan institutions to Cretan soil, accounts for this similarity (cf. Busolt, *Griech. Gesch.* i. pp. 128, 191), limited as it is (Polyb. vi. 45, speaking of his own time only, denies it altogether); and this view agrees with the statement of Ephorus (Strab. p. 481), that the political system of Lyctus, Gortyn, and some smaller towns maintained itself more primitive than that of Cnosus, the ancient residence of Minos. Gilbert (*Handb.* ii. p. 216 f., n.) gives the names of forty-three independent towns (there were also dependent cities; cf. Strab. p. 478, 479); and Strabo (p. 476) names Cnosus, Gortyn, and Cydonia as the most powerful among them: "When Cnosus and Gortyn acted in harmony, they held sway over all the other towns; when they quarrelled, the whole island was divided into two parties." Discord seems to have been the normal condition in Crete; only when it was necessary to keep off an invader, were the towns united (*Συγκρητισμός*, Plut. *de Frat. Amor.* p. 490 b.; *Etym. M.* s. v. *συγκρητίσαι*: see also Polyb. xxix. 4). Individual towns were at different times bound to one another by special treaties (*φιλία καὶ συμμαχία καὶ ἰσοπολιτεία*): cf. *C. I. G.* No. 2554, l. 186 and l. 214=Cauer, del.[2] No. 119; *C. I. G.* No. 2555=C. No. 116; C. No. 117, etc.

In an inscription belonging (according to Boeckh) to the end of the 3rd century B.C. (*C. I. G.* No. 2556, treaty between Hierapytna and Priansium), the *κοινοδίκιον*, a kind of supreme court, in which matters in dispute between different cities were settled, is mentioned as suspended (it was again in existence in B.C. 184, Polyb. xxiii. 15), and arrangements are made in this treaty as to the manner in which disputes which had arisen (since the suspension) between the inhabitants of the two towns in question should be settled, viz. before a *δικαστήριον* (probably of a third city), on which the two cities had agreed, and which was presided over by the Cosmi of the two cities (Hoeck, iii. p. 88, identifies the *διεξαγωγά* with the *ἡγεμονία δικαστηρίου* of Attic law); for the future such disputes were to be referred to an arbitrator (*πρόδικος*), from whose decision an appeal might be made to a court (*ἐπικριτήριον*), consisting of inhabitants of a third city, on which both cities should agree; or, according to Boeckh, to a joint court of the two cities with inhabitants of a third city added ("*ἐπικριτήριον* optime dicebatur numerus iudicum additicius"), the same with the *κοινὸν δικαστήριον* (l. 48), before which Cosmus or private individual was to be accused who endeavoured to upset this treaty.

Our information as regards the constitution of the Cretan cities (in all essential points the same, for Polyb. vi. 46 speaks of *ἡ Κρητικὴ πολιτεία*), —which is derived from Ephorus and Aristotle,

between whose accounts there is great resemblance, and from later writers, as Dosiades, Sosicrates, who wrote Κρητικά, etc.—has been considerably increased by the discovery of the Gortyn Code (probably B.C. 450–350), of which H. J. Roby (*Law Quarterly Rev.*, April 1886) has published a translation, with notes, giving also an account of other translations and commentaries. (We shall refer especially to Joh. and Theod. Baunack (B.); Comparetti in *Mus. Ital. di Antich. Class.* i. (C.); Jac. Simon (S.); and E. Zitelmann in *Rh. M.* Suppl. vol. 40 (Z.).)

The population of the island was divided into three classes: slaves, ὑπήκοοι, and freemen. The slaves were of three kinds: (*a*) slaves of the state (ἡ κοινὴ δουλεία), called by a collective term μνοία, or μνῶται; these cultivated the land which the state had reserved to itself as domain land, whilst (*b*) the ἀφαμιῶται or κλαρῶται cultivated the estates of individuals (ἡ ἰδία δουλεία: Sosicrates in Athen. vi. 263 f.); these are the *Foικέες* of the Gortyn Code. "householders," who had their own goods, whose marriages were recognised, and who, in default of kin, succeeded to the inheritance of their lord (Z., p. 63 f., p. 144; yet this explanation of ὁ κλᾶρος has been called in question by S. p. 85 ff., and Schaube, *Herm.* 1886, p. 222, in whose opinion ὁ κλᾶρος is the estate itself, and τὰ κρέματα went with the κλᾶρος, of which the state had to dispose). These two classes of slaves were probably the ancient inhabitants of the island conquered in war (μνῶται οἱ ἐγγενεῖς οἰκέται, Athen. vi. p. 267 c.; ἀφαμιῶται οἱ κατ' ἀγρόν, ἐγχώριοι μὲν ὄντες, δουλωθέντες δὲ κατὰ πόλεμον, p. 263 e.), and are thus distinguished from (*c*) the purchased slaves (οἱ κατὰ πόλιν οἰκέται χρυσώνητοι; perhaps ἡ ἐνδοθιδία δῶλα in Gortyn Code, ii. 11). The treatment of slaves in Crete was not harsh; for "the Cretans gave them the same institutions as their own, but forbade them gymnastic exercises and the possession of arms" (Arist. *Pol.* ii. 2, 12 S. = 5, 19 B.: cf. Hybrias in Athen. xv. p. 695 e.); when therefore Eustathius (*Il.* i. 321, p. 110, 9; and Dionys. Perieg. 5, 533) says that the Cretans obtained armed attendants (θεράποντες) from among their slaves, the third class (*c*) must probably be understood.

Aristotle says, "The Helots are the husbandmen of the Lacedaemonians, and the Perioeci of the Cretans" (*Pol.* ii. 7, 3 S. = 10, 5 B. In iv. 9, 1[b] S. = vii. 10, 1 B. he distinguishes τὸ μάχιμον and τὸ γεωργοῦν); but from this the conclusion should not be drawn (which Grote, ii. p. 365 n., draws), that there was not in Crete also another class of subject population corresponding more closely to the περίοικοι of Laconia, the name of which Sosicrates has preserved. This writer clearly distinguishes from the μνῶται and ἀφαμιῶται a third class, to whom he applies a term clearly intended to recall the Laconian institution of Perioeci: τοὺς δὲ περιοίκους (οἱ Κρῆτες καλοῦσι) ὑπηκόους (Athen. vi. p. 263 f.), whilst other writers identify the Helots with the κλαρῶται, *e.g.* Photius, *s. v.* Καλλικύριοι· . . . ὅμοιοι τοῖς παρὰ Λακεδαιμονίοις εἵλωσι καὶ παρὰ Θεσσαλοῖς πενέσταις καὶ παρὰ Κρησὶ κλαρώταις: cf. Bekk. *Anecd.* i. p. 292, 7. Aristotle, who does not mention the Lacedaemonian περίοικοι at all, must be supposed to understand by περίοικοι in Crete the ἀφαμιῶται (or κλαρῶται), who may fitly be called so as dwellers in the open country (cf. Hesych. ἀφαμιῶται· οἰκέται ἀγροῖκοι, πάροικοι); and among them the laws of Minos, he says, were still in force (cf. Plat. *Min.* 16, p. 321 B.). To the ὑπήκοοι Hoeck (iii. p. 24 ff.) refers Aristotle's remark about "the tribute which is paid by the περίοικοι" (*Pol.* ii. 7, S. = 46, 10, 8 B.), and he connects with this Dosiades' statement in Athen. iv. p. 143 b: τῶν δούλων ἕκαστος Αἰγιναῖον φέρει στατῆρα κατὰ κεφαλήν, δοῦλοι being used in his opinion as a general term for those who were not free citizens; he bases this view mainly on the assumption that the μνῶται and ἀφαμιῶται had no property of their own. Since, however, we learn from the Gortyn Code, iv. 42, that with regard to the latter the contrary was the case, it seems advisable to accept O. Müller's view (ii. p. 53), according to which δοῦλοι meant the ἀφαμιῶται. These ὑπήκοοι were probably the inhabitants of non-Dorian cities, which were dependent on one or other of the autonomous Dorian cities. Z. identifies with them the ἀπέταιροι of the Gortyn Code; in his opinion the ἑταιρεῖαι were originally subdivisions of the φυλαί, and corresponded to the Attic phratries, inasmuch as the adopter had to give to his own ἑταιρεία a victim and a pitcher of wine (Gortyn Code, x. 38), and only at a later period they became "common messes" (Dosiades in Athen. iv. p. 143 b, διῄρηνται δ' οἱ πολῖται πάντες καθ' ἑταιρίας, καλοῦσι δὲ ταύτας ἀνδρεῖα). C. explains ἀφέταιροι to mean those who, as a kind of punishment, were excluded from the common mess (Poll. iii. 58 puts ἀφέταιροι together with ἀπολῖται and ἀπαθηναῖοι); Roby suggests, "they are perhaps freedmen or other unprivileged persons;" and Wachsmuth (*Nachr. d. kgl. Ges. d. W. in Göttingen*, 1885, p. 202 foll.) sees in it a name for ξένοι. So much is certain, that the ἀφέταιροι occupied a position between the freemen and the slaves, as is indicated by the scale of fines for certain offences.

The freemen, the ruling class, were probably divided into the three Dorian φυλαί: the Gortyn Code mentions φυλαί (vii. 51; viii. 6, 11, etc.), but without giving their names, yet Ὑλλεῖς (cf. Hesych. *s. v.* Ὕλλεες), Δυμᾶνες, and Πάμφυλοι occur in inscriptions which will be quoted below in connexion with the κόσμοι. Whilst the Gortyn Code speaks of πολιαταί simply (x. 35; xi. 14), without any mention of privileged classes among them, we learn from Aristotle that there were such; for the κόσμοι were not chosen ἐξ ἁπάντων, but ἐκ τινῶν γενῶν (*Polit.* ii. 7, 5[b] S. = 10, 10 B.). The office of κόσμοι (κοσμίοντες, Gort. Code, i. 51; Cauer,[2] No. 121; κόσμιοι, *C. I. G.* No. 3047; κόρμοι, *Bull. de Corr. Hell.* ix. No. 13 (1886, p. 19), and l. 2 ἐκόρμιον, but l. 5 κόσμοι)—ten in number (Strab. x. p. 484, ἄρχοντας δὲ δέκα αἱροῦνται)—is identified by Aristotle and Ephorus in Strab. x. p. 482 (cf. Cic. *de Rep.* ii. 33) with that of the ephors of Laconia; yet the resemblance is but slight. In the first place, at Sparta the kingly rule lasted on; and the kings being ἀΐδιοι στρατηγοί (Arist. *Pol.* ii. 6, 22 S. = 9, 33 B.), the ephors never acquired the military command; whilst in Crete the kingly power, if it ever existed, had long since been abolished (only Herodotus, iv. 154, mentions

a *βασιλεὺς* Etearchus at Axus, yet it is impossible to draw any inference from this; he may have been a sacerdotal functionary, such as we find under the title of king in many places, or Herodotus may have used the term inaccurately for the Protokosmos), and command in war was so much the prime function of the *κόσμοι* that Hesychius explains *κόσμος· στρατηγὸς κεκοσμημένος*. In the second place, the number and the mode of election is different; the five ephors being chosen out of all the Spartans. With respect to the domestic government of the state, the *κόσμοι* appear to have exercised a joint authority with the members of the *βουλή*, as they are said to have consulted with them on the most important matters (Strab. x. p. 484); besides this, they had the administration of justice, for, as Aristotle says (*Pol.* ii. 7, 7 S.=10, 14 B.), "the suspension of their office (*ἀκοσμία*) was a device to which the nobles often had recourse when they would not submit to justice." In the Gort. Code (v. 5) the phrase occurs, *ὃκ' ὁ αἰθαλεὺσταρτὸς* (*sic*) *ἐκόσμιον οἱ σὺν Κύλλοι*, *i.e.* when Cyllus was *κόσμος ἐπώνυμος* (in late inscriptions called *πρωτόκοσμος*). Hesychius explains *σταρτοί· αἱ τάξεις τοῦ πλήθους*; probably the old *γένη*, from whom according to Aristotle the *κόσμοι* were elected, were divided into a number of *τάξεις*, who in turn held the government, and out of the *τάξις* or *σταρτός* a board of ten were chosen as an executive. Two other inscriptions date by the rule of the Αἰθαλεῖς: Cauer,[2] No. 121 (Drerus), *ἐπὶ τῶν Αἰθαλέων κοσμιόντων τῶν σὺγ Κυίᾳ καὶ Κεφάλῳ*, etc., and Haussoullier, *Bull. de Corr. Hell.* ix. (1886), No. 11, p. 15, *ἐπὶ τῶν Αἰθαλέων κοσμιόντων, Τύχωνος τῶ Πειθία*, etc.; other inscriptions, which C. quotes, are headed *ἐπὶ τῶν Ἐχανορέων κοσμιόντων*, [*ἐπὶ τῶν . . .]σχέων κοσμιόντων* (Latus or Camara), *ἐπὶ τῶν Παμφύλων κ.* (Messeleri), *ἐπὶ τῶν Ὑλλέων κ.* (Latus or Camara), *ἐπὶ τῶν Δυμάνων κ.* (Hierapytna). The relation of the *σταρτοί* to the *φυλαί* is not clear. Haussoullier (*l. c.* p. 18) publishes an inscription from Gortyn, in which the names of six *κόσμοι* are given, and the one after the protokosmus is *ὁ ἱεροργός*. From the Gort. Code, i. 52, Z. concludes that a *κόσμος* could only be proceeded against after having resigned his office, this resignation being, however, not spoken of as a certainty, but as an eventuality, "if he resign;" but B. (p. 123), quoting Cauer,[2] No. 121, c. 18 (*τὸν κόσμον . . . ἐμβαλεῖν ἐς τὰν βωλάν, αἴ κα ἀποστᾶντι, τοῦ μηὸς τοῦ Κ. ἢ τοῦ Α.· ἃ δὲ βωλὰ πραξάντων ἕκαστον τὸν κοσμίοντα στατῆρας πεντακοσίους*, etc.), explains the phrase correctly as referring to time, "when he resigns." The Cosmi probably held office only for a year (Polyb. vi. 46; cf. also the phrases *οἱ ἀεὶ κοσμίοντες*, *οἱ τόκα κοσμίοντες* in inscriptions, especially in Cauer,[2] No. 119=*C. I. G.* No. 2556, v. 66, *οἱ ἐπιστάμενοι κατ' ἐνιαυτὸν κόσμοι*); they cannot have held office for life, for "the *γέροντες* were elected out of those who had been Cosmi" (Arist.; Strab., p. 484, *οἱ τῆς τῶν κόσμων ἀρχῆς ἠξιωμένοι καὶ τἄλλα δόκιμοι κρινόμενοι*). This council of the Elders, called *βουλὴ* by Aristotle (*βωλὰ* inscr.), is compared by him to the Spartan Gerousia; we are not informed what was their number (Rangabé, *Antiq. Hell.* ii. p. 1032, supposes that, all ex-Cosmi finding their way into the *βουλή*, their number was not fixed) and what was the mode of their appointment, but we are told that they retained their office for life, that they were subject to no responsibility, and that they gave decisions according to their own judgment, dispensing with written law. In some inscriptions (*C. I. G.* 2561; 2562, 23) a *πρείγιστος* (*i.e. πρέσβιστος*) *βουλῆς* is mentioned. From the inscription (Cauer,[2] No. 121) quoted above we learn that the *βουλή* exercised a kind of authority over the Cosmi (cf. in the treaty between Lyctos and Malla, *Bull. de Corr.* ix. (1886), No. 10, pp. 11, 12, *αἱ δὲ μὴ ναωσαίεν τὰν ἀγέλαν ἀποτεισ[άντων ὁ] κόσμος ἑκατὸν στατῆρας*; Buecheler in *Rh. M.* 1886, p. 311, explains *ναοῦν* "cause to assemble in the temple," as causative to *ναεύειν* in Gort Code, i. 39; cf. also Cauer,[2] No. 119, 44 ff.), and that the *βουλή* in their turn, if they did not enforce the payment of the fine from the Cosmi, had to pay a fine themselves to the *οἱ πρεγευταί* (Bursian, Rangabé; *ἐφεῦται* = *ἐφέται*, Dethier, Cauer) *τῶν ἀνθρωπίνων*, probably high officials of the treasury (Rang. ii. p. 1035). Ephorus (Strab. x. p. 481) mentions by the side of *ἡ τῶν γερόντων ἀρχή* also that *τῶν ἱππέων*; of their duties, etc. we know nothing (Hoeck, iii. p. 58). Caillemer (*Dict. des Antiq.* s. v. *Crete*) sees in them a distinct class of the population. We find also mention of *ὁ δικαστὰς* and *ὁ μνάμων* (Gort. Code, i. 12, etc.); Haussoullier (*Bull.* ix. p. 15) publishes an inscription—not necessarily from Drerus, "because the *κόσμοι* were chosen from the Αἰθαλεῖς"; cf. Gort. Code, v. 5—from which we learn that the inhabitants of one Cretan city had asked for *δικασταί* from two other towns, one from Cnosus and two from Lyctus, to settle their disputes, etc. The *μνάμων* acts alone in the event of the renunciation of adoption (Gort. Code, xi. 16); he and the *δικαστάς* are the proper authority, before whom the husband who seeks a divorce has to lay whatever he imputes to his wife, the fourth day before the trial (Gort. Code, xi. 53); and the same persons have to give evidence as to the fact of an alleged judgment having been really given (Gort. Code, ix. 32). The functions of the *μνάμων* are practically the same as those of the *μνήμονες* in Arist. *Pol.* vii. 5, 4° S.=vi. 8, 7 B., "another officer registers all private contracts. . . and also all preliminary proceedings;" he had not the charge of religious matters (as in *C. I. G.* iii. p. 584), and must likewise be distinguished from the *κόσμων μνάμων* and the *μνάμων ἱεροργῶ* (*Bull. de Corr.* ix. (1886), p. 19), *i.e.* *γραμματεύς* (*Schol.* Arist. *Nub.* 623). *Ὀρπανοδικασταί* are mentioned in Gort. Code, xii. 21, 25, as an extraordinary magistracy, who would exercise the control over heiresses previously given to kinsmen.* An inscription belonging perhaps to the 3rd century speaks of *πρείγιστοι ἐπ' εὐνομίας*, "elders for the preservation of good order," whom Boeckh compares to the Spartan *σύνδικοι ἐπὶ τὰ ἤθη* and *σύνδικοι ἐπὶ τοὺς νόμους* (*C. I. G.*

* Cf. Dittenberger, i. No. 344, l. 29 (Ephesus c. 84 B.C.), *καὶ ἐπίτροπον ὑπὲρ ὀρφανοῦ καὶ τοὺς συνορφανιστάς, οὓς ἂν παραλαμβάνωσιν* (see Thalheim, Hermann's *Gr. Antiq.* ii. 2, p. 140 n.); Xenophon. *de Redit.* 2, 7, speaks of *ὀρφανοφύλακες* (cf. Schol. to Soph. *Aiax*, 512, *ὀρφανισταί*, *ἡ τὰ τῶν ὀρφανῶν κρίνουσα ἀρχή*, and Phot. *s. v.*). Lipsius, *Att. Proc.* p. 554 n., denies that there ever were such at Athens; perhaps there was such a magistracy just at that time, *i.e.* 355 B.C.

ii. p. 407[b]). All classes of freemen shared in the assembly (*ἀγορά*, Gort. Code, x. 34, xi. 12; Bekk. *Anecd.* i. p. 210, 9), but it could only ratify the decrees of the elders and the Cosmi (Arist. *Pol.* ii. 7, 4 S.=10, 7 B.: cf. Plat. *Legg.* i. p. 634); according to the Gortyn Code, adoption and renunciation of adoption took place before the popular assembly (in Sparta *βασιλέων ἐναντίον*, Herod. vi. 57, 3).

About the middle of the 3rd century B.C. the aristocratic character of the constitution had given way to democratic institutions (cf. Cauer,[2] No. 181, 66 ff.: *τὰν καθεστακυῖαν δαμοκρατίαν παρὰ Ἱεραπυτνίοις*). Polybius (vi. 46) speaks of the annual election of the *ἀρχαί*, which, Gilbert (p. 227, n. 2) suggests, referred also to the *βουλή*, and points to this as a democratic feature in the constitution. As we learn from inscriptions, the power of the freemen in assembly (*ἁ πόλις = ὁ δᾶμος, ἐκκλησία, C. I. G.* 2556, 33 ff.=Cauer,[2] No. 119, etc.) was supreme, and the name of the Cosmi is given in the heading of decrees merely to fix the year; only in case of treaties with foreign states do the Cosmi act as a kind of executive, conducting the business of their city with the foreign ambassadors. The *βουλή* continued to exist, but its constitution had necessarily undergone changes and its power must have been curtailed (Hoeck, iii. p. 75 foll.).

Public education began in Crete with the completion of the seventeenth year (in Sparta as early as the completion of the seventh). Up to that time boys were left in their parents' houses, and were called *σκότιοι* (Schol. Eurip. *Alc.* 989, and Aristoph. Byz. p. 431, in Miller, *Mélanges de la Litt. Gr.*), or *ἀπάγελοι* (Hesych. *s. v.*), from the circumstance of their not yet belonging to the *ἀγέλαι* or divisions; they were, however, taken to the common mess by their fathers (Strab. x. p. 483). With their eighteenth year they entered the *ἀγέλαι*: they were not, as in Sparta, assigned by the Paedonomus to this or that *ἀγέλη*, but banded themselves together, of their own choice, under one of the most prominent of the young men, whose father was usually the leader of the *ἀγέλη* (Heracl. Pont. iii. and Schneidewin's note on p. 57, *ὃν* (sc. the leader) *καλοῦσιν ἀγελάτην*). From that time the youths were called *ἀγελάσται* (Hesychius, *ἀγελάστους· τοὺς ἐφήβους*, which Cohn, *de Arist. Byz.* p. 300, alters to *ἀγελάτας*, and Baunack, *Studien*, i. 1, p. 40, to *ἀγελάστανς*; *ἀγελάοι*, Cauer,[2] No. 121, l. 10) or *δρομεῖς* (Gort. Code), from being admitted to the gymnasia (Suid.: *δρόμοις· τοῖς γυμνασίοις, κατὰ Κρῆτας*: cf. the Spartan *σφαιρεῖς*, Pausan. iii. 14, 6; *C. I. G.* 1386, 1432). They probably remained ten years in the *ἀγέλαι* (Hesych. *s. v. δεκάδρομοι*); and it is usually supposed, on the authority of Ephorus (Strab. x. p. 482), that they were compelled by law to marry on their release from the *ἀγέλαι*; yet Gilbert (ii. p. 224, n. 1) doubts that *ἀγέλη* is used in this passage in its technical sense, and points to Gort. Code, vii. 40 ff., from which we learn that a relative, if a *δρομεύς*, lost his right to marry an heiress if he did not do so "within two months:" hence he concludes that the Cretan youth was allowed to marry, when he was admitted to the *δρόμοι*: that the wives, however, remained under the roof of their fathers or brothers for some time longer (see Gort. Code, ii. 20 ff., viii. 20 ff.), "until they were fit to manage their own households" (Strab. p. 482 c.). Girls were deemed marriageable at twelve years of age (Gort. Code, xii. 31 ff.). In Gort. Code, vii. 35, there occurs the term *ἀπόδρομος*, by which some definite age must be meant (Wachsmuth, p. 201, "the sixteenth year;" Gilbert, p. 222, "the seventeenth year"); for we find there three distinctions of age recognised: *ἄνωρος—ἀπόδρομος ἡβίων—δρομεύς*. It is very probable that those who had been united in an Agela as youths remained united as men in the *ἑταιρεῖαι*, which messed together (*ἀνδρεῖα*, Athen. iv. p. 143 b, and Strab.). According to Aristotle (*Pol.* ii. 7, 4[b] S.=10, 7 B.: cf. 6, 21 S. =9, 31 B.), these common meals were better managed in Crete than in Lacedaemon, being provided at the public cost. Dosiades (Athen. iv. p. 143) gives a full description of the Syssitia of Lyctus, and his account as to the manner of raising the funds differs somewhat from that given by Aristotle. Some further details are to be found in Heracl. Pont. iii.: *e.g.* that four portions were given to the *ἄρχων*, that strangers were served first, that the Cretans continued to sit at meals, whilst the Spartans departed from the ancient custom and reclined at table (cf. O. Müller, ii. p. 290 m, and p. 291 n). [R. W.] [H. H.]

COTHURNUS (*κόθορνος*). The word *cothurnus* is chiefly associated with tragedy, and among the Romans was the name given to the tragic boot. But it is to be carefully borne in mind that among the Greeks the tragic boot was not so called. The Greek term used was occasionally *ὀκρίβας* (Philostr. *Apoll.* vi. 11; *Vit. Soph.* i. 9, 1), but more usually *ἐμβάτης* (Lucian, *Jup. Trag.* 41; *Hist. conscrib.* 22; *Necyom.* 16). A distinction is said to subsist between *ἐμβάτης*, the tragic boot, and *ἐμβάς*, the comic one (Ammon. p. 49; Thom. Mag. p. 300); and again the distinction is said to be that *ἐμβὰς* is the tragic boot and *ἐμβάτης* the comic one (Poll. iv. 115). But the latter distinction certainly cannot be sustained, for *ἐμβάδες* is often used for the comic boot (*e.g.* Arist. *Eq.* 321) and *ἐμβάτης* for the tragic one (Lucian, *Salt.* 27); and even the former is very questionable, for in Bekk. *Anecd.* 746 *ἐμβάδων* is used of the tragic buskin (cf. Sommerbrodt, *Scaenica*, p. 106, note). Among the Greeks the *κόθορνος* was a kind of closed *boot* (in distinction to *sandals*) worn by women, which could fit either foot (hence the nickname of *Κόθορνος* given to Theramenes, Xen. *Hell.* ii. 3, 31, and the proverb *εὐμεταβολώτερος κοθόρνου*), and had rectangular soles (*Etym. M.* 524, 40). In Herodotus (vi. 126) it was the kind of boot put on by Alcmaeon when he was allowed to take as much gold as he could carry out of the treasury of Croesus; and was also the kind of boot which Croesus advised Cyrus to compel the Lydians to wear, in order to make them effeminate (Herod. i. 155). The cothurnus is called by Ovid "Lydian" (*Am.* iii. 1, 14), and in this connexion it is to be remembered that *τυρρηνικὰ* were rectangular wooden shoes [CALCEUS]. In Aristophanes, too, the *κόθορνος* is a woman's boot (*Lys.* 657; *Eccl.* 346, cf. 319; and especially *Ran.* 47), apparently of such a nature that the foot could be easily slipped into it (*Eccl.* 346). The generic name for such a boot seems to have been *ἐμβάτης* or *ἐμβάς* (*ἀπὸ τοῦ ἐμβαίνειν τοὺς πόδας*, *Etym. M.* 333, 54); and

this word *ἐμβάτης* is specially applied by the Greeks to a top-boot reaching up to the calf of the leg and worn by hunters (Xen. *Eq.* 12, 10; cf. Poll. v. 18). The term *κόθορνος* in Greek is not used in this sense; but *cothurnus* in Latin is often applied to the hunter's boot (Verg. *Ecl.* vii. 32; *Aen.* i. 341, and Servius *ad loc.*), the species coming to be used for the genus, both agreeing in the quality of being easily slipped on. The correct Greek term for the hunting boot is ENDROMIS.

In Roman times *cothurnus* also takes the place of *ἐμβάτης* as applied to the tragic boot (*e.g.* Ovid. *Am.* ii. 18, 15; Tert. *Spect.* 23). It was a closed boot, but its special characteristic was the great height of its soles (Ov. *Am.* iii. 1, 63; Senec. *Ep.* 76, 31), and accordingly the term is applied to the very high-soled boot of a small woman (Juv. vi. 506). The actors were perched up on painted (Ov. *Am.* ii. 18, 14; Wieseler, *Denkm. des Bühnenwesen*, plates 7 and 8) wooden (Schol. *ad* Lucian, *Saturn.* 19) blocks, which we can well believe were heavy (Lucian, *Anach.* 23), which were, as may be seen from the accompanying cut, probably six or seven inches high, and from which he had to "get down" (*καταβάς*) at the end of the performance. The object was to give the principal characters a grandiose and superhuman stature. The less important actors had lower-soled boots, and we find pictures of actors with soles of different heights to their buskins (Saglio, fig. 2032; cf. Cic. *Fin.* iii. 14, 46). The statue of Melpomene on the sarcophagus of the Muses in the Louvre (Saglio, fig. 2028) wears two cothurni of different heights. The cothurnus being such a salient point of tragic costume, it came to be used for "tragedy," or "tragic style" generally (*e.g.* Hor. *A. P.* 80; *Od.* ii. 1, 12). In the Satyric drama the heroic characters most probably wore the high-soled boot, as Wieseler (*Satyrspiel*, p. 80) supposes, though A. Müller (*Die griech. Bühn.* p. 242) thinks they adopted the hunter's boot. From analogy with the huntsman's boot, we might infer that the tragic boot came considerably up the leg; but we cannot verify this from pictures, and it is at variance with a statement of Lucian's (*Gall.* 26) that when an actor with *ἐμβάδες* on fell the *naked* legs were exposed. The boots most probably did not come above the ankle. The uppers appear to have been made of leather; the huntsman's *ἐμβάτης* undoubtedly was (Xen. *Eq.* 12, 10), and the woman's *κόθορνος* in Aristoph. *Lys.* 658 is *ἀψηκτός*, which leads us to suppose that they were usually of leather. Cothurni do not appear on some pictures of actors found at Pompeii; so that we may infer that they were not always used. For other theories based on their absence, see A. Müller, *op. cit.* 240.

Cothurnus. (Daremberg and Saglio.)

The chief works on the subject are Becker-Göll, *Charikles*, iii. 280 ff.; Sommerbrodt, *Scaenica*, pp. 192–197; A. Müller, *Die griechischen Bühnenalterthümer*, pp. 238–241; and Pottier in Daremberg and Saglio's *Dict. des Antiquités*, s. v. *Cothurnus*. [L. C. P.]

COTTABOS (*κότταβος*, Ion. *κόσσαβος*), a game much in use at Athenian symposia, especially in the fifth and fourth centuries B.C. The name and the sport were alike, our authorities tell us, of Sicilian origin. Briefly described, the object of the game was to throw a small quantity of wine at a mark. Its extreme popularity is attested by the number of allusions to it in literature, by the number of modifications it underwent, and, not least, by the extent of the vocabulary connected with it. This should be noticed first.

The word *κόταβος* itself is applied variously (*a*) to the game, (*b*) to the wine thrown, (*c*) to the sound it produced. It is further qualified by adjectives describing the different forms of the game: *κότταβος ἀγκυλητός*, *κατακτός*, *δι' ὀξυβάφων*. Derivatives of it are: *κοτταβεῖον*, the vessel into which the wine was thrown (also called *λαταγεῖον*, *χαλκεῖον*, *λεκάνη*, *σκάφη*); *κοττάβιον*, the prize for successful throwing, which consisted of cakes or sweetmeats; *κοτταβίζω*, *ἀποκοτταβίζω*, *κοτταβισμός*, *κοττάβισις*, *κοτταβικός*, *κοττάβις*, referring to the action of the game.

The other word of main importance is *λάταξ* (with its derivatives, *λαταγή*, *λαταγεῖον*, *λαταγεῖν*), which signifies both the wine thrown and the sound produced by it.

Two main forms of the game are distinguishable in the written accounts, apart from minor variations; namely, that played with or without special apparatus. The latter class may be shortly described first. It was the *κότταβος δι' ὀξυβάφων*, for which nothing more than the ordinary accessories of a drinking-party were required. In this, a *κρατήρ* or mixing-bowl, filled with water, was set in the midst, and in it a number of empty saucers floating. The object here was to sink the saucers by throwing the *λάταξ* into them, and he who sank the greatest number received the *κοττάβιον* (*v. supra*).

The *κότταβος κατακτός*, on the other hand, required a special apparatus, which has been often described by Greek writers. But as all their accounts date from a period when the game had become obsolete, we cannot place implicit confidence in them. All agree in describing a *ῥάβδος*, or bronze rod like a candelabrum; and, in connexion with it, a *πλάστιγξ* or bronze saucer, like those belonging to a balance; and a *μάνης*, or small bronze figure (of a slave). If, however, we go further than this, we find grave divergences. Some represent the wine as first hitting the *μάνης* and then falling into the *πλάστιγξ*, while others reverse the order; and the most elaborate account (Schol. in Lucian. *Lexiph.* 3) describes an arrangement exactly resembling a pair of scales, having two *πλάστιγγες*, and under each of them a *μάνης* standing immersed in a bowl of water, the object in this case being to throw the wine into the *πλάστιγξ* with such force that it would descend and hit the head of the *μάνης*. This descent of the *πλάστιγξ* would explain the term *κατακτός*.

Evidence, however, of a more exact and trustworthy character than the written accounts is not wanting. Vase-paintings representing one form of the game with the πλάστιγξ exist in considerable numbers; and some have been figured by Heydemann and O. Jahn (*v. infra*). In these we see simply an object like a candelabrum (the ῥάβδος), with a small saucer (the πλάστιγξ) balanced on the top of it, which the player is endeavouring to dislodge by throwing the λάταξ into it: sometimes the saucer is being replaced in position after a successful throw, by an attendant (generally a woman). The safest guide, however, to the solution of the problem has been afforded of late years by the discovery of an actual κότταβος apparatus in an Etruscan tomb in the Frontone, Perugia. This has been described and figured by W. Helbig (*Mittheil. des Kaiserl. Deutsch. Archäol. Inst., Römisches Abth.* Band 1, 1886, pp. 222–3 and 234–42, pl. xii.[a] xii.[b]). The whole apparatus (now in the museum at Perugia) is of bronze. It resembles a candelabrum on a base. At a third of its height, the stem is surrounded by a basin. In a socket at the top is fitted a small bronze figure with one arm and leg raised. It stands on a small base and is easily movable, so as to be replaced on occasion by a πλάστιγξ, such as the vase-paintings show us. The stem of this instrument could, it seems, be raised or lowered at will.

In another specimen at Perugia, lately identified by Helbig as a κότταβος, the basin is gone: the μάνης in this is represented as holding up a vessel, and on his upraised arm a πλάστιγξ might be balanced. At least one more μάνης and several πλάστιγγες are known to exist in different collections. It will be seen that this form of κότταβος has nothing equivalent to the movable ζυγὸς described by several writers. The μάνης represents a slave being beaten, or shrinking from a blow, and its attitude is alluded to in a fragment of Eubulus *ap.* Athen. xv. p. 666 (*v.* Helbig, *l. c.*).

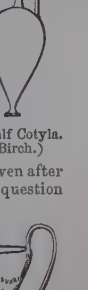
Two more points remain to be noticed with regard to the game. First, the action of throwing the wine was called ἀγκύλη (whence the epithet ἀγκυλητός, used by Aesch. *ap.* Ath. *l. c.*), and the acquiring of suppleness (ὑγρότης) in the turn of the wrist was a point of prime importance amongst players. Secondly, as is well known, the κότταβος was used as a method of love-augury. The name of the beloved object was pronounced or thought of by each player as he threw the wine, and the success or failure of the suit was augured according as the sound of the λάταξ upon the πλάστιγξ was sharp and clear, or dull and confused. Whether this originally formed part of the game seems a doubtful point.

Literature and ancient authorities.—Athenaeus, *Deipnos.* xv. p. 666, &c., has a discussion on the subject, illustrated copiously by tragic and comic fragments, which form nearly all our *contemporary* evidence. Many later writers describe the game, but, as has been said, apparently without personal knowledge of it. They are: (1) Jul. Pollux, *Onom.* vi. 109; (2) Schol. in Ar. *Pac.* 1172; (3) Schol. in Luc. *Lexiph.* 3 (rather copious); (4, 5) Suidas and *Etym. Magn.* s. v.; (6) Nonnus, *Dionys.* xxxiii. 74–98, describes an impossible κότταβος played by Eros and Hymen, where a statue of Hebe is the μάνης.

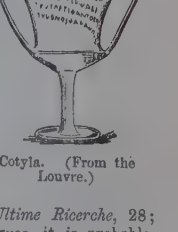
Modern authorities.—Besides the older literature (see Becker-Göll, *Charikles*, ii. p. 366), the best modern discussions are to be found in (1) *Philologus*, xxvi. (1867), pp. 204–240, by O. Jahn; (2) the *Annali*, 1868, pp. 217–31, and plates; (3) the *Mittheilungen*, as referred to above. [M. R. J.]

CO'TYLA or CO'TULA (κοτύλη, κότυλος, dim. κοτυλίσκη, κοτυλίσκος, κοτυλίσκιον), a kind of cup, the exact shape of which is not easy to determine. That it was of no great size is evident from the earliest use of the word in Homer (πύρνον καὶ κοτύλην, "a bite and a sup," of the smallest doles of food and drink, *Od.* xv. 312, xvii. 12; cf. *Il.* xxii. 494). Athenaeus, who has separate chapters on the κότυλος (xi. 478 b) and κοτύλη (*ib.* d), brings together a farrago of quotations which point to no definite conclusion. From one grammarian, Simaristus, he quotes λεπτὸν ποτήριον, "a small cup," as a description of κοτύλη: from another, Apollodorus, ποτηρίου τι γένος ὑψηλὸν καὶ ἔγκοιλον. Of course ὑψηλὸν need not imply any great height; it means "of a high and narrow shape," running to height rather than width. The other adjective, ἔγκοιλον, must mean "with hollow or concave sides;" even Athenaeus would hardly describe a cup as simply hollow. These two epithets, we shall see further on, are not without significance. Athenaeus' other statements are more contradictory: κότυλοι are at first "one-handled," then they "sometimes have handles;" κοτυλίσκοι are little hollows in a large dish called κέρνος (cf. Liddell and Scott, *s. v.*); then a κοτύλη has no handle at all, therein differing from a κύλιξ: finally both the κότυλος and κοτύλη are like a deep bath-tub (λουτηρίῳ βαθεῖ).

After this it is not surprising that modern authorities differ. Two of the best, Panofka and Gerhard, are at issue which of two closely resembling vessels is a scyphus and which a cotyla (Guhl and Koner, ed. 5, p. 194; the figures p. 190, Nos. 4 and 7). Fortunately two inscribed examples help us to a decision. One of these, found at Corfu, has been figured by Birch (*Anc. Pott.* ed. 2, p. 375), and is inscribed ΗΕΜΙΚΟΤΤΑΙΟΝ, i.e. ἡμικοτύλιον: the other, found at Thespiae and now in the Louvre, calls itself κότυλος and is here given after Pottier (*ap.* D. and S.). The cup in question is about six inches in height, and its shape answers to the description quoted from Apollodorus, ὑψηλὸν καὶ ἔγκοιλον: it bears some resemblance to a CANTHARUS, but is of smaller size. These two inscribed specimens favour the conclusion that the ἡμικοτύλιον had one handle, the κότυλος or κοτύλη two; as had previously been conjectured (Panofka, iii. 51, iv. 50; Gerhard, *Ultime Ricerche*, 28; Birch, *l. c.*). The κοτυλίσκος, it is probable,



A half Cotyla. (Birch.)



Cotyla. (From the Louvre.)

might be with or without handles (Gerhard, *Berlins Ant. Bildw.* i. 368, No. 46).

Cotyla (in this sense κοτύλη only, not κότυλος) was also a measure of capacity among the Romans and Greeks: in Latin it was more commonly called *hemina;* in Greek sometimes ἡμίνα or ἡμίμνα. It was the half of the sextarius or ξέστης, and contained 6 cyathi, 0·274 of a litre, or nearly half a pint English (Hultsch, *Metrol.* 80 ff. 92). Sometimes, though rarely, it is a dry measure (*κοτύλην ὕδατος καὶ δύο κοτύλας σίτου*, Thucyd. vii. 87; Hultsch, p. 83).

This measure was used by physicians with a graduated scale marked on it, like our own chemical measures, for accurately dispensing given weights of fluids, especially oil; and in this sense was also called τρύβλιον (Hippocr. 531, 51; Galen, *infra*). A vessel of horn, of a cubic or cylindrical shape, of the capacity of a cotyla, was divided into twelve equal parts by lines cut on its side. The whole vessel was called *litra*, and each of the parts an ounce (*uncia*). This measure held nine ounces (by weight) of oil, so that the ratio of the weight of the oil to the number of ounces it occupied in the measure would be 9 : 12 or 3 : 4. (Galen, *de Compos. Medicam. per Genera*, iii. 3; i. 16, 17; iv. 14; v. 3, 6; vi. 6, 8.) [P. S.] [W. W.]

COTYTTIA or COTYTES (κοτύττια, κόττυτες), a festival which was originally celebrated by the Edonians of Thrace, in honour of a goddess called Cotys or Cotytto. (Strab. x. p. 470; Eupolis, *apud* Hesych. *s. v.*; Suidas.) It was held at night, and, according to Strabo, resembled the festivals of the Cabeiri and the Phrygian Cybele. But the worship of Cotys, together with the festival of the Cotyttia, was adopted by several Greek states, chiefly those which were induced by their commercial interest to maintain friendly relations with Thrace. Among these Corinth is expressly mentioned by Suidas, and Strabo (x. p. 471) seems to suggest that the worship of Cotys was adopted by the Athenians, who, as he observes, were as hospitable to foreign gods as they were to foreigners in general. (Compare Juven. *Sat.* ii. 92.) The priests of the goddess were formerly supposed to have borne the name of *baptae;* but Buttmann has shown that this opinion is utterly groundless. Her festivals were notorious among the ancients for the dissolute manner and the debaucheries with which they were celebrated. (Suidas, *s. v.* Κότυς: Hor. *Epod.* xvii. 56; Theocrit. vi. 40.) Another festival of the same name was celebrated in Sicily (Plut. *Proverb.*), where boughs hung with cakes and fruit were carried about, which any person had a right to pluck off if he chose; but we have no mention that this festival was polluted with any of the licentious practices which disgraced those of Thrace and Greece, unless we refer the allusion made by Theocritus to the Cotyttia, to the Sicilian festival. (Compare Buttmann's essay, *Ueber die Kotyttia und die Baptae*, in his *Mythologus*, vol. ii. p. 159; Lobeck, *Aglaoph.* pp. 627, 1007, &c.) [L. S.]

COVINA'RII. [COVINUS.]

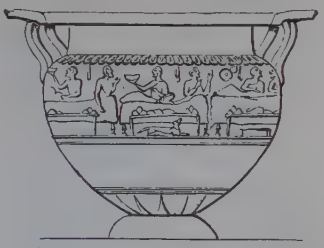
COVI'NUS or COVINNUS (Celtic, *kowain*), a kind of car, the spokes of which were armed with long sickles, and which was used as a scythe-chariot chiefly by the ancient Belgians and Britons. (Mel. iii. 6; Lucan. i. 426; Sil. xvii. 422.) The Romans designated, by the name of covinus, a kind of travelling carriage, which seems to have been covered on all sides with the exception of the front. It had no seat for a driver, but was conducted by the traveller himself, who sat inside. (Mart. xii. 24.) There must have been a great similarity between the Belgian scythe-chariot and the Roman travelling carriage, as the name of the one was transferred to the other, and we may justly conclude that the Belgian car was likewise covered on all sides, except the front, and that it was occupied by one man, the covinarius only, who was, by the structure of his car, sufficiently protected. The *covinarii* (the word occurs only in Tacitus) seem to have constituted a regular and distinct part of a British army. (Tacit. *Agr.* 35, 36; Böttticher's *Lexicon Tacit.* s. v.; Göll-Becker, *Gallus*, iii. p. 18; Marquardt, *Privatleben*, p. 713; compare the article ESSEDUM.) [L. S.]

CRATER (κρατήρ) was the large bowl used at feasts for mixing the wine for the whole company. There can be little doubt that it is as old as communal life, with its common ceremonies and common feasts; so that we are not surprised to find it among the oldest people and in the most remote age of each nation. From Assyria (Perrot and Chipiez, ii. 410), Cyprus (the crater of Amathus), Persia (Ath. 514), we hear of colossal specimens which were used generally in religious rites, and which bear evidence that even at the time of their own construction the crater had already had a long history. But specially, among the Greeks, we find the κρατὴρ in Hesiod (*Op.* 744) and Homer, made of silver (*Od.* ix. 203) and with a gold rim (*Od.* iv. 616), and sometimes of gold (*Il.* xxiii. 219). The prize Achilles offered for the foot-race was a silver crater, elaborately wrought, holding six measures, nor was any in the whole world able to surpass it in beauty, cunningly wrought as it was by Sidonians (*Il.* xxiii. 740). During the Homeric feasts the κρατὴρ used to stand at the far end of the men's hall, at the left-hand side near the ὀρσόθυρη (*Od.* xxii. 332 *sqq.*; and Buchholz, *Hom. Real.* ii. 2, 164). The manner of its use at festivals will be found treated of under CENA.

In historical times we find it belonging to every class, rich (*e.g.* Alexis, 119, Kock; Juv. xii. 44) and poor (Ar. *Eccl.* 677; Mart. xii. 32, 12); and used also in religious cult, where it is generally mentioned in connexion with σπονδαί (Aesch. *Cho.* 291; Dem. *Lept.* 505, § 158), thus referring to the drinking which followed the libation. So, too, in general festivals we hear of the gods ordering κρατῆρες to be set up in the streets (Dem. *Mid.* 531, § 53; *Macart.* 1072, § 66); and the crater was used at funerals (Verg. *Aen.* vi. 225) and in the mysteries (κρατηρίζων, Dem. *de Cor.* 313, § 259). And so we find craters were a most common kind of dedication in the temples (e.g. *C. I. G.* 8; Orelli, 1541), and they are often mentioned as such by Herodotus: for example, the six golden ones dedicated by Gyges, each weighing 5 talents (i. 14); the gold one weighing 8½ talents 12 minae, and the silver one holding 600 μετρηταί which Croesus dedicated at Delphi (i. 51). The monstrous crater carried in the procession of Ptolemy Philadelphus (Ath. 199 b) held the same quantity, and was elaborately

adorned with figures about the handles and base, and round the middle ran a band of gold with precious stones (cf. λιθοκόλλητον in Eratosth. *ap.* Ath. 495 a). Other highly-adorned craters are mentioned in Herod. i. 70, iv. 152; cf. also Ov. *Met.* xiii. 681 *sqq.* These great public vessels used to be employed for mixing wine in on the occasion of festivals, *e.g.* the Theophania at Delphi (Herod. i. 51), and of important state ceremonials, *e.g.* contracting peace and alliance with another state (iv. 152). In Virgil (*Aen.* ix. 346) we read of a man hiding behind a crater. These examples show the enormous size, the costly material, and the elaborate ornamentation of some of these vessels; but craters were of all sizes, from these gigantic public ones down to domestic ones holding a few pints. And as the latter were often humble in size, so too they were often humble in material. We find them of wood (the πρόαρον is a κρατὴρ ξύλινος, Ath. 495 a), horn (Mart. xii. 32, 12), clay (Ov. *Met.* viii. 669). Craters were used chiefly for wine, but also for other libations (Soph. *O. C.* 472; Verg. *Aen.* v. 68). We hear of special kinds with distinct names from places, *e.g.* Lesbian (Herod. iv. 61), Argive (Herod. iv. 152), Laconian (Ath. 198 d); and from individuals, *e.g.* Thericlean (Alexis, 119, Kock). For the latter see CALIX. But archaeologists agree that we have not have come down to us. The most ordinary shapes of the crater are the following. It will

Crater. (Dennis, *Etruria*, i. p. cxi.)



Crater. (Dennis, *Etruria*, i. p. cxii.)

be seen that they had a neck of varying size, a broad body, and a base; also two handles, which were sometimes high up and vertical, and adorned with flutings, sometimes horizontal and nearer the base.

These are the principal kinds; but perhaps we may class under the head of κρατὴρ those large round-bottomed vessels which approached in form to the δῖνος, and which were of the shape of the old mixers of more simple times. The word crater [CANTHARUS] is also used of basins for catching the water discharged by fountains (Plin. *Ep.* v. 6, 23, and probably *H. N.* xxxv. § 156). It does not appear to have been ever applied to a drinking vessel; but we find κρατηρίσκος in this latter sense (Ath. 478 c).

The crater often had a support which was called ὑποκρατήριον, ὑποκρατηρίδιον, or ἐπίστατον. These are frequently mentioned in dedications; see Boeckh in *C. I. G.* 8, p. 20. In Herod. i. 25 it is of iron; and in iv. 152 three brasen kneeling Colossi, seven cubits high. A Latin inscription of 169 A.D. (Orelli, 1541) mentions a "crateram argyrocorinthiam cum basi sua et hypobasi marmorea;" and another (Henzen, 5801) tells of a crater "cum basi bicipite." Subjoined are two woodcuts to illustrate the ὑποκρατηρίδιον.

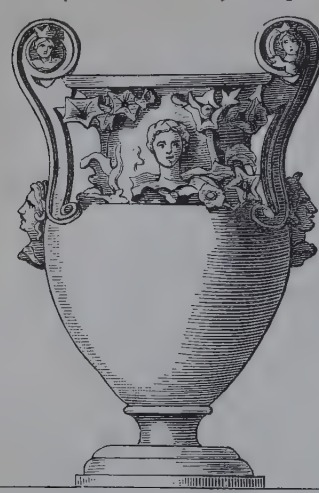
Etruscan Crater. (Dennis, *Etruria*, i. p. cxii.)

Late Crater, Orvieto. (Dennis, *Etruria*, i. p. cxi.)

sufficient evidence to identify these different species with the different kinds of craters which

Further, the word κρατὴρ is applied to chasms in the ground (Soph. *O. C.* 1593, and

Jebb *ad loc.*): *e.g.* the geysers of the Palici at Syracuse (Macrob. *Sat.* v. 19). Compare the



Late Crater, Perugia. (Dennis, *Etruria*, i. p. cxii.)

dark mountain lake called the Devil's Punch-bowl at Killarney. The name of Crater was also given to the Sinus Cumanus or Bay of Naples (Cic. *Att.* ii. 8, 2); compare Cothon at Carthage. Crater, too, was a constellation (Ov. *Fast.* ii. 226).

Besides the works mentioned under CALIX, see Pottier in Daremberg and Saglio. [L. C. P.]

CRATES (*ταρσός, γέρρον*), a hurdle, used by the ancients in many different ways, especially, as among ourselves, for agricultural purposes. Thus *textae crates* are the wattled hurdles of which sheep-folds are made (Hor. *Epod.* ii. 45); *vimineae crates* are bush-harrows, like those now in use (Verg. *Georg.* i. 95, 104; Plin. *H. N.* xviii. §§ 180, 186; AGRICULTURA, p. 63 *a*). The name was also applied to any wooden frame composed of bars with interstices,—our *crate, grate;* and the interstices might be filled up with mats of straw, rushes or fern (Colum. xii. 15). The following special senses may be noticed:—

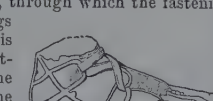
1. *Crates* were used by the country people upon which to dry figs, grapes, &c. in the rays of the sun, or to screen growing fruit from the weather (Colum. xii. 16; Cat. *R. R.* 48); or for spreading manure (Cat. *R. R.* 10; Varr. *R. R.* i. 22). 2. A rack for provisions, like that figured under CAUPONA; cf. CARNARIUM (Juv. xi. 82). 3. Among military terms we find *crates* used in forming the roadway of Caesar's bridge over the Rhine (Caes. *B. G.* iv. 17); for parapets or breastworks (*pinnae loricaeque ex cratibus*, ib. v. 40); as fascines for crossing ditches (*ib.* vii. 79, 81, 86; *B. C.* iii. 46 and 80; Tac. *Ann.* i. 68, where Orellius observes, after Walther, that the ditches were not filled up, as by modern fascines, but bridged over); as mantlets or wooden screens for sheltering the advance of troops under cover (Amm. Marc. xxi. 12). From the *plutei*, which were employed in the same way, they differed only in being without the covering of raw hides: *plutei* and *crates* are again coupled, Liv. x. 38. 4. By the besieged they were used joined together so as to form what Vegetius calls a *metella*, and filled with stones: these were then poised between two of the battlements; and, as the storming-party approached upon the ladders, overturned on their heads (Veget. *Mil.* iv. 6). 5. In poetry, the wicker-work of shields is so called (Verg. *Aen.* vii. 633; Sil. Ital. v. 522; *cratem trilicem*, Val. Flacc. iii. 199).

A capital punishment was called by this name, whence the phrase *sub crate necari*. The criminal was either thrown into a pond or well, and drowned under a hurdle (Liv. i. 51; Tacit. *Germ.* 12); or crushed by the weight of stones heaped upon it (Liv. iv. 50; Plaut. *Poen.* v. 2, 65). Cf. Humbert, *ap.* D. & S. [B. J.] [W. W.]

CRATI'CULA, the diminutive of *crates*, seems always to mean a gridiron (Mart. xiv. 221). In Petronius (*Sat.* 31 and 70) it is of silver, and brought to table by the slaves; an anticipation of the modern "silver grill." In Cato (*R. R.* 13, § 1), the true reading is probably *lucernas craticulas*, "wicker lanterns." Several ancient gridirons, found at Pompeii, are now in the Naples Museum. [W. W.]

CRATI'CULUM (*κρατευταί, Il.* ix. 214; *κρατευτήριον*, Poll. vi. 89; *κρατευτήρια*, id. x. 97), andirons or "dogs," rests on each side of the fire on which a spit turns. On the derivation, see Leaf *ad Il.* l. c. Festus derives the Latin word from the Greek; a not very probable etymology (Fest. p. 53, M.). [W. W.]

CREPIDA (*κρηπίς*), also called *crepidula* (Plaut. *Pers.* iv. 2, 3), was a kind of shoe of the nature of sandals (Gell. xiii. 21, 5); but as it was different from the latter (Ath. xiv. 621 b; Hor. *Sat.* i. 3, 127), it is to be considered as occupying a middle position between a closed boot and plain sandals. Originally it appears to have been worn by peasants, having a high and strong sole, often studded with nails (Bekk. *Anecd.* 273, 18; cf. Plin. *H. N.* xxxvi. § 127), sometimes fitted with leaden or brazen plates called *Χῖαι κρηπῖδες* (Hippoc. *ap.* Galen, xviii. A. p. 678, ed. Kuhn; Tert. *de Pall.* 4; Ael. *V. H.* xii. 32), and we are told that Hagnon, one of the followers of Alexander, had gold or silver nails in his *crepidae* (Ath. xii. 539 c; Ael. *V. H.* ix. 3; Plut. *Alex.* 40). It sometimes had a low upper (cf. the story in Parthen. *Erot.* 8), with eyes (*ansae*) through which straps (*obstragula, ἱμάντες*), which were at times adorned with jewels (Plin. *H. N.* ix. § 114) or dyed with purple (Heliod. *Aethiop.* iii. 3), were passed, fastening it over the instep: often it was closed at the back (this is probably the *ὀπισθοκρηπὶς* of Poll. vii. 91): but generally the upper consisted of a series of large loops (also called *ansae*), through which the fastening thong or thongs were passed. This kind of open network covering the instep explains the epithet *πολυσχιδές* (Lucian, *Rhet. Praecept.* 15). Examples of *crepidae* are given among the Greek shoes under CALCEUS, 3 and 4, and in the accompanying cut of the



Crepida. (Foot of Hermes.)

foot of the Hermes of Praxiteles. There appear to have been a definite number of *ansae* in special kinds of *crepidae* (see the story which led to the proverb *ne sutor supra crepidam judicaret* in Plin. *H. N.* xxxv. § 85). In some vase-paintings of ephebi the bands fastening the *crepidae* reach half-way up the calf (see Saglio, fig. 2057). The *crepida* would fit either foot (Isid. *Orig.* xix. 34, 3). They were of course made of leather (Xen. *Eq.* 12, 10). Lamps made in the form of *crepidae* or *caligae*, with nails in the soles, have been found, and illustrations of them are given in Saglio (fig. 2059) and Baumeister (fig. 619).

The κρηπὶς was the national Greek shoe (Plut. *Aemil.* 34; Pers. i. 127; Suet. *Dom.* 4); hence at Rome a tragedy in Greek costume was called *fabula crepidata*. It is especially mentioned as a Macedonian military boot (Theocr. xv. 6), while the Roman military boot with nails was called CALIGA. We find the *crepida* frequently worn with the *pallium* (Liv. xxix. 19, 12; Suet. *Tib.* 13), and with the *chlamys* and *causia* (Cic. *Rab. Post.* 10, 27; Plut. *Ant.* 54; Herodian, iv. 8, 2): in all these passages it is spoken of in pointed contrast to Roman costume.

As κρηπὶς sometimes (Ath. xii. 522; Lucian, *l. c.*) appears as a soft shoe worn by women, we cannot suppose that this kind resembled the heavy κρηπὶς of peasants or soldiers otherwise than in shape. We are also told that Sophocles (*Vit. Soph.* p. 128, 30; ed. West.) introduced white κρηπῖδες for the *choreutae* and for actors who performed (Wieseler, *Satyrspiel*, p. 82) subordinate female parts or the parts of effeminate men. More probably, however, these κρηπῖδες were of the nature of the high-soled peasants' shoes mentioned above.

The word κρηπὶς was also used in the sense of a kind of pancake or cake made of dough with fruit inside it (Ath. xiv. 645; Poll. vi. 77; Hesych. *s. v.*).

(Hermann-Blümner, *Privatalterthümer*, p. 182; Marquardt, *Privatleben der Römer*, p. 577; Becker-Göll, *Charikles*, iii. 274–277; and Pottier, in D. & S.) [L. C. P.]

CREPITA'CULUM. [SISTRUM.]

CRE'TIO HEREDITA'TIS. [HERES.]

CRIMEN is a term which has two ordinary meanings: a punishable offence (e.g. *crimen admittere, confiteri; crimen alicui objicere*), and the accusation brought against the person by whom it was committed (e.g. *crimen alicui intendere, in crimen subscribere, suspecti crimen*).

In the first of these senses crimina were, in the oldest period of Roman history, regarded as wrongs against religion and the gods (Vegoia, *Röm. Feldmesser*, i. 350; Liv. i. 26; Dionys. iii. 22; Tac. *Ann.* xii. 8), and their punishment as an expiation offered to Heaven (Serv. *ad* Verg. *Aen.* i. 632; Festus, s. v. *Sacrata;* Liv. ii. 8, iii. 55; Dionys. viii. 79, x. 42). In the Twelve Tables this implication of penal law with religion and religious sanctions has become less prominent, and we find a distinction between offences which are punished by a solemn legislative act of the state (though few only with death, Cic. *de Republ.* iv. 10), and offences atoned for by a mulct paid to the injured person in satisfaction of his resentment, as to the amount of which the parties might come to terms (Festus, s. v. *talio*). From this distinction arose another, of more scientific value, between *delicta privata* and *crimina publica* (Dig. 21, 1, 17, 18), which is adhered to with tolerable consistency in the writings of the jurists and the later law. *Delicta privata*, or *delicta* simply, are civil offences, or what we call "torts;" *crimina publica* are what we call crimes, offences against the state or community, the subject of prosecution before a criminal tribunal. But occasionally a delict is spoken of as a crimen (*e.g.* "extra furti crimen videri," Gaius, iii. 197; Inst. iv. 1, 7), and in other passages (*e.g.* Dig. 48, 19, 1) a person who commits a crime is said *delinquere*.

The peculiarity of the Roman delicts seems to be that, independently of the obligation to indemnify the plaintiff for any loss or detriment which the wrongful act has occasioned him, they invariably entail on the defendant also a liability to pay a pecuniary penalty to the injured person: if his purse is stolen, he can recover in the civil courts not only the value of it with its contents, but also a penalty equivalent, under different circumstances, to twice or four times the sum awarded to him as pure compensation. In the Institutes of Gaius and Justinian delicts are discussed as one of the modes in which "obligations" originate: they comprise theft (*furtum*), robbery (*bona vi rapta*), damage to property (*damnum injuria datum*), and intentional wrongs to the person or reputation of a free man (*injuria*): Gaius, iii. 182–225; Inst. iv. tits. 1–4. Besides delicts, there are certain quasi-delicts which are treated in Inst. iv. tit. 5, and which resemble delicts proper in subjecting the defendant to a liability to pay a pecuniary penalty to the plaintiff: apparently they are *quasi*-delicts, and not delicts, partly because they did not fall within the letter of the statutes or edicts by which delicts were created or regulated, partly because the liability is vicarious, a man being penalised for wrongs done not by himself, but by his servants, slaves, filii familias, &c. Under the empire the general rule was that any one who could bring a penal action on a delict (other than *damnum injuria datum*) might, if he preferred it, prosecute the delinquent before a criminal tribunal, forfeiting thereby however his right to recover the private *poena* (Dig. 47, 1, 3; 47, 2, 56, 1); and Ulpian says (in Dig. 47, 2, 92) that in his time theft was most usually made the subject of criminal proceedings.

The notion of crime and rules of criminal procedure were of very slow development at Rome. At first, if a man committed a wrong so heinous that it seemed improper to leave it to individuals to pursue by a civil remedy, or one (*e.g.* treason) which there was no remedy for at all in the civil courts, he was solemnly tried by the people under legislative forms, analogous to the English bill of attainder. Towards the end of the republic, however, there is a series of great statutes relating to the chief classes of crimes, and establishing a permanent court (*quaestiones perpetuae*) for the trial of each, and prescribing both procedure and punishment. The earliest of these is the Lex Calpurnia de repetundis, B.C. 149: among them are the statutes of Sulla (leges Corneliae) as to forgery and murder, of Pompey on parricidium, and of Julius and Augustus Caesar as to treason,

adultery, peculatus, &c. (Inst. iv. tit. 18). Crimes not falling under these statutes were still tried by a legislative act of the whole people, or by a special quaestio or commission appointed for the particular case ("extra ordinem quaerere," Cic. *de Fin.* ii. 16, § 54; *pro Milone*, 6, § 14).

Under the empire the *quaestiones perpetuae* were gradually superseded by special magistrates, but the criminal statutes by which they were established remained in full force: only prosecutions brought under them were termed *judicia publica* (Dig. 48, 1, 1). Other offences which had been constituted crimes in the course of history (by imperial rescripts or the writings of the jurists: Dig. 47, 19, 1, 2, pr.; 47, 1, 3) were still said to be pursued *extra ordinem* (e.g. *injuria* and *furtum*, Dig. 47, 2, 92; Inst. iv. 4, 10), and were called *extraordinaria crimina* (Dig. 47, 11) and sometimes *privata crimina* (Dig. 48, 19, 1, 3; 47, 11, 3, &c.). Whether the crimen was prosecuted by a *publicum judicium* or *extra ordinem*, the penalties varied considerably, though the judge's discretion seems to have been larger in the latter case (Dig. 47, 18, 1, 1, 2; 47, 20, 3, 2, &c.): among them were loss of life, of freedom, of civitas, infamia, imprisonment, and pecuniary fines. Condemnation in a *publicum judicium* always entailed *infamia;* but this was not the case in *crimina extraordinaria*, unless the wrongful act would have been punished thus had it been pursued by a civil action (Dig. 48, 1, 7). Crimes punished by death, loss of libertas, aquae et ignis interdictio, and deportatio were called *capitalia* (Inst. iv. 18, 2). [CAPUT.]

The subject of delict and crime is treated at length and well by Walter, *Geschichte des röm. Rechts*, book v. §§ 788–861: for an interesting discussion of the subject from the historical side, see chap. x. in Sir Henry Maine's *Ancient Law*. Cf. W. Rein, *Das Criminalrecht der Römer*, Leipzig, 1844. [J. B. M.]

CRINIS. [COMA.]

CRISTA. [GALEA.]

CRITAE (*κριταί*), *i.e.* judges, a name applied by the Greeks to any person who did not judge of a thing as a *δικαστής*, according to positive law, but according to his own personal sense of justice and equity. (Herod. iii. 160; Demosth. *Olynth.* i. *fin. c. Mid.* p. 520, § 17.) But at Athens a number of *κριταί* were chosen by ballot from a number of selected candidates at every celebration of the Dionysia, and were called *οἱ κριταὶ κατ' ἐξοχήν*. Their office was to judge of the merit of the different choruses and dramatic poems, and to award the prizes to the victors. (Isocr. *Trapez.* § 33, with Corae's' note.) Their number is stated by Suidas (*s. v.* *Ἐν πέντε κριτῶν γούνασι*) to have been five for comedies, and G. Hermann has supposed, with great probability, that there were on the whole ten *κριταί*, five for comedy and the same number for tragedy, one being taken from every tribe. The expression in Aristophanes (*Av.* 421), *νικᾶν πᾶσι τοῖς κριταῖς*, signifies to gain the victory by the unanimous consent of the five judges. For the complete literature of this subject, see K. F. Hermann, § 149, n. 13. [L. S.]

CRO'BYLUS. [COMA.]

CROCO'TA, dim. CROCOTULA (sc. *vestis*; *κροκωτόν*, sc. *ἱμάτιον*, or *κροκωτός*, sc. *χιτών*), a light and showy garment, so named from its saffron colour. The derivation from *crocus* is undoubted (Verg. *Aen.* ix. 614: "picta croco et fulgenti murice vestis"), and the notion of Salmasius and others that it was from *κρόκη*, the woof or weft, or *κροκὺς*, the nap on cloth, is justly exploded. It is variously described as an under-garment (*χιτών*) or an upper one (*ἱμάτιον*): and Pottier (in D. & S.) has seen in this an indication that its real place was between the two. This is confirmed by the description of a statue of Bacchus as wearing a long-sleeved purple *χιτών*, a crocota of some gauzy texture (*κροκωτὸν διαφανῆ*) over it, and finally a mantle or *ἱμάτιον* of embroidered purple and gold (Callix. *ap.* Ath. v. 198 c). The crocota was probably sleeveless, showing the sleeves of the tunic underneath. It was worn mostly by women, especially those of light character (Aristoph. *Lys.* 44; *Thesm.* 138, 253, 945; *Eccl.* 879; Pollux, iv. 18, 117); and its use by men was a mark of effeminacy (Cratin. fr. 37, Meineke; Araros, fr. 4, M.), and hence appropriate to Bacchus (Aristoph. *Ran.* 46). In the Latin writers it is characteristic of the priests of Cybele (Verg. *l. c.*; Apul. *Met.* viii. p. 172), but was adopted by the Roman ladies (Plaut., and Naevius *ap.* Non. pp. 538, 549), and even by foppish men ([Cic.] *de Har. Resp.* 21, § 44). Yellow was a favourite colour both with Greek and Roman ladies; as we still see in the pictures discovered at Herculaneum and Pompeii. Hence in a skit at the endless names for feminine apparel we find *calthula*, "of a marigold colour," joined with *crocotula* (Plaut. *Epid.* ii. 2, 49; the whole passage is curious, though, according to some critics, interpolated). (Cf. Becker-Göll, *Charikles*, iii. pp. 223, 252.) [L. S.] [W. W.]

CRO'NIA (*κρόνια*), a festival celebrated at Athens in honour of Cronos, whose worship was said to have been introduced into Attica by Cecrops. He had a temple in common with Rhea. (Paus. i. 18, § 7; comp. vi. 20, § 1.) The festival was held on the twelfth of the month of Hecatombaeon (Demosth. *c. Timocr.* p. 708, § 26; Plut. *Thes.* 12; *Etym. M.* s. v.), which, at an early period of the history of Attica, bore the name of *μὴν Κρονίων*. (Athen. xiii. p. 581; comp. A. Mommsen, *Heortologie*, p. 108, &c.)

The Rhodians also celebrated a festival in honour of Cronos — perhaps the Phoenician Moloch—to whom human sacrifices, generally consisting of criminals, were offered. The festival was held on the sixteenth of Metageitnion. (Porphyr. *de Abstinent.* ii. 54.)

Greek writers, when speaking of the Roman Saturnalia, apply to them the name Κρόνια, which in the early times seem to have really resembled them in their excessive merriment. (See Athen. xiv. p. 639; Appian, *Samn.* 10, § 5; Buttmann, *Mythol.* vol. ii. p. 52, &c.) [L. S.]

CRO'TALUM (*κρόταλον, κρέμβαλον*), a kind of castanet, rattle, or clapper used by dancers, but distinct from the CYMBALUM and the SISTRUM, with which it has sometimes been confused. All three were used by the Egyptians, and specimens of all have been found on the monuments or in the tombs (Woods, on Herod. ii. 60; Wilkinson, *Anc. Egypt.* ii. 318). The simplest form was probably a couple of shells or potsherds pierced with holes and strung together (*λεπάδας δὲ πετρῶν ἀποκόπτοντες κρεμβαλιάζουσι,*

Hermipp. *fragm.* 29 Meineke; *κογχύλια καὶ ὄστρακα*, Didymus *ap.* Ath. xiv. 636 d, quoted also by the Scholiast on Aristoph. *Ran.* 1305 [1340]; *testarum crepitus*, Juv. xi. 170; *σκεῦός τι ἐξ ὀστράκου*, Eustath. *ad Il.* xi. 160). Some writers explain *ὄστρακα* as though the crotalum were actually moulded in earthenware; but this seems less likely. Brass and wood are also mentioned as materials (*κρόταλα χαλκοῦ*, Eurip. *Cycl.* 204, cf. Mart. xi. 16; *cava buxa*, Propert. v. 8, 42; Eustath. *l. c.*); and a split reed or cane (*ὁ σχιζόμενος κάλαμος*, Schol. Aristoph. *Nub.* 260; Suidas). Altogether the crotalum cannot have differed much from the castanets now so often heard as an accompaniment to certain kinds of vocal music. It was used by the Egyptians in the worship of Pasht or Artemis (Herod. ii. 60), by the Greeks in that of Cybele ([Hom.] *Hymn.* xiv. 3; Pind. *fragm.* 48 = 79 Bergk[4]; Apul. *Met.* viii. p. 170) and Dionysus (Eurip. *Hel.* 1308; *Cycl.* l. c.).

Crotala. (Borghese Vase now in the Louvre.)

Women who danced to the crotalum were called *crotalistriae* (Propert. v. 8, 39; cf. Macrob. *Sat.* iii. 14, § 7). Such was the Virgilian *Copa* (v. 2), "Crispum sub crotalo docta movere latus." The above cut exhibits both the style of dancing and the mode of holding the crotala.

The *κρέμβαλα* (Ath. xiv. 636 c; cf. [Hom.] *Hymn. Apoll. Pyth.* 162) are no doubt to be reckoned with the crotalum rather than with the cymbalum (Liddell and Scott, *s. v.*; Fernique, in D. and S.). There is no evidence that *κροῦμα* or *κροῦσμα*, "the sound produced by striking," was also the name of an instrument; and the *Baetica crusmata* of the Spaniard Martial (vi. 71) are almost certainly the clatter of Spanish castanets, not a particular kind of castanet. [W.W.]

CRUMENA (*βαλλάντιον* or *βαλάντιον*), a purse. It was a leathern bag slung round the neck (Plaut. *Asin.* iii. 3, 67; *Truc.* iii. 1, 7); and usually hung down behind, which exposed it to the attacks of the "cut-purse" (*βαλλαντιοτόμος*, *sector zonarius*, Plaut. *Trin.* iv. 2, 20). Hence we find a master walking behind the slave who carries his purse, that he may keep an eye upon it (Id. *Pseud.* i. 2, 37). Crumenae were of different shapes. A bronze lamp engraved in Rich and in D. and S. shows a flat bag not unlike a postman's, closed with a flap: we also find mention of *συσπαστὰ βαλλάντια*, round pouches with strings to draw (Plat. *Symp.* 190 E; Ath. xi. p. 783 f; cf. ARYBALLOS). [W. W.]

CRUSTA. [CAELATURA; EMBLEMA.]

CRUX (*σταυρός*, *σκόλοψ*), an instrument of capital punishment, used at a very early period in the East. The sacred associations of the Cross are discussed at length in the *Dict. of the Bible* and *Dict. of Christian Antiquities*; and we shall here attempt only to sketch the history of the punishment through the classical period. In most accounts, even of recent writers, distinctions of time and place are not sufficiently noticed.

The words *σταυρόω* and *σκολοπίζω* (more usually *ἀνασταυρόω*, *ἀνασκολοπίζω*) are applied to modes of execution which were certainly common among the Persians; and it is probable that impalement as well as actual crucifixion was thus denoted. It has been doubted whether the later or Roman method of crucifixion was practised by the Persians: *σταυρὸς* is of course originally a pole or stake, Lat. *palus* (root *στα*, "to stand;" cf. *σταύρωμα*, "a palisade"); but the case of Artayctes (Herod. ix. 120) seems to prove that nailing to a tree or plank was not unknown to them. It was the usual punishment of rebels,—at least of those who headed revolt. Darius in the Behistun inscription boasts that he had "crucified" the leader of every rebellion that he had put down, giving their names (Rawlinson's *Herodotus*, vol. ii. Appendix); and it was inflicted on Inaros, the champion of Egyptian liberty (Thucyd. i. 110). For the sake of ignominy, the bodies of those who had been otherwise executed were sometimes exposed on a cross after death, not always from humanity: Oroetes, after putting Polycrates to death in some horrible way which Herodotus refuses to describe, crucified the corpse (Herod. iii. 125). The account of the death of Histiaeus also suggests the probability that he was not crucified while alive (*τὸ μὲν αὐτοῦ σῶμα αὐτοῦ ταύτῃ ἀνεσταύρωσαν, τὴν δὲ κεφαλὴν ταριχεύσαντες ἀπήνεικαν πρὸς βασιλέα*, Herod. vi. 30). We find Xerxes thus treating the body of Leonidas, no doubt as a rebel (Herod. vii. 238); and at a later period Ptolemy Philopator does the same to Cleomenes after his suicide (Plut. *Cleom.* 38). According to a strange story in Pliny, Tarquinius Priscus adopted this form of posthumous disgrace to check the frequency of suicide among the citizens, driven to despair by the forced labour with which his gigantic building operations were carried on (*H. N.* xxxvi. § 107).

Among ancient nations, the Carthaginians were conspicuous for their cruelty, and crucifixion was horribly frequent among them: it was probably through their example that it was subsequently introduced into Sicily and Italy. It was the usual punishment of rebels, and, as is well known, was commonly inflicted on unsuccessful generals (Polyb. i. 11, 24, 79, &c.). There was a story that a father once crucified his son on a frivolous pretext, and himself afterwards underwent the same punishment as a rebel (Justin, xviii. 7). In the war with their mercenaries and African subjects which followed immediately upon the conclusion of the First Punic War, the atrocities on both sides, ghastly enough in the narrative of the matter-of-fact Polybius (i. 65–88), have been sensationally exaggerated in Flaubert's novel of *Salammbô*.

The Greeks were honourably distinguished in the ancient world for their aversion to torture and mutilation in every shape; indeed, it is only in quite recent times that Christian Europe has attained the same standard of refinement. In some ways they could be cruel enough, and the frequency of capital punish-

ments showed a singular disregard of human life. The rage of faction led to massacres like that of Corcyra, on which Thucydides moralises in a well-known passage (iii. 81 ff.). Prisoners of war were put to death in cold blood; the Plataeans by the Spartans (Thucyd. iii. 68), the Athenian prisoners after Aegospotami to the number of 3000 (Plut. *Alcib.* 37; *Lysand.* 13). The Athenians ordered a massacre of all the adult males in Mitylene, probably as many as 6000 (Thucyd. iii. 36). On this Grote remarks: "The Athenians, on the whole the most humane people in Greece (though humanity, according to our ideas, cannot be predicated of any Greeks), became sensible that they had sanctioned a cruel and frightful decree" (ch. 50, iv. 359). Yet after they had repented, and the order countermanding the atrocity had arrived barely in time, they deliberately put to death more than 1000 Mitylenaeans who had already been brought prisoners to Athens (Thucyd. iii. 50). Not many years afterwards they massacred the Melians, who were not even rebels, but had merely refused to become their subjects (Thucyd. vi. 116). With all this, the Greeks habitually abstained from aggravating their executions, whether of criminals or prisoners of war, by insult and torture; and they especially abhorred outrages on women and children. This side of the Greek character is well brought out in Mahaffy's *Social Life in Greece;* see especially pp. 238, 262 ff., ed. 3. It was so from the earliest historical times. In B.C. 713 the cruelty of Hippomenes to his daughter and her lover brought about a revolution at Athens. [ARCHON, p. 165 *b*.] The tyrants of the seventh and sixth centuries are not charged with any atrocities like those of the Visconti and other mediaeval despots in Italy; even the bull of Phalaris is now explained as an instrument of Phoenician Moloch-worship. A few isolated acts of vengeance are recorded of this period, only however in the outlying parts of the Grecian world, and therefore probably due to the contagion of barbarian example. Thus Aristodemus, the tyrant of Cumae, contemporary with Tarquinius Superbus, is said to have given way to every excess of lust and cruelty (Dion. Hal. vii. 9), and on the overthrow of his government to have been tortured to death with all his family (*ib.* 11). This narrative has been doubted by Niebuhr (*R. H.* i. 554, iii. 178 n), but is probably in the main historical (cf. Grote, ch. 22, ii. 520). The cruelties of Pheretime were perpetrated at Cyrene, and remind us of the Carthaginians; and they were thought to have been justly expiated when she died of a loathsome disease (Herod. iv. 202, 205). During the struggles at Miletus between the wealthy citizens and the commonalty, the latter (who were called Γέργιθες) when victorious collected the children of the rich into threshing-floors, and had them trampled to death by oxen; the rich, having in turn got the upper hand, burnt in pitch (κατεπίτρωσαν: cf. the *tunica molesta* of Juvenal, viii. 235; Mart. x. 25) all whom they got into their power, along with their children (Heracl. Pont. *ap.* Ath. xii. 524 a). This story belongs probably to the "two generations" of civil strife at Miletus recorded by Herodotus (Stein, on Herod. v. 28, who understands by πλούσιοι the Greek immigrants in general, and by δῆμος or Γέργιθες the subject Carian population). No such horrors are mentioned in Greece Proper, where even helots and serfs ranked as Hellenes. Peisistratus and his sons governed according to the laws of Solon; and even the proceedings which arose out of the murder of Hipparchus fall short of the cruelties inflicted on regicides in quite recent times. Thucydides tells us that Aristogeiton was "not gently handled" (οὐ ῥᾳδίως διετέθη, vi. 57); his good taste in suppressing the details of torture recalls that of Herodotus already referred to; but the accounts in general suggest only torture to extract evidence, not barbarous modes of execution (cf. Justin, ii. 9; Pausan. i. 23, §§ 1, 2). There is, in fact, no evidence that crucifixion, impalement, or burning alive were regarded as Greek punishments, at least where, as in Hellas itself, there was no contact with less civilised races. It was the same with mutilations of all kinds, such as the blinding prescribed by the laws of Locri in Italy (Dem. *c. Timocr.* p. 744, § 140), or the cutting off of hands and feet as practised by the Persians (Xen. *Anab.* i. 9, § 13). The cruelties alluded to in Aesch. *Eum.* 186–190, including impalement (ὑπὸ ῥάχιν παγέντες), are those not of Greeks, but of barbarians, and the distinction is pointedly drawn. The Greeks distinguished between reverence for the human body, for which they had a passionate admiration as shown in their athletic exercises and their works of art, and reverence for human life, which they held cheap enough. This feeling continued unimpaired as long as Greece retained her freedom. The case of Artayctes is quite exceptional; it is the punishment by a barbarian method of a barbarian who had outraged the religious feelings of the Greeks in a way that seemed to demand special expiation (Herod. ix. 120; cf. Mahaffy, p. 264). Even a Dionysius, we may well believe, would not have crucified Greek prisoners of war but for the contagion of Carthaginian example (Diod. xiv. 53). It may be positively asserted that Plato in the two well-known passages (ἀνασταυρωθῇ ἢ καταπιττωθῇ, *Gorg.* 473 C; ἀνασχινδυλευθήσεται, *Rep.* ii. 362 A) is not alluding to possible incidents of Greek, much less Athenian, executions. And when Demosthenes declares that Meidias deserved "almost to have been crucified" (μόνον οὐ προσηλῶσθαι, *c. Mid.* p. 549, § 105), he means no more than an Englishman does when he says, "Hanging is too good for him." The painless hemlock was all that Meidias had to fear, if capitally condemned. Grote—who, as has been seen, does not spare the Athenians for their swiftness to shed blood—has a good note (ch. 58, v. 175) on their freedom from other sorts of cruelty, and their unwillingness to put citizens to the torture even in times of public panic, when the temptation to do so was greatest.

In the Macedonian period Greece no longer retained this happy immunity: as a mere province in a larger Hellenism, it was influenced by lower and less humane races. Alexander himself is not free from the stain of cruelty, as is shown by his treatment of real or supposed conspiracies against his person in the cases of Philotas and Hermolaus: he is said to have either hanged or crucified 2000 Tyrians [ἐκρέμασε in Diod. xvii. 46 may bear either mean-

ing: Grote, a severe judge where Alexander is concerned, does not press the harsher sense (viii. 364), though Q. Curtius (iv. 4) has *crucibus suffixi*; Thirlwall (vi. 202) doubts the whole story, which is not related by Arrian]; he certainly crucified Musicanus, the Indian rajah who had rebelled after being reinstated in his dominions (Arrian, vi. 17; cf. Diod. xvii. 102). His successors improved upon his example: a year after his death Perdiccas and Eumenes crucified the aged Ariarathes of Cappadocia after other tortures (*αἰκισάμενος ἀνεσταύρωσε*, Diod. xviii. 16); Lysimachus threatened to crucify the Cyrenaic philosopher Theodorus, though an ambassador, but did not carry out his threat (Cic. *Tusc.* i. 43, § 102; Sen. *de Tranq. An.* 14, § 3). Nicocreon of Cyprus, contemporary with Alexander, actually pounded the philosopher Anaxarchus to death in a mortar (Cic. *Tusc.* ii. 22, § 52; *Nat. Deor.* iii. 33, § 82). A similar story is told of an older philosopher, Zeno the Eleatic, and a tyrant of his native city (Cic. *l. c.*; Diog. Laert. ix. 26); but the accounts are contradictory (cf. *Dict. Biogr.* s. v. Zeno of Elea). Nabis, the tyrant of Sparta, used as an engine of torture a figure studded with nails resembling the *Eiserne Jungfrau* of some German cities (Polyb. xiii. 7). It is not necessary to pursue the records of this period any further. For the earlier and better time, the assertion of Westermann is abundantly justified, that crucifixion and other cruel punishments were "abhorrent to Greek manners" (*geben keinen Maasstab griechischer Sitte, ap.* Pauly, s. v. *Supplicium*). Saglio (s. v. *Crux*) goes too far in admitting crucifixion even as the punishment of slaves: not a single instance can be produced. This aversion of the Greeks to degrading punishments was not understood by grammarians who lived under the law of the later Roman empire, nor by scholars like Lipsius (*de Cruce*, published 1592), in whose time even worse horrors were perpetrated.

The Romans were naturally a hard-hearted people, and Livy shows considerable audacity in saying that the dismembering of Mettius Fuffetius was the only example in their history of a disregard of the laws of humanity; adding that they might boast that no nation had employed milder punishments (i. 28). From the language of Cicero (*pro Rab. Perd.* 4, § 13) it has been inferred that crucifixion was in use in the regal period. But the words of the old law point rather to simple hanging ("*infelici arbori* reste *suspendito*," Liv. i. 26), though the cross was no doubt called *arbor infelix* in later times. Cicero, who is arguing against the revival of the obsolete law of *perduellio*, and the capital punishment of citizens in any shape, is speaking rhetorically throughout: he quotes the formula without the word *reste*, a misleading and doubtless intentional omission, and talks vaguely of the cross (§§ 10, 11, 16) and of the detested Tarquin (§ 13). No historical conclusions can be drawn from a speech so obviously designed to confuse the questions at issue. It is highly probable that the Romans derived this punishment from the Carthaginians: at least no mention of it appears to occur before the Second Punic War. First we find Hannibal crucifying a guide who had misled him (Liv. xxii. 13); then the Romans practise it on slaves and deserters (Liv. xxii. 33; xxx. 43, § 13; xxxiii. 36). This last passage describes a revolt among the slaves in Etruria, B.C. 196: the ringleaders are scourged and crucified, the rest given up to their masters to be dealt with at discretion. The enormous increase in the numbers of slaves under the later republic heightened the dread of a rising among them; and the Roman system became more and more one of undisguised terrorism. Two desperate rebellions broke out in Sicily, and were only put down by regular armies; the first in B.C. 134–3, the second lasting four years, 102–99. After the pacification by the praetor M'. Aquillius in B.C. 99, a regulation was made, and strictly enforced by successive governors of the island, that no slave should be allowed to carry a weapon. A few years later, the praetor L. Domitius received a boar of remarkable size as a present; he inquired who had killed it, and, finding that it was a slave employed as a shepherd, he summoned the man before him and asked him how he had contrived to destroy it. The shepherd, who expected a reward, replied that he had killed it with a boar-spear (*venabulo*); upon which Domitius at once ordered him to be crucified. Cicero tells this story with only faint disapproval, while he dwells complacently on the fact that there were no more revolts of the slaves in Sicily (Cic. *in Verr.* v. 3, 4, §§ 7, 8). In the famous passage of the same speech (61, § 158 ff.) on the crucifixion of Gavius by Verres, it is the wrong done to a Roman citizen, rather than cruelty to a human being, that points Cicero's indignation: when he describes the atrocious treatment of the slave Strato by the infamous Sassia, he shows more sense of the detestableness of cruelty as such (*pro Cluent.* 63, § 177; 66, § 187). When the servile war of Spartacus was at last put down by Pompey, the prisoners, to the number of 6000, were crucified all along the Appian Way, between Capua and Rome (App. *B. C.* i. 120). The power of masters over their slaves was at this period, and for some time later, absolute: even the good-natured Horace treats as a joke the possibility of their being crucified for slight offences (*Sat.* i. 3, 80 ff.). The first measure passed in their favour was the Lex Petronia (*q. v.*): Hadrian forbade them to be executed without the sentence of a magistrate; Antoninus Pius ordered that the murder of a slave by his master should be punished as homicide [Servus]. Besides slaves, the provincials were liable to crucifixion for the greater crimes, such as murder, piracy (Suet. *Jul.* 4), brigandage, and especially for revolts and conspiracies. The obstinacy of the Jews was particularly exasperating to the Romans, and their repeated rebellions were followed by the wholesale infliction of this punishment: thus Varus (the same who perished in Germany) crucified 2000 at once (Jos. *Ant.* xvii. 10, § 10); Gessius Florus several hundreds, including Roman citizens of Jewish birth (Id. *B. J.* ii. 14, § 9); Titus so many that "room was wanting for the crosses and crosses for the bodies" (Id. *ib.* vi. 28); and Hadrian, after the final revolt, 500 a day for some time. Under the empire the right of the *civis Romanus* was no longer respected: the first instance, probably, of the crucifixion of a citizen in Rome itself is that, under Galba, of a

guardian who poisoned his ward (Suet. *Galb.* 9). Afterwards the odious distinction between the *honestiores* and *humiliores* was introduced, and this and other tortures were freely inflicted upon the latter, especially for *majestas* or crimes against the state or the person of the emperor (Paul. *Sent.* v. 23, 1; Dig. 48, 19, tit. *de poenis*). It may, however, be pointed out that the English law of high treason until lately recognised a similar distinction between peers and the commonalty.

The mode of punishment is too well known to need much description. Scourging, as with Roman capital punishments in general, usually preceded it (Liv. xxii. 13, xxxiii. 36; Cic. *in Verr.* v. 62, § 161 ff.). Three kinds of crosses were in common use: the *crux commissa*, or T shape; the *crux immissa*, with a projection at the top to which was affixed the *titulus*, setting forth the crime of the sufferer (this was the most common); and the *crux decussata*, in the shape of an X (St. Andrew's cross). The word *crux* is also applied to the single stake used in impalement: the latter process is alluded to by Seneca in two passages, but, as he is speaking of death by torture in general, it may be doubted in the absence of direct evidence whether this was a Roman custom (*Cons. ad Marciam*, 20, § 3, where crucifixion with the head downward is mentioned; *Ep.* 14, § 5). The upright post is called *stipes*, the transverse beam *patibulum*; and it was this, rather than the entire instrument, which the criminal carried to the place of execution (Plut. *de Sera Num. Vind.* p. 554 B; Artemid. *Oneirocr.* ii. 61; Plautus, *Mostell.* i. 1, 53, and *ap.* Non. s. v. *patibulum*). It was impossible that the whole weight of the body should rest upon the nails; hence there was a piece of wood projecting from the *stipes* on which the sufferer sat, or rather rode (*κέρας ἐφ' ᾧ ἐποχοῦνται οἱ σταυρούμενοι*, Just. Mart. *Dial. c. Tryph.* 91; *sedilis excessus*, Tertull. *adv. Nat.* i. 12; cf. Iren. *adv. Haer.* i. 12). The expression *acuta si sedeam cruce*, in the famous lines of Maecenas *ap.* Sen. *Ep.* 101, probably refers to this support, and not, as Lipsius thought, to impalement (see Archd. Farrar in *Dict. of the Bible*, s. v. *Cross*). When it was wanting, the body was probably sustained by ropes: the combination of ropes with nails is mentioned by Pliny (*fragmentum clavi a cruce* and *spartum e cruce* as charms, *H. N.* xxviii. § 46) and Hilary ("colligantium funium vincula et adactorum clavorum vulnera," *de Trin.* 10). The martyrologies contain accounts of sufferers bound to the cross without the use of nails, and left to die of hunger and exhaustion; when it is added that in some instances they survived nine days, we must be allowed to disbelieve. Tying to the cross is also mentioned as an Egyptian custom by Xenophon Ephesius (iv. 2), but his romance, apart from its late date, is of no historical authority; and there does not appear to be any sufficient evidence for the practice in classical times. The criminal was stripped of his clothes, —the cloth round the loins, as to which the Christian tradition is constant, seems to have been exceptional,—and usually hoisted on to the cross after it had been set up. Sometimes he was stretched upon it on the ground, and then lifted with it; but the former method was the commoner, and hence the phrases *cruci suffigere*, *in crucem agere* or *tollere*, occur oftener than *cruci affigere*. The well-known breaking of the legs to hasten death is alluded to by Plautus (*Poen.* iv. 2, 64) and Cicero (*Phil.* xiii. 12, § 27). The dead body was generally left hanging on the cross, to be devoured by birds and beasts: the feet were but little raised above the ground (not as in most pictures), and it was not out of the reach of the latter (Hor. *Ep.* i. 16, 48; Juv. xiv. 77; Artemid. *Oneirocr.* ii. 53). Sepulture was therefore forbidden, and a soldier set to watch the corpse (Petron. 111, 112). The place for these executions was always outside the walls of cities: at Rome it was the Campus Esquilinus, to the east of the city, part of which was afterwards occupied by the gardens of Maecenas. The Sessorium and the Sestertium, sometimes mentioned in this connexion, were probably two distinct spots in the Campus Esquilinus: the former on the Lateran Hill near the basilica of Sta. Croce in Gerusalemme, where there are some remains of a building traditionally called Sessorium (Schol. Cruq. on Hor. *Epod.* 5, 100, and *Sat.* ii. 8, 8; Orell. *ad loc.*: Burn, *Rome and the Campagna*, pp. 218, 226); the latter at some place distant 2½ miles (whence the name Sestertium) from the Esquiline gate in the Servian wall, not from the later circuit of the city (Tac. *Ann.* xv. 60, with Orellius' note; Plut. *Galb.* 28, where Sintenis quite needlessly reads **Σεσσώριον** for **Σηστέρτιον**, from a conjecture of W. A. Becker; Burn, *l. c.* p. 219).

With the establishment of Christianity the associations connected with the Cross led to its abolition, not from humanity, as other cruel punishments were retained: Constantine at the beginning of his reign had sanctioned it in the case of slaves and freedmen (decree of the year 314, cited *Cod. Theod.* i. 1 in a *lex majestatis*); but later he abolished it (Sozom. *H. E.* i. 8; *Cod. Theod.* ix. 5 and 18; Gibbon, ch. 20, iii. p. 11, ed. Smith). [W. W.]

CRYPTA (*κρύπτη* parox., Ath. v. p. 205 a; *διῶρυξ κρυπτή*, Strab.; Ital. *grotta*), any long narrow vault, either dark or dimly lighted. It might be on the level of the ground, or sunk wholly or partially below it: the word did not necessarily imply, like "crypt" or "grotto," anything subterranean.

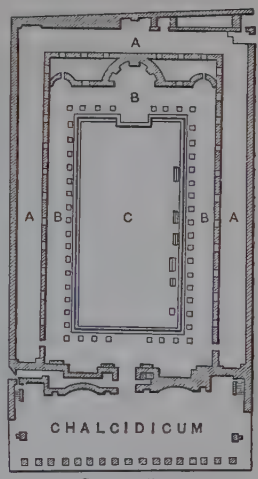
It is used in the following specific senses:—

1. A tunnel, in the excavation of which, especially for draining purposes, the ancients had attained no mean skill [EMISSARIUM]. They were also used to shorten communications; and the neighbourhood of Naples contains no less than three well-preserved antique tunnels of this description, all probably dating from the time of Augustus. The best known of these is the grotto of Posilipo, called by the Romans *Crypta Neapolitana*, forming the direct communication between Naples and Pozzuoli. This is not quite half a mile in length, at present from twenty-five to thirty feet wide, and nowhere less than twenty feet high, in some places much higher. It has, however, been more than once enlarged in modern times: it was not made practicable for carriages until the fifteenth century, and only attained its present dimensions in the middle of the 18th century. It is not mentioned by Strabo, and may perhaps not have existed in his time; but in the next generation Seneca (*Ep.* 57) describes its darkness and dust

in terms suitable to a coal mine. It was then doubtless a mere narrow passage. A second tunnel is pierced through the same ridge, but much nearer the sea, and close to the promontory now called *Punta di Coroglio*. It is about 500 feet longer than the Posilipo tunnel, and, though it has been cleared out in recent times, probably retains its original dimensions in width and height. This is easily identified as the tunnel described by Strabo (v. p. 246), passable for carriages in opposite directions and with lateral openings for ventilation (*θυρίδες*) in the side of the mountain, and its present name of *Grotta di Sejano* is evidently a mistake. The third tunnel is that known as the *Grotta della Pace*, between Cumae and the Lake Avernus, nearly of the same length as the last mentioned, *i.e.* a little over half a mile, traversed by carriages, and lighted at intervals by vertical shafts. According to Strabo (v. p. 245) it was excavated by Cocceius (probably M. Cocceius Nerva, Cos. B.C. 36), in connexion with Agrippa's artificial harbour on the Lucrine Lake.

2. A dark, vaulted passage in any building, *e.g.* under the *cavea* of an amphitheatre for the use of the spectators (see section of the Coliseum, p. 112); at the back of the *scena* of a theatre for the convenience of the performers, like the Crypta Balbi mentioned in the Regionary Catalogue (*Reg.* ix.) in connexion with the theatre of Balbus (Suet. *Aug.* 29; Dio Cass. liv. 25: cf. Burn, p. 313; Middleton, p. 299); or below the stage (*proscenium*), as in the theatre of Tauromenium (Taormina). A similar *crypta*, in the larger theatre at Pompeii, is recorded in several inscriptions (Saglio, i. 1576 a). Several such passages exist in the Palace of the Caesars on the Palatine; two of them are marked 19 and 31 on the latest plan (Middleton, *Anc. Rome*, p. 82); others are not yet cleared out (*ib.* p. 104). It was in one of these passages (probably the long straight one marked 31 on the plan) that Caligula was murdered ("in crypta, per quam transeundum erat," Suet. *Cal.* 58; *ἐν στενωπῷ τινί*, Dio Cass. lix. 29; cf. Joseph. *Ant.* xix. 1, § 14). This passage is almost wholly underground, and lighted by openings in the vaulted roof (Middleton, p. 114). Such places readily lent themselves to any secret worship, especially of a licentious character (Petron. *Sat.* xvi. 3; xvii. 8; cf. id. *fragm.* xiii.). By a slight extension of meaning, the branch of the Cloaca Maxima which drains the Subura is called *crypta* Suburae (Juv. v. 106).

3. A covered corridor above ground, dimly lighted for the sake of coolness in summer, such as was very commonly attached to the side of an open colonnade (*porticus*) both in public and private buildings. Thus Hadrian among his military reforms demolished *porticus* and *cryptas* with other appliances of luxury in the Castra Praetoria (Spart. *Hadr.* 10). The more definite term *cryptoporticus* was, it is probable, correctly applied only to this species of *crypta*, not to those above described. Thus in Pliny's charming account of his Laurentine villa (*Ep.* ii. 17) the *xystus* or open portico and the *cryptoporticus* are repeatedly contrasted (cf. ix. 36, § 3). The latter has windows on both sides, but high up, and not too many of them, and is sheltered both from wind and sun. In the description of his Tuscan villa (*Ep.* v. 6) the significant expression occurs, "cryptoporticus subterraneae similis," *i.e.* it is not really underground, but can be



Cryptoporticus.

darkened as though it were. One of these *cryptoporticus* has two tiers of windows; when recovering from an attack of *lippitudo*, he shuts the lower ones to spare his eyes (*ib.* vii. 21). Sometimes they were lighted on one side only, as in the suburban villa of L. Arrius Diomedes at Pompeii, where there is a well-preserved *cryptoporticus* on one side of the court, and, on the other, the foundations both of the open and closed portico can be traced. In the interior of farm buildings such *cryptae* were used for the storing of grain and other produce (Vitruv. vi. 5, § 2; cf. Varro, *R. R.* i. 57).

The above ground-plan of the public building presented by the priestess Eumachia to the town of Pompeii will serve to illustrate both *cryptoporticus* and *chalcidicum*; for the inscription upon it, see CHALCIDICUM. The *crypta* or covered passage AAA is lighted by numerous small windows opening into the *porticus* BBB, which in its turn surrounds the courtyard C.

4. *Crypta* seems to have been used in Christian times for a catacomb or subterranean cemetery: see *Dict. of Chr. Ant.* s. v. (Rich, *s. v.*; Burn, *Rome and the Campagna*, p. 313; Middleton, *Anc. Rome in* 1885, pp. 104, 114, 299.) [A. R.] [W. W.]

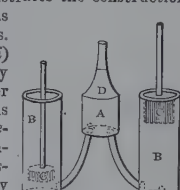
CRYPTEIA (*κρυπτεία*, called also *κρυπτία* or *κρυπτή*) was a system of secret police adopted by the Spartans in order to maintain their control over the Helots; perhaps, as Grote thinks, over the Perioeci also. As to the main features of this system there is no doubt. We learn that a number of active young Spartans were despatched every year by the Ephors, immediately upon their entry into office, to the different parts of the country. They were to post themselves as secretly as possible in convenient places from which to explore the neighbourhood and to make observations. If they found anything suspicious, they were either to report it or to suppress it themselves on the

spot (Schömann, *Antiq.* i. 195, E. T.). The institution served not merely to break up organisation and to check the possibility of an outbreak among their oppressed subjects, but as a useful military training in habits of endurance suited to a dominant race. On the latter ground it is proposed by Plato for his ideal Cretan colony in the *Laws*, and his way of expressing himself shows that he is referring to a Spartan custom really existing (i. 633 B; vi. 763 B; cf. Grote, ii. 144, n.). The *crypteia* may thus be considered as to a certain extent a species of armed police force, and the young men who were ordered to undertake it appear also to have formed a special corps in the army; at least we read of a commander of the *crypteia* in the battle of Sellasia (Plut. *Cleom.* 28). To these undoubted facts later authors added some curious statements, which have been much criticised in recent times. According to Plutarch, who quotes Aristotle as his authority, the Ephors every year declared war formally against the Helots, in order that they might be killed without scruple; and they further, not every year as sometimes stated, but at intervals (διὰ χρόνου), sent young Spartans armed with daggers to assassinate such of the Helots as were thought formidable (Plut. *Lycurg.* 28). The language of Plutarch is somewhat loose. In one sentence he states that the young men went out into the roads by night and slew all whom they caught (τοὺς ἁλισκομένους), implying that the Helots lived under a sort of "curfew" law, which confined them to their houses at night to prevent conspiracies; in the next sentence that they often ranged over the fields (? in the daytime) and despatched the strongest and bravest of them. The latter phrase, however, agrees with the account of Heraclides Ponticus, that they killed ὅσους ἂν ἐπιτήδειον ᾖ (*Fragm.* ii. 4 *ap.* C. Müller, ii. 210). Otfried Müller, whose criticism habitually tends to soften the harsher features of the Spartan institutions, combats the notion that the Helots were annually hunted down and destroyed (*Dorians*, iii. 3, § 4); and Schömann calls it "an exaggeration which is really too absurd to deserve serious confutation" (*Antiq.* l. c.). Grote, no friend to Sparta, rejects the annual or periodical massacre of the Helots, and the formal declaration of war against them, which, he justly observes, "would provoke the reaction of despair rather than enforce tranquillity"; and even suggests a doubt as to the fact of Aristotle's having really made the statement ascribed to him by Plutarch, on the ground that he does not mention the subject in his *Politics*, where he speaks at some length both of the Spartan constitution and of the Helots. Grote admits, however, that the government would not be restrained by any scruples of justice or humanity. It is a well-known fact that, on at least one occasion, 2000 of the bravest of the Helots were massacred with the sanction of the Ephors, the manner of their death remaining an untold mystery (B.C. 424, Thucyd. iv. 80). And such an order would naturally be carried out with the aid of the *crypteia* or secret commission. (Müller, *Dorians*, iii. 3, § 4; Thirlwall, *Hist. Gr.* i. 311; Grote, *Hist. Gr.* ch. vi., ii. 142 ff.; Schömann, *Antiq.* i. 195, E. T.) [W. W.]

CRYPTOPO'RTICUS. [CRYPTA.]

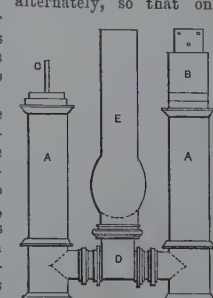
CTESI'BICA MA'CHINA, a hydraulic engine named after its inventor, Ctesibius of Alexandria, *qui et vim spiritus naturalis pneumaticasque res invenit* (Vitruv. ix. 9 (8), § 2). In the language of modern hydraulics it is a double-actioned forcing pump. Vitruvius in his description (x. 10 (7)), speaks of it as designed to raise water, while Ctesibius' pupil Hero (*Pneumat.* p. 180) describes, under the name of σίφων, a machine identical in principle, but of improved construction, and says that it was used as a fire-engine (εἰς τοὺς ἐμπρησμούς). Indeed the same principle is employed in our modern fire-engines. The remains of such a σίφων were discovered at Castrum Novum, near Cività Vecchia, in 1795 (Schneider on Vitruv. *l. c.*), having probably served to supply the public baths with water.

The following cut illustrates the construction of Ctesibius' invention as described by Vitruvius. Two cylinders (*modioli*) B B are connected by pipes with a receiver (*catinus*) A, which is closed by a cowl (*paenula*) D. In each cylinder a piston (*embolus masculus*) C is worked by means of its rod (*regula*): in the bottom of each cylinder, and at the opening of each pipe into the receiver, is a movable lid or valve (*assis*), which only opens upwards. The bottoms of the cylinders are inserted into a reservoir, or connected with it by pipes. When one of the pistons is raised, a vacuum is produced in the cylinder, and the atmospheric pressure forces a stream of water past the raised valve into the cylinder. When this stream ceases, the valve falls; and if the piston is forced down, the water is driven out of the cylinder into the pipe, and past the valve into the receiver, and retained there by the closing of the valve. If the two pistons are worked alternately, so that one descends as the other rises, a continuous stream of water is forced out of the top of the *paenula*.



Ctesibica Machina. (Rich.)

If we turn to the accompanying illustrations from the pump found at Castrum Novum and to Hero's description, we find the cylinders (πυξίδες) A A, with their valves (ἀσσάρια) F F, the pistons (ἐμβολεῖς), as B, the piston-rods (κανόνια), as C, identical with those described above; but in place of the pipes a horizontal tube D with valves F F is used, and in place of the *catinus* a vertical tube (σωλὴν ὄρθιος) E. It is clear, however, that these improvements in construction do not affect the principle of the machine or the mode of its working. (Plin. *Ep.*



Ctesibica Machina. (Rich.)

x. 42, 2; Isid. *Or.* xx. 6, 9; Dig. 33, 7, 12, § 18.) [J. H. F.]

CUBICULA'RII were slaves who had the care of the sleeping and dwelling rooms. Faithful slaves were always selected for this office, as they had, to a certain extent, the care of their master's person. When Julius Caesar was taken by the pirates, he dismissed all his other slaves and attendants, only retaining with him a physician and two cubicularii. (Suet. *Jul.* 4.) It was the duty of the cubicularii to introduce visitors to their master (Cic. *ad Att.* vi. 2, § 5; *in Verr.* iii. 4); for which purpose they appear to have usually remained in an ante-room (Suet. *Tib.* 21, *Dom.* 16). They were commonly divided into watches (*stationes*) for day and night, and also into decuries (Orelli, 4663, 6312; Wilmanns, 178, 179, 314, 406; Suet. *Dom.* 17). Under the later emperors, the cubicularii belonging to the palace were called *praepositi sacro cubiculo*, and were persons of high rank. (Cod. 42, tit. 5.) [A. S. W.]

CUBI'CULUM usually means a sleeping and dwelling room in a Roman house [DOMUS], but also applied to the pavilion or box in which the Roman emperors were accustomed to witness the public games. (Suet. *Ner.* 12; Plin. *Paneg.* 51.) It appears to have been so called, because the emperors were accustomed to recline in the cubicula, instead of sitting, as was anciently the practice, in a sella curulis. (Ernesti, *ad Suet. l. c.*) [A. S. W.]

CU'BITUS (*πῆχυς*), a measure of length used by the Greeks, Romans, and other nations, was originally the length of the human arm from the elbow to the wrist, or to the tip of the middle finger; the latter was its signification among the Greeks and Romans. It was equal to a foot and a half; and therefore the Roman cubit was a little less, and the Greek cubit a little more, than a foot and a half English; the respective lengths of the foot being, in millimetres, Greek 308·3, English 304·7, Roman 295·7. The Greek cubit was millimetres 462·4, the Roman 443·6. The cubit was divided by the Greeks into 2 spans (*σπιθαμαί*), 6 handbreadths (*παλαισταί*), and 24 finger-breadths (*δάκτυλοι*), and by the Romans into 1½ feet, 6 breadths (*palmi*), and 24 thumb-breadths (*pollices*). (Hultsch, *Metrol.* pp. 29, 62, and Tables.) Respecting the Persian and other cubits, *ib.* p. 41 ff. [P. S.] [W. W.]

CUBUS (*κύβος*), a die, cube [TESSERA]. A cubic foot of water was the *amphora* or *quadrantal*, the principal liquid measure. [MENSURA; QUADRANTAL.] [P. S.]

CUCULLUS, a cowl, was intended to be used in the open air, and to be drawn over the head to protect it from the injuries of the weather, instead of a hat or cap. It was worn by travellers, shepherds, husbandmen, and hunters (Colum. i. 8; Cato, *R. R.* 2; Juv. iii. 170; Hor. *Sat.* ii. 5, 94), and even by legionaries on service in cold climates, as is seen on Trajan's Column, and also in city life even by persons of distinction who wished to go abroad without being recognised (Juv. vi. 330, viii. 145; Cic. *Phil.* ii. 31; Mart. xi. 98, 10; Lamprid. *Elagab.* 32, *cucullio mulionicus*). The cowl was sometimes a separate garment (Mart. xiv. 132), as is seen in the figures under CAUPONA, p. 388, representing a tavern scene. Sometimes it formed part of the *lacerna* or *paenula* or other cloak, which was then said to be *cucullatus* (Isid. *Orig.* xix. 24, 17). This is shown in the figure annexed from a relief representing a traveller leaving his inn (*Bullet. Napol.* 1848, 1; cf. Pallad. i. 43, 4). In either case the hood might be worn over the head, or thrown back on the shoulder. The monastic use of the cowl is enjoined in the Rule of S. Benedict, lv., and may have arisen from a desire to escape observation, or according to S. Jerome (*Ep.* xxii.) because the *cucullus* was much worn by children, to whose level the monks wished to humble themselves. The use of the cowl, and also of the cape [BIRRUS], which served the same purpose, was allowed to slaves by a law in the Codex Theodosianus. (Vossius, *Etym. Ling. Lat.* s. v. *Birrus.*) Cowls were imported into Italy from Saintonge in France (*Santonico cucullo*, Juv. viii. 145; Schol. *in loc.*), and from the country of the Bardaei in Illyria. (Jul. Cap. *Pertinax*, 8.) Those from the latter locality were probably of a peculiar fashion, which gave origin to the term *Bardocucullus*. *Liburnici cuculli* are mentioned by Martial (xiv. 139). The *cucullio* is either simply another form of the word *cucullus* or denotes a very similar garment (cf. *Dict. of Christ. Antiq.*, art. Cuculla). [J. Y.] [J. H. F.]

Cucullus. (Figure from Aesernia.)

CUDO or **CUDON**, a helmet of very simple form, fitting close like a skull-cap, made of leather or the skins of wild animals (Sil. Ital. viii. 493, xvi. 59). It is probably to be identified with the Homeric *κατᾶτυξ* or helmet of Diomedes (*Il.* x. 258), described as *ἄφαλον*, "without knobs or projections" (Leaf), and *ἄλοφον*, "without plume or horse-hair crest:" known also from Greek representations of that hero, from one of which in bronze the annexed example is taken.

The cudo differed from the *galerus* (Verg. *Aen.* vii. 688) in being of less rough and shaggy fur: it probably answered to the *λιτὸν περικεφάλαιον* of the Roman *velites* (Polyb. vi. 22). In the sculptures on the Column of Trajan, some of the Roman soldiers are represented with the skin of a wild beast drawn over the head, in such a manner that the face appears between the upper and lower jaws of the animal, while the rest of the skin falls down behind over the back and shoulders, as described by Virgil (*Aen.* vii. 666). This, however, was an extra defence (Polyb. *l. c.*), and must not be taken for the cudo, which was the cap itself; that is, a particular kind of *galea* [GALEA]. In the illustration the cudo is seen fastened with a strap under the chin; this is the *ὀχεὺς* of Homer (*Il.* iii. 372). (Rich, *s. v.*; and for the Homeric helmet, Leaf in *Journ. Hellen. Soc.* iv. 493 ff.) [A. R.] [W. W.]

Cudo. (Rich.)

CU'LCITA. [LECTUS.]

CULI'NA. [DOMUS.]

CU'LLEUS, or **CU'LEUS**, a sack used in

the punishment of parricides. [LEX CORNELIA DE SICARIIS.] [W. S.]

CU'LLEUS, or CU'LEUS, a Roman measure, which was used for estimating the produce of vineyards. It was the largest liquid measure used by the Romans, containing 20 *amphorae*, or 160 *congii*, that is, almost 119 gallons. (*Carm. de Pond. et Mens.* 86, 87; Plin. *H. N.* xiv. § 52; Cat. *R. R.* 148; Varr. *R. R.* i. 2, § 7; Colum. iii. 3; Hultsch, *Metrol.* p. 90.) [P. S.] [W. S.]

CULPA in the most general sense denotes any wrongful act or omission (*e.g.* Cod. 9, 4, 2; Dig. 49, 16, 14, 1) which is imputable ("quae enim in eo culpa sit, quum suae mentis non sit?" Dig. 9, 2, 30, 3; "si omnia quae oportuit observavit, caret culpa," Dig. ib. 31). Taken thus generally, it includes what the Romans term *dolus malus*, but properly the latter is distinguished from culpa when this term is used accurately; *dolus malus* being an intentional and deliberate violation, whether by act or omission, of another's rights (Dig. 4, 3, 1, 2), and culpa an unintentional violation, consisting apparently always in the omission or neglect of some legal duty. It is true that *damnum* under the Lex Aquilia (of which below) is often the consequence of some act (*e.g.* Inst. iv. 3, 4–8); but the act usually derives its culpose character rather from the omission of some duty than from the positive act which is done: the latter, in itself, does not entail legal liability, but because it is done wilfully, heedlessly, or rashly.

Deliberate breach of legal duty always entailed legal liability, whether the right infringed was a right of property, of contract, or one of the so-called "primordial" rights: "illud nulla pactione effici potest, ne dolus praestetur" (Dig. 2, 14, 27, 3); and no act would amount in law to a delict [CRIMEN] unless *dolus* were present, except in the single case of *damnum* or damage to property. Here, if culpa or negligence were once established, the amount of the defendant's liability did not depend on its degree: "in lege Aquilia etiam levissima culpa venit" (Dig. 9, 2, 44, pr.): hence the expression of the civilians, *culpa Aquiliana*.

It is, however, in the legal relations arising from contract and quasi-contract that the doctrines of *culpa* and *diligentia* are of greatest prominence. If a breach of his duty by a party to such a relation arose from a carelessness so excessive that no ordinary man would have been guilty of it, he was said to have shown *lata culpa*, and for this he was legally held as answerable as if the breach had been deliberate: "lata culpa est nimia negligentia, id est, non intelligere quod omnes intelligunt" (Dig. 50, 16, 213, 2). For passages assimilating and even identifying its legal treatment with that of *dolus*, see Dig. 11, 6, 1, 1; 17, 1, 29, pr.; 47, 4, 1, 2; 50, 16, 223, pr.; ib. 226.

Where, however, a man's carelessness was not of this extreme degree, the question whether he could be made to pay for it was determined by reference to two distinct criteria of diligence.

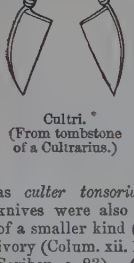
As a general rule he was required to show what the Roman terms *exacta diligentia*—that of a careful, accurate, sound paterfamilias or man of business; and where this was so he was answerable for all culpa, provided it would have been avoided by one who showed that degree of care and prudence. Modern writers call this *culpa levis in abstracto;* and this higher degree of diligence was required to be shown by vendors and purchasers (Dig. 18, 6, 3), hirers and letters (Dig. 19, 2, 57; Cod. 4, 6, 28), borrowers (*commodatarii*, Inst. iii. 14, 2), depositors, pledgees (Inst. iii. 14, 4), and agents (Cod. iv. 35, 13; Inst. iii. 27, 1).

In other relations the law was satisfied if a man was as careful as he was habitually in affairs in which he himself would be the person primarily injured by carelessness—"talis diligentia qualem in suis rebus adhibere solet;" here modern writers say he is answerable only for *culpa levis in concreto*. This standard of *diligentia* only was required from guardians and curators; *socii* (partners) *inter se;* co-heirs and co-legatees; lenders (*commodatores*), and husbands in their administration of the *dos* brought them by their wives (Dig. 23, 3, 17). Perhaps the safest general rule as to the degree of *diligentia* required in contractual and quasi-contractual relations is to say that the defendant is usually required to show *exacta diligentia*, but the burden of proving his culpa is on the plaintiff: in some cases, however, the defendant is excused if *he* can prove that he has shown such as he usually displays in the conduct of his own affairs. The broad principle seems to be that when a contract is for the interest of both parties, although their interests are adverse rather than identical, each is responsible for the least negligence (Dig. 30, 108, 12), though perplexing exceptions (such as agency and partnership) make this a difficult rule to practically rely upon. (The best treatises on this subject are the following:—Von Löhr, *Theorie der Culpa*, Giessen, 1805, and *Beiträge zu der Theorie der Culpa*, Giessen and Darmstadt, 1808; Hasse, *Die Culpa des römischen Rechts*, 2nd edition by Bethmann-Hollweg, 1838; and in particular Mommsen, *Beiträge zur Lehre von der Culpa*, in his *Obligationenrecht*, vol. iii. pp. 345 ff.)

[J. B. M.]

CULTER (dim. *cultellus*, Engl. *coulter;* in Southern Germany, *das Kolter;* French, *couteau;* Greek, *μάχαιρα*, *κοπίς*, or *σφαγίς*), a knife with only one edge, which formed a straight line. The blade was pointed and its back curved. It was used for a variety of purposes; but chiefly for killing animals either in the slaughter-house, or in hunting, or at the altars of the gods. (Liv. iii. 48; Scrib. Largus, *Comp. Med.* 13; Suet. *Aug.* 9; Plaut. *Rud.* i. 2, 45; Verg. *Georg.* iii. 492; Ovid. *Fast.* i. 321.) Hence the expressions—*bovem ad cultrum emere*, "to buy an ox for the purpose of slaughtering it" (Varro, *de Re Rust.* ii. 5); *me sub cultro linquit*, "he leaves me in a state like that of a victim dragged to the altar" (Hor. *Sat.* i. 9, 74); *se ad cultrum locare*, "to become a bestiarius" (Seneca, *Ep.* 87). From some of the passages above referred to, it would appear that the culter was carried in a kind of sheath. The priest who conducted a sacrifice never killed the victim himself; but one of his ministri, appointed for that purpose, who was called either by the general name *minister*, or the more specific *popa* or *cultrarius*. (Suet. *Calig.* 32.) A tomb-stone of a *cultrarius* is still extant, and upon it two *cultri* are represented

(Gruter, *Inscript.* vol. ii. p. 640, No. 11), which are copied in the annexed woodcut.



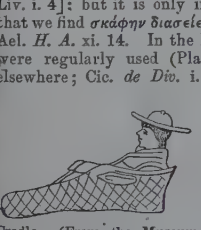
Cultri. (From tombstone of a Cultrarius.)

The name *culter* was also applied to razors (Cic. *de Off.* ii. 7, 25; Plin. *H. N.* vii. § 211; Petron. *Sat.* 108) and kitchen knives (Varro, *ap.* Non. iii. 32). That in these cases the culter was different from those above represented, and most probably smaller, is certain; since, whenever it was used for shaving or domestic purposes, it was always distinguished from the common culter by some epithet, as *culter tonsorius, culter coquinaris.* Fruit knives were also called *cultri;* but they were of a smaller kind (*cultelli*), and made of bone or ivory (Colum. xii. 14, 45; Plin. *H. N.* xiii. § 106; Scribon. c. 83). Columella, who gives (iv. 25) a very minute description of a *falx vinitoria,* a knife for pruning vines, says that the part of the blade nearest to the handle was called *culter* on account of its similarity to an ordinary culter, the edge of that part forming a straight line. This culter, according to him, was used when a branch was to be cut off which required a hard pressure of the hand on the knife. The name *culter,* which was also applied to the sharp and pointed iron of the plough (Plin. *H. N.* xviii. § 171), is still extant in English, in the form *coulter,* to designate the same thing. [ARATRUM.]

The expression *in cultrum* or *in cultro collocatus* (Vitruv. x. 10, 14) signifies placed in a perpendicular position. [L. S.]

CULTRA'RIUS. [CULTER.]

CUNAE, CUNA'BULA (λίκνον, σκάφη), a cradle. It has been thought that cradles were little used by the Greeks, at least in early times; since Plato in a passage on the putting of infants to sleep mentions only singing the lullaby and rocking in the arms (*ἐν ταῖς ἀγκάλαις σείειν, Legg.* vii. 790 D). But various substitutes are mentioned. Hercules according to tradition was cradled in his father's shield (Theocr. xxiv. 4); Dionysus in a winnowing-fan (λίκνον, *vannus*), which accordingly was borne in his processions (see the illustration under VANNUS); other deities in the same manner (Hom. *Hymn. Merc.* 21, &c.; Callim. *in Jov.* 48, with the Scholia). The ark or cradle in which children were exposed is *σκάφη,* Aristoph. *Lys.* 138, with the Scholia; Soph. *fr.* 574; Aristot. *Poet.* 16, § 3; Plut. *Rom.* 3 [= *alveus,* Liv. i. 4]: but it is only in quite late authors that we find *σκάφην διασείειν,* "to rock a cradle," Ael. *H. A.* xi. 14. In the Roman period cradles were regularly used (Plaut. *Truc.* v. 13 and elsewhere; Cic. *de Div.* i. 36, § 79) and were made to rock. We find a female slave called *cunaria,* apparently distinct from the *nutrix* (Grut. *Inscr.* 311, 7); or a male slave, who perhaps in time became the child's *paedagogus* (*cunarum motor,* Mart. xi. 39, 1; cf. Tac. *Dial.* 29 *init.*). The illustration, from a sculptured stone found in Burgundy, and figured by Daremberg and Saglio, shows a boat-shaped cradle with the child curiously strapped in. [W. W.]



Cradle. (From the Museum at Beaune.)

CU'NEUS. [EXERCITUS; THEATRUM.]

CUNI'CULUS (*ὑπόνομος, ὑπόρυγμα*), a mine or subterranean passage, was so called from its resemblance to the burrowing of a rabbit. Thus Martial (xiii. 60) says:

> "Gaudet in effossis habitare cuniculus antris;
> Monstravit tacitas hostibus ille vias."

The word is applied to natural passages underground, like the *katavóthra* into which some rivers disappear (Plin. *H. N.* iii. § 117; v. § 55; vi. § 128); to sulphur mines (*ib.* xxxv. § 174); to the flues of furnaces (*ib.* ix. § 133) [BALNEAE, p. 278 *a*]; to sewers (*ib.* ii. § 197); to the underground channels of aqueducts, thus distinguished from the *specus* of the exposed portions (*ib.* xxxvi. § 121). But it is most commonly used as a military technical term, denoting either the "mines" of besiegers or the "counter-mines" of defenders. The use of the former was mainly, if not exclusively, to sap the foundations of a wall and make a breach for the assailants: "cuniculo suffossa moenia," Q. Curt. vii. 6. The stories of towns entered by mines, such as Fidenae (Liv. iv. 22), Veii (id. v. 19), Chalcedon (Polyaen. vii. 11, § 5), and an Indian town in Alexander's expedition (Q. Curt. ix. 8) are now rejected as unhistorical. The want of evidence for these cases is pointed out by Niebuhr (*R. H.* ii. 483, n. 1063; *e.g.* the capture of Chalcedon by Darius is not mentioned by Herodotus). The earliest military writer, Aeneas Tacticus, gives full details as to the art of mining, including that of countermines; and most of the later writers have copied or abridged his account. Among the curious particulars given by him are the introduction of wasps, bees, and smoke into the mine, and the sounding for mines by laying the ear to the ground with a bronze shield between (*Poliorc.* 37). Another remarkable stratagem in counter-mining is described by Livy (xxxviii. 7) at the siege of Ambracia by the Romans; the Ambraciots introduced into the besiegers' mine a "stink-pot" of burning feathers. For other examples of mines and countermines, cf. Thucyd. ii. 76; Caes. *B. G.* iii. 21, vii. 22, viii. 43.

The "cunicular" drainage of Latium and Southern Etruria belongs rather to the prehistoric antiquities of Italy than to classical times: it dates, probably, from the period of Etruscan supremacy in these regions, and the Romans had utterly lost sight of it. The subject is interesting from the economical point of view, and has recently been investigated by Italians desirous of restoring to the Campagna its ancient fertility. (See Daremberg and Saglio, *s. v.*) [R. W.] [W. W.]

CUPA, a wooden cask, butt or barrel, used like the largest earthen vessel, the *dolium,* to receive the fresh must from the wine-press (*torcular*) and to contain it during the process of fermentation. The cupa was always of wood; the *dolium,* like the *amphora,* always of earthenware. Hence of the derivatives, Fr. *cuve, cuvier,* Eng. *cooper,* follow the original meaning; while in It. *coppa,* Fr. *coupe,* Eng. *cup,* it is modified. The inferior wines were drawn for drinking from the cupa, without being bottled in *amphorae;*

whence *vinum de cupa* (Cic. *in Pis.* 27, § 67; Varr. *ap.* Non. ii. 113; Dig. 18, 6, 1, § 4) is equivalent to our expression "from the wood." [A caution may be necessary against the rendering of the passage in Cicero by some editors, as if *cupa* were for *copa*, "a hostess;" though Charisius (p. 47 P. = 63, 11 K.) has *quamvis Vergilius librum suum* cupam *inscripserit.*] Cicero says also *de dolio haurire* for drinking new wine (*Brut.* 83, § 288; cf. Guhl and Koner, ed. 5, p. 594). The phrase in Horace (*Sat.* ii. 2, 123) may be dismissed with the remark that all good editions give with the MSS. *culpa potare magistra:* Bentley's long note is, as often with him, ingenious but not convincing.

The cupae, like our own casks, were made with staves (*tabulae*, Pallad. i. 38, § 1) and hoops (*circuli*, Petron. *Sat.* 60, § 3; Plin. *H. N.* xiv. § 132). The close resemblance is shown in the annexed illustration.

Cupae. (From Trajan's Column.)

The hoops might be of rushes or osiers, perhaps also of iron: Varro objects to rush hoops on *cupae vinariae*, as not strong enough to stand the fermentation (*ap.* Non. *l. c.*). For the staves, the pitch-pine was preferred (Plin. *H. N.* xvi. § 42); it is not stated that wooden casks received a coating of pitch, as the *dolia* and *amphorae* undoubtedly did (*H. N.* xiv. § 134; Guhl and Koner, *l. c.*). They were used for a variety of purposes, as in modern times: for preserving and transporting fruits and corn (Dig. 33, 7, 8 and 12), forming rafts and pontoons (Lucan. iv. 420; Capitol. *Maximin.* 22; cf. Vopisc. *Aurelian.* 48); containing combustibles in war (Caes. *B. G.* viii. 42; *B. C.* ii. 11); and even for a sarcophagus (Grut. *Inscr.* p. 845).

II. Part of an olive-press (Cat. *R. R.* 21); in this sense probably derived from *κώπη*, a handle. [TRAPETUM.] [P. S.] [W. W.]

CURA, CURATE'LA, CURA'TIO. [CURATOR.]

CURA'TOR. Curators were persons appointed either by law or by the magistrate to look after the property of certain classes of people, and to prevent its being squandered, because they were unfit or unable to properly take charge of it themselves. Those classes are mainly four: minors or *adolescentes* (*i.e.* persons who were *sui juris* and between the age of puberty—12 or 14 (Gaius, i. 196; Inst. i. 22, pr.)—and 25 years); lunatics; interdicted prodigals; and a miscellaneous class, the *cura* of which was considerably later in origin.

The *cura* of minors is to be attributed to the fact that when a young person who was *sui juris* reached puberty, and escaped from the supervision of his guardian [TUTELA], he was regarded as having attained his full stature, intellectual no less than physical: he might marry and become a paterfamilias; he was liable to military service, entitled to vote in the comitia, and competent to hold public office; and he had the complete management of his own affairs. But it soon was felt to be a matter of necessity to give him some legal protection against designing and unscrupulous persons, for it became clear that his indiscretion and ignorance of business would frequently lead to his being overreached; and this was done, without interfering with the principle that full legal capacity was attained with puberty, by the Lex Plaetoria, passed certainly before 183 B.C., for it is mentioned by Plautus (*Pseud.* i. 3, 69; *Rud.* v. 3, 26), who died in that year. This statute (which appears to have first established the distinction between minority and full age) protected minors by subjecting any one who fraudulently overreached them to a *judicium publicum* or prosecution (Cic. *de Nat. Deor.* iii. 30, § 74; *de Off.* iii. 15, § 61), entailing a pecuniary fine and infamia on conviction (Lex Julia Municip. 38); and after the introduction of *exceptiones* by the praetor, a minor who was fraudulently induced to enter into a contract could protect himself against action brought thereon by pleading the exceptio legis Plaetoriae. It being unlikely that in the face of this stringent procedure any one would have any dealings with minors whatever, the statute (Capitol. *Marc.* 10) apparently went on to provide that minors who wished to contract or deal with other persons, especially in the way of stipulation (Priscian, viii. 4, xviii. 9; Plautus, *Rud.* l. c.) and loan (Plaut. *Pseud.* l. c.), should be compellable to receive a curator on their application, by whose assent to the transaction the penal consequences of the lex should be avoided.

The principle of the Lex Plaetoria was carried still further by the praetor, who by means of *in integrum restitutio* protected minors generally against indiscretion causing them proprietary loss (*laesio*); he would set aside transactions into which they had entered, not only on the ground of fraud, but on a consideration of all the circumstances of the case, provided application were made to him within a year after the attainment of majority. The superiority of this form of redress explains the scanty references to the Lex Plaetoria to be found in the writings of the jurists. (Dig. 4, 4; Cod. 2, 22; Savigny, *System*, §§ 322–324; Vangerow, *Pandekten*, §§ 183, 184.)

The Emperor Marcus Aurelius (Capitol. *Marc.* 10; Gaius, *Epit.* 1, 8) seems to have extended the scope of the cura of minores by providing that a minor might, on application to the proper magistrate, obtain a permanent curator to look generally after his property, and aid him with advice. The principle was that he could not be compelled to have a general curator unless he pleased ("inviti adolescentes curatores non accipiunt," Inst. i. 23, 2), except where he was involved in litigation (Inst. *loc. cit.*; a judgment against an undefended minor being void, Dig. 42, 1, 45, 6); when a person who owed him money wished to discharge his debt and obtain a release (Dig. 4, 4, 7, 2); and possibly where

he had disregarded the advice given to him by his guardian, on reaching puberty, to get one appointed for him. But apparently most minors were induced by the convenience of the system to have general curators to assist and advise them (Dig. *loc. cit.*; Ulpian, *Reg.* 12, 4; Dio Cass. 52, 20).

The curators of minors were always appointed by the magistrate: a testamentary appointment in itself was void, though the magistrate would usually confirm it by nominating the same person (Inst. i. 23, 1: cf. Dio Cassius, xliv. 35); and, according to rule, the minor had to apply for a curator himself: δέον ἄλλον αὐτῷ μὴ αἰτεῖν, ἀλλὰ αὐτὸν ἑαυτῷ (Ulpian in Dig. 26, 6, 2, 5). The munus was a public one, and could not be declined except on specific grounds, carefully enumerated in the authorities (Inst. i. tit. 25); many curators had to give security [CAUTIO], *rem salvam fore*, that they would diligently look after the interests entrusted to them; and if suspected of malversation or negligence, they could be removed by the magistrate, and in cases of fraud were liable to the *suspecti crimen*, a quasi-criminal prosecution (Inst. i. tit. 26).

A minor was fully competent to perform legal acts, such as the conveyance of property or making of contracts; but whether such legal acts had their full usual effect or not depended on whether they were sanctioned by the curator. Both alienations and contracts were *primâ facie* binding on him; but against both, if they were seriously prejudicial, or the curator's consensus has not been given, he could get himself *in integrum restitutus* by the magistrate (Cod. 2, 22, 3); and if the curator had not assented to a contract, he could not be compelled to disburse anything from the minor's property in discharge of it, or to pay costs or damages of actions brought in respect thereof by the other party. From this it will be gathered that the curator had the control and administration of his ward's property exactly as a guardian had (Dig. 23, 2, 20; 46, 3, 14, 7). But a series of imperial enactments (Cod. 5, 71, 16; 5, 37, 22) placed him and the guardian alike under very stringent regulations in respect of alienation of the ward's property, which as a general rule was not allowed without permission from a magistrate. If a minor wished to give himself in adrogation [ADOPTIO], the curator's consent was necessary.

The cura of *furiosi* (lunatics and idiots) and interdicted prodigals or spendthrifts originated with the Twelve Tables, which placed *furiosi* under the cura of their nearest agnates, or, if there were no agnates, of their gentiles, on the analogy of the rules of Intestate Succession (Cic. *de Invent.* ii. 50, § 148; Varro, *de Re Rust.* i. 2; Auctor *ad Herenn.* 1, 13; Ulpian, *Reg.* xii. 1, 2). Similarly the near relations of a *prodigus* might petition the magistrate for his interdiction from the management of his own affairs, and his subjection to the cura of his nearest agnates (Ulpian, *loc. cit.*; Cic. *de Senect.* 7, 22; Paul. *Sent. rec.* iii. 4, 7; Val. Max. iii. 5, 2), though only if his property had come to him by the intestacy of his own father (Ulpian, *Reg.* xii. 3). In default of these *legitimi curatores*, one would be appointed for such persons by the magistrate (Inst. i. 23, 3; Cod. 5, 70, 7, 6; Dig. 27, 10, 13), and in historical times the cura of *prodigi* was no longer confined to the single case of which Ulpian speaks.

In the time of Justinian other classes of persons were able to get a general curator by application to the magistrate, especially those suffering from weak health, impaired mental faculties, or bodily infirmity, *e.g.* the deaf and dumb (Inst. i. 23, 4). Similarly it would sometimes happen that an *impubes* would have a curator as well as a guardian: *e.g.* if there was litigation between himself and the latter (Inst. i. 21, 3), or if the latter was unfit or temporarily unable to discharge his duties (*ib.* 23, 5). In all these cases, the curator's activity would vary with the capacity of the ward. Lunatics and idiots were in law incapable of legal action, so that here the curator had to do everything; but with other persons he might leave the management of their property very much in their own hands, though this apparently did not diminish the responsibility which he had undertaken, especially if he had given the security *rem salvam fore*.

It will appear from what has been said that, whatever similarity there may have been between a guardian and a curator, an essential distinction lies in this, that the latter was especially intended to look after the ward's proprietary interests, whereas the former was *personae, non rei datus*.

The word *cura* has also other legal applications: (1) *cura bonorum*, as in the case of the goods of an insolvent debtor, which are secured for the benefit of his creditors; (2) *cura bonorum et ventris*, in the case of a woman being pregnant at the death of her husband; (3) *cura hereditatis*, where there is a dispute as to who is the *heres* of a person, and his supposed child is under puberty; (4) *cura hereditatis jacentis*, the charge of an inheritance of which the apparent heir has not yet declared his acceptance; (5) *cura bonorum absentis*, in the case of property of an absent person who had appointed no manager of it.

(Savigny, *Von dem Schutz der Minderjährigen im römischen Recht*, vermischte Schriften, ii. 321–395; Puchta, *Institutionen*, § 299; Walter, *Geschichte des röm. Rechts*, §§ 556–558; Vangerow, *Pandekten*, §§ 291–294.) [J. B. M.]

CURATO'RES were public officers of various kinds under the Roman empire, several of whom were first established by Augustus. (Suet. *Aug.* 37.) The most important of them were as follow:—

1. CURATORES ALVEI ET RIPARUM ET CLOACARUM, who had the charge of the navigation of the Tiber. The duties of their office may be gathered from Ulpian (Dig. 43, tit. 15). It was reckoned very honourable, the office being always held by consulars, and the persons who filled it received afterwards the title of comites. (Cf. *C. I. L.* i. p. 180; Wilmanns, *Inscr. Lat.* No. 846, 849, 850, &c.)

2. CURATORES ANNONAE, who purchased corn and oil for the state, and sold it again at a small price among the poorer citizens. They were also called *curatores emendi frumenti et olei*, and σιτῶναι and ἐλαιῶναι. (Dig. 50, tit. 5, s. 18, § 5.) Their office belonged to the *personalia munera*; that is, it did not require any expenditure of a person's private property: but the curatores received from the state a sufficient

sum of money to purchase the required amount. (Dig. 50, tit. 8, s. 9, § 5.) The title appears on inscriptions either as *curator frumenti comparandi in annonam urbis* (Wilmanns, 1252), or once as *frumenti curator ex s. c.*, which appears to have been a special case (*ib.* 1113). A more common title is *praefecti frumenti dandi* (q. v.); but cp. Frontin. *de Aquaed.* 101, *curatores frumenti.*

3. CURATORES AQUARUM. [AQUAEDUCTUS.]

4. CURATORES KALENDARII, who had the care in municipal towns of the *kalendaria;* that is, the books which contained the names of the persons to whom public money, which was not wanted for the ordinary expenses of the town, was lent on interest. The office belonged to the *personalia munera.* (Dig. 50, tit. 4, s. 18, § 2; tit. 8, s. 9, § 7; Heinecc. *Antiq. Rom.* iii. 15, § 4.) These officers are mentioned in inscriptions found in municipal towns, *e.g.* at Praeneste (Wilmanns, 1798, 1799), Corfinium (*ib.* 2062), Arretium (*ib.* 2093), &c.

5. CURATORES LUDORUM, who had the care of the public games as special commissioners (Mommsen, *Röm. Staatsr.* ii.² 910). Marquardt thinks that the *curatores munerum* were ordinary, and not specially appointed officials (*Röm. Staatsverw.* iii. 467). Persons of rank appear to have been usually appointed to this office. (Tac. *Ann.* xi. 35, xiii. 22; Suet. *Cal.* 27.) In inscriptions, they are usually called *curatores muneris gladiatorii*, &c.

6. CURATORES OPERUM PUBLICORUM, who had the care of all public buildings, such as the theatres, baths, aqueducts, &c., and agreed with the contractors for all necessary repairs to them. Their duties under the republic were discharged by the aediles and censors. [CENSORES.] They are frequently mentioned in inscriptions. (Wilmanns, 636, 1163, 1181, 1188, 1224, &c.)

7. CURATORES REGIONUM, who had the care of the fourteen districts into which Rome was divided, and whose duty it was to prevent all disorder and extortion in their respective districts. This office was first instituted by Augustus. (Suet. *Aug.* 30.) There were usually two officers of this kind for each district: Alexander Severus, however, appears to have appointed only one for each; but these were persons of consular rank, who were to have jurisdiction in conjunction with the praefectus urbi. (Lamprid. *Alex. Sev.* 33.) We are told that M. Aurelius, among other regulations, gave special directions that the curatores regionum should either punish, or bring before the praefectus urbi for punishment, all persons who exacted from the inhabitants more than the legal taxes. (Jul. Capitol. *M. Ant. Phil.* 11. Cf. Wilmanns, 1222, 1715.)

8. CURATORES REIPUBLICAE (with the name of the community added), also called LOGISTAE, who administered the landed property of municipia. [COLONIA, p. 483 a.] (Dig. 50, tit. 8, s. 9, § 2; 2, tit. 14, s. 37.) These were appointed by the emperors: cf. *C. I. L.* v. 4368, "curat. reip. Bergam. dat. ab imp. Traiano. curat. reip. Comens. dat. ab imp. Hadriano." Ulpian wrote a separate work, *De Officio Curatoris Reipublicae.*

9. CURATORES TABULARUM PUBLICARUM, three magistrates appointed by Tiberius in A.D. 16, to assist in keeping the public records. (Cf. Mommsen, *Röm. Staatsr.* ii.² 545.)

10. CURATORES VIARUM. [VIAE.]

[W. S.] [A. S. W.]

CU'RIA signifies both a division of the Roman people and the place of assembly for such a division. Various etymologies of the word have been proposed. Varro (*de Ling. Lat.* v. 32) derives it from *curare*, a view defended by Mommsen (*Hist.* i. 72). Lange (*Röm. Alt.* i. p. 79), who regards *Quirites* as derived from *curia*, a theory which others again invert, wavers between this view and Corssen's earlier suggestion, that is, for *covisia*, "a dwelling together," from the root *vas*, "to dwell." But seeing that the original meaning seems to have been "house," it is better to trace it to the root *sku*, "shelter," as Corssen now does.

Each of the three ancient Romulian tribes, the Ramnes, Tities, and Luceres, was subdivided into 10 curiae, so that the whole body of the populus was divided into 30 curiae. (Liv. i. 13; Dionys. ii. 7, 23; Plut. *Rom.* 19.) It has commonly been asserted that the plebeians had no connexion whatever with the curiae, and that the clients of the patricians were members of the curiae only in a passive sense. (Fest. p. 285, ed. Müller; comp. PATRICII, GENS.) But Mommsen has adduced strong reasons for denying the purely patrician character of the *curiae* (*Röm. Forsch.* i. 140–150), and accepting the view of Dionysius (iv. 12, 20) that plebeians were admitted. He points out first that, as is generally admitted, the *curiae* in their sacral character included plebeians as well as patricians. The Fornacalia was a festival celebrated by curies, but Ovid's account of it (*Fast.* ii. 511 ff.) is quite inconsistent with the notion that it was a patrician festival. Besides, in B.C. 209 we find a plebeian elected as Curio Maximus, and, according to all analogy, plebeians must have been admitted to the curies long before one of them could be found holding the highest post of dignity. Secondly, there is absolutely no proof of the purely patrician character of the *comitia curiata*, but much evidence to the contrary. Cicero's words (*de Leg. Agr.* ii. 11, 27, "curiatis comitiis quae vos non initis") refer merely to the formal meetings of lictors [cf. COMITIA], which no citizens, patrician or plebeian, attended. Plebeians are represented as existing and voting side by side with patricians before the institution of any other than the *comitia curiata.* The extinction of the functions of the curies is nowhere mentioned as a result of the decay of the patriciate. By comparing Cic. *pro Planc.* 3, 8, and *de Domo* 14, 38, it is plain that the *populi comitia* of the former answers to the *comitia centuriata et curiata* of the second. The election of a magistrate and the conferring of the imperium are represented by Cicero (*de Leg. Agr.* ii. 11, 26, "maiores de singulis magistratibus bis vos sententiam ferre voluerunt") as two acts of the same body; but the former took place in the centuries, the latter in the curies. The thirty lictors who represented the curies, and therefore must have had the right of voting there, were plebeians. There is no reason whatever to believe that the right of making wills and adoptions before the curies was limited to patricians, and we have one positive instance of a plebeian adopting before the curies in the case of Clodius. Hence the common theory of the purely patrician character of the curies must be abandoned There is no historical evidence to show when

the plebeians became members of them (Mommsen, *Forsch.* i. 149), but it is a reasonable conjecture that they were admitted at the time of the expulsion of the kings, when the *comitia curiata* lost their political power by the development of the *comitia centuriata* (Mommsen, *Hist.* i. 264). All the members of the different gentes belonging to one curia were called, in respect of one another, *curiales*. Each curia as a corporation had its peculiar sacra (Fest. pp. 174, 245; Paul. Diac. p. 49, ed. Müller), and, besides the gods of the state, they worshipped other divinities and with peculiar rites and ceremonies. For such religious purposes each curia had its own place of worship, called curia, which at first may have contained nothing but an altar, afterwards a sacellum, and finally a building in which the curiales assembled for the purpose of discussing political, financial, religious, and other matters. (Paul. Diac. pp. 62, 64; Dionys. ii. 50.) The religious affairs of each curia were taken care of by a priest, *curio*, who was assisted by another called Flamen curialis. (Paul. Diac. pp. 49, 64; Varro, *de L. L.* v. 83, vi. 46; Dionys. ii. 21; comp. CURIO.) The thirty curiae had their own distinct names, which are said to have been derived from the names of the Sabine women who had been carried off by the Romans, though it is evident that some derived their names from certain districts or from ancient eponymous heroes. Few of these names only are known, such as curia Titia, Faucia, Calabra, Foriensis, Rapta, Veliensis, Tifata. (Paul. Diac. pp. 49, 366; Fest. p. 174; Liv. i. 13; Dionys. ii. 47; Cic. *de Re Publ.* ii. 8, 14.) O. Gilbert has lately (*Gesch. und Topogr. der Stadt Rom in Alterthum*, 2 vols. 1883, 1885) advocated with much ingenuity and learning a theory that the *curiae* were based originally upon the gradual occupation of the seven hills of the *Septimentium* by tribes of different origin, and their ultimate federation. The details of this view involve too many moot points to be discussed here with advantage.

Curia is also used to designate the place in which the senate held its meetings. [See following article.] From this there gradually arose the custom of calling the senate itself curia in the coloniae and municipia, but never the senate of Rome. [DECURIO.] The official residence of the Salii, which was dedicated to Mars, was likewise styled curia. (Cic. *de Div.* i. 17; Dionys. xiv. 5; Plut. *Camill.* 32; comp. Becker, *Handb. der Röm. Alterth.* vol. ii. part i. p. 31, &c.; Lange, *Röm. Alterth.* i. 244–250; Mommsen, *Röm. Forsch.* i. 140–150.) [L. S.] [A. S. W.]

CU'RIA (*βουλευτήριον, γερουσία*), the building in which the highest council of the state held its meetings. Scarcely anything is known of the form or dimensions of such structures. Vitruvius (v. 2) gives a curious rule for ascertaining the proportions between the height and the length and breadth: this does not, however, agree with the probable plan and elevation of the Curia of Diocletian at Rome. The same author enjoins the use of a cornice half-way up the wall to throw down the sound. The occurrence of columns down each side of the hall is attested by Pausanias (viii. 32; x. 5) at Phocis; a like arrangement has been noticed at Pompeii.

The history and site of the Senate-house at Rome have been much discussed. Built by Tullus Hostilius (Varr. *L. L.* v. 155–6), the Curia Hostilia was burnt at the funeral of Clodius (B.C. 52). Successive restorations by a son of Sulla and by Augustus are recorded in the names C. Cornelia and C. Julia. Under Domitian the C. Julia was again rebuilt. A still later building, ascribed to Diocletian, has been identified with the present church of S. Adriano on the N.E. of the Forum. It is of brick, ornamented with stucco and marble. (Franz v. Reber, *Die Lage d. C. Hostilia u. d. C. Julia*; H. Jordan, *Topogr. d. Stadt Rom*, 1 Bd., 2 Abth. p. 250 ff.; J. H. Middleton, *Anc. Rome in* 1885; Lanciani, *L'aula e gli Uffici del Senato Romano*; Du Perac, *Vestigj di Roma*, 1575.) [J. M.]

CURIA'LES. [CURIA; DECURIONES.]

CURIA'TA COMI'TIA. [COMITIA.]

CU'RIO, the person who stood at the head of a curia, and had to manage its affairs, especially those of a religious nature (Dionys. ii. 7, 65; Varro, *de L. L.* v. 15, 32, vi. 6): in their administration he was assisted by another priest, called Flamen curialis. (Paul. Diac. p. 64; Dionys. ii. 21, 64.) As there were thirty curiae, the number of curiones was likewise thirty, and they formed a college of priests, which was headed by one of them bearing the title of *curio maximus* (Paul. Diac. p. 126; Liv. xxvii. 8). In later times he was elected by the people, but originally probably by co-optation. [L. S.] [A. S. W.]

CU'RIUS (*κύριος*). [KYRIOS.]

CURRUS (*ἅρμα*), a chariot, a car. These terms are especially applied to the two-wheeled cars used in battle and in racing. They differed from the *carpentum* in being open overhead, and from the *cisium* in being closed in front. The plural *ἅρματα* is generally used to signify the chariot and all its appurtenances—pole, yoke, reins, &c.—excluding the horse (Buchholz, *Die homerischen Realien*, ii. 1, 219, comparing *τόξον* and *τόξα*). The words *ἅρμα* (*Il.* xxiv. 440), *ἅρματα* (*Od.* iii. 492), and *δίφρος* (*ib.* 481) are also employed for the light cars used on journeys. They frequently had, bound on to the body, a basket, *πείρινς* (*Od.* xv. 131), which must have been capacious to hold the presents Telemachus got from Menelaus (*Od.* xv. 102–105). Doubtless Telemachus and Pisistratus sat on this *πείρινς*, as it was unlikely that they would stand for a whole two days' journey (*Od.* iii. 487, 497; and Buchholz, *op. cit.* p. 228). The most essential parts in the construction of the *currus* were:—

1. The *antyx* (*ἄντυξ*) or rim. Either on three sides of the chariot or only in front there was a curved (hence *ἄγκυλον, κάμπυλον ἅρμα, Il.* v. 231, vi. 39) barrier (*ἐπιδιφριάς, Il.* x. 475; *περίφραγμα*, Poll. i. 142), sometimes of light wood, sometimes of leather or metal (cf. for the latter *Il.* xxiii. 503; and Helbig, *Das homerische Epos*, pp. 95, 103). It was generally a sort of trellis-work made by interlacing strips of the material used; hence probably *δίφρος εὐπλεκὴς* or *εὐπλεκτός* (*Il.* xxiii. 436, 335). In different chariots this barrier was of different heights: sometimes it did not come up to the knee, sometimes it rose to near the waist, but in the Greek war-chariot it was seldom, if ever, higher. Warriors in a chariot are mentioned as being wounded in the stomach (*Il.* xiii. 398). Round the top of this barrier was the

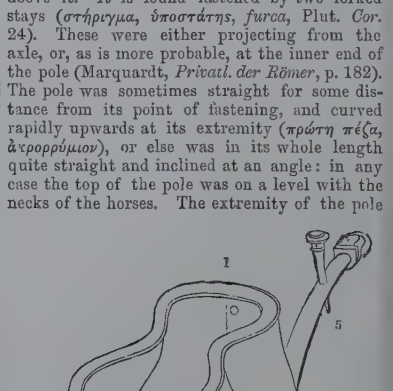
curved rim (ἄντυξ), which was generally raised above the trellis-work barrier by bars. A variety of technical names belonging to these bars are to be found in Poll. i. 143. The two ἄντυγες of Hera's chariot (δοιαὶ δὲ περίδρομοι ἄντυγές εἰσι, *Il.* v. 728) are to be explained either with Grashof (*Ueber das Fuhrwerk bei Homer und Hesiod*, p. 28) of a double rim, one rising above the other, or with Helbig (*op. cit.* p. 105) of a rim at both sides of the chariot. The former perhaps suits the sense of περι- ("all round," in opposition to ἀμφι-, "on both sides") better than the latter. The ἄντυξ often served to fasten the reins to (*Il.* v. 262). As the ἄντυξ was curved, a pliant wood was required for it; and Homer (*Il.* xxi. 37) mentions the wild fig-tree as so used. The term ἄντυξ is sometimes applied to the whole chariot (Soph. *El.* 746).

2. The *axle*, usually made of oak (φήγινος ἄξων, Hom. *Il.* v. 838, imitated by Virgil, *fagineus axis*, *Georg.* iii. 172), and sometimes also of ilex, ash, or elm (Plin. *H. N.* xvi. § 229). It was of iron or brass in the chariots of the gods (*Il.* v. 723; xiii. 30). The extremities were called ἀκραξόνια (Poll. i. 145) or χνοαί (Hesych. *s.v.*), and sometimes ended in the head of an animal (Guhl and Koner, *Das Leben der Griechen und Römern*, p. 306, ed. 4). The iron plates on the axle round which the wheels revolved were called εὐραί (Poll. i. 145). The axle was about seven feet long (Guhl and Koner, p. 304).

3. The *wheels* (κυκλά, τροχοί, *rotae*) revolved upon the axle, as in modern carriages. They consisted of (*a*) *spokes* (κνῆμαι, *radii*), usually four in number, but in the chariot of Hera there were eight (ὀκτάκνημα, *Il.* v. 723). With tips of iron (ἄετοί, Poll. i. 145) at each end on the outer side, they were fixed in (*b*) a *felloe* (ἰτύς), consisting of four or more arcs, ἀψῖδες (Hesiod, *Op.* 426; σῶτρα, Poll. i. 144), which of course had to be of flexible wood (*Il.* iv. 482–486; xxi. 37), heat being used to assist in producing the curvature (Theocr. xxv. 247–251), bound on the outside by (*c*) an iron *tire* (ἐπίσωτρον, *Il.* xxiii. 519; ἐπίσωτρα, *Il.* v. 725; *canthus*, Pers. v. 71). In Hera's chariot the tire was of bronze and the felloe gold (*Il.* v. 725). On the inner side they were fixed in (*d*) the *nave* (πλήμνη, *Il.* v. 726; χνοή, Aesch. *Theb.* 153; *modiolus*, Plin. *H. N.* ix. § 8). There are several technical terms for the different parts of the nave (Poll. i. 145). The external ring of iron into which the spokes fitted was called θώραξ or πλημνόδετον. The internal ring round the hole through which the axle passed was γάρνον οι δέστρον. What was probably a flat ring prevented the wheels slipping off, and was called παραξόνιον, ἐπίβολος, ἔμβολος: it was itself kept in its place by the linchpin (ἐμβολοδέτης). The wheels (Buchholz, *op. cit.* p. 224) were not more than thirty inches in diameter: this appears to rest on Hesiod, *Op.* 426, where Proclus and Tzetzes take ἅμαξα as the *wheel*.

4. The *body* of the chariot, δίφρος, also called ὑπερτερία by Poll. i. 144, though in Homer that word appears to mean the upper part shaped like a cart. (See Ameis on *Od.* vi. 70, who refutes Göbel's view that it is a covering to keep off sun and rain.) All efforts were made to lessen the weight of the chariot, and we have evidence that they were very light. They drive over heaps of arms and corpses (*Il.* xi. 534), and even across ditches (*Il.* viii. 179); and Diomede thinks of carrying a chariot on his shoulders (*Il.* x. 505). It consisted of some kind of interlaced straps of leather (ἱμάντωσις, τόνος, Poll. i. 142). In Hera's chariot they were of gold and silver cords (*Il.* v. 727). Doubtless this was bound around to a narrow frame of some rigid substance, wood or iron; and it is to this perhaps that the epithets πρωτοταγής, κολλητός, which are applied to the δίφρος (*Il.* v. 193; xix. 395), refer. Possibly this framework at the back of the chariot, which was always cut straight, is what Pollux (i. 144) means by πτέρνα (τὸ δὲ πρὸ τοῦ τόνου οὗ πρῶτον ἐπιβαίνουσιν οἱ ἀναβαίνοντες, πτέρνα); though Guhl and Koner (p. 305) say it is the boards which were placed over the straps and on which the charioteers stood. If we allow a foot on each side of the axle for the wheels, the breadth of the δίφρος would be about five feet.

5. The *pole* (ῥυμός, *temo*), made of wood and polished (*Il.* xxiv. 271). From representations of chariots, we find the pole sometimes as it were a continuation of the flooring of the δίφρος, sometimes fastened into the axle, sometimes above it. It is found fastened by two forked stays (στήριγμα, ὑποστάτης, *furca*, Plut. *Cor.* 24). These were either projecting from the axle, or, as is more probable, at the inner end of the pole (Marquardt, *Privatl. der Römer*, p. 182). The pole was sometimes straight for some distance from its point of fastening, and curved rapidly upwards at its extremity (πρώτη πέζα, ἀκρορρύμιον), or else was in its whole length quite straight and inclined at an angle: in any case the top of the pole was on a level with the necks of the horses. The extremity of the pole



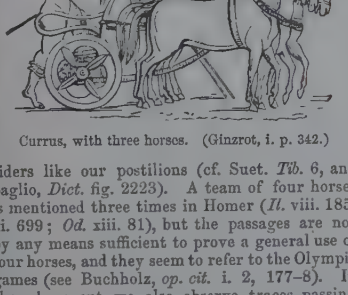
Currus. (Vatican.)

at times ended in the head of a bird, a ram, or the like. Towards the extremity of the pole the yoke was fastened about a pin (ἕστωρ) fixed in the pole. There was frequently a fastening running from the top of the pole to the ἄντυξ, in order to divide the traction-force on two points. For details as to the yoke and its fastening, see JUGUM; and for the reins, see FRENUM.

All the parts now enumerated are seen in an

ancient chariot preserved in the Vatican, a representation of which is given in the preceding woodcut.

Carriages with two or even three poles were used by the Lydians (Aesch. *Pers.* 47). The Greeks and Romans, on the other hand, appear never to have used more than one pole and one yoke, and the currus thus constructed was commonly drawn by two horses, which were attached to it by their necks, and therefore called δίζυγες ἵπποι (Hom. *Il.* v. 195, x. 473), συνωρίς (Xen. *Hell.* i. 2, § 1), *gemini jugales* (Verg. *Aen.* vii. 280), *equi bijuges* (*Georg.* iii. 91). We occasionally find in Homer that only one horse was used (*Il.* ii. 390; xxii. 22; xxiii. 517), and it must have been fastened by traces; but a pair of horses is much the most frequent. They drew the car by means of the yoke and its collars (λέπαδνα); for they were not, Helbig thinks (*op. cit.* 106), fastened to the chariot by traces. Thus in the Iliad, when the pole breaks (vi. 38 ff., xvi. 360), the horses simply run on with the yoke and front part of the broken pole, and the car is left behind; again, when the yoke breaks and the horses run to different sides, they do not, Helbig says, upset the chariot, as they would do if they had been fastened by traces (*Il.* xxiii. 392 ff.). In this latter passage, however, it seems most probable that the shock which could throw Eumelus out with such violence must have upset the light chariot. Besides the yoke horses, there was sometimes a παρήορος (*Il.* xvi. 471), σειραῖος (Soph. *El.* 722), σειραφόρος (Aesch. *Ag.* 842), *funalis equus* (Stat. *Theb.* vi. 462), *funarius* (Isid. *Orig.* xviii. 33), which was fastened by a trace affixed to the ἄντυξ (Guhl and Koner, *op. cit.* p. 305), if we may judge from vase-pictures and as the word σειραφόρος would lead us to infer. But the main work of traction was done by the yoke horses (cf. Aesch. *Ag.* 1679). Helbig (*op. cit.* p. 91) thinks that they were fastened to the yoke or to one of the yoke-horses; yet he holds (p. 106, note 6) that traces were used in the case of a team of four horses. At any rate the fastenings of the παρήορος were called παρηορίαι (*Il.* xvi. 152). These outriggers had often



Currus, with three horses. (Ginzrot, i. p. 342.)

riders like our postilions (cf. Suet. *Tib.* 6, and Saglio, *Dict.* fig. 2223). A team of four horses is mentioned three times in Homer (*Il.* viii. 185, xi. 699; *Od.* xiii. 81), but the passages are not by any means sufficient to prove a general use of four horses, and they seem to refer to the Olympic games (see Buchholz, *op. cit.* i. 2, 177–8). In the above cut we also observe traces passing between the two ἄντυγες, and proceeding from the front of the chariot on each side of the middle horse. These probably assisted in attaching the third, or extra horse.

The Latin name for a chariot and pair was *bigae* (Verg. *Aen.* ii. 272, v. 721; Plin. *H. N.* vii. § 202, *et alibi*); in later Latin also *biga* (Tac. *Hist.* i. 86; Plin. xxxix. § 89; Stat. *Silv.* i. 2, 45, *et alibi*). When a third horse was added, it was called *triga* (Dig. 21, 1, 38, § 14) or *trigae* (Isidor. *Orig.* xviii. 36); and by the same analogy a chariot and four was called *quadrigae* (Verg. *Georg.* i. 512, *Aen.* vi. 535; Cic. *Div.* ii. 70, 144, *et alibi*), in later Latin *quadriga* (Gell. xix. 8, 17; Suet. *Vit.* 17, *et alibi*); in Greek, τετρωρία or τέθριππος. Four horses were the largest number usually employed, but we also read of a chariot drawn by six horses, called *sejugis* (Orelli, *Inscr.* 2593, 6179), but more usually in the plural *sejuges* (Liv. xxxviii. 35, 4; Plin. *H. N.* xxxiv. § 19; Apul. *Flor.* p. 356, No. 16), also *sejugae* (Isid. *Orig.* xviii. 36), like bigae and quadrigae; of a chariot drawn by eight horses (*octojugis*, Orell. *Inscr.* 6179); and of one drawn by ten horses (*decemjugis*, Orell. *l. c.*), which was the number driven by Nero in the Olympic games (Suet. *Ner.* 24). In all cases the horses were driven abreast.

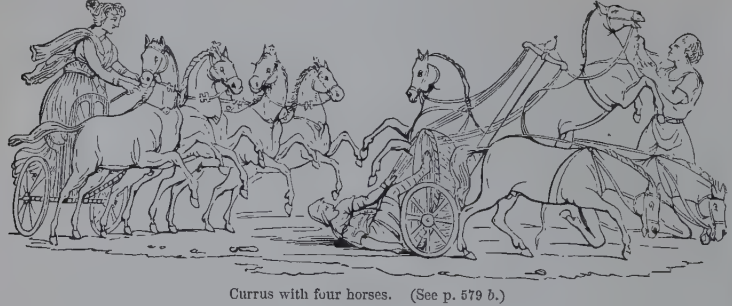
As the works of ancient art, especially fictile vases, abound in representations of quadrigae, numerous instances may be observed, in which the two middle horses (ὁ μέσος δεξιὸς καὶ ὁ μέσος ἀριστερός, Schol. *in* Aristoph. *Nub.* 122) are yoked together as in the bigae; and, as the two lateral ones (ὁ δεξιόσειρος, ὁ ἀριστερὸς σειραῖος, *dexterior*, *sinisterior funalis equus*, Suet. *Tib.* 6; and cf. Jebb on Soph. *El.* 721) have collars (λέπαδνα) equally with the yoke-horses, we may presume that from the top of these proceeded the ropes which were tied to the rim of the car, and by which the trace-horses assisted to draw it. The first figure in the following woodcut is the chariot of Aurora, as painted on a vase found at Canosa. (Gerhard, *Ueber Lichtgottheiten*, pl. iii. fig. 1.) The reins of the two middle horses pass through rings at the extremities of the yoke. All the particulars which have been mentioned are still more distinctly seen in the second figure, taken from a terra-cotta at Vienna. (Ginzrot, vol. ii. pp. 107, 108.) It represents a chariot overthrown in passing the goal at the circus. The charioteer having fallen backwards, the pole and yoke are thrown upwards into the air; the two trace-horses have fallen on their knees, and the two yoke-horses are prancing on their hind legs.

If we may rely on the evidence of numerous works of art, the currus was sometimes drawn by four horses without either yoke or pole; for we see two of them diverging to the right hand and two to the left, as in the cameo in the royal collection of Berlin, which exhibits Apollo surrounded by the signs of the zodiac. If the ancients really drove the quadrigae thus harnessed, we can only suppose the charioteer to have checked its speed by pulling up the horses, and leaning with his whole body backwards, so as to make the bottom of the car at its hindermost border scrape the ground, an act and an attitude which seem not unfrequently to be intended in antique representations.

The currus, like the cisium, was adapted to carry two persons, and on this account was called in Greek δίφρος. One of the two was of

course the driver. He was called *ἡνίοχος*, because he held the reins, and his companion *παραιβάτης*, from going by his side or near him. Though in all respects superior, the *παραιβάτης* was often obliged to place himself *behind* the *ἡνίοχος*. He is so represented in the bigae at p. 129, and in the Iliad (xix. 397) Achilles himself stands behind his charioteer, Automedon.

On the other hand, a personage of the highest rank may drive his own carriage, and then an inferior may be his *παραιβάτης*, as when Nestor conveys Machaon (*πὰρ δὲ Μαχάων βαίνε, Il.* xi. 512, 517), and Hera, holding the reins and whip, conveys Athena, who is in full armour (v. 720–775). In such cases a kindness, or even a compliment, was conferred by the driver upon



Currus with four horses. (See p. 579 *b*.)

him whom he conveyed, as when Dionysius, tyrant of Sicily, "himself holding the reins, made Plato his *παραιβάτης*." (Aelian, *V. H.* iv. 18.)

Chariots were frequently employed on the field of battle not only by the Asiatic nations, but also by the Greeks in the heroic age. The *ἀριστῆες*, *i.e.* the nobility, or men of rank, who wore complete suits of armour, all took their chariots with them, and in an engagement placed themselves in front. In the Homeric battles we find that the horseman, who for the purpose of using his weapons, and in consequence of the weight of his armour, is under the necessity of taking the place of *παραιβάτης* (see above the woodcut of the triga), often assails or challenges a distant foe from the chariot; but that, when he encounters his adversary in close combat, they both dismount, "springing from their chariots to the ground," and leaving them to the care of the *ἡνίοχοι*. (*Il.* iii. 29, xiii. 537, xvii. 480–483, 500–502; Hes. *Scut. Herc.* 370–372.) As soon as the hero had finished the trial of his strength with his opponent, he returned to his chariot, one of the chief uses of which was to rescue him from danger.

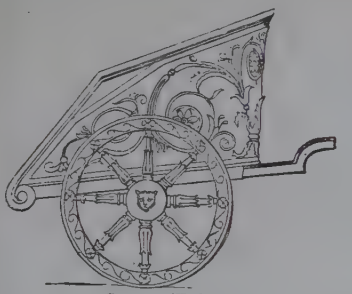
In later times the chariots were chiefly employed in the public games. The usual form of those used in the Grecian public games appears on the coins of victors, as in the annexed coin of Hieron II. of Syracuse. Those used in the Roman games of the Circus are figured under Circus. Their form was the same, except that they were more elegantly decorated. They had no *ἄντυγες*, but were raised in front. They had low wheels, quite at the back, and there was no space to stand in behind the wheels. (See cut p. 434.) Chariots were not much used by the Romans. The ancient Italians never fought from chariots. When such appear, they are either in representations of Greek events or are triumphal cars (Saglio, *Dict.* p. 1641). In a Roman triumph the general ascended to the Capitol in a chariot adorned with ivory (*currus eburnos*, Ov. *Trist.* iv. 2, 63) or gold (*aureos*, Hor. *Epod.* ix. 22), which was cylindrical, with sides very much higher than the Greek chariots. An example may be seen in the cuts under Triumphus, which in a measure exemplify what Zonaras says (vii. 21): *τὸ δὲ ἅρμα ἐς πύργον περιφεροῦς τρόπον ἐξείργαστο*. The utmost skill of the painter and the sculptor was employed to enhance its beauty and splendour. More particularly the extremities of the axle, of the pole, and of the yoke, were highly wrought in the form of animals' heads. Wreaths of laurel were sometimes hung round it (*currum laurigerum*, Claudian, *de Laud. Stil.* iii. 20, *Tert. Cons. Honor.* 130), and were also fixed to the heads of the four snow-white horses. (Mart. vii. 8, 8.) The car was elevated so that he who triumphed might be the most conspicuous person in the procession, and for the same reason he was obliged to stand erect (*in curru stantis eburno*, Ovid, *Pont.* iii. 4, 35). The triumphal car had in general no pole, the horses being led by men who were stationed at their heads.

Chariot in Grecian public games. (Coin of Hieron II. of Syracuse. British Museum.)

Chariots executed in terra-cotta (*quadrigae fictiles*, Plin. *H. N.* xxviii. § 16), in bronze, or in marble, an example of which last is shown in the following woodcut from an ancient chariot in the Vatican, were among the most beautiful ornaments of temples and other public edifices. No pains were spared in their decoration; and Pliny informs us (e.g. *H. N.* xxxiv. § 86) that some of the most eminent artists were employed upon them. In numerous instances they were designed to perpetuate the fame of those who had conquered in the chariot-race (Paus. vi. 10, 6). As the emblem of victory, the quadriga was sometimes adopted by the Romans to grace the triumphal arch by being placed on its summit; and even in the private houses of great families, chariots were displayed as the

indications of rank, or the memorials of conquest and of triumph. (Juv. viii. 3.)

The chief works on the subject of the chariot are: Grashof, *Ueber das Fuhrwerk bei Homer und*



Currus. (Vatican.)

Hesiod; Buchholz, *Die homerischen Realien*, ii. 1, 217–232; Guhl and Koner, *Das Leben der Griechen und Römern*, pp. 304–308; Helbig, *Das homerische Epos*, pp. 88–110; Saglio in *Dict. des Antiq.* i. 1633–1643. The last two works give numerous illustrations. [J. Y.] [L. C. P.]

CURRUS ARCUA'TUS, mentioned by Livy (i. 21–4), is the same as the carpentum. [CARPENTUM.] [W. S.]

CURSO'RES. 1. Slaves, whose duty it was to run before the carriage of their masters, for the same purpose as our outriders. They are not mentioned under the republic, and appear to have first come into fashion in the middle of the first century of the Christian aera. The slaves employed for this purpose appear to have frequently been Numidians. (Senec. *Ep.* 37, 9, 123, 7; Mart. iii. 47, xii. 24; Suet. *Ner.* 30, *Tit.* 9; Petron. 28; Dig. 32, 1, 99, § 5; Becker-Göll, *Gallus*, ii. p. 159.)

2. Messengers or couriers (Nep. *Milt.* 4, 3; Plin. *H. N.* ii. § 181, Plin. *Ep.* vii. 12; Suet. *Nero*, 49; Mart. iii. 100; Tac. *Agric.* 43). [CURSUS PUBLICUS.]

3. Runners in the foot-race [CURSUS], or competitors in a chariot-race ("ut cupidi cursor frenat frena retentat equi" (Ov. *Pont.* iii. 9, 26). [W. S.]

CURSUS (*δρόμος, τρόχος*). Foot-racing, being one of the most natural, was also one of the most primitive of athletic sports. We often read of it in the Homeric poems (e.g. *Il.* xxiii. 759 ff.). In historic times, at the national festivals of Greece, several species of it had come into vogue. We may distinguish four sorts: (*a*) the *στάδιον* (or simply *δρόμος*), (*b*) the *δίαυλος*, (*c*) the *ἐφίππιος* or *ἵππιος δρόμος*, (*d*) the *δολιχὸς δρόμος* (or *δόλιχος*, proparox). A strange feature in these races was that they were (according to Lucian, *Anachars.* 27) run not on hard and firm ground, but over a deeply-sanded surface.

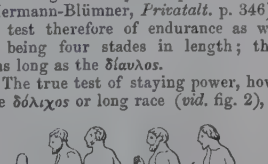
(*a.*) The *στάδιον* (see fig. 1) was a race in which the runners (*σταδιοδρόμοι*) traversed the arena in a direct line (whence it was called *εὐθύς, ἄκαμπτος*), from one extremity to the other. This distance, as measured by the Olympic stade, which became the general standard, was about 600 feet. The *στάδιον* corresponds to our "sprint," in which the runner does the whole race at his highest speed. Describing its origin, Philostratus (who lived in the 3rd century A.D.) says: "When the Eleans had slain the customary victims, and the pieces of flesh were laid upon the altar on which as yet no fire had been kindled, the runners (*οἱ δρομεῖς*) were posted at the space of a stade from the altar, just in front of which stood the priest, torch in hand, and acting as umpire. Towards him they ran, and the runner who came in first received the torch, lit the sacred fire, and was hailed as Olympionikēs." (Philostr. *Gymn.* 5.) From the same writer we learn that the Olympic games up to the date of their thirteenth celebration consisted only of this contest.

1. The Stadion. (Krause.)

(*b.*) The *δίαυλος*, or double course (properly = double pipe), required that the runners (*διαυλοδρόμοι*) should, after traversing the arena as in the *στάδιον*, turn round a post (*καμπτήρ*) and run back to their starting-point. Hence it was called *δρόμος κάμπειος* (from *καμπή* = *flexus*). Explaining the origin of this race, Philostratus says: "When the Eleans had sacrificed, and it became the duty of the deputies from the rest of Greece to perform this ceremony, that the latter might lose no time in approaching, the runners ran a stade from the altar in their direction as if to summon the Hellenic nation, and then, without stopping, ran back to the place they had started from, as if to announce that Hellas was about to come with joy to discharge the holy rite." He tells us also that the *δίαυλος* did not form part of the games until the 14th Olympiad.

(*c.*) The *ἐφίππιος* or *ἵππιος* (as it is termed Eurip. *Elect.* 825) did not, as might seem from its name, signify a horse-race, but a race of sufficient length to try the power of a horse (see Hermann-Blümner, *Privatalt.* p. 346). It was a test therefore of endurance as well as speed, being four stades in length; that is, twice as long as the *δίαυλος*.

(*d.*) The true test of staying power, however, was the *δόλιχος* or long race (*vid.* fig. 2), added

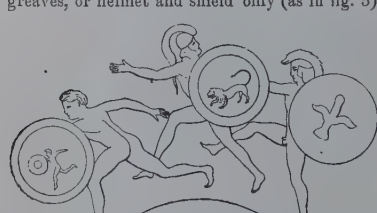


2. The Dolichos. (Krause.)

to the Olympic games (according to Philostratus, *Gymn.* 12) in Olymp. 15. The length of this race has been variously described as 7, 12, 20, or 24 stades. We may suppose that it

differed on different occasions. Boeckh conjectured that 7 stades was the normal length, and that, when we read of its being 24, we must suppose the *δόλιχος ἵππιος* to be intended. To a modern 24 stades does not appear excessively long for a race of this kind, and Plato (*Legg.* viii. p. 833, a passage in which the proposer of regulations for an ideal state seems to keep close to the limits of the actual: notice, for example, the words *καθάπερ νῦν*) would have his *δολιχοδρόμοι*, though wearing heavy armour, run 60 to 100 stades over most difficult ground. Being ignorant of important details, such as the time in which the race was run, we cannot form a decided opinion on questions as to its length.

In the more ancient times runners, like other athletes, contended at the games wearing a girdle (*διάζωμα*, *subligaculum*) around the waist (see Thuc. i. 6; Plat. *Rep.* p. 452 D). In historic times, however, they competed either quite naked, or more or less fully armed. As to the origin of the armed-race (*ὁπλίτης δρόμος*), Philostratus mentions several traditions, the most probable being that which he himself adopts as true; viz. that, since with the termination of the games the truce also terminated, prudence suggested that the competitors should wear armour in the final race. The fact of the armed-race having been generally, though not always, the last event in the games, in some measure confirms this theory of Philostratus, whose words are: *παριέναι [τὸν ὁπλίτην δρόμον] ἐς τοὺς ἀγῶνας πολέμου ἀρχῆς ἕνεκα, δηλούσης τῆς ἀσπίδος ὅτι πέπαυται ἐκεχειρία, δεῖ δὲ ὅπλων*. The institution of this race goes back into the mythical times, being attributed to Tydeus, and the rest of the famous seven. It was practised first at the Nemean games, and long afterwards introduced at Olympia. In it the runners bore either helmet, shield, and greaves, or helmet and shield only (as in fig. 3).



3. The Armed-race. (Krause.)

About the length of the *ὁπλίτης δρόμος* we have not much information. We gather from Aristoph. *Av.* 292, with the Scholiast's note, that the *δίαυλος* was occasionally run in armour, and from the words of Philostratus (*Gymn.* 7), *ἐνόπλους τε καὶ ἱππίους*, that the armed-race was sometimes 4 stades long. Nor need the absence of positive testimony on the point prevent us from assuming that the latter varied in length, just as did the other races above described. Plato, as we saw, would have his *ὁπλιτοδρόμοι* run 60 to 100 stades—an extravagant proposal, if it were not customary in his time to run the *δόλιχος* in armour.

Competition in foot-racing was open to runners of all ages, whether boys (*παῖδες*), striplings (*ἀγένειοι*), or grown men (*ἄνδρες*). See, for this division of ages, the passage in the *de Legg.* already referred to. Only those who belonged to the same class, as regards age (*ἡλικιῶται*), were permitted to compete with one another; seniors, of course, not being allowed to enter against their juniors. In Sparta even maidens competed. That boys contended even in the armed-race appears from an extant vase, representing two boys running with shields, which bear the letters AΘE, indicating in all probability the occasion of the Panathenaic festival (Grasberger, *Die leibl. Erzieh. bei den Griechen und Römern*, p. 318).

The competitors being too numerous to contend all together, were entered in successive groups (*τάξεις*); those who should form each group, as well as the order in which the groups should run, being determined by lot (*συνταχθῆναι ὑπὸ τοῦ κλήρου*). When all the *τάξεις* in turn had run, the victors in each were formed into one group, which ran a final heat for the prize.

If we compare figs. 1 and 2, representing men competing in the *στάδιον* and *δόλιχος* respectively, we notice that in the former case the runners wave their hands violently backwards and forwards, whereas, in the latter, they have their elbows closely pressed against their sides. This is in keeping with modern practice; but yet there are grounds for doubting whether the Greeks entertained the views inculcated by modern trainers as to the proper method of managing the hands while running. Photius has the note: *παρατεῖναι τὰς χεῖρας· τὸ ἐν τῷ τρέχειν γιγνόμενον*: and it is significant that in Homer (*Il.* xxiii. 772) Athenê, in answer to the prayer of Odysseus, rendered his hands as well as his lower limbs nimble (*γυῖα δ' ἔθηκεν ἐλαφρά, πόδας, καὶ χεῖρας ὕπερθεν*). But perhaps the words of Photius, as well as those of Homer, refer only to sprint racing. Another variation from the practice of modern runners is referred to by Cicero (*Tusc.* ii. 23, § 56), where he speaks of them as shouting: "Nisi forte ut se intendat ad firmitatem, ut in stadio cursores exclamant quam maxime possunt." But this too was, perhaps, confined to the stadium.

It is doubtless owing to their want of instruments for accurately measuring small portions of time that the Greeks have left us scarcely any means of computing the speed which foot-racers attained in the various kinds of running.

For some special forms of the foot-race, see LAMPADEDROMIA and STAPHYLODROMIA.

We have very meagre information regarding foot-racing as practised by the Romans. According to Dionysius of Halicarnassus (vii. 71, 73), it formed part of the Ludi Magni from the time of their institution. He, too, tells us that the runners wore the *subligaculum* round their loins. In the Capitoline games (according to Dio Cassius, lxvii. 8) young women, after the Spartan fashion, took part in the competition. Beyond these scanty notices and vague references to running for healthful exercise in the Campus Martius, very little has been handed down to us. This running in the Campus was not always competitive: that it was sometimes so, however, is plain from Martial, iv. 19 ("sive levem cursu vincere quaeris Athan").

For chariot-racing, see under CIRCUS and

HIPPODROMUS. (Cf. Krause, *Gymnastik u. Agonistik der Hellenen.*) [J. I. B.]

CURSUS PUBLICUS. *Origin of Cursus Publicus.*—The Persian empire under Darius, son of Hystaspes, affords the earliest instance of a national postal service. Mention is indeed made (*Liberat. Brev.* 23) of a class called *Symmaci* as existing in the most ancient times among the Egyptians for the conveyance of letters by land, but we have no grounds for thinking that a postal system was established in Egypt as a branch of the administration. In the Persian dominions, however, as we learn from Herodotus (iii. 28; vi. 105; viii. 98), horsemen stationed at intervals and relieving one another conveyed the imperial will in all directions from Susa, Ecbatana, or Babylon. The service was called ἀγγαρήιον, and the couriers, ἄγγαροι. Messages of lesser urgency were carried by ἡμεροδρόμοι. In Greece there are no evidences of any such service, at least upon a similar scale, for the *hemerodromi* mentioned by Corn. Nepos (*Milt.* iv. 3) can scarcely have been a permanent institution. This was probably due to the geographical smallness of Greece, still more however to the utter absence of political unity among the Greeks, and the want of facilities for land traffic, in contrast with the easy communications by sea. But the vast extent of the Roman dominions, and the centralisation of imperial functions in a single hand, again constituted the conditions of a postal service, which accordingly arose and became a most important instrument of state administration. The practical wisdom of the Romans had from the beginning of their conquests taught them to make roads throughout the territories which they subdued, whence resulted a system of highways connecting the remotest parts of the empire with Rome. These not only facilitated the marching of troops, but served the general purposes of transport and the conveyance of intelligence, forming, as they did, the material *condicio sine qua non* of the future *cursus publicus*. Within the last century of the republic, also, certain practices had already been established, by which the development of the postal service was largely conditioned. We proceed to give some account of these.

Under the republic, after the conquest of Italy, government officials despatched from Rome on public business were empowered to impose arbitrary requisitions on the subject Italians (*dediticii*) to supply them with necessaries for travelling. Among the Italian allies such functionaries usually obtained food, lodging, and means of transport from their guest-friends or from the principal personages in the friendly states which they visited. But when the Roman dominions included extra-Italian provinces, the fine distinction made in Italy between subjects and allies (*socii*) was in the provinces neglected, and the provincial allies were as summarily requisitioned by a *legatus* as were the provincial subjects. Senators or citizens employed on a public mission abroad received from the senate a mandate (*diploma*) requiring subjects and allies alike to supply them with means of transport and other necessaries at all the successive stages of their journey. This in the natural course of things led to grave hardships, and complaints frequently arose. Restrictive enactments became necessary, and we read that Cato the Elder, when praetor in Sardinia, diminished or removed the expenses entailed upon the people of that island by the entertainment of the praetors officiating among them (Liv. xxxii. 27). It is questionable, however, whether Cato issued a formal edict, or whether his good example alone operated towards the relief of the sufferers. In the Lex Antonia de Termessensibus (B.C. *circ.* 71) mention is made of a Lex Porcia, which would seem to have regulated the liabilities of the provincials in such matters. But we have no definite information about this law; its date and its provisions are alike uncertain, and it may, as Humbert says, have related only to the people of the particular city of Termessus. Among the various embassies which thus became grounds of hardship to the provincials there was one which deserves especial notice. This was called *libera legatio*, being a sort of mission from which all state employment was absent, granted as a favour sometimes to distinguished men, lasting for several years, and carrying with it all the previously mentioned liabilities on the part of the provincials. The *libera legatio*, owing to the indefiniteness of the privileges it conveyed, became a fearful cause of oppression. A law was carried in B.C. 63 by Cicero (Cic. *de Legg.* iii. 8, 18) restricting abuses of the *libera legatio*, and limiting its duration to one year, but the reform thus effected was short-lived, for Julius Caesar (Cic. *ad Att.* xv. 11) again extended the term of a *libera legatio* to a possible five years.

During the last period of the republic the senate had frequent occasions for communicating in despatches with their generals, or provincial governors, as well as with allied kings and states. For the conveyance of such despatches the authorities employed freedmen, slaves, or a certain class of couriers called *stratores* (*sternere* = to saddle). A class of messengers also existed called *tabellarii*. For pressing messages a general usually employed mounted men detached from his own staff. The *publicani*, as specially interested in transmitting and receiving intelligence to and from Rome, had a special class of *tabellarii*, whose services, however, were often borrowed by the magistrates, or by the *negotiatores*, speculators in corn or money, who were in constant relations with the provincial governors and with the *publicani*. The ships of the allies also were employed for the use of magistrates engaged abroad on public business. Thus for the purposes of transport and the conveyance of intelligence the dealings of the home government with the provincials were regulated mainly by the principle that the incidental labour and expenses should be borne as far as possible by the latter, while the interests to be served were those of the government alone.

It only remained for the Principate to organise and develop the system which had been established under the republican *régime*. The immense advantages of such an organisation as a portion of the imperial administration were sufficiently obvious. Augustus accordingly appointed mounted couriers (*stratores* or *speculatores*) to be employed along the principal roads (Suet. *Aug.* 49). This implies the institution of stations (*mutationes*), at which they should relieve one another. But as this arrangement provided only for the conveyance of intelligence,

it required to be supplemented by a transport system for the conveyance of money or other valuables of considerable weight. The necessity of constructing postal stations ensued. The stations were called *mansiones*, which, being intended for lodgings, as their name indicates, were furnished not only with a supply for the immediate wants of man and beast, but also with the accommodation suitable for travellers. The *mansiones* were not so numerous along a road as the *mutationes*, or changing-stages. In accordance with republican precedent the expenses of the transport and postal system generally continued to fall upon the communities through whose territories the lines of stations lay. They accordingly had to provide conductors, guards, drivers, together with beasts of burden and rolling-stock, on receipt of the emperor's order (*diploma*), or that of the head of the postal system (a functionary designated in Trajan's time as *ab vehiculis*), who was generally a freedman of the emperor. Such warrants for the use of the post were issued occasionally by the consul, by the praefect of the praetorians, or by the governor of a province, but in all cases only with the emperor's special authority. While the document entitling to the use of the *cursus*, by virtue of being stamped with the emperor's seal, was called *diploma* (and other names which will hereafter be referred to), the right of issuing postal warrants was, at least until a late period, called *evectio*. The expenses, moreover, of constructing stations and stocking them with necessaries, had to be borne by the neighbouring communities. Along the line of one day's journey there were six or eight sets of stables, each of which had to maintain a total of forty beasts, including horses, mules, asses, &c. The communities also were bound to furnish and maintain the teams, and to keep the stables in repair; they had further to secure the services of muleteers (*muliones*), muledoctors (*mulomedici*), wheelwrights (*carpentarii*), grooms (*hippocomi*), and conductors or guards (*vehicularii*). From these heavy burdens Nerva relieved the people of Italy, and to commemorate his act a medal was struck bearing the inscription *vehiculatione Italiae remissa* (where *vehiculatio* = *cursus publicus*). Trajan, however, re-authorized (Plin. *Ep.* x. 121) the issue of postal-warrants in Italy, but restricted them to cases in which he had been personally consulted. We read (Spart. *Hadr.* 7) that Hadrian "statum cursum fiscalem instituit, ne magistratus hoc onere gravarentur." According to Hirschfeld, in his note to these words, *cursus fiscalis* is in Spartianus equivalent to *cursus vehicularius*, and the emphasis lies upon the word *statum*. According to his view, therefore, the meaning of the whole sentence is that Hadrian made the postal service throughout the empire a department of the state administration, and appointed fixed stations, superintended by government officials, in order to relieve the *municipal* magistrates of all responsibility for them. Despite, however, these and other efforts in this direction, it was not until the time of Septimius Severus (Spart. *Sever.* 14) that the expenses of the post generally were made chargeable to the imperial treasury. But even when this had been done, the subjects still continued to suffer, nor did any subsequent legislation materially alleviate the burden with which the *cursus* pressed upon them. Differences of opinion exist as to the exact nature of the reforms or changes attributed respectively to Nerva, Trajan, and the others above mentioned. Humbert says we must at least suppose, as Hudemann does, that Nerva entirely remitted, though only to Italy, the expenses of the service, so that the salaries of officials engaged in it, as well as the material cost, became alike chargeable to the treasury; that Trajan contented himself with merely checking the abuse of *evectio*, while Hadrian, besides extending the organisation of the post through the whole empire, must apparently have imposed the charges of it upon the *fiscus*; that Antoninus Pius again, like Trajan, making a step backward, confined the contemplated reform to a mere restriction of expenses and of the right of issuing post-warrants; that Septimius Severus completely re-organised the *vehicularium munus*, and imposed the charges of it, in Italy and the rest of the empire alike, upon the *fiscus* alone; but that the last and radical reform was incapable of maintaining itself, owing to the burdens it entailed upon the treasury. Diocletian, Constantine, and their successors, all strove to perfect the organisation of the post, and to define exactly what the liabilities of the cities in regard to it should be, together with determining the question who should have the *erectio*, or right of granting postal permits, and under what circumstances they might be justly granted.

In the later times of the Roman empire the post became an ever increasing burden to the cities, and, as it injured them, in the same degree it prepared the way for its own ruin. Nevertheless a treaty ratified between Rome and Persia in A.D. 565 (Menander, *Prot.* p. 360, ed. Bonn) assured to the natives of the frontier provinces of the two empires the uses of the postal service to and fro between them.

Organisation of Cursus Publicus.—This portion of our subject we shall divide into an account of the *agents* and of the *instruments*—vehicles and live stock—employed in the service. Little information as to the agents of the *cursus* can be procured from the writers of the early empire. Our chief authority respecting them is found in the inscriptions, which have been turned to good account by Hirschfeld, Mommsen, Hudemann, and others. The emperor retained in his own hands the supreme direction of the post. Its importance led Augustus to place it in the hands of his own freedmen. We find a freedman of the Flavii as responsible agent for the carriage-service (*tabularius a vehiculis*), and under Trajan two freedmen, father and son, entitled respectively *ab vehiculis* and *a commentariis vehiculorum*, the former probably, according to Hirschfeld, a head of the service, the latter a secretary, whose office was to minute the proceedings of the department. When Hadrian re-organised the post, the direction of the principal branch of it was entrusted to a knight called *praefectus vehiculorum*, who managed the service along the great Flaminian way towards the north. This functionary is sometimes called *praefectus vehiculorum a copiis Augusti per viam Flaminiam* (*C. I. L.* vi. 1598), as entrusted with the duty of providing victuals, &c., for the army along this military road. Afterwards, probably under Septimius Severus, other prefects, almost always of

equestrian rank, were appointed to the charge of the important routes. These prefects were placed under the surveillance of superiors called (Stat. *Sil.* iv. 9, 16–19) *curatores viarum*. They were divided into classes according to their salary, e.g. *ducenarii* (*i.e.* those receiving a salary of 200 sestertia), *centenarii*, *sexagenarii*. It is noticeable that there was a special prefect in charge of the Via Flaminia (*vid.* Hirschfeld, *Untersuch.* p. 103), independent of the chief prefect, whose office was in Rome. As regards the officers of the department, we find at Rome in the 2nd and 3rd centuries agents and secretaries (*tabellarii*, or *a commentariis vehiculorum*); while in the provinces the magistrates of the various cities, assisted by agents of their own, had the duty of making arrangements for the *cursus*.

Warrants for the use of the post (*diplomata*) were issued either by the emperor himself, or under order from him by a special officer. Under the early empire the right of issuing (*evectio*) such warrants was granted only very sparingly to provincial governors, who were responsible for their use of it to the consuls. They were also responsible to the prefect of the praetorians, at first during the emperor's absence, but afterwards more generally. The *diploma* was drafted in the imperial cabinet by a freedman of the emperor, and there it received the emperor's own seal and signature. This freedman was in the 2nd century named *a diplomatibus*. In the 3rd century he was attached to a branch of the *scrinium a memoria*. The emperor himself employed as messengers a special set of *tabellarii*, who therefore had a preferential right to the use of the post, and were known as *tabellarii diplomarii*. They were controlled by a *praepositus tabellariorum*, and were divided into companies, each under the orders of a freedman of the emperor, as *optio* or *praepositus*. The companies were severally attached to the most important departments of the government. From the 2nd century onwards the prefect of the praetorians had and long retained control over the issue of postal warrants, only, however, as acting in the emperor's name. This officer, too, issued instructions to the provincial *judices* as to the ways and means of providing for the *cursus*, as to the regulation of *diplomata*, the persons who should travel by the *cursus*, and the correction of abuses connected with the post. The praetorian prefect also issued *diplomata* to governors of provinces, to his own surveyors (called *officiales*, *frumentarii*, *stationarii*, *agentes in rebus*). He too, or in default of him his deputy, or his agents, sent out inspectors to report on the condition of the postal system. He exercised penal jurisdiction over offences committed in the management of the service. He and his agents, however, were themselves often guilty of grave offences, which was probably the reason why the *magister officiorum* at an early time obtained the *evectio*, or right of issuing *diplomata*, as well as of sending out inspectors-general (*curiosi*) from among the employés of his own bureau. From the year 353 not only were the agents of the praetorian prefect and his deputy (formerly called *frumentarii* or *stationarii*, but later *curagendarii*, *agentes in rebus*) deprived of the right of laying informations without proofs, and imprisoning arbitrarily those whom they incriminated, but further, in 357, Constantius forbade the prefect and his deputies to appoint inspectors of the post. This right was accordingly transferred to the *magister officiorum*, and reserved to him. Henceforward the *magister officiorum* selected postal inspectors from among the heads of the society or *schola* of *agentes in rebus* employed under him. Such inspectors were entitled *curiosi cursus publici*, and were appointed annually in the order of seniority. They were also selected from the *magisteriani*. The supreme control of the post remained nominally, however, in the hands of the praetorian prefect until the year 395 (J. Lydus, *de Mag.* ii. 10, 26; iii. 23, 40), when, after the fall of the prefect Rufinus, the management of the service was formally committed to the *magister officiorum*. The latter then acquired the function of countersigning all postal warrants issued by the praetorian prefect. The *curiosi* received a commission (*v.* Cod. Theod. i. 9, 1) signed by the emperor. Though purely civil officers, they were distinguished by military badges, *e.g.* the *chlamys*, and the *balteum* or *cingulum militare*. Inspectors on their mission (Cod. Theod. vi. 29, 4) had the right of obtaining for their use two *veredi*, but not, as before the reign of Constantine, *redae* or other vehicles.

The overseers of the stages (*mutationes*) or lodging-places (*mansiones*) were generally called *mancipes*, but often, also, *procuratores cursus publici*, or *praepositi*, their function being called *mancipatus cursus publici*, or *cura mancipatus*. They each in their respective localities presided over the post (*cursui praeesse*), and over the group of employés engaged at their station (*familiae praeesse*). The *familiæ* comprised artificers (*artifices*), such as *carpentarii*, &c. They, as well as their *praepositus*, received a salary from the treasury, paid in kind (*annona*), together with clothing and lodging. They were not allowed to demand from travellers any recompense for their services. The *muliones* and *hippocomi* were generally slaves. Seneca (*de morte Claudii*) mentions conductors called *perpetuarii*, so called because they followed with a traveller to his destination to see that the postilions, who might, if unwatched, try to break away, should bring back (*reducere*) the horses in safety to the stations whence they had started. The mass of inferior servants employed at a station were referred to as *apparitores mancipatus*, *opifices*, or *munifices*. After Diocletian *mancipes* were appointed, at first by the emperor, later by the governor of the province. Frequent changes were made in this matter by the emperors, who were impressed with the desirableness of choosing capable and honest men as *mancipes*, on whom the effectiveness of the system so largely depended. As to their degrees of rank—for there were several—nothing certain can be made out. They usually held office for five years, on the expiration of which they were rewarded for faithful service with the title of *perfectissimus* or *perfectissimatus*. They also received more substantial rewards, as, for example, exemption from certain municipal burdens.

The official couriers entitled to avail themselves of the imperial post (*veredarii*) were originally the *tabellarii diplomatici*; the emperor's equerries (*stratores*); the officers of the guard, whose duty it was to obtain and convey intelligence (*speculatores*); the force called *frumentarii*,

abolished after Diocletian, and replaced by the *sagones* or *sazones*, or by knights called *singulares equites*, taken from the legionary cavalry; and, under Constantine, by the *agentes in rebus*, whom Greek writers called φρουμεντάριοι, doubtless as having succeeded to the functions of the *frumentarii*. These privileged travellers were all known as *veredarii*, from the name of the horses used by them, *veredi*. The name *veredarii*, however, was also improperly applied to travellers holding a *diploma*, who were more correctly designated as *commeantes* or *diplomarii*. A person who used the vehicles of the post could take with him a *socius* (Cod. Theod. viii. 5, 4, h. tit.) to look after his baggage or other valuables. Moreover, guards (*custodes* or *prosecutores*) to the number of two or three were attached to each vehicle. The service was superintended at each station by the *manceps*, in regard to certain routes by the *praefecti vehiculorum*, in the provinces or regions by the *praepositi regionibus* or *regionarii*, and in regard to the *dioeceses* by the *curiosi*. The *parochi*, who had been in republican times charged to supply Roman magistrates when travelling with victuals, forage, mattresses, and lodgings, were perhaps still employed in the case of soldiers, who had the right of demanding quarters (*metatum*) in virtue of a document called *tractoriae* (sc. *litterae*), furnished under exceptional circumstances. The *curia* or ward in which they found themselves was bound to provide travellers thus privileged with lodgings, wood, oil, and salt, all which are included under the general term *salgămum* = sustenance.

So much for the *agents* of the service. We next proceed to describe in detail the *instruments*. The road system formed the basis of the *cursus publicus*, but the post was not established on all the public roads, but only on such as led to the most important cities or ports. In the case of the latter the *cursus* was extended over sea by the *naves publicae*, which the naval boards (*navicularii*) placed at the service of imperial messages or transports. As regards this naval post we have scarcely any information, and must accordingly deal here with the land post. As has been already stated, Augustus first had stations built for the service of the post as to despatches and transports. These, as has been explained, were called by the general name of *stationes*, under which came two classes, viz. *mutationes* (changing-stages) and *mansiones* (lodging-stages), which must be carefully distinguished. The *mansiones* lay along the postal routes at distances of an average day's journey apart. In the *mansiones* changes were effected of the postilions, the vehicles, the draught-animals, &c., whereas in the *mutationes* changes of the teams alone took place. In populous districts the *mutationes* were generally in or about five Roman miles asunder, and in poorly inhabited regions the interval rose to eight or nine Roman miles. Between two *mansiones* were often as many as six or eight *mutationes*. Long journeys were estimated by the number of *mansiones* they included, particular distances being referred to as *prima mansio*, &c., just as Xenophon reckoned by σταθμοί (or rather σταθμά). The *mutationes* were more numerous, and therefore nearer to each other in older than in later times. *Mansiones* were established as far as possible in places of note, as cities, towns, and, in default of these, in villages. They were furnished with all that might be necessary for travellers. If we consider the comparative importance of these two classes of *stationes*, we may conclude that the *mansiones* were erected first, the *mutationes* having been subsequently added to relieve the long intervals between the former. The *mansiones* must have been of considerable size, for each had attached to it coach-horses, and therefore stables, granaries (*horrea*) for fodder (*cāpītum*) as well as victuals for travellers (*species annonariae* or *cellarienses*). The *mutationes*, on the other hand, sometimes had only sheds with stalls for the post-horses. Every *mansio* had at least forty horses, or more, in its *stabula*, and also beasts of other kinds. A fully equipped *mansio* was called *mansio instructa* or *parata*. To arrive at a *mansio* was termed *mansionem applicare*. The emperors established public palaces (*palatia* or *praetoria*) for their own sole use at first (Vopisc. *Aurelian*, 35; Cod. Theod. vii. 10, 1 and 2), though in later times they were granted for the use of provincial governors while engaged in their tour (*transitus*) of a province. The *mutationes*—differing, as has been said, from the *mansiones* in their greater frequency and smaller dimensions—contained about twenty horses, with asses and other beasts; their regulations were in general similar to those of the *mansiones*. Like the latter, they had connected with them *hippocomi*, *horrea*, &c., and were each managed by a *manceps*. Inns (*tabernae* or *stabula*) were often erected beside them to accommodate travellers of inferior condition. The innkeeper (*stabularius*) had usually a signboard over the entrance to his hostel; such signboards sometimes bore the painting of an elephant, sometimes of a cock, &c. Hadrian and other emperors caused the erection of a superior class of *tabernae* at certain points along routes, where *mansiones* were subsequently constructed.

The postal service included the *cursus velox* or *celer*, as one of its two great divisions, the other division being the *cursus clabularis*. The expression *cursus vehicularis* need not be opposed to *cursus velox*, for the two branches of the service are sometimes conjointly alluded to under the title *cursus vehicularis* or *res vehicularia*, although the latter, as its name implies, was at first used to designate that branch in which vehicles were employed. The animals employed in the postal service generally were of different kinds. They are generally described as *animalia publica*. This name included horses, mules, asses, oxen, camels, which are also summed up sometimes as *jumenta publica*. The horses of a *mansio* were called *equi publici* or *cursuales*, and by Greek writers δημόσιοι ἵπποι. They were not allowed to be used in the service of private individuals. Horses requisitioned outside the *mansiones* at the expense of the local exchequer were not classed as *animalia publica*. They were generally employed for routes running transversely to the great lines of road, because, the posts being established regularly only on the latter, the transverse or lateral routes had, when occasion for postal service along them arose, to depend upon extraordinary requisitions. To meet these irregular requirements some cities established stables of horses called *agminales equi*, which were liable to be employed in the

ordinary *cursus*, as well as for the use of the emperor and his escort. The *agminales equi* were, according to Humbert and Hudemann, distinct from the *paraveredi*, though some writers have confounded them. The *agminales equi* had frequently to convey the baggage of troops on the march (whence the name *agminales*). There were also *agminales muli*. The *veredi*, used in the *cursus velox*, were generally procured from Spain. They were mounted by *veredarii*, or public couriers, who carried their despatches in saddle-bags placed behind them (*averta*). Each *veredarius*, if his baggage was too heavy for a single horse, was entitled to use a second horse, called *parhippus* or *avertarius*. This second horse was mounted by a postilion from the station, wearing a *sagum*, who was charged to bring both horses back to the point of departure. The horses were furnished with a cloth (*stragula vestis*), or with a pad (*ephippium*). The saddle (*sella equestris*) was in use under Theodosian, but its weight was restricted, and it had to be provided, if used, by the *veredarius* himself. There was a regulation (Cod. Theod. viii. 5, 35, 40; Cod. Just. xii. 50, 51, 8) limiting the number of horses allowed to leave a *mansio* in one day. Precautions were also taken to save the horses from being spoiled by being yoked to over-weighted vehicles, and from being taken beyond the nearest changing-stage (*superducere*). Against such abuses it was the duty of the *mancipes* or *stationarius* to provide and to see that none of the animals were driven off the highway or stolen.

The *cursus celer* employed not only *veredi* or riding-horses, but also vehicles of several sorts, *redae*, *carpenta*, *birotae*, and *carri*. The *reda* was originally two-wheeled, but subsequently had four wheels. That used for the post was called *reda fiscalis* or *consualis*. To it were yoked horses varying in number from two to ten, according to circumstances. *Redae* were sometimes large enough to contain several travellers with their luggage. Hudemann supposes that they were uncovered in summer, but roofed over in winter. This vehicle, owing to its capacity (cf. "dum tota domus reda componitur una," Juv. iii. 10), was very much used. The *carpentum*, like the *reda*, had at first two, and afterwards four, wheels. Like the *carpentum*, too, it was, at least at one time, suited for large and heavy burdens; though at a later period a species of *carpentum* came into fashion, which was of light material, elegantly shaped, and which became a favourite with high functionaries, such as provincial governors. The *carrus* was lighter than the former two, but heavier than the *birota*. Like the preceding vehicles, it also had at first two wheels, but later four. The *birota* was, as its name shows, a two-wheeled carriage. It was drawn by two horses or three mules, and generally used by those who had but little luggage, and were desirous of a rapid journey. The *cisium* was a species of *birota*. Besides the above, which were ordinarily used in the *cursus celer*, elegant four-wheeled carriages, called *carrucae*, were sometimes employed by the emperors. The *carruca* was generally drawn by four mules.

We now turn from the *cursus velox* to the *cursus clabularis*, or heavy transport service. This was chiefly intended for the conveyance of such commodities as food and baggage, especially that of soldiers. The large vehicles (*clabulae*) employed in this branch of the *cursus* could not, unless by special favour, be used by any persons save diseased or discharged soldiers returning home, or by stragglers rejoining the main body. The *clabulae* had four wheels, were uncovered, built very strongly, and drawn by mules or oxen, seldom by horses. Their maximum burden was fifteen hundred Roman pounds. This gives us a means of comparing them with the *redae* used in the *cursus celer*, whose maximum burden was one thousand pounds. The name *clabula* is said to be=*clavula*, a diminutive of *clava*, being applied to the whole vehicle on account of the wooden rails which protected its sides. *Clabulae* drawn by two oxen at first, but later all other *clabulae*, were also called *angariae*, a name derived from the Graeco-Persian ἄγγαρος, whence the verb *angariare*=ἀγγαρεύειν, denoting the obligation imposed on the provincials to support this branch of the service, but extended to signify the obligation to provide for the *cursus* in general. This verb is used even of ships pressed into the postal service. *Angarialis copia* or *angaria* was used to express the right of employing the *clabularis cursus*.

No one was allowed the use in one day of more than two *angariae*. We have already stated that private persons could only employ them by special favour. Still, a traveller who possessed the *copia angarialis* had the right of taking with him a *socius* (Cod. Theod. viii. 5, 4, *de Cursu Pub.*) to insure his safety. The words *cursus angarialis* were often applied to the *cursus clabularis* (or *tardus*) as opposed to the *cursus velox* (or *celer*).

Parangariae were cars employed on extraordinary occasions for the *cursus clabularis* along the transverse routes (*vid. supra*). These were, therefore, to the *cursus clabularis* what the *paraveredi* were to the *cursus velox*. They were used mostly for carrying men, forage, arms, &c., for the army. Like the *paraveredi*, the *parangariae* became a cause of gross abuses. The persons on whom the expenses of this service fell looked upon it not only as a *munus extraordinarium*, but further as *sordidum*. It was, however, a service provision for which was rigorously exacted from the magistrates of the different townships through which the cross roads extended.

Up to this point, as the reader will probably observe, nothing definite has been stated of the manner in which the working expenses of the post were borne. We have seen by turns the expenses falling upon the *fiscus*, and again upon the provincials or other subjects. The fact is that this question of the apportioning of expenses causes the modern inquirer some difficulties which admit of no dogmatic solution, and we cannot expect to do more than present that explanation of them which on the whole seems most probably right. Notwithstanding the reforms of Hadrian and Septimius Severus, certain expenses appear to have always rested upon the provincials, owing to the emptiness of the exchequer during the later periods of the empire. Such were those of constructing, repairing, and maintaining the *stationes*. Service, too, along the lateral routes, by *parangariae*, or *paraveredi*, continued, always and as a matter of

course, a burden upon the communities. Thus the *decuriones* of each town were always responsible for the supply of agents and instruments requisite for the post, and charged the expenses thereby incurred to the account of the *possessores*, or owners of real property, in their respective districts. The question then arises, in what sense the *cursus* can have been really *fiscalis*, as it was denominated. Humbert's explanation (which we follow) is this: the precise relation established or intended by Septimius Severus between the *fiscus* and the *cursus publicus* no doubt failed to maintain itself in later times. But the *fiscus* (as the public treasury was now called) had for one of its principal resources the *tributum ex censu*, a great portion of which was exacted in kind. This was so, even in Italy, after the reign of Diocletian. Hence the service of the post diverting to itself, as it did, from the *fiscus* a portion of the *tributum*, might be correctly described as *fiscalis*. The commodities which supplied the needs of the *cursus* would otherwise have found their way to the *fiscus*. For example, the grain which would have been conveyed to Rome was detained in the *horrea* of the *stationes;* so that to all intents the postal service was a drain upon, and therefore supported by, the imperial treasury, as far as material expenses went. We now turn to the consideration of the agents employed in the *cursus*. The enactment of Septimius Severus involving not only material outlay, but also the payment of a vast number of officials, was too onerous to the *fiscus* to admit of its being permanent in the form which that emperor designed. Further, the difficulty of discovering capable and honest men to fill subordinate though important positions (e.g. *mancipes*) in the postal service of far off provinces was too great for the home administration, so that the selection and appointment of such officials unavoidably devolved upon the local authorities abroad. Accordingly it continued from the first, with scarcely an interval, to rest with the *decuriones* and the municipal magistrates generally. It was one of the so-called voluntary services expected or demanded of them, of extreme urgency indeed, but one for which the state was never able to render an adequate recompense. In respect of the personal service, as well as of the materials, required for the *cursus*, the same principle of administration is throughout all periods observable; namely, that the subjects of the empire should conform unhesitatingly to imperial demands. Among the duties thus devolved upon the *decuriones* were the following: to provide the attendants needed for the safe conveyance of commodities due by the provincials in payment of the *tributum ex censu*, a duty which was termed *prosecutio* or *portatorium onus;* to see that the *stationes* were kept in good order and repair (*vehicularis sollicitudo*, or *publici cursus exhibitio*, or *angariarum praebitio*); and also to arrange for the suitable entertainment of public envoys. While the personal service needful for this was yielded by the *decuriones*, the pecuniary charges were borne by the *possessores* of each community, even though they might not be citizens (*municipes*) or inhabitants (*incolae*) of the place. The *possessores* had to supply (Dig. *de mun. L.* 4) *agminales equi vel mulae, et angariae atque veredi.* On the whole it appears that, while the regulations of Septimius Severus were not formally abrogated, they continued to be from the outset little more than a dead letter, at least in the remoter parts of the empire, never having afforded the subjects substantial relief from the burdens entailed by the *cursus publicus.*

As to *evectio*, or the right of issuing postal permits (*diplomata*), something has been already said. The tendency was to restrict it to as few persons as possible. Each of the provincial governors under Trajan (Plin. *Ep.* x. 31, 59, 60) could issue arbitrarily a limited number of permits, but only to persons who used the post in the public service, and each governor was responsible to the emperor for the manner in which he had exercised this right. Such permits became null and void after a pre-appointed date, or by the death of the emperor whose seal and signature they bore (cf. Tac. *Hist.* ii. 54 and 65). Under Diocletian the vicars of *dioeceses*, the *magistri militum*, the *duces* and *comites rei militaris*, possessed the *evectio*. Under Constantine, however, it was reserved to the prefect of the praetorians and the *magister officiorum;* the latter, as has been said, having ultimately, in the year 395, succeeded to the supreme control of *diplomata.*

Although in principle the holder of *evectio* was bound to exercise it only in the interests of the state, still as these interests were not easily or precisely definable, numerous cases occurred in which the principle was violated. Emperors often gave *diplomata* to those in whose mission they took a merely personal interest, and similar laxity in the exercise of *evectio* by subordinate officials was naturally to be expected.

The warrant itself (for military *diplomata*, *vide* article DIPLOMA), in early times called *diploma*, but afterwards by other names, consisted of folded parchment, and, as above mentioned, bore the emperor's seal and signature. According to Suetonius (*Aug.* 49), the *diplomata* of Augustus bore the impression of a sphinx. Hence the word *sigillum* is sometimes used for *diploma.* Postal warrants were sometimes called *synthemata.* The words *literae evectionis*, or simply *literae*, sometimes signified a permit for travelling by the *cursus celer.* After the reign of Constantine *evectio* came to be used improperly as equivalent to *diploma*, or *literae evectionis. Tractoriae* (sc. *literae*), or even *literae* alone, meant that species of *diploma* which entitled its bearer not only to use the *cursus publicus*, but also to be supplied with victuals and forage at the expense of the *mansiones.* The word *combina* signified the parchment form folded and prepared for being filled up as a postal warrant, but later on was used to mean *diploma.*

The emperor from time to time formulated ordinances (*constitutiones*) regulating the postal service. These he addressed to the praefect of the praetorians, to the *magister officiorum*, to the vicars of *dioeceses*, to provincial governors, &c., with orders to make them publicly known. All the officers of the post, so far as they exercised authority over it, were the emperor's delegates; the series of subordinated authorities, extending from him downwards, closed with the *mancipes*, or *praepositi.* The subordinate

officials were responsible to their superiors, and all without exception to the emperor.

We may fitly close this article by quoting the remark with which Hirschfeld prefaces his account of *die Reichspost*: "The imperial Roman post presents, in every respect, a contrast to the postal system of our times: introduced by Augustus exclusively for political objects, despite all the particular reforms which followed, it always maintained this one-sided character; it never was, like the modern post, a source of benefit, but always a painful burden, to the subjects of the empire." (For fuller information respecting Roman posting, see the excellent article by Humbert, in Daremberg and Saglio, which has been mainly followed here; also Hirschfeld, *Untersuchungen auf dem Gebiete der röm. Verwaltungsgeschichte*, i. 98 ff.; and Hudemann, *Geschichte des römischen Postwesens während der Kaiserzeit*. [J. I. B.]

CURU'LIS SELLA. [SELLA CURULIS.]

CUSTO'DES. [COMITIA, p. 508 *a*.]

CUSTO'DES, CUSTO'DIAE. [CASTRA, p. 377 *a*.]

CUSTO'DIA signifies a watching, guard or care of anything; hence it comes to mean (1) custody, confinement or restraint of a person; (2) persons set as a guard or watch; (3) the place where a guard is kept; (4) a prison or place where a person is guarded; (5) persons in confinement or subject to any restraint.

The *jus prensionis* or right of taking a person into custody belonged to all superior magistrates, as being a necessary means of maintaining their supreme executive authority, but the exercise of this right was checked under the republic by the appellatio and by custom. In respect to persons accused of a crime, it was the ordinary rule, that they were not to be committed to prison while waiting their trial, if they could find bail (*vades*, *sponsores*, *fidejussores*) for their appearance (Liv. iii. 13; Gell. vii. 19). But for open and flagrant crimes the *triumviri capitales* imprisoned offenders at once (Liv. xxix. 19, xxxix. 17; Val. Max. vi. 1, 10; Cic. *in Cat.* ii. 12; Suet. *Ner.* 26). So, too, those who confessed crimes were imprisoned before trial (Cic. *ad Att.* ii. 24; Dig. 48, 3, 5). In cases of crimes committed against the state, persons of rank were put under surveillance in their own houses or in the house of a magistrate, a form of restraint termed *libera custodia* (Liv. xxiv. 45; Sall. *Cat.* 47; Tac. *Ann.* vi. 3; Dio Cass. lviii. 3). A prisoner committed to the custody of a guard of soldiers was said to be subject to *militaris custodia* (Dig. 48, 3, 1). Only provincials and slaves could be lawfully put in chains when under arrest.

After the establishment of the empire, the security afforded by the appellatio against arbitrary imprisonment was taken away. Administrative officers of government, such as the *irenarchae*, abused their powers by keeping persons in prison for bailable offences. Hence it was provided by a rescript of the Emperor Antoninus Pius that a person should not be thrown into chains who was prepared to find sureties for his appearance, unless it was clear that he had committed some very grave crime (Dig. 48, 3, 3). The Emperor Constantine expressly provided that accused persons should in all cases be tried at once, and that those imprisoned should not be subject to various specified kinds of cruelty (Cod. 9, 4, 1). Other emperors passed laws with a similar object.

Custodia rei is a technical term for the charge which a person undertakes of a thing intrusted to him by another, on account of which he is liable for any loss due to his dolus or culpa [CULPA]. (Dig. 48, 3; Cod. ix. 3, 4; Walter, *Gesch. des röm. Rechts*, 3rd ed., Nos. 848, 856, 857; C. T. Zumpt, *Ueber die persönliche Freiheit des röm. Bürgers*; Madvig, *Verf. und Verw.* ii. p. 208; Lange, *Röm. Alterth.* ii. p. 208; G. Humbert in D. and S.) [E. A. W.]

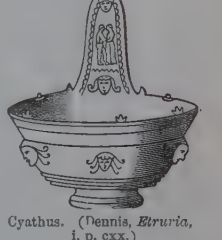
CUSTOS URBIS. [PRAEFECTUS URBI.]

CY'ATHUS (κύαθος), derived like κύλιξ from the root *κυ-*, which means "hollow" (Curt. *Gr. Et.* No. 79), and it is found applied to the hollow of the hand (see Liddell and Scott, *s. v.*). It was a small cup, used for transferring liquids from a larger to a smaller vessel. It had a high handle, to prevent the hand touching the liquid when the cup was dipped in the larger vessel. (See the accompanying specimen.) We hear of them as made

Cyathus. (Dennis, *Etruria*, ii. p. 471.)

of silver (Ath. 424 b) and brass (Poll. x. 122). Another form of the word seems to be *κυαθίς*, which Ath. 480 b calls κοτυλῶδες ἀγγεῖον.

That the κύαθος was also used as a vessel for drinking from seems to be the opinion of competent archaeologists, *e.g.* Stephani and Jahn. (See Becker - Göll, *Charikles*, iii. 91; *Gallus*, iii. 403.) For the difficulties connected with κυαθίζεσθαι and drinking according to cyathi, the reader is referred to SYMPOSIUM.



Cyathus. (Dennis, *Etruria*, i. p. cxx.)

It is maintained by some (*e.g.* by Ussing) that

κύαθος should be applied to the ladle with a long perpendicular handle, as in the cut below, called *simpulum* or *trulla* in Latin.

The term is also applied to an exact measure of capacity. It varies with the *κοτύλη*, of which it is always one-sixth, while it is one-twelfth of the *sextarius*. According to most of the tables, it is ·0456 of a litre ($=\frac{2}{25}$ of a pint); but in the table headed *περὶ μέτρων καὶ σταθμῶν ἱπποιατρικῶν* it is ·0547 of a litre. The Greek symbol is Κυ; the Latin TI, Κυ, Κγ. (See Hultsch, *Metrologici Scriptores*, i. 237, and Index; also *Griech. u. Röm. Metrologie*, 104 *sqq.*, 637–9, and Table x.)

Cyathus. (*Museo Borbonico*, vol. iv., pl. 12.)

The Greek word is further applied to a cupping-glass for bruises about the eyes (Ar. *Lys.* 444); and brass cups were originally used for this purpose. (See the Schol. on Ar. *Pax*, 572.) But the Latin *cyathus* is not so used, the Latin term being *cucurbita*, from its gourd-like shape (cf. *σικύα*). [L. C. P.]

CYBAEA, a merchant-ship or transport, mentioned only in Cicero's Orations against Verres (iv. 8, § 17). It is properly an adjective, as Cicero speaks of *navis cybaea maxima*, and describes it as most beautiful and richly adorned, like a trireme (v. 17, § 44). The word perhaps comes from the Greek *κύπη*, a kind of ship mentioned by Hesychius. (Zumpt, *ad* Cic. *Verr.* iv. 8, § 17.) [W. S.]

CYCLAS (*κυκλάς*), a luxurious robe, of a circular form, worn by Roman women, to the bottom of which a border was affixed, inlaid with gold. (Serv. *ad* Verg. *Aen.* i. 286; Prop. iv. (v.) 7, 40.) It was made of some thin material, perhaps muslin (*tenui in cyclade*, Juv. vi. 259). Alexander Severus, in his other attempts to restrain the luxury of his age, enacted that women should possess only one cyclas each, and that it should not be adorned with more than six unciae of gold (Lampr. *Alex. Sever.* 41). It continued to be a dress of ceremony in the fifth century (Sidon. Apoll. *Ep.* i. 5). It was not used exclusively by women. It is related, among other instances of Caligula's effeminacy, that he sometimes went into public in a garment of this description (*cycladatus*, Suet. *Cal.* 52); and Saturninus, when he determined to accept the empire, put on the cyclas of his wife as a kind of imperial garment (Vopisc. *Saturn.* 9). The statue of Rome, figured under CLAVUS LATUS (see p. 455), probably wears a robe of this kind, with the *clavus latus* down the centre, and an ornamented border at the bottom. (Daremberg and Saglio, *s. v.*) [W. S.]

CYCLOPEIA. [ARCHITECTURA.]

CYLINDRUS (*κύλινδρος*). 1. A roller, used in agriculture for levelling and consolidating the ground. (Cat. *R. R.* i. 129; Colum. xi. 3, § 34; Verg. *Georg.* i. 178; Plin. *H. N.* xix. § 158; Vitr. x. 6.) 2. A precious stone cut or ground in a cylindrical form (Juv. ii. 61; Plin. *H. N.* xxxvii. §§ 78, 113; Dig. 34, 2, 32, § 9), frequently mentioned in inscriptions (quoted by Marquardt, *Privatl. d. Römer*, p. 682). 3. A roll of a book. (Diog. Laërt. x. 26.) [W. S.]

CYLIX (*κύλιξ*). [CALIX.]

CYMA (*κῦμα*), in architecture, an *ogee*, a wave-shaped moulding, consisting of two curves, the one concave and the other convex. There were two forms, the *cyma recta*, which was concave above and convex below, thus, ʒ, and the *cyma reversa*, which was convex above and concave below, thus, Ʒ. The diminutive *cymatium* or *cumatium* (*κυμάτιον*) is the more common name. The original form of the *cymatium* was, however, a simple hollow (the *cavetto*), thus ⅂. This was called the *cymatium Doricum*, and the other the *cymatium Lesbicum*. (Aesch. *Fr.* 70, ed. Dindorf; Böckh, *Corp. Inscr.* vol. i. p. 284; Vitruv. iii. 5, § 7, iv. 1, § 7, iv. 3, §§ 6, 8, iv. 6, § 2, v. 3, 5; Phot. 565, 18; *Etym. M.* p. 749, 38; Gruter, *Inscr.* p. ccvii.; Müller, *Archäol. d. Kunst*, § 274; Mauch, *Gr. und Röm. Bauord.* pp. 6, 7: for examples, see the profiles on pp. 492–3.) [P. S.] [J. M.]

CYMATIUM (*κῦμα, κυμάτιον*), in arch. (1) the volute of an Ionic capital (Vitr. iii. 5, 7; iv. 1, 7); (2) a moulding, either the *cavetto* (cy. doricum), or the *cyma recta* or *reversa* (cy. lesbium, *κ. Λέσβιον*). Vitruvius mentions the cymatium of a lintel (iv. 6, 2), of the epistyle (iii. 5, 10), and of the cornice (iii. 5, 11). The Greek term occurs: *κῦμα Λέσβιον*, Aesch. *Thalamopoei*, fr. 224 Dind., 76 Herm.; *κυμάτιον*, *C. I. G.* 160, 37; *LXX. Ex.* 25; cumatium, *Corp. Inscr. Lat.* 1, 577. [J. M.]

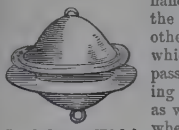
CYMBA (*κύμβη*), literally a hollow, was a small boat, probably made originally from the hollow of a tree, used on rivers and lakes, &c., especially by fishermen. Pliny ascribes its invention to the Phoenicians. (Plin. *H. N.* vii. 208; Afran. *in Non.* p. 535, 31; Verg. *Georg.* iv. 195; Cic. *de Off.* iii. 14, 59; *cymba adunca*, Ov. *Met.* i. 293; *concava*, *Am.* iii. 6, 4; *Fast.* vi. 777.) The poets give the name of *cymba* to Charon's boat. (Verg. *Aen.* vi. 303; *Georg.* iv.

Cymba, Charon's boat, with Hermes, conducting a soul. (From a Roman lamp.)

506; Hor. *Carm.* ii. 3, 28; Prop. iii. (iv.) 18, 24.) The diminutive *cymbula* is used of a small boat attached to larger vessels. (Plin. *Ep.* viii. 20, § 7.) [W. S.]

CYMBALUM (*κύμβαλον*), a musical instrument consisting of two half globes, which were held one in each hand by the performer and played by being struck against each other. Like *κύμβη, κυμβίον, κύμβος*, the word is derived from the root *κυ* expressive of any-

thing hollow. Several kinds of cymbals are found on ancient monuments, and not a few are preserved in museums, as at Naples, Berlin, St. Petersburg, Athens, and several places in France. They closely resemble those now used in military bands (Guhl and Koner, ed. 5, p. 274). There are, however, different degrees of convexity, varying between a hemisphere and a nearly flat disc. Some are altogether without handles, and were grasped by the fingers on the outside; others have a hole through which a cord or strap was passed, convenient for slinging them when not in use as well as for holding them when played; others, again, have a ring (see the cut opposite), or a solid knob by way of handle; for a pair furnished with regular handles, see the illustration at the end.


Cymbalum. (Rich.)

Many names for different kinds of cymbals are recorded by the grammarians and lexicographers, but their descriptions are so vague that little can be done in the way of identification; and the important distinction between cymbals and castanets is often obscured. Thus *κρέμβαλα* and *κρούματα* (or *κρούσματα*) will be found treated under CROTALUM. The *κρούπεζαι* or *κρουπέζια*, Lat. *scabella* or *scabilla*, can hardly be called cymbals: they were wooden shoes, used to beat time with the foot while other instruments were being played, and perhaps had rattles or bells attached to them to make a jingling, like the TYMPANUM or tambourine (Cic. *pro Cael.* 27, § 65, with Long's note; cf. Liddell and Scott, *s. v.*). The *πλαταγὴ* was simply a child's rattle, as is clearly shown by a passage of Aristotle (*Pol.* viii. 6, § 2); its diminutive is *πλαταγώνιον* (Pollux, Hesych., Suid.). There remain *ὀξύβαφα* and *κοτύλαι*, both probably small cup-shaped cymbals. The *ὀξύβαφα* were so named from their resemblance to the small cups used as vinegar cruets (see the second cut under ACETABULUM); and Suidas tells us (*s. v.*) that the two halves were made of different materials for the sake of variety of sound. The epithet *χαλκόδετοι*, applied to the *κοτύλαι*, seems to indicate that the latter also were not wholly of bronze (Aesch. *fragm.* 55).

The cymbal was a very ancient instrument, and unquestionably came from the East, where among other nations it was familiar to the Jews (see *Dict. of Bible*, s. v.). It is represented in a Phoenician bronze from Cyprus, now in the Cesnola collection at New York (D. and S. i. 1697 a). We find sacred trees depicted with cymbals hung on them as votive offerings, so as to be blown about by the wind (Guhl and Koner, p. 5, fig. 1). Among the Greeks and Romans they were especially used in orgiastic rites of Eastern origin, like those of Cybele (Pind. *fragm.* 48 = 79 Bergk[4]; Lucret. ii. 618; Catull. lxiii. 29; Verg. *Georg.* iv. 64; Propert. iv. 7, 61; Ov. *Fast.* iv. 213) and Dionysus (Aesch. *fragm. cit.*; Liv. xxxix 8 *fin.*, 10), as well as in the Eleusinian mysteries of Demeter and Cora (Pind. *Isthm.* vi. 3; Clem. Alex. *Protrept.* 2, § 15, p. 14; Schol. Aristoph. *Acharn.* 708). It will be noticed how constantly, in these passages, the cymbal and the tympanum are coupled together. Art monuments tell the same tale as literature, both as to the joint use of the two instruments and the deities in whose worship they occur. A cymbal figured in Daremberg and Saglio (i. 1697 b) is a votive offering to Cora.

As with the *crotalum*, the performers represented on works of art are mostly females. The following figure of a *cymbalistria* is taken from a bas-relief in the Vatican. [B. J.] [W. W.]

Cymbala. (From a Bas-relief in the Vatican.)

CYMBIUM (*κυμβίον*, *κύμβος*, *κύμβη*) was a kind of small cup, according to Didymus and Nicander (*ap.* Ath. 481 e), not round but long (*ἐπίμηκες*, which does not mean "high" *procera*, as Macrobius, *Sat.* v. 21, translates it), and narrow (*στενόν*), without handles (*χωρὶς ὠτίων*). Dorotheus (*ap.* Ath. 481 d) says it belonged to the class of cups which were deep (*βαθέων*), high (*ὀρθῶν*), without base or handles. Thus there were two very different shapes of cymbia, agreeing in not having handles; and this diversity of shape may be paralleled by that of the bowls of our wine-glasses, but of course the cymbia had not bases like the latter. They appear to have been constantly employed for drinking unmixed wine from (*ἄκρατος*, Philemon, 84; Anaxandrides, 3, ed. Kock), and fulfilled the functions of a cyathus in ladling out the wine from the crater into the cups; see Eratosthenes (*ap.* Ath. 482 b), who says that the *κυμβίον* was a *κυαθῶδες ἀγγεῖον*. They were much used (Ath. 481–2), but only among the wealthy (Dem. *Mid.* p. 558, § 133; 565, § 158). Though generally employed for wine, yet we find them in Virgil (*Aen.* iii. 65) holding milk. They were made of various valuable materials: chrysoprase (Plin. *H. N.* xxxii. § 113), silver with embossed work (Verg. *Aen.* v. 267), and the embossed work

Cymbium. (Panofka.)

was sometimes of gold (Alexis, 95, ed. Kock; Dig. 34, 2, 31, 1), Saguntine clay (Mart. viii. 6, 2). The meaning is derived from *κύμβη*, "a boat" (Soph. *Fragm.* 129): see Didymus *ap.* Ath. 481 f, Fest. 51. 10, and compare *ἄκατος*

and τριήρης, and such usages as our "butter-boat," &c. For the converse we have γαυλὸς and σκάφη, and "vessel" applied to a ship. The above specimen from Panofka (*Recherches*, &c. v. 75) may possibly be an example of the first kind (cf. Birch, p. 379). The inscription is πρόπινε μὴ κατθῇς, "Drink; do not lay me down." [L. C. P.]

KYRBEIS (κύρβεις). [AXONES.]

KY'RIOS (κύριος), lord or guardian. The early law of all countries takes notice of families only: in other words, it only takes notice of persons exercising Patria Potestas. Ancient law, therefore, subordinates a woman to her blood-relations; though relieved from her parent's authority by his death, she continues subject through life to her nearest male relations as guardians (Maine, *Ancient Law*, p. 152 ff.). During marriage, of course, her husband was her κύριος: but when this relation was terminated by death or divorce, she acquired no more freedom than before, but returned to the guardianship of her own family. The term κύριος is applied to males only during minority: the κύριος of such was first, of course, the father, secondly the guardian appointed by his will, thirdly the nearest male relative. In cases of adoption, the natural father remained no longer the κύριος of the adoptee (Dem. *c. Macart.* p. 1054, § 15).

The laws relating to the wardship of orphan children are treated of under EPITROPOS: we are here concerned with those more especially termed κύριοι in Attic law, whose business it was to protect the interests of women, whether spinsters or widows, or persons separated from their husbands. If a citizen died intestate, leaving an orphan daughter, the son or the father of the deceased was bound to supply her with a sufficient dowry, and give her in marriage; likewise to take care, both for his own sake and that of his ward, that the husband made a proper settlement in return for what his bride brought him in the way of dower. In the event of the death of the husband or a divorce, it became the duty of the κύριος who had betrothed her, to receive her back and recover the dowry, or at all events alimony, from the husband or his representatives. (Dem. *c. Neaer.* p. 1362, § 52.) If an orphan daughter had neither grandfather, brother, nor uncle, the next of kin, who in that case became her κύριος, had also the option of marrying her himself, and taking her fortune with her, whether it were great or small (Bunsen, *de Jure Hered. Att.* p. 46). If the fortune was small, and he was unwilling to marry her, he was obliged to make up its deficiencies, according to a regulation of Solon, in proportion to his own means (Lex *ap.* Dem. *c. Macart.* p. 1067, § 54); if it was large, he sometimes put away his own wife in order to marry her (Dem. *c. Onet.* i. *Arg.*, and p. 867, § 11; *c. Eubul.* p. 1311, § 41). He could even take her away from a husband to whom she had been lawfully married in her father's lifetime (Isae. *Pyrrh.* § 64) [EPICLEROS]. On the laws for the protection of women, whether as orphans, wives, or widows, see KAKOSIS.

All women could only appear in a court of law, like married women and minors among ourselves, through their "next friend," — in other words, their κύριος: hence the qualifications of a κύριος were the male sex, years of discretion, freedom, and when citizens a sufficient share of the franchise (ἐπιτιμία) to enable them to appear in the law-courts as plaintiffs or defendants on behalf of their several charges. If the κύριος were a resident alien, the deficiency of franchise would be supplied by his Athenian patron (προστάτης). (*Att. Process*, p. 455, with Lipsius' notes; Thalheim, *Rechtsalterth.*, § 2, pp. 8, 12, and § 10, p. 69 n. = Hermann, *Privatalt.*, §§ 57, 65.) [J. S. M.] [W. W.]

CYZICE'NUS NUMMUS. [ELECTRUM.]

CYZICE'NUS OECUS. [DOMUS, p. 671 *b*.]

D.

DACTYLIOTHE'CA (δακτυλιοθήκη), a case or box where rings were kept (Mart. xi. 59). Such a ring-case has been recognised in a round ivory box found at Pompeii (*Mus. Borb.* ix. pl. xiv. 8): from the centre of the lid projects a vertical stick, on which the rings might be slid when the wearer took them off at his toilet (cf. Mart. xiv. 123). The same purpose may have been served by a bronze stand which was found at Talese. It consists of a rod resting on three feet. Down the rod may be slid a ring furnished with catches to hold it steady, to one of which is attached a vertical oval ring broken at the top so as to admit of rings or other articles of jewellery being slid on it. (*Ann. dell' Inst. Rom.* 1842, p. 82.) The name was also applied to a cabinet or collection of jewels. We learn from Pliny (*H. N.* xxxvii. § 11), that Scaurus, the stepson of Sulla, was the first person at Rome who had a collection of this kind, and that his was the only one till Pompey brought to Rome the collection of Mithridates, which he placed in the Capitol. (Cf. Murat. *Inscr.* 907, 3.) The question is discussed in Dig. 32, 1, 52, §§ 8, 53, whether a legatee to whom a *dactyliotheca* was devised was to receive also the testator's ring, and the converse. [W. S.] [J. H. F.]

DA'CTYLUS (δάκτυλος), a Greek measure, answering to the Roman *digitus*, each signifying a *finger-breadth*, and being the sixteenth part of a foot. [PES.] (See the Tables.) [P. S.]

DADU'CHUS. [ELEUSINIA.]

DAE'DALA, DAEDALEIA (δαίδαλα, δαιδάλεια), a term applied to the earliest iconic representations of the gods roughly hewn out of wood (ἄγαλμα ξύλον, Paus. ix. 3, 2; δαίδαλον = later ξόανον, ib.). From a very early period stones (ἀργὸς λίθος, βαίτυλος) and trees received divine honours. (Lucian, *Pseudom.* 30; C. Böttticher, *d. Baumcultus d. Hellenen*; Overbeck, *d. Cultusobj. b. d. Gr.*). Thus Artemis Soteira at Boiae was a myrtle (Paus. iii. 22, 12); the Paphian Aphrodite a conical stone. The effigy of the god, down to the latest times, was placed in a tree (in a cedar at Orchomenos, id. viii. 13, 2; Cybele on coins of Myra, Collign. p. 10). The immediate predecessor, however, of the δαίδαλον was a squared beam or flat board, which, like the pillar, was probably draped and decorated (cf. Callim. of Hera at Samos: οὔπω Σμιλικὸν

ἔργον ἐΰξοον, ἀλλ' ἐπὶ τεθμῷ | δηναιῷ γλυφάνων ἄξοος ἦσθα σανίς, Euseb. *Praep. Ev.* iii. 8; draped stone on coin of Juliopolis (Gordium), Collignon, p. 13). Carved in shallow relief, with human form, the plank became a δαίδαλον; or later, with head, hands, and feet of marble adjusted, the wood hidden by the drapery, an acrolith (Paus. iii. 16, 1). The uncouth character of the most archaic type was shown in the omission or mere indication of all detail (Tzetzes, *Chil.* i. 538: ἄχειρας, ἄποδας, ἀομμάτους), and the stiff upright attitude. The more realistic and varied conception of the later ξόανον is ascribed to Daedalos (Paus. ii. 4, 5; ix. 3, 2). He separated the legs, raised the arms, and opened the eyes. Ancient writers, however, are hardly consistent in their judgments of his reputed works. Pausanias recognised high merit (τι ἔνθεον) in a rude art; a Heracles was so lifelike that the god himself threw a stone at it in the night (Hesych. *s. v.* πλῆξαι); yet his Delian Aphrodite, with arms, ended in a square block like a hermes (Paus. ix. 40, 2); and in Plato's time (*Hipp. maj.* p. 282 A) Daedalos would appear ridiculous. The author of the χορὸς of Ariadne [*Il.* xviii. 590; according to Paus. ix. 40, 3, a *marble* relief (a material not used before 20th Ol.)], of the Cretan Labyrinth, &c., a contemporary of Minos and Theseus, who was rather a mechanician and architect than sculptor, is separated by centuries from the beginning of Greek art (7th or 8th cent.). But Attic legend gradually evolved a quasi-historical Daedalus, patron of turners and sculptors (Daedalids), with whose name an important reform in art was conveniently associated.

Recorded ξόανα: a sitting Hera in pear-wood (Paus. xvii. 5); a Britomartis at Olus, Crete (id. ix. 40, 2), &c.; attributed to Daedalus, ξ. γυμνὸν of Herakles, Corinth (id. ii. 4, 5); a Heracles, on the frontier of Messenia and Arcadia (id. viii. 35, 2); ξ. τὸ ἀρχαῖον, Thebes (id. ix. 11, 9), &c. Cf. Brunn, *Gesch. gr. Künstl.* pp. 14, 15.

Archaeological evidence: archaic marble Artemis, showing wood technique, Delos (*Bullet. Corr. hell.* t. iii. pl. 1); archaic agalma of Here, frieze at Phigaleia (Overbeck, *Kunstmyth.* ii. 2, 21; and see under each god, *ib.*).

Archaic or archaistic terra-cottas and marble idols from graves (*ib.* p. 25, &c.; Gerhard, *Akad. Abh.* pl. lxi.; *Daedal. Idolen*; Heuzey, *Les Fig. ant. de terre cuite*, &c.).

Coins: see above (also Blümner, *Technol. u. Termin. d. Gew. u. Künsten*, vol. ii. pp. 2, 177, 181; Overbeck, *Gesch. d. gr. Plastik*,[3] ch. 2; id. *Schriftquellen*; Collignon, *Myth. Fig. de la Grèce*). [J. M.]

DAE'DALA (δαίδαλα), a festival, celebrated in Boeotia in honour of Hera, surnamed Νυμφευομένη or Τελεία (Paus. ix. 2, § 5). Its origin and mode of celebration are thus described by Pausanias (ix. 3, § 1, &c.):—Hera was once angry with Zeus, and withdrew herself to Euboea. Zeus not being able to persuade her to return, went to Cithaeron, who then governed Plataeae, and was said to be unequalled in wisdom. He advised Zeus to get a wooden statue, to dress and place it upon a chariot, and to say that it was Plataea, the daughter of Asopus, whom he was going to marry. Zeus followed the advice of Cithaeron, and no sooner had Hera heard of her husband's projected marriage than she returned. But when, on approaching the chariot and dragging off the coverings, she saw the wooden statue, she was amused with the device, and became reconciled to Zeus. In remembrance of this reconciliation the Plataeans solemnised the festival of the daedala, which owes its name to Δαίδαλα, the name by which rough-hewn statues were designated. (See preceding article.) Pausanias was told that the festival was held every seventh year, but he believes that it took place at shorter intervals, though he was unable to discover the exact time.

This festival was observed by the Plataeans alone, and was called the *lesser Daedala* (Δαίδαλα μικρά); it was celebrated in the following manner:—In the neighbourhood of Alalcomene was the greatest oak-forest of Boeotia, and in it a number of oak trunks. Into this forest the Plataeans went, and exposed pieces of cooked meat to the ravens, attentively watching upon which tree any of the birds, after taking a piece of the meat, would settle; and the trees on which any of the ravens settled, were cut down and worked into daedala.

The *great Daedala* (Δαίδαλα μεγάλα), in the celebration of which the Plataeans were joined by the other Boeotians, took place every sixtieth year; because at one time, when the Plataeans were absent from their country, the festival had not been celebrated for a period of sixty years. At each of the lesser Daedala fourteen statues were made in the manner described above, and distributed by lot among the towns of Plataeae, Coroncia, Thespiae, Tanagra, Chaeroneia, Orchomenos, Lebadeia, and Thebes; the smaller towns took one statue in common. The Boeotians assembled on the banks of the Asopus; here a statue of Hera was adorned and raised on a chariot, and a young bride led the procession. The Boeotians then decided by lot in what order they were to form the procession, and drove their chariots away from the river and up mount Cithaeron, on the summit of which an altar was erected of square pieces of wood, fitted together like stones. This altar was covered with a quantity of dry wood; and the towns, persons of rank, and other wealthy individuals offered each a heifer to Hera and a bull to Zeus, with plenty of wine and incense, and at the same time placed the daedala upon the altar. For those who did not possess sufficient means, it was customary to offer small sheep, but all their offerings were burnt in the same manner as those of the wealthier persons. The fire consumed both offerings and altar, and the immense flame thus kindled was seen far and wide.

The account of the origin of the daedala given by Pausanias agrees in the main points with the story related by Plutarch (*apud* Euseb. *de Praeparat. Evang.* iii. p. 83, and *Fragm.* p. 759, &c. ed. Wyttenb.), who wrote a work on the Plataean daedala: the only difference is that Plutarch represents Zeus as receiving his advice to deceive Hera from Alalcomenes; and that he calls the wooden statue by which the goddess was to be deceived Daedala, instead of Plataea. Plutarch also adds some remarks respecting the meaning of the festival, and thinks that the dispute between Zeus and Hera had reference to the physical revolutions to which

Boeotia, at a very remote period, had been subject, and their reconciliation to the restoration of order in the elements. (See Creuzer, *Symbol. und Mythol.* ii. p. 280, and Müller's *Orchom.* p. 216, &c. 2nd edit.) [L. S.]

DALMA'TICA, or DELMATICA (δαλματική, δελματική), a tunic furnished with long sleeves, full and flowing, introduced from Dalmatia (Isid. *Or.* xix. 22). The name does not occur till the close of the 2nd century of the empire. This use of sleeves extending to the wrists was considered effeminate during the republic [TUNICA], and even under the empire attracted attention in the instance of Heliogabalus ("dalmaticatus in publico post cenam saepe visus est, Gurgitem Fabium et Scipionem se appellans, quod cum ea veste esset, cum qua Fabius et Cornelius a parentibus ad corrigendos mores adulescentes in publicum essent producti," Lamprid. *Heliog.* 26). In this use of the dalmatic Heliogabalus was following the example of Commodus (Lamprid. *Comm.* 8; Capitol. *Pertinax*, 8, "chiridotas Dalmatarum." The *singiliones Dalmatarum* in Treb. Poll. *Claud.* 17 may denote the same garment). From Diocletian's edict of A.D. 301 fixing the maximum (16–17), we learn that the dalmatic was then worn both by men and by women; that it was made both with and without purple stripes [CLAVUS LATUS, ANGUSTUS]; sometimes it was woven with triple thread (*τρίμιτος*), sometimes of wool retaining the nap, sometimes of silk, sometimes of linen of various qualities and from various countries. In this edict and some other passages (Epiphan. *Haer.* i. 15, and later ecclesiastical writers), it appears to be identified with the colobion, which, however, was a sleeveless tunic (Serv. *ad* Verg. ix. 616; Sozomen, iii. 14), the dalmatic, on the contrary, having long sleeves. But, according to Waddington, the edict is here fixing the prices, not of the garments, but of the pieces of stuff from which they were made, and the same stuffs would naturally be used in making dalmatics and colobia.

For representations and a precise description of the garment we must turn to Christian sources. An illustration from a mosaic in the church of St. Vitalis at Ravenna has been given under CLAVUS (p. 455 *b*); and for a fuller account of the dalmatic as a church vestment, see Marriott (*Vestiarium Christianum*, p. lix) and *Dict. of Christ. Ant.* s. v. [J. H. F.]

DAMARETEION (Δαμαρέτειον νόμισμα), a Syracusan coin, concerning which there has been much dispute. According to Diodorus (xi. 26), after Gelon's victory over the Carthaginians at Himera, in B.C. 480, he granted them a peace at the intercession of his wife Damarete: the Carthaginians in gratitude gave her a gold wreath weighing 100 talents. In consequence, proceeds Diodorus, she struck the coin called from her Δαμαρέτειον, containing 10 Attic drachms or 50 Sicilian litrae. Other writers vary the account by making the coin the proceeds of the melting down of ornaments by Damarete and her ladies. Following the ambiguous statements of Pollux (ix. 85) and Hesychius (*s. v.*), Boeckh and other metrologists have supposed the Damareteia to be gold coins of the value of 10 Attic drachms of silver; but they are now universally recognised in the Archaic Syracusan coins of silver, of the weight of 10 Attic drachms or 50 litrae [see LITRA]; that is to say, weighing about 675 grains English, of which several specimens are still extant. (See Head, *Coinage of Syracuse*, p. 8, pl. i. 10.) These pieces must from their style be long to about B.C. 480, whereas none of the gold coins of Syracuse can be given to an earlier time than B.C. 412; and their unusual size and beauty seem to indicate some special occasion of mintage. [P. G.]

Damareteion of Syracuse.

DAMIURGI. [DEMIURGI.]

DAMNUM signifies loss or injury of any kind, but in its particular sense it means loss or injury which a person has sustained in his property (*damnum datum*, *factum*).

Damnum in this particular sense may include loss of gain which a person is prevented from realising (*lucrum cessans*) as well as loss of actually acquired property (*damnum emergens*). The causes of *damnum* are either chance, accident (*casus*), or acts or omissions of reasonable human beings, for which they are held to be responsible.

As a rule no liability arises out of loss or injury to property caused by accident (*casum nemo praestat*). A person is not liable for *damnum* which he causes to another by the just exercise of a right which belongs to him (Dig. 39, 2, 26; 47, 9, 3, § 7): such *damnum* is *sine injuria*.

Dolus malus or *culpa*, i.e. wilful or negligent misconduct on the part of the person committing *damnum*, is, as a rule, necessary in order to constitute liability; but in exceptional cases a person may be liable although neither *dolus malus* nor *culpa* can be imputed to him.

A wrongful act by which *damnum* is caused may be either an independent delict, or the breach of some special duty to which a person has become subject as a breach of contract.

The liability to make good a loss which another has suffered is *praestare damnum*.

A person liable for damages is, as a rule, bound to put the injured party in the same position as he would have been in if the act by which the damage was done had not been committed. He may also be subject to a penalty. (Dig. 9, tit. 2; Windscheid, *Pandekten*, §§ 257, 258; Mommsen, *Zur Lehre vom Interesse*; Poste, *Gaius*, § 212.) [G. L.] [E. A. W.]

DAMNUM INFECTUM is damage not done, but apprehended, on account of the dangerous condition of neighbouring property.

If proceedings were not taken before damage had been done, the injured party had no action for damages subsequently; if, *e.g.*, a ruinous house (*aedes ruinosae*) fell and damaged a neighbour before a *cautio* had been demanded, all the right that the damaged person had was to retain the materials that had fallen on his land. (Dig. 39, 2, 6. 7, § 2. 8.) Gaius states that a party who apprehended damage might have recourse to a *legis actio* in order to protect himself, but that the *stipulatio damni infecti* provided by the praetor in his edict for such cases was always sought as being the more convenient remedy. (Gaius, iv. 31.)

The praetor required a person whose land or building was likely by its dangerous state (*vitio aedium, loci, operis, arborum;* Dig. 39, 2, 24, pr. 2) to cause damage to another, to give the latter security (*cautio*) against such damage. No security was, however, required if danger from land simply arose from its natural character.

Every person who was in possession or detention of the property threatened, either as owner or in any other right, could claim this *cautio*, but it is doubtful whether a *bonae fidei* possessor was entitled to it (Dig. 39, 2, 11. 13, § 9. 18).

The complainant had to swear to his *bona fides* by taking the *jusjurandum calumniae*. The owner of the dangerous property, its *bonae fidei* possessor, and anyone who had a right in the property (*jus in re*) might be required to give this *cautio*, which for the owner and *bonae fidei* possessor consisted in a mere personal promise, but in other cases had to be undertaken by sureties also.

The complainant had no direct means of compelling the defendant to give security, but in the event of refusal he was empowered by the praetor to make entry on the property which threatened the damage, for the purpose of forcing the defendant into submission: if this produced no result, the defendant was ejected, and his right to the property was transferred by the praetor to the complainant. The defendant who had entered into a *cautio* was not liable under it to a greater amount than the value of the land or building which had caused the damage; if he surrendered the mischievous thing, he escaped all further liability. (Dig. 39, 2; Hesse, *Die Cautio damni infecti;* Vangerow, *Pandekten*, iii. § 678; Windscheid, *Pandekten*, § 458, &c.; Huschke, *Gaius*, §§ 203–242.) [E. A. W.]

DAMNUM INJURIA DATUM was a delict committed by a person who damaged a physical object belonging to another by a positive act, either intended by him or due to his negligence ("dolo aut culpa," Gaius, iii. 211), whereby the right of another was violated. The term *injuria* is sometimes used in this connexion to signify an act which is an infringement of a right of another, and sometimes for an act done intentionally or by reason of negligence (Gaius, iii. 211). The expressions used in early times to denote this delict were *noxia nocitu, noxiam nocere, nocere;* but these included also outrage to a man's person (*membrum rumpere, os frangere*) as well as damage to property. There were provisions in the Twelve Tables directed against particular kinds of damage to property (cf. Grueber, pp. 185-196; Voigt, *Die XII. Tafeln*, ii. §§ 131–134). Thus a man who caused certain objects of property to be burnt ("urere aedes acervumve frumenti juxta tugurium positum") was liable to the *actio de aedibus incensis* (Tab. vii. 14, according to Voigt's arrangement; Dig. 2, 14, 7, § 13); the owner of farm animals (*pecora*) which damaged a crop was liable to the *actio de pastu pecoris* (Tab. vii. 10: "Si impavit in laetam segetem alterius, noxiam sarcito"); a person who cut the trees of another was liable to the *actio de arboribus succisis* (Tab. vii. 12). It is probable that the Twelve Tables gave an action on account of killing a slave, *actio de servo occelso* or *occiso*, as they certainly punished a person for the less grave offence of injuring a slave ("os servi frangere"): the same action may also have been given on account of the killing of a quadruped. Two passages of Festus (s. v. *rupitius—sarcito:* C. Sell, *Die actio de rupitiis sarciendis*) seem to suggest that the Twelve Tables recognised a more general form of action than any of the above, which may have been called *actio de rupitiis sarciendis* or *de rupitiis*: this action would have been applicable in case any property was damaged by an act of breaking ("rumpere rem"), but not where property was damaged by any other kind of act; the wide sense which Festus gives to *rupitias* ("rupitias (in) XII. significat damnum dederit") being evidently derived from the interpretation subsequently given by the jurists to the word *rumpere* in the Lex Aquilia. It has been questioned on philological grounds whether the word *rupitias* can have been used in the Twelve Tables (Mommsen, *Rhein. Mus. für Phil.*, Neue Folge, xv. 464; Voigt, *XII. Taf.* i. 121). The expression *noxiam sarcire* originally meant to repair damage done by the defendants making over to the plaintiff something exactly similar to that which was damaged. This principle of reprisals (*talio*) was used in early times in respect to damage to property as well as to personal injuries, until the principle of pecuniary damages came to be substituted for it.

The law of the Twelve Tables respecting damage to property had in the time of the Roman classical jurists only an antiquarian interest, since the existing law on the subject depended on a later enactment, which was called the Lex Aquilia. According to Ulpian (Dig. 9, 2, 1, pr.), the Lex Aquilia repealed all pre-existing laws respecting *damnum injuria*, whether contained in the Twelve Tables or in any other source. This statement is not strictly accurate, for we know that some of the actions given by the Twelve Tables—viz. the *actio de incensis aedibus, de pastu pecoris*, and *de arboribus succisis*—were in use subsequent to the enactment of the Lex Aquilia; but the importance of these actions was much diminished by that law, and at the time when Ulpian wrote they were practically obsolete.

The Lex Aquilia was a plebiscitum called after Aquilius the tribune, who proposed it. The author of the law and its date are uncertain. According to Byzantine writers (Theophilus, *Par. Inst. Justinian.* 4, 3, 15; Anon. *ad Bas.* 60, 3, 1), it was passed at the time of one of the secessions of the plebs, by which the third secession 467 A.U.C. must be meant (cf. Grueber, pp. 183–185; Pernice, pp. 15–20). The Lex Aquilia, in accordance with the character of early law, did not give a general action on

account of damage of property, but extended only to certain acts and objects of damage. The first chapter of the Lex Aquilia provides that, if a man has unlawfully (*injuria*) killed a slave of another or a quadruped of his cattle, he shall be bound to pay to the owner whatever within the previous year was their highest value. Thus, if the value of the slave or animal had been greater some time during the year previous to the injury than it was at the time of the injury, the owner recovered something beyond compensation for his loss. By the second chapter an adstipulator, who defrauded a principal stipulator by releasing the promissor, was made liable to the principal stipulator in damages. This part of the enactment, which is not very closely connected with the preceding and subsequent parts, was obsolete in the time of Justinian, the practice of joining accessory stipulatores having ceased to serve any legal purpose. Hence its contents are not described in his legislation; and until the MS. of Gaius was discovered, in which they are noticed, there was much speculation as to their nature. The third chapter provides that if anyone unlawfully damages the property of another by burning, crushing, or breaking ("quod usserit, fregerit, ruperit"), if the case does not come under the first chapter ("praeter hominem et pecudem occisos"), he shall be liable for the value of the property within the last thirty days. The value of the property within the last thirty days was interpreted as meaning the highest value, although the word *plurimi* was not inserted in this part of the statute. The jurists enlarged the scope of the statute by a bold interpretation of *rumpere*, which they held to be equivalent to *corrumpere*, and so to include any act causing damage.

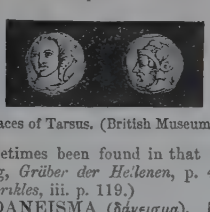
But it was necessary that the *damnum* should be a direct consequence of the act of the delinquent ("damnum corpore datum"), in order for it to be treated as a killing under the first chapter or an injury under the third. Thus to kill a person by a direct act ("occidere"), as by striking him, and to give occasion for his death ("causam mortis praestare"), as by putting a cup of poison in his way so that he himself takes it, are distinguished, there being no liability under the statute itself in the latter case. Further, in order to maintain an action by the statute, the *damnum* must not only have been *corpore*, but also *corpori datum*; that is, there must have been injury or destruction of a thing. Depriving the owner of an object of property without damaging it was not sufficient. The lex only gave an action to the owner of the property damaged ("Legis autem actio ero competit, id est domino"), not to a person who had any other interest in a thing, and who suffered loss by damage to it. Hence it did not allow a bonae fidei possessor, a fructuarius, usuarius, or a mortgagee creditor, to maintain an action under it. In all the above cases, in which the lex did not apply, the edict of the praetor supplied an analogous remedy, as also in the case of an injury done to a freeman. The praetorian actions thus given are called *actiones utiles* or *in factum* [ACTIO]. Various attempts have been made by German jurists to reconstruct the formula of the Aquilian action. (Lenel, *Das Edictum perpetuum*, p. 1571.) The Aquilian action was regarded as penal, and so could not be brought against the heirs of the delinquent. (Inst. iv. 3; Dig. 9, 2; Cod. iii. 35; Grueber, *The Roman Law of Damage to Property*, being a commentary on Tit. of Dig. *Ad Legem Aquilium*; A. Pernice, *Zur Lehre von den Sachbeschädigungen nach Röm. Recht.*) [E. A. W.]

DAMO'SIA (δαμοσία, sc. σκηνή), the tent of the Spartan kings in the field, "head-quarters," like the Latin *praetorium*; usually in the phrase οἱ περὶ τὴν δαμοσίαν, the "staff" or personal suite (Xen. *Hell.* iv. 5, § 8; vi. 4, § 14; *Rep. Lac.* 13, § 7). This must be distinguished from the σύσκηνοι or tent-comrades, who, however, were included in it, and from the Thirty who formed the king's body-guard in action.

The σύσκηνοι, according to Xenophon (*Rep. Lac.* 13, § 1), were the six polemarchs, and three ὅμοιοι or Spartans of full civic rank: to these he adds, in a later passage of the same work (15, § 5), the two Πύθιοι [PYTHII] nominated by the king, who may have been included in the nine previously mentioned. The three ὅμοιοι were charged with the royal commissariat, in order that the king and polemarchs might give their whole attention to military matters. The κρεοδαίτης, or royal carver (Plut. *Lysand.* 23, *Ages.* 8), was probably one of these (Gilbert; Caillemer). We must not think of an officer of state like the *Erztruchsess* of the German imperial court: the Spartan kings, who at home shared in the ordinary public tables (φιδίτια or φιλίτια), in the field lived on terms of simple comradeship with their σύσκηνοι, and one of the party would naturally be appointed to carve. Besides these, the damosia comprised the heads (οἱ τοῦ στρατοῦ ἄρχοντες, Xen. *Rep. Lac.* 13, § 7) of the diviners, army surgeons, and flute-players; not, as sometimes stated, the whole of those bodies. The surgeon-in-chief would of course be the king's medical attendant, and the chief μάντις and αὐλητὴς would take his orders in person. There is a difficulty about the ἐθελούσιοι mentioned by Xenophon in this passage: the Spartan organisation left little scope for "volunteers," and it cannot be thought that anyone who chose could thrust himself upon the king in this capacity: we may suppose with Caillemer that they were chosen by him at his pleasure. That the two ephors who attended the king on military expeditions, the λαφυροπῶλαι and others mentioned as a matter of inference by Müller, also formed part of the damosia, is nowhere expressly stated: but he rightly insists that the Thirty about the king's person must have been a different body; they were always Spartans, which cannot be said of the μάντεις, ἰατροί, and αὐληταί. Megistias, the prophet at Thermopylae, was an Acarnanian (Herod. vii. 221). At the moment of action some of the dispositions, rather obscurely hinted at by Xenophon (*l. c.*), were under the orders of the senior member of the damosia: this, it must be assumed, applied to the σύσκηνοι only, not to the inferior members. (Müller, *Dorians*, iii. 12, § 5; Gilbert, *Staatsalterth.* i. 80; Caillemer, *ap.* D. and S.) [W. S.] [W. W.]

DANACES (δανάκης, which spelling is probably more correct than Danace). Some people, according to Pollux (ix. 82), held this to be a Persian coin. The word seems to be derived from the Persian *dánaka*, which means a portion, more especially the fourth or sixth

part. It was probably the sixth of the Persian siglos or shekel of 86 grains, a denomination not to be found in the regular Persian coinage, but which does exist among the coins issued in Cilicia by Persian satraps. It would in this case be somewhat heavier than the Attic obol, 14·6 grains against 11·; and this is just the value assigned to it by Hesychius (*s. v.*). This writer also says that the coin was placed in the mouth of corpses as the fee of Charon (cf. Lucian, *de Luctu*, c. 10; *Mort. Dial.* i. 3, xi. 4, xxii. 1); and in modern excavations small coins have sometimes been found in that place. (Stackelberg, *Gräber der Hellenen*, p. 42; Becker-Göll, *Charikles*, iii. p. 119.) [P. G.]


Danaces of Tarsus. (British Museum.)

DANEISMA (δάνεισμα). [FENUS.]

DAPHNEPHO'RIA (δαφνηφορία), a festival celebrated every ninth year at Thebes in honour of Apollo, surnamed Ismenius or Galaxius. Its name was derived from the laurel branches (δάφναι) which were carried by those who took part in its celebration. A full account of the festival is given by Proclus (*Chrestomath.* p. 11). At one time all the Aeolians of Arne and the adjacent districts, at the command of an oracle, laid siege to Thebes, which was at the same time attacked by the Pelasgians, and ravaged the neighbouring country. But when the day came on which both parties had to celebrate a festival of Apollo, a truce was concluded, and on the day of the festival they went with laurel-boughs to the temple of the god. But Polematas, the general of the Boeotians, had a vision in which he saw a young man who presented to him a complete suit of armour, and who made him vow to institute a festival, to be celebrated every ninth year, in honour of Apollo, at which the Thebans, with laurel-boughs in their hands, were to go to his temple. When, on the third day after this vision, both parties again were engaged in close combat, Polematas gained the victory. He now fulfilled his promise, and walked himself to the temple of Apollo in the manner prescribed by the being he had seen in his vision. And ever since that time, continues Proclus, this custom has been strictly observed. Respecting the mode of celebration, he adds:—At the daphnephoria they adorn a piece of olive-wood with garlands of laurel and various flowers; on the top of it a brazen globe is placed, from which smaller ones are suspended; purple garlands, smaller than those at the top, are attached to the middle part of the wood, and the lowest part is covered with a crocus-coloured envelope. By the globe on the top they indicate the sun, which is identical with Apollo; the globe immediately below the first represents the moon; and the smaller suspending globes are symbols of the stars. The number of garlands being 365, indicates the course of the year. At the head of the procession walked a youth, whose father and mother must be living. Such a youth was, according to Pausanias (ix. 10, § 4), chosen priest of Apollo every year, and called δαφνηφόρος: he was always of a handsome figure and strong, and taken from the most distinguished families of Thebes. Immediately before this youthful priest walked his nearest kinsman, who bore the adorned piece of olive-wood, which was called κωπώ. The priest followed, bearing in his hand a laurel-branch, with dishevelled and floating hair, wearing a golden crown on his head, a magnificent robe which reached down to his feet (ποδήρης), and a kind of shoes called Ἰφικράτιδες, from the general Iphicrates, who had first introduced them. Behind the priest there followed a choir of maidens with boughs in their hands and singing hymns. In this manner the procession went to the temple of Apollo Ismenius or Galaxius. It would seem from Pausanias that all the boys of the town wore laurel garlands on this occasion, and that it was customary for the sons of wealthy parents to dedicate to the god brazen tripods, a considerable number of which were seen in the temple by Pausanias himself. Among them was one which was said to have been dedicated by Amphitryon, at the time when Heracles was daphnephorus. This last circumstance shows that the daphnephoria, whatever changes may have been subsequently introduced, was a very ancient festival.

There was a great similarity between this festival and a solemn rite observed by the Delphians, who sent every ninth year a sacred boy to Tempe. This boy went on the sacred road (Plut. *Quaest. Gr.* 12), and returned home as laurel-bearer (δαφνηφόρος) amidst the joyful songs of choruses of maidens. This solemnity was observed in commemoration of the purification of Apollo at the altar in Tempe, whither he had fled after killing the Python, and was held in the month of Thargelion (probably on the seventh day). It is a very probable conjecture of Müller (*Dor.* ii. 8, § 4) that the Boeotian daphnephoria took place in the same month and on the same day on which the Delphian boy broke the purifying laurel-boughs in Tempe.

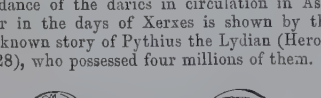
The Athenians seem likewise to have celebrated a festival of the same nature, but the only mention we have of it is in Proclus (*ap. Photium*, p. 987), who says that the Athenians honoured the seventh day as sacred to Apollo, that they carried laurel-boughs and adorned the basket (κάνεον: see CANEPHOROS) with garlands, and sang hymns to the god. Respecting the astronomical character of the daphnephoria, see Müller, *Orchom.* p. 215, 2nd edit.; and Creuzer, *Symbol. und Mythol.* ii. p. 160; A. Mommsen, *Heortologie*, p. 271 ff. [L. S.]

DARDANA'RII, forestallers, who purchased corn to sell at a high price, were severely punished in imperial times (Dig. 47, 11, 6; 48, 19, 37). (Plin. *H. N.* xxx. § 9; Apul. *Apol.* p. 331; Colum. x. 358; Turneb. *Adversar.* ix. 17.) [W. S.]

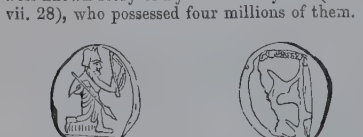
DARI'CUS or daric stater (στατὴρ δαρεικός). This was the name of the gold coin which constituted for centuries, until the time of Alexander the Great, the main part of the coinage of Asia under Persian dominion. Gold darics are to be found in all great museums: their type is on the obverse a crowned archer kneeling, on the reverse a mere rude incuse; their weight is about 130 grains [PONDERA], and their intrinsic value about twenty-two shillings of our money. In allusion to their

type they were sometimes called *τόξοται*; whence the saying of Agesilaus (Plut. *Ages.* 15) that he had been driven from Asia by 30,000 archers, when his recall was the result of Persian bribery at Athens and Thebes.

The Greeks (*Etym. Mag.* s. v.; Harpocrat. *s. v.*) connected the word *δαρεικὸς* with the name of Darius Hystaspis, to whom they attributed the first issue of these coins. This derivation, however, is certainly erroneous. Not only is there small likeness in sound between the name of the coin and that of the king in their Persian forms, but we learn from the Book of Ezra (ii. 69, viii. 27) that darics were in circulation in Palestine in the time of Cyrus; and M. Bertin has found the word *dariku* on a tablet of the reign of Nabonidus, which is still earlier (*Trans. Soc. Bibl. Arch.* 1883–4, p. 87: cf. Head, *Historia Numorum*, p. 698). Of course in the cases just cited, though we have a complete proof of the great antiquity of the word *daric*, we cannot be sure whether a fixed weight of gold or a coin is intended. The probability is that the nations of the Euphrates valley did not coin money until they had conquered Lydia and Ionia in the time of Cyrus. Darius, Herodotus tells us, issued gold coin of great fineness (Herod. iv. 166); and this may have caused the Greeks to suppose that he issued the earliest Persian coins. The abundance of the darics in circulation in Asia Minor in the days of Xerxes is shown by the well-known story of Pythius the Lydian (Herod. vii. 28), who possessed four millions of them.



Gold Daric. (British Museum. Actual size.)

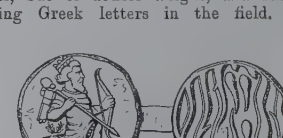


Silver Daric. (British Museum. Actual size.)

Beside the gold darics there circulated silver coins of the same shape and bearing the same device of the archer: these were commonly known as the *σίγλος* or shekel, but were sometimes termed silver darics (Plut. *Cimon*, 10). Their weight is about 86 grains; thus, the value of gold in relation to silver being in Asia about thirteen to one [see ARGENTUM], twenty sigli were equivalent to a gold daric. In some parts of Asia, as in Ionia, Cilicia, and Phoenicia, Greek cities and Persian satraps were allowed to issue silver money as they pleased, of any standard and any types which suited them, the mintage of gold only being reserved for the supreme government. As a corroboration of these statements may be cited Herodotus's story, that Aryandes satrap of Egypt incurred the displeasure of Darius by issuing silver coin of greater purity than his own; for it seems that Darius, though excited to jealousy, could not punish Aryandes for this, but had to find another charge against him.

It appears that in the time of Xenophon a daric was a month's pay of a Greek mercenary in Asia (*Anab.* i. 3, § 21).

With the conquest of Persia by Alexander the Great the issue of darics ceased, and their place was taken by the regal gold coins of Alexander, which were a few grains heavier. In the far East, however, there were minted for a time at the Greek cities coins of the same type as the darics, but of double weight, and sometimes bearing Greek letters in the field. These



Double Gold Daric. (British Museum. Actual size.)

double-darics are not mentioned by extant ancient authors. [P. G.]

DATA'TIM LU'DERE, DATOR. [PILA.]

DATE'TAE (*δατηταί*), distributors or liquidators, were employed in the winding up of a partnership concern. If the period for which the partnership was to last had not been settled by the articles of association, and any one or more of the partners wished to retire, a division of the capital, fixed and floating, became necessary. This might be effected amicably, without the intervention of the law, even if any of those interested were minors. The guardian might act as he deemed best for his ward, subject of course to a *δίκη ἐπιτροπῆς* on the latter's attaining his majority. But if the parties could not agree, those who insisted on the winding-up might bring an action by *πρόσκλησις* or summons for the appointment of liquidators (*ἐδικάζοντο οἱ βουλόμενοι τοῖς μὴ βουλομένοις προσκαλούμενοι εἰς δατητῶν αἵρεσιν*, Harpocrat. *s. v. δατεῖσθαι*). The award of these Datetae seems to have been binding on all parties: and Meier conjectures that, unless special circumstances required the appointment of "experts" possessed of technical knowledge, the Datetae were chosen by lot from the public Diaetetae. The similarity of the two names has led, it appears, to their being confounded in some passages of the grammarians. There is also reason to think that Datetae might be appointed in other cases not involving partnership: for instance, in disputes about the division of an inheritance. (Meier, *Att. Process*, p. 377 ff.; Caillemer, *10me Étude, le Contrat de Société à Athènes*, p. 5.) [W. W.]

DEALBATO'RES, workmen mentioned in the Codex of Justinian (x. 64, 1; cf. *C. I. L.* iv. 222), appear to have been simply whitewashers, and not, as some have supposed, workmen employed to cover walls with a coating of white cement or stucco. *Dealbare* is covering the walls with lime-wash (*calce ex aqua liquida dealbentur*, Vitruv. vii. 4, 3). Cicero speaks of *columnae dealbatae* (*Verr.* i. 55, 145), and Palladius (i. 24, 1) of *dealbati parietes*. See also Cic.

Fam. vii. 29; Suet. *Galb.* 9. (Blümner, *Technol. u. Terminol.* ii. p. 147; iii. p. 180.) [W. S.]

DE'BITOR. [Obligationes.]

DECADA'RCHIA or DECA'RCHIA (δεκαδαρχία, δεκαρχία), a council or government of Ten. 1. In Thessaly, established by Philip on his conquest of that country and overthrow of its tyrants in B.C. 352, after a defeat in the previous year (Dem. *Phil.* ii. p. 71, § 22, τὴν καθεστῶσαν νῦν δεκαδαρχίαν: the date fixed by Grote, ch. 87, viii. 48). The τετραρχίαι of *Phil.* iii. p. 117, § 26, are only in apparent contradiction to this: they refer to four districts only (which however have been differently identified) and not to the whole country (Westermann in Pauly; Hermann, *Staatsalterth.* § 178, 18). 2. Introduced by Lysander at the close of the Peloponnesian war, and established in many Greek cities by the Lacedaemonians, who entrusted to it the whole government of the state under the direction of a Spartan harmost. It always consisted of the leading members of the aristocratical party. (Xen. *Hell.* vi. 3, § 8; Isocr. *Panath.* § 68; Plut. *Lys.* 5 and 13; Grote, ch. 72 *passim.*) The form δεκαδαρχία is used by Demosthenes of the Thessalian institution, δεκαρχία by Xenophon and Isocrates of the Lacedaemonian. [W. S.] [W. W.]

DECADU'CHI (δεκαδοῦχοι), the members of a council of Ten, who succeeded the Thirty in the supreme power at Athens, B.C. 403 (Harpocrat. *s. v.*). They were chosen from the ten tribes, one from each (Xen. *Hell.* ii. 4, §§ 23, 24); two of the Thirty, if not more, were among them, and, like the Thirty, they relied on Spartan assistance against Thrasybulus and the exiles. They remained masters of Athens till the party of Thrasybulus obtained possession of the city and the democracy was restored; and, like the Thirty, were excepted from the amnesty, but allowed to retire into banishment (Lys. *c. Eratosth.* § 54 ff.; Grote, ch. 65, v. 590). [W. S.] [W. W.]

DECA'NUS (Fr. *doyen*, Eng. dean), the head of ten men. The word does not seem to occur before the time of Constantine, and then, except in its ecclesiastical use, only in the Eastern empire. It perhaps took the place of the classical *decurio* at a time when the latter word had acquired its special meaning in the colonies and municipia. We may distinguish three senses.

1. A petty officer commanding a *contubernium* of ten men (Modestus, § 9; Veget. *de Re Mil.* ii. 8 and 13). The latter says that in his time (the end of the 4th century) the name *caput contubernii* had superseded decanus.

2. Officials at the court of Constantinople, but of no higher than menial rank (Cod. Theod. vi. 12; "principis famulationibus adhaerentes," Cod. Just. xii. 27, 2). St. Chrysostom instances the ὕπαρχος (= praefectus praetorio) and δεκανὸς as at opposite ends of the social scale (*Hom.* xiii. *in Ep. ad Hebr.*) Like other *officiales*, they were under the orders of the Magister Officiorum.

3. The members of a guild or confraternity at Constantinople, charged with the burial of the dead (Cod. Just. i. 2, 4 and 9; Just. *Novell.* xliii. praef.). The institution appears to be a distinctly Christian one, and to have organised what had been previously a matter of casual charity, the decent burial of the poor. These decani are probably identical with the κοπιᾶται, so called from their pious labours. (Cf. *Dict Chr. Ant.* s. vv. Copiatae, Decanus.) (Daremberg and Saglio, *s. v.*; Ducange, *s. v.*) [W. W.]

DECAPRO'TI (δεκάπρωτοι). In the Greek-speaking cities of the Roman empire a committee of ten, or more rarely of twenty (εἰκοσάπρωτοι, *icosaproti*), was chosen from among the decuriones or provincial senators, and charged with the collection of the taxes, for which they were made responsible. These *decaproti* are to be distinguished from the Decem Primi in Rome and the Italian municipia, who were honorary representatives of their curia, but not magistrates. The *decaproti* were, on the contrary, officials charged with very burdensome duties, of which the following extracts from the Digest will give a sufficient idea. The *decemprimatus* is a *munus patrimonii* or "burden upon property" (Dig. 50, 4, 1, § 1); and as such might be imposed upon persons below the age of twenty-five, who were exempt from the *corporale ministerium* or "personal service" (Dig. 50, 4, 3, § 10). They were responsible not merely for the collection of the *tributum*, but for arrears owing by deceased persons (*nam decaproti et icosaproti tributa exigentes et corporale ministerium gerunt, et pro muneribus defunctorum fiscalia onera resarciunt*, Dig. 50, 4, 18, § 26). They were chosen by their fellow-decuriones for a limited term; if annually, as Waddington (on *Inscr.* 1106) and Humbert think, they must have been capable of re-election (δεκαπρωτεύσας ἔτη *i* at Thyatira, *C. I. G.* 3490). These officers occur in the island of Amorgos (*C. I. G.* 2264), at Cius in Bithynia (*ib.* 3732), Patara in Lycia (*ib.* 4289), Iotapa in Cilicia (*ib.* 4413, 4415), and in various cities of proconsular Asia (*ib.* Nos. 3201, 3418, 3496, 3498). (Marquardt, *Staatsverw.* i.² 213 f.; Humbert in D. and S., *s. v.*) Compare Decuriones. [W. W.]

DECASMUS (δεκασμός), bribery: strictly meaning a systematic bribery by division into sets of ten (Bekk. *Anecd.* p. 236, 5). There were two actions for bribery at Athens: one, called δεκασμοῦ γραφή, lay against the person who gave the bribe; and the other, called δώρων or δωροδοκίας γραφή, against the person who received it. (Pollux, viii. 42.) These actions applied to the bribery of citizens in the public assemblies of the people (συνδεκάζειν τὴν ἐκκλησίαν, Aesch. *c. Timarch.* § 86), of the Heliaea or any of the courts of justice, of the βουλή, and of the public advocates (συνηγόροι, Lex *ap.* Dem. *c. Steph.* ii. p. 1137, § 26). Demosthenes (*F. L.* p. 343, § 7), indeed, says that orators were forbidden by the law, not merely to abstain from receiving gifts for the injury of the state, but even to receive any present at all.

Actions for bribery were under the jurisdiction of the thesmothetae (Dem. *c. Steph.* I. c.). The punishment on conviction was death (Isocr. *de Pace*, § 50; Aeschin. *c. Tim.* § 87), or payment of ten times the value of the gift received (Dinarch. *c. Demosth.* § 60; *c. Aristog.* § 17). An additional punishment (προστίμημα) might be inflicted by the court; as in the case of Demosthenes, who was not only fined 50 talents, but thrown into prison (Plut. *Demosth.* 26; *Vit. X. Oratt.* p. 841 c; Boeckh, *P. E.* p. 384). In this instance the amount of the penalty seems to have been fivefold, not tenfold, the amount of

the bribe. Atimia followed as a matter of course on conviction, and was not left, like other punishments, to the discretion of the court (Dem. *c. Mid.* p. 551, § 113; Aeschin. *c. Ctes.* § 232). On the analogy of the Roman *decuriae*, and the phrase Λύκου δεκὰς applied to bribery in Harpocration, compare Sandys on Dem. *c. Steph.* 1. c.; Meier, *Att. Process*, p. 150. [W. S.] [W. W.]

DECASTY'LOS. [TEMPLUM.]

DE'CATE (δεκάτη). [DECUMAE.]

DECEMJUGIS, sc. CURRUS. [CURRUS, p. 579 *b*.]

DECE'MPEDA, a pole ten feet long, used by the agrimensores in measuring land. (Cic. *pro Mil.* 27, § 74; *Phil.* xiv. 4, § 10; Hor. *Carm.* ii. 15, 14.) Thus we find that the agrimensores were sometimes called *decempedatores* (Cic. *Phil.* xiii. 18, § 37). The decempeda was in fact the standard land-measure. [ACTUS; AGRIMENSORES.] [W. S.]

DECEM PRIMI. 1. The Ten First of the Roman Senate were originally the heads of the decuries into which the senate of one hundred was divided. They took the office of interrex by turns, and are mentioned in that capacity at the first interregnum, on the death of Romulus (Liv. i. 17; cf. Dionys. ii. 57). When subsequently the representatives of the Tities and Luceres were admitted into the senate, the Ramnes with their decem primi retained for some time their precedence over the other two tribes, and gave their votes first (Plut. *Num.* 3; Dionys. ii. 58, iii. 1). The first in rank among them was the *princeps senatus*, who was appointed by the king, and was at the same time *custos urbis* (Dionys. ii. 12; J. Lydus, *de Mens.* i. 19). In the early republican period the decem primi seem to have been the consulars of the greater houses in order of seniority, then those of the lesser houses. The Ten First, who as ambassadors from the patricians concluded the treaty with the plebs on Mons Sacer, were all consulars (Niebuhr, *Rom. Hist.* i. 305, 340, ii. 115 f., E. T.). Soon after the commencement of the republic they lost the exclusive privilege of the interregnum [INTERREX].

When the censors acquired the power of nominating the senators from among qualified persons, the decem primi were simply the first ten named by them: this choice was usually exercised according to merit, and a man who was generally acknowledged as the first Roman of his time was tolerably certain to become *princeps senatus*, and to retain the dignity for life. Valerius Corvus, the two Fabii Maximi, Rullianus and Cunctator, L. Aemilius Paullus, and the two Africani, all seem to have enjoyed this honour. The censors were often partial and passionate in the exercise of their almost irresponsible authority; but even the memorable quarrel between Livius Salinator and Claudius Nero did not prevent their giving the first place in the senate to Fabius Cunctator (Liv. xxix. 37, § 1).

2. In municipal senates we constantly find a committee, generally of ten, sometimes of a greater or less number, chosen (apparently by the decurions themselves) out of the larger body. In Italy this institution can be traced very far back: we find it in Latium as early as the great Latin war of 340 B.C. (Liv. viii. 3, § 8); in the disaffected Latin colonies at the time of the second Punic war (id. xxix. 15, § 5); at Ameria in Cicero's time (*pro Rosc. Am.* 9, § 25); Antonius, quartered in Campania, "evocavit litteris e municipiis decemprimos et IIII. viros" (*ad Att.* x. 13 *init.*). Beyond Italy we find decem primi at Centuripae (*in Verr.* ii. 67, § 162), quinque primi at Agyrium (*ib.* iii. 28, § 68), quindecim primi at Massilia (Caes. *B. C.* i. 35).

3. Wherever there was an *ordo*, Roman organisation seems to have involved the appointment of ten, or sometimes six, primi. Below the senatorian rank we find them among *apparitores*, *lictores*, and *praecones* (Mommsen, *Staatsr.* i.² 328, 340, 348); in priestly colleges (*C. I. L.* vi. 2010; cf. the *seviri* under AUGUSTALES, p. 258 *b*); and among the domestici or body-guards of the later empire (Cod. Theod. vi. 24). The notion of so late a writer as J. Lydus (*de Magistr.* i. 46), that legionary officers were anciently so called, can hardly be accepted in default of better evidence. (Marquardt, *Staatsverw.* i.² 213 f.; Humbert, in D. and S.) [W. W.]

DECEMRE'MIS. [NAVIS.]

DECE'MVIRI, the Ten Men, the name of various magistrates and functionaries at Rome.

1. DECEMVIRI CONSULARI IMPERIO LEGIBUS SCRIBENDIS were ten persons who were appointed to draw up a code of laws, and to whom the whole government of the state was entrusted. As early as B.C. 462, a law was proposed by C. Terentilius Arsa, that five commissioners should be appointed for drawing up a body of laws; but this was violently opposed by the patricians (Liv. iii. 9); and it was not till after a struggle of nine years that the patricians consented to send three persons to Greece, to collect such information respecting the laws and constitutions of the Greek states as might be useful to the Romans (Liv. iii. 31). They were absent a year; and on their return, after considerable dispute between the patricians and plebeians, ten commissioners were appointed with the title of "decemviri legibus scribendis," to whom the revision of the laws was committed. No other magistrates were appointed for the year: even the tribuneship was abandoned. It is clear that the legislative commissioners were to have supreme power; and the view of Mommsen (*Hist.* i. 290) is very probable, that the purpose of the whole scheme was to substitute henceforward for tribunician intercession a limitation of the consular powers by written law. There is reason to doubt Livy's statement that plebeians were admitted to be ineligible: but in fact all of the ten were patricians.

The decemviri entered upon their office at the beginning of B.C. 451. They consisted of App. Claudius and T. Genucius Augurinus, the consuls elect, as Niebuhr conjectures, of the praefectus urbi, and of the two *quaestores parricidii*, and of five others chosen by the centuries. They discharged the duties of their office with diligence, and dispensed justice with impartiality. Each administered the government day by day in succession as during an interregnum; and the fasces were only carried before the one who presided for the day. (Liv. iii. 33.) They drew up a body of laws, distributed into ten sections; which, after being approved of by the senate and the comitia

centuriata, were engraven on tables of metal, and set up in the forum on the rostra in front of the senate-house.

On the expiration of their year of office, all parties were so well satisfied with the manner in which they had discharged their duties, that it was resolved to continue the same form of government for another year; more especially as some of the decemvirs said that their work was not finished. Ten new decemvirs were accordingly elected, of whom Appius Claudius alone belonged to the former body (Liv. iii. 35; Dionys. x. 53); and of his nine new colleagues, at least three, and probably five, were plebeians. (Mommsen, *Forsch.* i. 95: Dionys. x. 58 regards only three as plebeians; Livy, iv. 3, 17, carelessly speaks of all as patricians.) These magistrates framed several new laws, which were approved of by the centuries, and engraven on two additional tables. But, according to the traditional account, they used their power in a most tyrannical manner. Each was attended by twelve lictors, who carried not the rods only, but the axe, the emblem of sovereignty. They committed all kinds of outrages upon the persons and property of the plebeians and their families. When their year of office expired, they refused to resign or appoint successors. This conduct was not strictly illegal, but unquestionably it was against the spirit of the constitution, which prescribed an annual tenure of office; and they were regarded not as private citizens usurping powers, but as magistrates misusing their authority (Mommsen, *Staatsr.* ii.[2] 696). It is a probable conjecture that the unconstitutional action was connived at, as an indirect means of suppressing the tribuneship; but there is much also to be said for Mommsen's view, that Appius was endeavouring by the help of a portion of the plebs to secure despotic power. At length, the unjust decision of App. Claudius, in the case of Virginia, which led her father to kill her with his own hands to save her from prostitution, occasioned an insurrection of the people. The decemvirs were in consequence obliged to resign their office, B.C. 449; after which the usual magistracies were re-established. (Niebuhr, *Hist. of Rome*, vol. ii. pp. 309–356; Arnold, *Hist. of Rome*, vol. i. pp. 250–313; Becker, *Römisch. Alterthüm.* vol. ii. part ii. pp. 126–136; Mommsen, *Hist.* i. 289 ff.; Herzog, *Röm. Staatsverf.* i. 177 ff.; Schwegler, *Röm. Gesch.* iii. 1 ff.)

The ten tables of the former, and the two tables of the latter decemvirs, together form the laws of the Twelve Tables, of which an account is given in a separate article. [LEX DUODECIM TAB.]

2. DECEMVIRI LITIBUS OR STLITIBUS JUDICANDIS were magistrates forming a court of justice, which took cognizance of civil cases. Pomponius (*de Orig. Jur.* Dig. 1, tit. 2, s. 2, § 29) says that they were instituted in the year B.C. 292, the time when the *triumviri capitales* were first appointed. This statement Mommsen (*Staatsr.* ii.[2] 592) decidedly rejects. Livy (iii. 55) mentions *iudices decemviri* as a plebeian magistracy very soon after the legislation of the Twelve Tables; and while Niebuhr (*Hist. of Rome*, vol. ii. p. 324, &c.) refers these decemvirs to the decemviral magistrates, who had shortly before been abolished, and thus abides by the account of Pomponius, Göttling (*Gesch. der Röm. Staatsv.* p. 241, &c.) believes that the decemvirs of Livy are the *decemviri litibus judicandis*, and this view is accepted by Mommsen. He shows however that the office cannot have been limited to plebeians, for we find it held by Cn. Scipio, the praetor of B.C. 140, by C. Julius Caesar, the father of the dictator, and by another patrician. This office does not appear to have been regarded as a magistracy before the middle of the seventh century of the city. After this time the decemvirs appear to have been elected in the *comitia tributa*. Their function was to decide in private suits (Cic. *de Leg.* iii. 3, 6), and especially in *causae liberales*, suits affecting personal freedom, a fact which makes it probable that they were instituted after the downfall of the decemvirs. In the time of Cicero the office still existed, and the proceedings in it took place in the ancient form of the sacramentum. (Cic. *prp Cuecin.* 38, 97; *pro Dom.* 29, 78.) Augustus transferred to these decemvirs the presidency in the courts of the centumviri. (Suet. *Aug.* 36; Dio Cass. liv. 26.)

3. DECEMVIRI SACRIS FACIUNDIS, sometimes called simply DECEMVIRI SACRORUM, were the members of an ecclesiastical collegium, and were elected for life. Their chief duty was to take care of the Sibylline books, and to inspect them on all important occasions, by command of the senate. (Liv. vii. 27, xxi. 62, xxxi. 12.) Virgil (*Aen.* vi. 73) alludes to them in his address to the Sibyl—"Lectos sacrabo viros."

Under the kings the care of the Sibylline books was committed to two men (*duumviri*) of high rank (Dionys. iv. 62), one of whom, called Atilius or Tullius, was punished by Tarquinius, for being unfaithful to his trust, by being sewn up in a sack and cast into the sea. (Dionys. *l. c.*; Val. Max. i. 1, § 13.) On the expulsion of the kings, the care of these books was entrusted to the noblest of the patricians, who were exempted from all military and civil duties. Their number was increased in the year 367 B.C. to ten, of whom five were chosen from the patricians and five from the plebeians. (Liv. vi. 37, 42.) Subsequently their number was still further increased to fifteen (*quindecemviri*); but at what time is uncertain. As, however, there were decemviri in B.C. 114 (Val. Max. viii. 15, 12), in B.C. 98 (Obsequens, 47), and in B.C. 82, when the Capitol was burnt (Dionys. *l. c.*), and we read of quindecemviri in the time of Cicero (*ad Fam.* viii. 4), it appears probable that their number was increased from ten to fifteen by Sulla, especially as we know that he increased the numbers of several of the other ecclesiastical corporations. Julius Caesar added one more to their number (Dio Cass. xlii. 51); but this precedent was not followed, as the collegium appears to have consisted afterwards of only fifteen.

It was also the duty of the decemviri and quinqueviri to celebrate the games of Apollo (Liv. x. 8), and the secular games (Tac. *Ann.* xi. 11; Hor. *Carm. Saec.* 70). They were, in fact, considered priests of Apollo, whence each of them had in his house a bronze tripod dedicated to that deity. (Serv. *ad* Verg. *Aen.* iii. 332.)

So long as there were ten members of the college there were two *magistri*, one a patrician,

one a plebeian; when the number was increased to fifteen, the *magistri* were five in number. (Mommsen, *Res Gestae divi Aug.* p. 64: cf. Tac. *Ann.* vi. 12; Marquardt, *Röm. Alt.* vi. 364 ff.)

4. DECEMVIRI AGRIS DIVIDUNDIS were sometimes appointed for distributing the public land among the citizens. (Liv. xxxi. 4; xlii. 4.)

5. DECEMVIRI were occasionally appointed in the earlier days of the republic as commissioners to settle terms of peace. (Mommsen, *Röm. St.* ii.^{2} 624, 665, 672.) [W. S.] [A. S. W.]

DECENNA'LIA or DECE'NNIA, a festival celebrated with games every ten years by the Roman emperors. This festival owed its origin to the fact that Augustus refused the supreme power when offered to him for his life, and would only consent to accept it for ten years; and when these expired, for another period of ten years, and so on to the end of his life. The memory of this comedy, as Gibbon has happily called it, was preserved to the last ages of the empire by the festival of the *Decennalia*, which was solemnised by subsequent emperors every tenth year of their reign, although they had received the imperium for life, and not for the limited period of ten years. (Dio Cass. liii. 16, liv. 12, lviii. 24, lxxvi. 1; Trebell. Poll. *Salonin.* 3, *Gallien.* 7. Cf. Eichstaedt, *Opusc. Acad.* 208 ff.) [W. S.] [A. S. W.]

DECIMA'TIO was the selection, by lot, of every tenth man for capital punishment, when any number of soldiers in the Roman army had been guilty of certain military offences; usually cowardice, loss of standards in action, or mutiny. This punishment is not often mentioned in the early times of the republic; but the case of the consul App. Claudius and his mutinous army, B.C. 471, is recorded both by Livy (ii. 59) and Dionysius (ix. 50); the latter speaks of it as customary (*πάτριος*) for the offences named. Polybius notices it as usual when troops had given way to panic; the remainder were punished by having rations of barley instead of wheat served out to them, and by being made to lodge outside the camp (vi. 38). When however Crassus employed decimation in the servile war of Spartacus, he is described as having revived an ancient punishment which had long fallen into disuse (Plut. *Crass.* 10; cf. App. *B. C.* i. 118). In the civil wars it once more became common (Dio Cass. xli. 35, xlviii. 42, xlix. 27, 38; Suet. *Aug.* 24: cf. Cic. *pro Cluent.* 46, § 128; Frontin. *Strat.* iv. 1, § 37), and was retained under the empire (Suet. *Galb.* 12; Tac. *Hist.* i. 37). Sometimes only the twentieth man was punished (*vicesimatio*), or the hundredth (*centesimatio*). (Capitol. *Macrin.* 12; Frontin. *l. c.* § 35. Cf. Marquardt, *Staatsverw.* ii. 553.) [W. S.] [W. W.]

DECIMATRUS. [QUINQUATRUS.]

DECLAMA'TIO, a term which came into use first in Cicero's time (*Brut.* 90, 310: "commentabar declamitans, sic enim nunc loquuntur") for the rhetorical exercises, employed in the training of orators. These were of two kinds: (*a*) *suasoriae*; (*b*) *controversiae*. The former were based upon some historical or legendary theme, and the pupil was required to treat some problem arising thence, as, for instance, whether Sulla should have resigned his dictatorship (Juv. i. 16), or Cato have committed suicide (Pers. iii. 45). These were regarded as suitable for beginners, as not requiring any wide or minute knowledge of law (Tac. *Dial.* 35). The latter dealt with legal questions, and took the form of the discussion of an imaginary case, such as might arise in the courts. Marcus Seneca, the father of the philosopher, has left seven examples of *suasoriae*, thirty-five of *controversiae*, as well as ten books of *excerpta controversiarum*, which contain many interesting specimens of the kind of questions thus treated. The practice at first had a real value, and Cicero represents himself as continuing it for a great part of his life (*Tusc.* i. 4, 7), although in his later years he preferred philosophical topics. But with the decline of free speech, the exercise sank into a mere occasion for display (Quint. ii. 7, 1). The themes were hackneyed or extravagant, the language affected and full of strained antithesis and epigram (Quintil. viii. 3, 76; 5, 14, &c.); and what should have been a preparation for real life became an end in itself. The rage for declamation was at its height during the first century of the empire. Quintilian's sober sense did much to check it; and though the practice did not wholly die out of the schools, it seems to have been confined within more reasonable limits. (Cf. Bernhardy, *Röm. Lit.* § 53; and Mayor's notes on Juv. i. 16, vii. 150–170. Some representations from works of art of boys declaiming before their teachers are given in Daremberg and Saglio, vol. ii. pp. 34, 35.) [A. S. W.]

DECOCTOR, a bankrupt (Plin. *H. N.* xxxiii. § 133), was used in popular language to signify any spendthrift. The Romans were a frugal people, and spendthrifts were not only condemned by public opinion (Catull. xli. 4; Cic. *Cat.* ii. 3, 5; Sen. *Ep.* 36, 5; *de Ben.* iv. 26, 3), but punished by the censors with the *nota censoria*, which carried with it certain legal disabilities. [CENSOR, p. 401 *b*.] By the Lex Roscia (B.C. 67) a certain place in the theatre was assigned to spendthrifts (Cic. *Phil.* ii. 18, 44; Juv. iii. 153). According to Spartianus, Hadrian ordered that spendthrifts should be flogged ignominiously (*catomidiari*) in the amphitheatre and turned out (Spart. *Hadrian.* 18). The Roman law against persons who would not pay borrowed money was very severe, and is explained under NEXUM. Its severity was mitigated by the BONORUM CESSIO. By a constitution of the emperors Valentinian, Theodosius, and Arcadius, any decurio who had dissipated the funds of the city (*decoctor pecuniae publicae*) was to be scourged (*plumbatarum ictibus*, Cod. Just. x. 31, 40; Humbert in Daremberg and Saglio, *s. v.*). [W. S.]

DECRE'TUM seems to mean that which is determined in a particular case after examination or consideration. It is thus applied to a resolution of the senate.

A *decretum* of the senate would seem to differ from a *senatusconsultum*, in that it was limited to the special occasion and circumstances instead of being of general application. But this distinction in the use of the two words, as applied to an act of the senate, is not consistently observed.

Cicero (*ad Fam.* xiii. 56) opposes *edictum* to *decretum*, between which there is in this passage apparently the same analogy as between a *consultum* and *decretum* of the senate.

Decretum is the technical term for the decision and order which a magistrate gives in a particular case after an inquiry into its circumstances (*causae cognitio*). A *judex* is said *condemnare* not *decernere;* the latter word being appropriate in judicial proceedings to a magistrate who has *jurisdictio*. A *decretum*, as one of the kinds of imperial constitutions, was a judicial decision in a case before the emperor in his capacity of supreme magistrate; cases were brought into the imperial court (*consistorium principis*) by *supplicationes* or *provocationes* of suitors.

The interpretations of law laid down by the emperor in his *decreta* were, as a rule, binding on all courts in subsequent cases (*tuis decretis, imperator, exempla publice valitura in perpetuum sanciuntur.... Tu, ubi quid in singulos decernis, ibi universos exemplo adstringis.... Quare si hoc decretum tibi proconsulis placuerit, formam dederis omnibus omnium provinciarum magistratibus, quid in ejusmodi causis decernant*, Fronto *ad M. Caesarem*, i. 6). Thus the emperor by his *decreta* could make new laws. (Dig. 1, 4, 1, § 1.) Paulus wrote a work in six books on *decreta*, under the title "Imperiales Sententiae in cognitionibus prolatae." (Savigny, *Syst.* I, §§ 23, 24; Puchta, *Inst.* 110–112; Mommsen, *Staatsrecht*, ii. pp. 867–873.) [E. A. W.]

DE'CUMAE (δεκάτη), tithes or tenths.

I. GREEK. The Greek writers use the word δεκάτη somewhat loosely, applying it indiscriminately to a tithe of agricultural products and to any tax of 10 per cent. on incomes or commodities. In the heroic age the τεμένη or domain lands by which royalty was supported must unquestionably have paid rents in kind, but whether a fixed or a proportionate quantity of produce is not recorded. The statement that the kings also exacted a tithe (of their subjects' lands is meant, for the amount of rent was of course much higher on their own) is accepted with some qualification by Schömann (*Antiq.* i. 33, E. T.); but it rests only on a pretended letter of Pisistratus to Solon (*ap.* Diog. Laert. i. 53), which, as Grote with his strong common sense had already remarked, "ought not to be considered as proving anything" (ch. 30, iii. 92 n.). Under the Spartan constitution the subject classes paid a fixed amount of corn and other produce, calculated on an average crop, the Helots to their masters, the Perioeci to the state (Müller, *Dor.* iii. 3, § 1); so that all the risks of bad seasons fell upon the cultivators. Tithes were, however, exacted from very early times in the despotically governed East, by Persian satraps as by Turkish pashas at the present day; and in the age of the tyrants were doubtless not unusual in Greece. Cypselus vowed to dedicate the whole property of the Corinthians to Zeus if he made himself master of the city; in order to fulfil his vow without ruining them, he compelled them to make a return (ἀπογράψασθαι), and took a tithe annually for ten years ([Aristot.] *Oecon.* ii. 2). A tithe of corn at Cranon in Thessaly, of unknown date, is mentioned by Polyaenus (ii. 34). The particular instance of a tithe on the produce of the land (τῶν γιγνομένων) imposed by Pisistratus and reduced to an εἰκοστὴ by his sons is accepted by Boeckh and his recent editor Fränkel (*P. E.* p. 327 = *Sth.*[2] i. 398), as well as by historians, Grote only excepted. But, setting aside the spurious letter of Pisistratus already referred to, this statement appears to be a strained inference from the language of Thucydides (vi. 54). The latter says nothing about a δεκάτη: but the words he applies to the Pisistratids, εἰκοστὴν μόνον πρασσόμενοι τῶν γιγνομένων, have been almost uniformly explained (as by Arnold and Classen) of a halving of the tithe levied by Pisistratus himself. The tradition was, however, that the sons were more luxurious, and consequently more oppressive to the people, than their father (Grote, *l. c.*); and all probability is in favour of Caillemer's conjecture that Pisistratus had limited his exactions to the same amount. The word μόνον will then imply, not "as compared with their father," but "as compared with tyrants in general."

Republican feeling was, however, both at Athens and elsewhere, strongly against this form of taxation as applied to the lands of fully enfranchised citizens (Boeckh, *l. c.*, and his general remarks at the beginning of Book iii.; Fränkel, n. 558). Thus Demosthenes declared that the Athenians had not won their glorious renown by "tithing themselves" (*c. Androt.* p. 617, § 77); where δεκατεύοντες may contain an allusion to the doubling of the εἰκοστὴ by Androtion's exactions, but is undoubtedly used for excessive taxation in general (cf. *Class. Rev.* i. 150). Two other descriptions of tithe, among free Greeks, remain to be considered.

1. *Tithes due to temples.*—These were sometimes strictly voluntary offerings; thus the ἀπαρχαί or "first-fruits" might amount to a tithe, like the δεκατηφόροι ἀπαρχαί of Callimachus (*Hymn. in Del.* 278) paid to the Delian Apollo by the Cyclades, and even by more distant countries. Again, a proprietor might charge his land in perpetuity with the payment of tithe to a specified temple, and by so doing he imparted to the whole estate a quasi sacred character, like that of church lands in modern times. This, as Caillemer has well pointed out, might be done from prudential motives, in order to place it under the shelter of religious sanctions in times of war and insecurity. The best known instance of this kind is that of Xenophon, who built a temple of Artemis on his estate at Scillus near Olympia, established a festival, and endowed it with the tithe of all produce, including game. He not only kept up the sacrifices during his lifetime (δεκατεύων ... θυσίας ἐποίει), but by an inscription on a stele he bound all future occupiers of the estate to do the same "on pain of the displeasure of the goddess;" the whole transaction having been carried out under the advice of the Delphic oracle. The only sanction, it is clear, was the religious sentiment (Xen. *Anab.* v. 3, §§ 9–13). An inscription found in Ithaca is identical with that given in the *Anabasis*, and shows that some reader of Xenophon in later times had followed his example in building a temple and endowing it with tithes.

But such tithes were not always voluntary, or binding on the conscience only; they were sometimes imposed as a badge of conquest. Thus at the time of the Persian war the confederate Greeks made a vow, by which all those who had joined the enemy without compulsion were condemned to pay tithes to the god of

Delphi (Herod. vii. 132); and as the Thebans were the greatest offenders, the proverb arose ἐλπὶς ἦν δεκατευθῆναι τὰς Θήβας (Xen. *Hell.* vi. 3, § 20; 5, § 35). At Athens, the δεκάται τῆς θεοῦ (Dem. *c. Timocr.* p. 738, § 120) comprised a tithe of the spoils of war (*ib.* p. 741, § 129; Lys. *c. Polystrat.* § 24); of certain fines, *e.g.* those imposed for the extirpation of olive-trees (Lex *ap.* Dem. *c. Macart.* p. 1074, § 71); and either of all or a large proportion of confiscated property, notably in cases of treason or κατάλυσις τοῦ δήμου (Lex *ap.* Andoc. *de Myst.* § 96; Xen. *Hell.* i. 7, § 10, the six generals after Arginusae; *ib.* § 20, the famous psephisma of Cannonus [cf. Grote, ch. 64, v. 524 n.]; *Vit. X. Oratt.* p. 834 a, the decree against Antiphon and Archeptolemus). Boeckh, to whom these details are due, adds that "the state of Athens owned the tithes of public demesnes, and let them in farm" (*P. E.* p. 328 = *Sthh.*[3] i. 399): this statement, though passed without remark by his recent learned editor, we must venture to think erroneous. There is apparently a confusion between "rent" and "tithe." In the earlier chapter on the rents of the state (book iii. ch. 2) he seems to imagine, as intermediate between private property which admittedly paid no tithe, and public property which of course paid a rent to the state, certain properties which paid a tithe by way of quit-rent, "probably because they had been originally public property" (*P. E.* p. 304 = *Sthh.*[3] i. 373). That the state should have granted away its rights on such terms seems to us contrary to the simplicity of Attic land law, which knows no "emphyteutic" or "copyhold" tenures. When we come to examine the evidence on which Boeckh relies, we find that it is limited to a single inscription (*C. I. G.* 76 = *C. I. A.* 32). This is one of those discussed in his Appendix: the words on which the question turns, καὶ τὰ ἐκ τῆς δεκάτης, ἐπειδὰν πραθῇ, he explains as "the proceeds of the tithe when *it* is sold (to the tax-farmers)." The δεκάτη on the navigation of the Hellespont and Bosporus (*Erpressungszoll von Byzanz*) cannot, he justly argues, be intended: hence he is led to assume the existence of a tithe of which we have no further account (*Sthh.*[3] ii. 44). It appears to us that the correct rendering of the above words is "the proceeds of the tithe, when *they* are sold," and that the reference is to the tithe of confiscated property, sold by the Poletae [DEMIOPRATA].

2. *Transit dues.*—A δεκάτη or tenth of a different kind was the arbitrary exaction imposed by the Athenians on the cargoes of all ships sailing into or out of the Pontus. This is justly called by Boeckh "a mere extortion" (*P. E.* 323 = *Sthh.*[3] i. 396); it was an incident of their maritime supremacy, with which it rose and fell. History first mentions it in B.C. 410 (Xen. *Hell.* i. 1, § 22); Caillemer infers from two inscriptions (*C. I. A.* i. 32 and 40) that it may have already existed in the early years of the Peloponnesian War: but these inscriptions most likely refer, as we have just seen, to another kind of δεκάτη. After Aegospotami this tax naturally came to an end; with the revived naval empire it was re-established by Thrasybulus about 390 (Xen. *op. cit.* iv. 8, §§ 27, 31); probably again lost by the peace of Antalcidas in 387; in the time of Demosthenes we find it again flourishing whenever Athenian commanders were strong enough to enforce it (*c. Lept.* p. 475, § 60; *c. Aristocr.* p. 679, § 177; *c. Phorm.* p. 917, § 34). A long time afterwards, B.C. 224, the Byzantines revived this claim, and so became involved in war with the Rhodians (Polyb. iv. 38 ff.). The tax was now called διαγώγιον (Polyb. iv. 52, § 5) or παραγώγιον (*ib.* 47, § 3); to compel passing ships to pay it is παραγωγιάζειν (*ib.* 44, § 4 [here Polybius mentions the Athenian practice under Alcibiades], 46, § 6). It may be observed that Xenophon speaks only of dues exacted from ships which came out of the Pontus, Polybius of those going to the Pontus; Boeckh rightly combines the two accounts, and concludes that the toll was levied in both directions.

These taxes, like many others, were farmed out by the Athenians: the contractors were called δεκατῶναι (Anaxil. *ap.* Poll. ix. 29); the δεκατηλόγοι were probably collectors under them, as Demosthenes applies this name to the *employés* of Charidemus at Sestos (*c. Aristocr.* l. c.); the title δεκατευταὶ seems to have included both (Harpocrat., *Etym. M.*, s. v.). These are to be distinguished from the πεντηκοστολόγοι and ἐλλιμενισταί of more legitimate import duties, though Schömann (*Antiq.* i. 450, E. T.) classes them together. The special customhouse for these tithes was δεκατευτήριον (Xen. *Hell.* i. 1, § 22): Fränkel rightly insists that there were no such places in Attica, where "tithes are scarcely mentioned" (n. 558). (Most of the above materials are in Boeckh; but in critical treatment Caillemer (*ap.* D. and S., s. v. *Dekatè*) is decidedly superior. The latter does not notice the titheable lands in Attica, inferred by Boeckh from the single inscription; and, it may be presumed, does not believe that they existed.)

II. ROMAN. The nature of the Roman state or domain land (*ager publicus*) has been fully explained under AGRARIAE LEGES (pp. 50, 51). We may here briefly repeat that these lands were the confiscated territory of conquered enemies; that they were dealt with in four different ways, either sold by the quaestor (*agri quaestorii*), granted in full (quiritarian) ownership to Roman citizens (*agri dati adsignati*), given back to their former proprietors (*agri redditi*), or lastly, retained in the ownership of the state as national property, but let to individuals in occupation (*possessio*), i.e. subject to a right of re-entry. On the three former classes of land no rent was imposed: the last paid (or were supposed to pay) a rent called *vectigal*, and hence were known as *agri vectigales*. The facts that the *ager publicus* passed almost wholly into the hands of the patricians, and that the possessory owners, in spite of agrarian laws and Licinian rogations, practically succeeded in ousting the state from its proprietary rights, belong to the civil history of Rome, and need not be treated here: the legal aspects of these questions will be found under LEX LICINIA, SEMPRONIA, and THORIA.

What was the amount of the vectigal? Many modern writers, following Niebuhr (*Hist. Rom.* ii. 138), say that it was a tenth, and consequently apply the name decumae to the (often withheld) rents of the *ager publicus* in Italy. But in fixing this amount Niebuhr seems to

have been guided by the analogy of Eastern countries, especially of the Hebrews. His only direct authority is a passage of Appian (*Bell. Civ.* i. 7), already quoted at length under AGRARIAE LEGES (p. 52 *b*); and even this refers, not to the conquered lands in general, but to those which were uncultivated when taken over. Speaking of the same period, Plutarch calls the *vectigal* ἀποφορὰν οὐ πολλήν (*Tib. Gracch.* 8). Livy, in his many references to the early struggles for the enforcement of this rent, never once applies the term *decumae* to it: he only uses the word in the two senses which we shall notice further on. The same may be confidently asserted of the classical writers in general. There can be no doubt that the amount is really unknown; and Marquardt, while treating of the *ager publicus* and the *vectigal*, very judiciously passes this point over in silence (*Staatsverw.* ii. 147–156). Further questions respecting this source of revenue will be treated under its proper title, VECTIGAL: see also SCRIPTURA.

In the provinces the case was different. The Romans took over the tithes they found already existing in conquered countries; and we find the system at once applied to the earliest constituted provinces, Sicily, Sardinia (including Corsica), and the Hispaniae. In three successive years (B.C. 191–189), a double tithe (*alterae decumae*) was required from Sicily and Sardinia, and ordered to be sent to the seat of war in the East (Liv. xxxvi. 2; xxxvii. 2, 50). The second tenth was however paid for (*frumentum emptum*: see below). On the other hand, Spain as a less fertile country, after a period of oppression by its Roman governors, was let off with a *vicesima* and otherwise eased of its burdens (B.C. 171, Liv. xliii. 2). Towards the end of the republic the system was so far modified, that we find the decumae *eo nomine* existing only in two provinces, Sicily and proconsular Asia. In these it took the place of the STIPENDIUM (Marquardt, *Staatsverw.* ii. 181 ff.).

It was the legal doctrine that the *dominium* or ownership of all provincial land was in the Roman people, or, in the language of imperial times, in the Roman people or the Caesar (Gaius, *Inst.* ii. 7; cf. Long's Cicero, vol. i. [*Verrines*], p. 273; Marquardt, *Staatsverw.* ii. 177). On this was based the system of taxation concisely described by Cicero in his great speech *de Frumento* (*in Verr.* iii. 6, § 12), and elucidated by Savigny (*Verm. Schriften*, ii. 97, *ap.* Long *l. c.*). "All the provinces except Sicily," says Cicero, "pay either a fixed land-tax (*aut impositum est vectigal certum quod stipendiarium dicitur, ut Hispanis et plerisque Poenorum, quasi victoriae praemium ac poena belli*); or variable duties, that is tenths or other quotas of produce, which last are let at Rome by the censors" (*aut censoria locatio est, ut Asiae, lege Sempronia*: in other words, the decumae of Asia, on which see below). "Sicily, on the other hand, has the following constitution: two *civitates foederatae* and five others *sine foedere immunes ac liberae* are tax-free; a few which have come under the Roman dominion by conquest, lost the ownership of their land, but received it back on condition of paying certain dues, which are let (that is, they have the same terms as other provinces); all the rest of the land is subject to the payment of decumae, yet so that the law of Hiero is observed." These decumae were of wheat and barley, wine, oil, and *fruges minutae*, i.e. vegetables, among which beans are especially mentioned (Marquardt); they were paid in kind, and, like modern English tithes, were a burden on the land only, not on the person (*in Verr.* iii. 86, § 199). The law of Hiero (*lex Hieronica*) is explained a little further on (6, § 14); the tithes of each city were to be let separately, at Syracuse and nowhere else, and the citizens were to have the option of bidding for them so as to keep their affairs in their own hands; they were let according to the estimates (*professiones*, 49, § 102) by the people themselves of the cultivated area of each territory. This law was dear to the Sicilians as inherited from a popular king (§ 15): it was fair both to the *decumani*, as the farmers of the tithe were called, and to the *aratores* who paid it (8, § 20). Just before the praetorship of Verres, *i.e.* in B.C. 74, an attempt had been made to transfer the lettings to Rome; but it had been successfully resisted, and no one except Verres had violated the *lex Hieronica*. Whatever corn was wanted in addition, was paid for by the state: this was, in the first place, the *frumentum in cellam* or *frumentum aestimatum*, for the support of the praetor and his officials (*cohors*), and for which money was granted him by way of "table allowance" (81, § 188 ff.); next, a second decuma if required by the senate or Roman people, of which we have seen examples (*frumentum emptum*, 70, § 163 ff.); lastly, if still further requisitions were made by the government, *frumentum imperatum*, for which a higher price was paid than for the *emptum*. From this last burden no cities were exempt (*ibid.*). All these had been perverted by Verres into engines of extortion. A single example will suffice; he began with an edict *quantum decumanus edidisset aratorem sibi dare oportere, ut tantum orator decumano dare cogeretur* (10, § 25). These *decumani* were the most important, in this province at least, of the *publicani* or farmers of the revenue; they had been in league with Verres in his acts of oppression, and had secretly agreed to destroy all compromising records (*in Verr.* ii. 71, § 173). The temptation on both sides must be admitted to have been great, in the case of rulers less profligate than Verres. It was easier for the governor to share the illicit gains of the *publicani* than to resist them effectually at the risk of incurring their vengeance on laying down his office; and the state, under the senatorial *régime*, was powerless against the two combined. The imperial system was the only possible way to avert the ruin of the provinces.

The agrarian law of C Gracchus, B.C. 123, the first legal provision for selling corn to the poor of Rome under cost price, had looked to the province of Asia as a main source of supply; and from that time till the year of Pharsalia (B.C. 48) that province paid decumae, with the difference however that the lettings were by the censors at Rome, not, as in Sicily, on the spot. Hence the phrase in Cicero already quoted, "censoria locatio est, ut Asiae, lege Sempronia" (*in Verr.* iii. 6, § 12). The tithes of each city were let separately, and natives ("Asiani," *ad Att.* i. 17, § 9) might be bidders as well as Romans: Greek *decumani* met Cicero at Ephesus (*ad Att.* v. 13, § 1): Falcidius, perhaps a former

tribunus militum and legatus (*pro Lege Manil.* 19, § 58), bought the *fructus* of Tralles for 900,000 sesterces, and was thought to have corruptly obtained a cheap bargain (*pro Flacc.* 37, § 91). It is an argument with Cicero for the "imperium Pompeii" against the pirates, B.C. 66, that Asia, naturally the richest of the provinces, had become unable to pay its decumae and other dues (*pro Leg. Manil.* 6, §§ 14, 15). The exactions, after peace was restored, continued intolerable, and Cicero admits that the Roman taxation (*scriptura, decumae, portorium*) was hated like death (*pro Flacc.* 8, § 19; B.C. 59). At last Caesar, after his victory, "got rid of the *publicani* and changed the decumae into a *stipendium*" (*τοὺς γοῦν τελώνας πικρότατά σφισι χρωμένους ἀπαλλάξας, ἐς φόρου συντέλειαν τὸ συμβαῖνον ἐκ τῶν τελῶν κατεστήσατο*, Dio Cass. xlii. 6). A little later, probably when the conquest of Egypt had opened up another great corn country, the decumae in Sicily were likewise abolished: Pliny (*H. N.* iii. § 91) calls most of the Sicilians *stipendiarii* (Marquardt, *Staatsverw.* ii. 185; Humbert, *ap.* D. and S., s. v. *Decumae*).

At Rome, as in Greece, we find from a very early period tithes of the spoil dedicated to the gods after important victories. Camillus vowed a tenth of the spoil of Veii to the Pythian Apollo (Liv. v. 21, 23, 25). In later times ambitious men dedicated a tenth to Hercules, and spent the money in feasting the people as a means of acquiring popularity: Sulla did this after his triumph, Crassus after his consulship (Plut. *Sull.* 35; *Crass.* 2). Hence *Herculanea pars*, Hercules' share, is used as equivalent to a tenth part by Plautus (*Truc.* ii. 7, 11; cf. *Bacch.* iv. 4, 14; *Stich.* i. 3, 80). Cn. Aufidius Orestes carried his consulship in B.C. 71 by treating the people to luncheons (*prandia*) in the streets *decumae nomine*, on pretence of its being a tithe-offering (Cic. *de Off.* ii. 17, § 58, with Holden's note). The decuma of Hercules is often mentioned in inscriptions of the republican period, but in none later than Augustus (*C. I. L.* 1113, 1175, 1290, with Mommsen's remarks i. 149 ff.; *Inscr. Regn. Neap.* 3578, 5756; Varro, *L. L.* vi. 54; Macrob. *Sat.* iii. 6, § 11; Marquardt, *Staatsverw.* iii. 362). [W. W.]

DECUMA'NA PORTA. [CASTRA, p. 372 ff.]

DECUMA'NI. [DECUMAE.]

DECUNCIS, another name for the dextans or ten unciae, a division of the as. [AS.] [W. S.]

DECU'RIA, from *decem*, ten, and consequently a company of ten persons (Colum. i. 9, § 7; Gell. xviii. 7).

1. A division of the curiae. Each of the three ancient Roman tribes—the Ramnes, Tities, and Luceres—was divided into ten curiae, and each curia into ten decuriae, so that there were 300 decuriae, which, according to Niebuhr, were equivalent to the gentes, but this is doubtful (Dionys. ii. 7; Plut. *Rom.* 20; Cic. *de Rep.* ii. 8). [GENS.] The constitution of the curiae is discussed under CURIA.

2. A corresponding division of the senate. The original hundred members of the senate were divided into ten decuriae, the heads of each decuria forming the Decem Primi in the senate (Liv. i. 17; cf. Ov. *Fast.* iii. 127). [SENATUS.] In like manner in the municipal towns the senate, usually called curia, was divided into decuriae. [DECURIONES.]

3. In the same way for military purposes each of the three Roman tribes was represented by 100 equites, called centuriae. The three centuriae were divided into ten turmae, each consisting of thirty men; every turma contained ten Ramnes, ten Tities, and ten Luceres, and each of these decuriae was commanded by a decurio (Liv. i. 13; Varr. *L. L.* v. 91; Fest. p. 71, M.; Serv. *ad* Verg. *Aen.* v. 560). [EQUITES.]

4. The Judices were divided into three decuriae, to which Augustus added a fourth, and Caligula a fifth decuria (Plin. *H. N.* xxxiii. § 30 foll.; Suet. *Aug.* 22; *Calig.* 16). For details, see JUDEX.

5. Collegia or corporations were divided into decuriae. Thus we read of decuriae of scribae, lictors, viatores, &c. (Suet. *Claud.* 1; Cic. *Verr.* iii. 79, 184; Liv. xl. 29; Tac. *Ann.* xiii. 27; Schol. *ad* Juv. v. 3; Orelli, *Inscr.* 2204, 2252, 2456, 2676, 3217, &c.). The members of these decuriae were called decuriales (Cod. Theod. xiv. 1, 3; Orelli, *Inscr.* 874, 976, 2456, &c.).

6. The tribes were divided into decuriae by electioneering agents for bribery and corruption (Cic. *Planc.* 18, 45; 19, 47; *Phil.* vii. 6, 18). [W. S.]

DECURIA'LIS. [DECURIA, No. 5.]

DECU'RIO, the head or representative of a decuria.

1, 2. The head of the decuriae into which the curiae and the senate were divided. [DECURIA, 1, 2.]

3. The head or commander of the decuriae of the Equites. [DECURIA, 3.] But decurio was in later times the name of an officer of a division of cavalry, though such division might contain any number of men (Veget. *Mil.* ii. 14: cf. Tac. *Ann.* xiii. 40; *Hist.* ii. 29).

4. The head or representative of a decuria in corporations. [DECURIA, No. 5.] In like manner we find a *decurio cubiculariorum* (Suet. *Dom.* 17), a *decurio palatii* (Amm. Marc. xx. 4, § 20; Cod. Just. xii. 16), a *decurio ostiariorum* (Spon, *Misc. Erud. Ant.* vi. p. 214), a *decurio Germanorum* (Orelli, *Inscr.* 2923), and there was even a decurio of slaves in the imperial household (Orelli, 2785).

5. But the most important decuriones were those in the municipal towns, who are the subject of the following article. [W. S.]

DECURIO'NES, CURIA'LES. In the constitution of the Italian towns (*municipia, coloniae, praefecturae*), as regulated by the Lex Julia Municipalis, B.C. 45, each municipality was governed by an assembly of the *populus*, which elected magistrates and made laws, and also by a senate, which was an administrative body. Subsequently, by a change corresponding to that which took place in Rome, the power of the popular assembly was transferred to the senate, which thus became the supreme municipal body for legislative and administrative purposes.

The municipal senate is sometimes called *senatus*, but the terms commonly used to denote it are *ordo decurionum* or simply *ordo*, and in later times *curia*. *Decuriones* or *curiales* signify members of the senate, these words being used indifferently in the same sense.

As opposed to the *decuriones*, which formed a

kind of patrician class in each town, other citizens were called *plebeii*.

The word *municipes* usually comprehends all citizens, but it is used in the Theodosian code so as to include only the *decuriones* or citizens of the governing class.

The number of *decuriones* of which a municipal senate consisted was fixed by the constitution (*lex municipii*) of each municipality: it was frequently a hundred, the *centumviri* of inscriptions (Orelli, Nos. 108, 3448, 3706, 3737, 3738; cf. Cic. *de Leg. agr.* ii. 35, 96), but varied according to the size and custom of communities. The office (*honor*) of *decurio* was obligatory on all citizens called on to undertake it. *Decuriones* held office for life. Places in a *curia* which became vacant by death or incapacity of members were filled up periodically, probably every five years. Persons were made *decuriones* either by right of descent or by free election; sons succeeded in the place of their fathers; any qualified citizen might be chosen to fill the place of a *decurio* who left no son.

The *ordo* or *curia* co-opted new members, when its number was not complete. (Dig. 50, 2, l. 6, § 5; Fronto, *Epist. ad amic.* ii. 10; Cod. Theod. xii. 1, l. 66: cf. J. Gothofred, *Paratit. ad Cod. Theod.* xii. 1; Niebuhr, *ad Frontonem*, p. 218.) It is, however, maintained by some writers that, from and after the passing of the Lex Julia, *decurimes* were appointed by the higher magistrates, who drew up the *album decurionum*, and who are styled in some places *quinquennales*. (Tab. Heracl. *Quicunque in municipiis, coloniis, praefecturis, foris, conciliabulis civium Romanorum iviri, iiiiviri erunt,—ne quis eorum quem in eo municipio, colonia, praefectura—in senatum, decuriones, conscriptosve legito neve sublegito neve cooptato neve recitandos curato nisi in demortui damnative locum.* Fabretti, *Inscr. C.* 9, p. 598. Marquardt. *Röm. Staatsverw.* i. p. 502.) To be eligible as *decurio*, a person was required to be of a certain age; the limit was thirty (Tab. Heracl. 23), till reduced by Augustus to twenty-five for the municipal senate as well as for the Roman.

A property qualification, the amount of which depended on the constitution of each town, was attached to the acquisition of membership in a *curia*, but membership was not vacated by loss of property. We learn from Pliny (*Ep.* i. 19) that at Comum a person who had less than 100,000 sesterces could not become a *decurio*. Criminals, bankrupts, persons of infamous character, and persons who followed certain employments, as *praecones*, *designatores*, *libitinarii*, were incapable of holding this office (Tab. Heracl. 23 (25); cf. Dig. 50, 2, 12). Freedmen were likewise incapable, but sometimes on account of extraordinary services they were given the *ornamenta decurionalia* by decree of the *curia* as an honorary distinction (Orelli, No. 3942).

The names of *decuriones* were inscribed on an album or register in a regular order, which was based partly on rank and partly on seniority. The album of Canusium, which was discovered in the last century and is now in the principal museum at Naples (Fabretti, *Inscr. C.* 9, p. 598; Orelli, No. 3721), shows the plan on which such an album was arranged.

The album contains the names of honorary and of actual members of the *curia*, the honorary members having precedence. The honorary members are styled *patroni*, and are of two classes, consisting (1) of *decuriones*, free from active service on account of their holding high office in the state; (2) of persons to whom honorary membership was given as a distinction (Cod. Theod. viii. 5, 46). Among actual *decuriones*, those who had served as magistrates had the first rank, each ranking according to the importance of the office he had held; lastly come the actual *decuriones* who had not served any office: these rank according to seniority of service in the *curia* (Savigny, *Gesch. d. R. R.* i. § 24).

Sometimes, though not in the album of Canusium, among actual members the first ten (*decem primi* or *principes*; cf. Liv. xxix. 15), or the first six, seven, or fifteen, are distinguished from the rest: in the Theodosian Code such *decuriones* are termed *primati*, *primarii*. As they were subject to greater responsibility than other *decuriones*, so they were superior in rank (Cod. Theod. xvi. 2, 39; xvi. 5, 52, 54).

The first of the *principales*, *primus principalis*, had precedence as president of the *curia*.

Decuriones were in close connexion with the civic magistracy, since all magistrates were elected by them, and no one who was not a *decurio* could be elected magistrate (Dig. 50, 2, 7, § 2).

In the early municipal constitution magisterial offices were not thus confined to *decuriones*, but open to citizens generally, magistrates being *ex-officio* members of the senate (Tab. Heracl.; Grüter, *Inscript.* p. 408, n. 1). Magistrates on retiring from office nominated their successors for election in the *curia*. A nominating magistrate was responsible for the good conduct of his nominee.

The position of *decurio* declined under the despotic administration of the empire, so that from having been one which was sought as a distinction it came to be regarded as a most oppressive burden. This change was mainly caused by the heavy public charges which were thrown upon *decuriones*; not only were their legal liabilities increased, but claims were enforced against them which had no foundation in law. Thus *decuriones* were legally obliged to make good any deficiency in the imperial taxes of their district, if the deficiency was due to their misconduct as tax collectors; but by a practice which was declared by many imperial constitutions to be illegal, they were forced to make good unpaid taxes, even when they were not in default.

The financial and other liabilities of *decuriones* were so onerous that persons tried to escape from them by every means in their power, as by becoming soldiers or even serfs. The difficulty of getting persons to fill the office and the degraded state into which it had fallen are illustrated by the fact that culprits were condemned to serve it by way of punishment: such punishment was, however, declared to be illegal. Even Jews and heretics were admitted to the *decurionatus*; but Justinian provided that persons belonging to these classes should not be entitled to the dignity of the office, though they were to remain subject to its liabilities. The

Theodosian Code contains numerous provisions directed against those who tried to evade their duty of service in the *curia*. As an encouragement to induce people to fulfil their duty of service, privileges were attached to membership of the *curia*. Thus illegitimate children were legitimated by being made *curiales*.

According to a law of Constantine, *decuriones* could not go out of their own districts without leave.

The first mention we find of persons being compelled to become *decuriones* is in a letter of Pliny (*Ep.* x. 113). The municipal institution of the *curia* was not confined to Italy, but extended throughout the Roman empire: the statute law of the Theodosian Code respecting *decuriones* applied to municipalities everywhere. (Savigny, *Geschichte des Röm. Rechts im Mittelalter*, i. cap. 2; J. Gothofred, *Paratit. ad Cod. Th.* xii. 1; Roth, *de re municipali Romanorum*; Hegel, *Geschichte der Stadteverfassung von Italien*; Zumpt, *Commentat. epigraph.* pp. 73–158, 170, 475; Marquardt, *Röm. Staatsverw.* i. p. 501 ff.) [E. A. W.]

DECU'RSIO, DECURSUS, DECURRERE. 1. These words were used to signify the manœuvres of the Roman army, by which the soldiers were taught to make long marches in a given time, under arms and without quitting their ranks. They are frequently mentioned by Livy (xxiii. 35, 6; xxiv. 48, 11; xxvi. 51, 4; xlii. 52, 4). These manœuvres sometimes consisted of a sham fight between two divisions of the army. ("Mos erat ... exercitum *decurrere* et divisas bifariam duas acies concurrere ad simulacrum pugnae," Liv. xl. 6, 5.) With the standing armies under the empire these manœuvres assumed a more regular form, and were constantly practised. Augustus and subsequently Hadrian ordered that the infantry and cavalry were to march out three times a month ten miles from the camp and ten miles back fully armed and equipped. This is called by Vegetius *campicursio* (Veget. i. 27; iii. 4), and by Suetonius *campestris decursio* (Suet. *Galb.* 6: cf. *Ner.* 7; Tac. *Ann.* ii. 55). Maximinus ordered that these manœuvres should take place every five days (Capitol. *Maxim. duo*, 6). (Cf. Marquardt, *Röm. Staatsverw.* ii. p. 548.)

2. The same words were used to signify the military honours paid by soldiers at the funeral of distinguished generals or emperors. Such a *decursio* is first mentioned in connexion with the funeral of Sempronius Gracchus, killed in the second Punic war (Liv. xxv. 17, 4, 5). The soldiers marched three times round the funeral pyre (Verg. *Aen.* xi. 188; Tac. *Ann.* ii. 7; Suet. *Claud.* 1; Lucan. viii. 735; Herodian. iv. 2, 19). On the base of the Antonine Column this *decursio* is represented.

Decursio on coin of Nero. (British Museum.)

3. The *decursio*, which occurs on the coins of Nero, probably refers to the military manœuvres or sham fights in the circus. The preceding cut represents a horseman with a spear, and another carrying a standard. These games date from the time of the republic, and were continued under the empire. (Liv. xliv. 9, 3; Eckhel, vi. pp. 271, 503; Becq de Fouquières, *Les Jeux des Anciens*, p. 256; Saglio, *Dict.* s. v.) [W. S.]

DECUSSIS, ten asses, as a Roman coin a ten as piece, struck after the reduction of the weight of the as, but rarely found. [As.] The name occurs in the Lex Aternia Tarpeia, B.C. 454. (Varr. *L. L.* v. 170; Fest. p. 257, 20, M.; Stat. *Silv.* iv. 9, 9; Marquardt, *Röm. Staatsverw.* ii. p. 11.) [W. S.]

DEDICA'TIO. [Apotheosis; Inauguratio.]

DEDITI'CII are the lowest of the three classes of freedmen (*pessima libertas eorum est qui dediticiorum numero sunt*, Gaius, i. 26).

The Lex Aelia Sentia (A.D. 4) provided that, if a slave was put in bonds by his master as a punishment, or branded, or put to the torture on a criminal charge and convicted, or delivered to fight with men or beasts, or committed to a gladiatorial school (*ludus*) or a public prison, and was subsequently manumitted by the same or by another owner, he should acquire by manumission the status of a *peregrinus dediticius*. The *peregrini dediticii* were people who, in former times, having taken up arms and fought against the people of Rome, had surrendered themselves.

Gaius, from whom this account of the origin of *dediticii* is taken (*Inst.* i. 12–16), also informs us of the incapacities to which this class of freedmen was subject. *Dediticii* could never under any circumstances acquire Roman citizenship (cf. Suet. *Aug.* 40). They were not allowed to reside in Rome or within the hundredth milestone from it (cf. Liv. viii. 14, § 6): if they disobeyed this prohibition, they forfeited their liberty and their goods, and were made incapable of subsequent manumission. They did not participate in any of the rights of citizenship, but only had the status of *peregrini*. This class of persons, who were neither slaves nor *cives* nor *Latini*, had died out long before the time of Justinian; it was, however, formally abolished by that emperor (Cod. vii. 5, *de dediticia libertate tollenda*; cf. *Inst.* i. 5, § 3).

The civil condition of *dediticii*, as is stated above, was formed by analogy to the condition of a conquered people, who did not individually lose their freedom, but acquired no rights of citizenship. The form of *deditio* occurs in Livy (i. 38). In the case of the Volsci Livy inclines to the opinion that the four thousand who were sold were slaves, and not *dediti*. (Gaius, i. 12–16, 25 and 27; Ulpian, xx. 14; Paul. iv. 12, 3–8; Theophilus, i. 5, 3.) [G. L.] [E. A. W.]

DEDI'TIO. [Dediticii.]

DE DOLO MALO ACTIO. [Culpa.]

DEDU'CTIO, DEDUCTOR. Some technical senses of *deducere* and its derivatives may here be noticed. The verb means mostly (i.) to conduct or escort in a complimentary or ceremonious manner, or (ii.) to lead a person away, withdraw (*e.g.* a garrison), or "show the way

out." In the former sense we get (1) "deductio sponsae in domum mariti" (Dig. 23, 2, 5); (2) the *deductio* of a candidate by his friends, hence called *deductores* (Q. Cic. *de Pet. Cons.* 9; Plin. *Ep.* iv. 17; AMBITUS); (3) the solemn founding of a colony [COLONIA, p. 479.*b*]. From the latter come the law-terms *deducere*, "to eject from land," *deductio*, "ejectment," with a view to try the question of ownership. The act is thus explained by Savigny (*Verm. Schriften*, i. 299, *ap.* Long, *Cicero*, ii. 148): "It was part of the form of many disputes about property in land, that both parties should meet on the land on some day on which they agreed, and that the one should put the other out,—that is, should eject him with the appearance of force; and so the whole transaction was named a conventional violence, *ex conventu vim fieri*" (Cic. *pro Caecin.* 8, § 22). This was called *deductio quae moribus fit*, as distinguished from *deductio vi solida* (Gell. xx. 10, § 10), when real force was used: "constituere quo die in rem praesentem veniretur, ut de fundo Caecina moribus deduceretur" (Cic. *ib.* 7, § 20). Gellius (*l. c.*) calls it "vis civilis et festucaria," *i.e.* controlled by the praetor's rod (*festuca*). It did not matter which of the two parties was formally ejected by the other; the ground for an action at law would be equally gained (Cic. *pro Tull.* § 20). This took the place of an earlier formula, *ex jure manum consertum* [supine] *vocare*. [ACTIO, p. 15 *a*; VINDICATIO.] [W. W.]

DEFENSOR CIVITA'TIS. The oppression of the lower orders of the people by the more powerful, which was prevalent throughout the Roman empire in the fourth century, owing to the general weakness and corruption of local government, led to the institution of a new municipal officer, called *defensor civitatis*, *plebis*, *loci*, in Greek ἔκδικος, whose function it was to defend the rights of the inhabitants of a civitas; the regio or district of a civitas including all the vici within a certain radius as well as the principal town.

An edict of the Emperor Valentinian I. issued in 364 A.D. to Probus, praefectus praetorio, first established this office, but only for the province of Illyricum. By this edict the governor of the province was directed to choose a trustworthy person, not being a curialis, qualified by high official rank or by practice as an advocate, for each city of the dioceses subject to him, in order that the plebs of all Illyricum might be protected by means of public guardians (*patroni*) from injuries at the hands of the powerful (Cod. Theod. i. 29, 1).

In the next year, 365 A.D., Valentinian extended the office of defensor to all parts of his empire, including Italy, but with some changes in its constitution. Each civitas acquired the right of choosing a defensor from its most eminent and independent citizens, who were bound to serve the office in a prescribed order. Curiales or decuriones, the class from which magistrates were taken, could not hold this office.

The election of a defensor was made by the whole civitas, and not, as in the case of magistrates, by the curia alone, the choice of the township had to be confirmed by the emperor or his deputy, the praefectus praetorio At first a defensor held office for five years, but the term was reduced by Justinian to two years. The protection of the inhabitants of his district from oppression of all kinds, and especially from that of the imperial governor and local authorities, was always considered to be the main object of a defensor civitatis ("ut imprimis parentis vicem plebi exhibeas," Cod. Just. i. 55, 5). Moreover it was his business to prevent the taxes being made too burdensome. For the purpose of prosecuting oppressors, he had free access to the court of the governor, and, if necessary, he could bring his complaints against the governor or other officials before the emperor or ministers of the imperial government. The defensor acted as judge in civil cases of minor importance; his jurisdiction was first limited by Justinian to fifty solidi, and afterwards extended by that emperor to three hundred solidi. He had the right of appointing guardians and of registering many formal proceedings: as, *e.g.*, the declaration of gifts above a certain amount (*donatio*) and the making of wills. Justinian gave him an exceptor or clerk and executive officials (*officiales*).

Not being a magistrate, he had originally no power of inflicting any punishment ("nullas infligant multas, nullas exerceant quaestiones," Cod. Theod. i. 29, 7), but subsequently a petty jurisdiction was conferred on him. In course of time, as new duties were attached to the office, the position of a defensor came to resemble that of a magistrate; in rank, however, he had precedence of magistrates.

The institution of defensor civitatis failed to effect the object for which it was established and fell into contempt. The Emperor Majorian in 458 A.D., and the Emperor Justinian in 535 A.D., tried to revive its importance by legislation, but unsuccessfully. (Cod. Theod. i. 29 (11); Cod. Justin. i. 55; Nov. Majoriani, 3; Nov. Just. 15; Bethmann-Hollweg, *Römische Civilprocess*, iii. 107; Savigny, *Geschichte des röm. Rechts*, i. 23; Schmid, *de Civit. defensore*; Desjardins, *de Civit. defensore.*) [E. A. W.]

DE'FRUTUM. [VINUM.]

DEICELISTAE (δεικελισταί). [COMOEDIA.]

DEIGMA (δεῖγμα), a particular place in the Peiraeus, as well as in the harbours of other states, where merchants exposed samples of their goods for sale. (Harpocrat., Hesych. *s. v.*; Pollux, ix. 34; Aristoph. *Eq.* 979; Dem. *c. Lacr.* p. 932, § 29; *c. Polycl.* p. 1214, § 24; Theophr. *Char.* 23.) The samples themselves were also called *deigmata*. (Plut. *Demosth.* 23; Boeckh, *P. E.* p. 58.) [W. S.]

DEJECTI EFFUSIVE ACTIO. If any person threw or poured anything from the room of a house upon a place commonly frequented by people, and thereby caused damage, the praetor's edict gave the injured party an action against the occupier of the house or part of the house from which the thing had been thrown or poured. There was the same liability on account of a thing which had been suspended from a building, and which by its fall injured people, as for a thing which had been actually thrown.

The action is said to be given against the occupier on account of the public interest in the security of traffic (Dig. 9, 3, 1, § 1). It was not necessary to show, in order to maintain the action, that the occupier was personally

to blame: hence as the existence of either *dolus* or *culpa* is implied in the nature of a delict, the liability in question is not classified by Justinian in his Institutes under *obligationes ex delicto*, but under *obligationes quasi ex delicto*. A defendant who had been condemned in this action on account of the wrongful act of another had a claim to recover his damages from the wrongdoer (*regressus*). If several persons inhabited a house and any injury was caused by something thrown or poured from it, the injured party could recover from any one of them the entire damages. The action was to some extent modified by the particular character of the injury done. If a free man (*homo liber*) was killed or wounded, the action was *actio popularis*, i.e. it could be maintained by anyone. If the man was killed, a penalty of fifty aurei was recoverable; if only wounded, the amount of damages was left to the discretion of the *judex*. When the action was brought by the injured party himself, the expenses of a medical attendant, loss of time, and loss of a man's earnings during the time of his cure, or loss of future earnings by reason of his having been rendered incapable of making such earnings, were taken into account in the assessment of damages. The action was limited to the period of a year (*annus utilis*), unless it was brought by the injured party himself.

In case of injury of any other kind than that done to a free man, the plaintiff recovered double the amount of the damage which he had suffered; but in this case the action could only be brought by the injured party or by his heir.

As many of the houses in Rome were lofty, and inhabited to the top by the poor, and probably as there were very imperfect means for carrying off rubbish and other accumulations, it was necessary to provide against accidents which might happen by such things being thrown through the window (Cic. *Agr.* ii. 35, § 96; Hor. *Ep.* i. 1, 91; Juv. iii. 268, x. 17). (*Inst.* iv. 5, §§ 1, 2; Dig. 9, 3; Glück, *Pand.* x. 392; Wys, *Haftung für fremde Culpa*, p. 66.) [G. L.] [E. A. W.]

DEJECTUM EFFUSUM. [DEJECTI EFFUSIVE ACTIO.]

DEILIAS GRAPHE' (δειλίας γραφή). [ASTRATEIAS GRAPHÉ.]

DEIPNON (δεῖπνον). [CENA.]

DELA'TIO NO'MINIS. In Roman criminal procedure the first step was to apply to the praetor to allow the accusation to be made (*postulare*), the next formally to arraign the defendant (*nomen deferre*). Some writers (*e.g.* Rein in Pauly, *s. v.*) have not marked this distinction with sufficient clearness. The two steps of the process are sometimes separated by an appreciable interval; while Dolabella was prosecuting Ap. Claudius, his wife Fabia left him *inter postulationem et nominis delationem* (Caelius to Cicero, *ad Fam.* viii. 6),—a divorce which cleared the way for Dolabella's marriage with Tullia. Elsewhere we find *delationem nominis postulare* (Cic. *Div. in Caecil.* 20, § 64). The judge might himself take the initiative and declare his readiness to receive a *nominis delatio*; this, however, is mentioned among the oppressive proceedings of Verres (Cic. *in Verr.* ii. 38, § 94; iv. 19, § 40).

The postulatio and nominis delatio occur most frequently in prosecutions of magistrates and provincial governors for misconduct in office [REPETUNDAE]; especially under the Lex Servilia, passed by the tribune Glaucia (B.C. 106 or 105) in spite of the opposition of the senate, which greatly improved the chances of redress. The fragments of this law are collected by Orellius, and have been separately edited by Klenze. (Cf. Rein, *ap.* Pauly; Long, *Excursus on Repetundae* in his Cicero, i. 38–41; *Lex Servil.* ed. Klenze, pp. 5, 33 ff. For the use of the phrase in charges of murder, Cic. *pro Rosc. Am.* 3, § 8; *pro Cluent.* 8, § 23; *pro Cael.* 23, § 56: in other cases, *in Verr.* ii. 28, § 68; *ad Q. Fr.* ii. 4.) [W. W.]

DELATO'RES. This term was originally applied to those who gave notice to the officials of the treasury of moneys that had become due to the treasury. (The verb *deferre* is in classical Latin always joined with *nomen* when used in this sense; it is only later that it takes an accusative of the person charged.) It subsequently received a wider application. A *delator* was not identical with our "informer;" the term covered two classes, one consisting of those who themselves acted as prosecutors, the other of those who simply gave information. The legislature of Augustus gave the first stimulus to the habit of delation, by granting pecuniary rewards to those who secured the conviction of offenders against his laws relating to marriage (Tac. *Ann.* iii. 28). The Lex Julia de maiestate, by rewarding the successful prosecutor with a fourth part of the estate of the condemned (Tac. *Ann.* iv. 20), gave a fatal encouragement to this class; and although Tiberius appears to have endeavoured at first to check the practice (*ib.* i. 73), it became during his reign a veritable scourge; and as his suspicious temper developed, he actually encouraged them (*ib.* iv. 30, "delatores, genus hominum publico exitio refertum et ne poenis quidem satis coercitum, per praemia eliciebantur"). Caligula at the beginning of his reign *negavit se delatoribus aures habere* (Suet. *Calig.* 15), and Nero reduced the rewards of those who prosecuted offenders against the Papian law to the legal fourth part (Suet. *Nero*, 10). Titus severely punished them (Suet. *Tit.* 8); Domitian at first followed his example (Suet. *Dom.* 9), but soon proved ready to use them as the tools of his tyrannous greed. They were again banished by Trajan (Plin. *Paneg.* 34), and denounced by a rescript of Constantine (Cod. x. 11, 5). But the need of this constant repression proves what a standing evil this class must have been to the state. (Cf. Mayor's notes on Juvenal, i. 33–36, iv. 48, x. 70; Rein, *Criminalrecht*, 817–820; Geib, *Röm. Criminalprocess*, 350–2.) [A. S. W.]

DELECTUS. [EXERCITUS.]

DE'LIA (δήλια), the name of festivals and games celebrated at the great panegyris in the island of Delos, the centre of an amphictyony, to which the Cyclades and the neighbouring Ionians on the coasts belonged. (Hom. *Hymn. in Apoll.* 147, &c.) This amphictyony seems originally to have been instituted simply for the purpose of religious worship in the common sanctuary of Apollo, the θεὸς πατρῷος of the Ionians, who was believed to have been born at Delos. The Delia, as appears from the Hymn on Apollo (compare Thuc. iii. 104; Pollux, ix.

61), had existed from very early times, and were celebrated every fifth year (Pollux, viii. 104), and as Boeckh supposes, with great probability, on the sixth and seventh days of Thargelion, the birthdays of Apollo and Artemis. The members of the amphictyony assembled on these occasions (*ἐθεώρουν*) in Delos, in long garments, with their wives and children, to worship the god with gymnastic and musical contests, choruses, and dances. That the Athenians took part in these solemnities at a very early period, is evident from the Deliastae (afterwards called *θεωροί*) mentioned in the laws of Solon (Athen. vi. p. 234); the sacred vessel (*θεωρίς*), moreover, which they sent to Delos every year, was said to be the same which Theseus had sent after his return from Crete. (See the commentators on Plato, *Crito*, p. 43 C.) The Delians, during the celebration of these solemnities, performed the office of cooks for those who visited their island, whence they were called Ἐλεοδύται (Athen. iv. p. 173).

In the course of time the celebration of this ancient panegyris in Delos had ceased, and it was not revived until Ol. 88, 3, when the Athenians, after having purified the island in the winter of that year, restored the ancient solemnities, and added horse-races which had never before taken place at the Delia. (Thuc. *l. c.*) After this restoration, Athens being at the head of the Ionian confederacy took the most prominent part in the celebration of the Delia; and though the islanders, in common with Athens, provided the choruses and victims, the leader (*ἀρχιθέωρος*), who conducted the whole solemnity, was an Athenian (Plut. *Nic.* 3; Wolf, *Introd. ad* Demosth. *Lept.* p. xc.), and the Athenians had the superintendence of the common sanctuary. [AMPHICTYONES.]

From these solemnities, belonging to the great Delian panegyris, we must distinguish the *lesser Delia*, which were celebrated every year, probably on the 6th of Thargelion. The Athenians on this occasion sent the sacred vessel (*θεωρίς*), which the priest of Apollo adorned with laurel branches, to Delos. The embassy was called *θεωρία*, and those who sailed to the island, *θεωροί*: and before they set sail a solemn sacrifice was offered in the Delion, at Marathon, in order to obtain a happy voyage. (Müller, *Dor.* ii. 2, § 14.) During the absence of the vessel, which on one occasion lasted thirty days (Plat. *Phaed.*, p. 58 B; Xen. *Mem.* iv. 8, § 2), the city of Athens was purified, and no criminal was allowed to be executed. The lesser Delia were said to have been instituted by Theseus, though in some legends they are mentioned at a much earlier period, and Plutarch (*Thes.* 23) relates that the ancient vessel used by the founder himself, though often repaired, was preserved and used by the Athenians down to the time of Demetrius Phalereus. (Boeckh, *P. E.* p. 214, &c. 2nd edit.; Thirlwall, *Hist. of Greece*, vol. iii. p. 217; A. Mommsen, *Heortol.* pp. 84 and 402 ff.) [L. S.]

DELICTUM. [CRIMEN.]

DE'LPHICAE MENSAE. [ABACUS, p. 1 *b*.]

DELPHI'NI or DELPHI'NES, dolphins, seven in number, placed on the meta of the circus. [CIRCUS, pp. 434, 435.] [W. S.]

DELPHI'NIA (*δελφίνια*), a festival of the same expiatory character as the Apollonia, which was celebrated in various towns of Greece, in honour of Apollo, surnamed Delphinius, who was considered by the Ionians as their *θεὸς πατρῷος*. The name of the god, as well as that of his festival, must be derived from the belief of the ancients that in the beginning of the month of Munychion (probably identical with the Aeginetan Delphinius) Apollo came through the defile of Parnassus to Delphi, and began the battle with Delphyne. As he thus assumed the character of a wrathful god, it was thought necessary to appease him, and the Delphinia accordingly were celebrated at Athens, as well as at other places where his worship had been adopted, on the 6th of Munychion. At Athens seven boys and girls carried olive-branches, bound with white wool (called the *ἱκετηρία*), into the Delphinium. (Plut. *Thes.* 18; A. Mommsen, *Heortol.* p. 398 ff.)

The Delphinia of Aegina are mentioned by the Scholiast on Pindar (*Pyth.* viii. 88); and from his remark on another passage (*Olymp.* vii. 151), it is clear that they were celebrated with contests. (Compare Diog. Laërt. *Vit. Thal.* c. 7; Müller, *Dor.* ii. 8, § 4.) Concerning the celebration of the Delphinia in other places, nothing is known; but we have reason to suppose that the rites observed at Athens and in Aegina were common to all festivals of the same name. See Müller, *Aeginet.* p. 152. [L. S.]

DELPHIS (*δελφίς*), a mass of lead armed with bronze or iron, perhaps in the shape of a dolphin, used for sinking an enemy's ship. (Aristoph. *Eq.* 759; Thuc. vii. 41; Schol. *ad loc.*; Hesych. *s. v.*) In action, the delphis was hauled up from the deck to the point of a yard-arm, which was swung round by braces till over the hostile deck; the machine was then instantly let fall, after which it was again drawn up and deposited on board. The *νῆες δελφινοφόροι* were probably only of the transport class (*ὁλκάδες*), as swift (*ταχεῖαι*) triremes would have been impeded by the great weight. (B. Graser, *de Veter. Re Navali*, pp. 82, 83: cf. *fistucae*, Vitr. iii. 3, and x. 3; *machinationes*, Caes. *B. G.* iv. 17.) [J. M.]

DELUBRUM. [TEMPLUM.]

DEMARCHI (*δήμαρχοι*), the presidents of the demes (*δῆμοι*) in Attica, are said to have been first appointed by Cleisthenes when he abolished the *ναύκραροι*. [NAUCRARIA.] They were probably elected by vote and not by lot (Schömann, *Antiq.* i. 368, E. T.; cf. *C. I. A.* ii. 578). Their duties were various and important. Thus they convened meetings of the demotae, and took the votes upon all questions under consideration; they had the custody of the *ληξιαρχικὸν γραμματεῖον*, or book in which the members of the deme were enrolled (Dem. *c. Eubul.* p. 1317, § 60; Schol. Aristoph. *Nub.* 37); and they made and kept a register of the landed estates (*χωρία*) in their districts, whether belonging to individuals or the corporate property of the deme (Schol. *l. c.*; Boeckh, *P. E.* p. 512 = *Sthh.*[2] i. 596 f.). The existence of this register has been recently doubted by Lipsius (on *Att. Process*, p. 305, n. 308; p. 310, n. 317) and Fränkel (on Boeckh *l. c.*, notes 818, 819); see, however, in support of Boeckh's view, Gilbert (*Staatsalterth.* i. 195), and especially Thalheim's rejoinder to Lipsius (*Rechtsalterth.* p. 49 n.). Whether we are to

read χωρίων or χρεῶν in the Scholiast matters less than Boeckh thought, as there is sufficient evidence that both "lands" and "debts" came within the purview of the demarchs. They undoubtedly collected rents and other monies, both sacred and profane, on behalf of the deme (Boeckh, *P. E.* p. 305 = *Sthh.*[3] i. 374 f.); rents of temple lands (*μισθώσεις τεμενῶν*, Dem. *c. Eubul.* p. 1318, § 63); the *ἐγκτητικὸν* or tax paid by the holders of land in a deme other than their own (*C. I. A.* ii. 589; ENCTESIS); and in their financial capacity were assisted by two *ταμίαι* (*C. I. A.* ii. 570, 579, 585), or sometimes by one *ταμίας* only, as at Eleusis (*C. I. A.* ii. 574). In this capacity they had the power of distraint [ENECHYRA], to which allusion is made by Aristophanes (*Nub.* 37) and in several passages of the grammarians (Harpocrat., *Etym. M.*, s. v.; *Lex. Rhet.* p. 242; *Lex. Seguer.* p. 199, 4). That the sphere of their activity extended beyond their own deme, and that they were employed for various debts and dues claimed by the state, as Boeckh, though with some hesitation, is inclined to think (*P. E.* p. 157 = *Sthh.*[3] i. 192), is at least not proved. The one inscription, "a perhaps obscure example," as Boeckh admits (*ἐκπραττόντων δὲ οἱ δήμαρ[χοι]*, *C. I. G.* 80 = *C. I. A.* i. 79), more probably refers, like those already cited, to their power of exaction within their own deme; and the words of the decree against Antiphon (*τῷ δὲ δημάρχῳ ἀποφῆναί τε οἰκίαν, κ.τ.λ.* [Plut.] *Vitt. X. Oratt.* p. 834 A, a mutilated passage) point rather to a single locality.

In the duties which have been enumerated they supplanted the *naucrari* (*ναύκραροι*) of the old constitution; and they added others to them. As local police magistrates they could impose a fine (*ἐπιβολὴν ἐπιβάλλειν*) for disobedience to a decree of the demotae, *e.g.* for entering the Thesmophorion without leave of the priestess (*C. I. A.* ii. 573 b); they were required to bury, or cause to be buried, any dead bodies found in their district, indemnifying themselves by levying double the expense on the relations of the deceased, if their order to bury were disobeyed: for neglect of this duty they were liable to a fine of 1000 drachmas (Lex *ap.* Dem. *c. Macart.* p. 1069, § 58). They distributed the theoric fund [THEORICA] among their demotae (Dem. *c. Leochar.* p. 1091, § 37; *C. I. A.* ii. 163; Plaut. *Aulul.* i. 2, 29; Fränkel, n. 410); and conducted those honoured with *προεδρία* to their places in the theatre (*C. I. A.* ii. 589). The case of their assisting to prepare the *κατάλογος* or list for military service seems to have been exceptional: on an emergency the *βουλευταὶ* and *δήμαρχοι* were ordered by a psephisma to furnish lists of those able to serve (Dem. *c. Polycl.* p. 1208, § 6). (Pollux, viii. 118; Hermann, *Staatsalterth.* § 111; Schömann, *Assemblies*, p. 376 ff.; Thalheim, *Rechtsalterth.* pp. 49, 115; and especially Gilbert, *Staatsalterth.* p. 194 f., who gives the fullest references to inscriptions.)

Δήμαρχοι was also the name given by Greek writers to the Roman tribunes of the plebs (Dionys. vi. 89; Plut. *Cor.* 7, &c.).

[R. W.] [W. W.]

DEMENS. [CURATOR.]
DEMENSUM. [SERVUS.]
DEME'NTIA. [CURATOR.]

DEME'TRIA (*δημητρία*), an annual festival which the Athenians, in 307 B.C., instituted in honour of Demetrius Poliorcetes, who, together with his father Antigonus, were consecrated under the title of "saviour gods." It was celebrated every year in the month of Munychion, the name of which, as well as that of the day on which the festival was held, was changed into Demetrion and Demetrias. A priest ministered at their altars, and conducted the solemn procession, and the sacrifices and games with which the festival was celebrated. (Diod. Sic. xx. 46; Plut. *Demetr.* 10, 46.) To honour the new god still more, the Athenians at the same time changed the name of the festival of the Dionysia into that of Demetria, as the young prince was fond of hearing himself compared to Dionysus. The Demetria mentioned by Athenaeus (xii. p. 536) are probably the Dionysia. Respecting the other extravagant flatteries which the Athenians heaped upon Demetrius and Antigonus, see Athen. vi. p. 252; Herm. *Staatsalterth.* § 175, n. 6, 7, and 8; Thirlwall, *Hist. of Greece*, vol. vii. p. 331; Grote, *Hist. of Greece*, xii. p. 506 ff. [L. S.]

DEMINU'TIO CA'PITIS. [CAPUT.]

DEMIOPRA'TA (*δημιόπρατα*) were property confiscated at Athens and sold by public auction. The confiscation of property was one of the most common sources of revenue in many Greek states; and Aristophanes (*Vesp.* 659, *Eq.* 103, with the Scholia) mentions the *δημιόπρατα* as a separate branch of the public revenue at Athens. A chapter of Boeckh's *Public Economy* is devoted to this subject (book iii. ch. 14; cf. also ii. 8, p. 197, E. T. = *Staatshh.*[3] i. 251). These sales were under the direction of the POLETAE (*q. v.*), who presented their reports to the people in the first assembly of each prytany (Pollux, viii. 95); they also set up lists of *δημιόπρατα* (probably after the sale) upon tablets of stone in the Acropolis, at Eleusis (where many forfeitures accrued to the temple of Demeter and Cora under the law of *ἀσέβεια*), and elsewhere. Several fragments of such lists are preserved in inscriptions; one of the most important, throwing light on the prices realised by the Poletae, is discussed in Boeckh-Fränkel (ii. 129 ff.). The danger of confiscation was constantly impending over public debtors, such as the farmers of the revenue and their sureties, and those in arrear with taxes (*ὑπερήμεροι*): and it was aggravated by the encouragement given to informers, especially when, as in the time of the Social War, the treasury was labouring under chronic deficits (cf. Boeckh, *P. E.* p. 435 = *Staatshh.*[3] i. 511). For examples of the harshness with which the law of distraint might be carried out, and the suffering thereby caused to individuals, see Dem. *c. Androt.* p. 610, § 56 ff.; *c. Timocr.* p. 762, § 197; and the speech against Neaera, p. 1347, § 6 ff. Not only the contents of a house might be taken under an execution, but the very doors were sometimes wrenched off (Lys. *de Bon. Aristoph.* § 31; Dem. *c. Timocr.* l. c.). On *δημιόπρατα* in general, see Boeckh-Fränkel, Index, s. v. *Güter*; Meier, *de Bonis Damnatorum*, p. 160 ff. [W. S.] [W. W.]

DEMIURGI (*δημιουργοί*). 1. In the heroic age *δημιουργοὶ* are not merely "skilled artisans," but "artists," including the highest forms of professional skill in every department

then practised; not only carpenters, but soothsayers, surgeons, and bards (Hom. *Od.* xvii. 383), as well as heralds (*ib.* xix. 135). Cf. Schömann, *Antiq.* i. 42 f., E. T.

2. The name of one of the inferior classes in early Attica. [GEOMORI.]

3. Magistrates, described by some grammarians as peculiar to Dorian states; but perhaps on no authority, except the form *δαμιουργοί*. Müller (*Dorians*, vol. ii. p. 145) observes, on the contrary, that "they were not uncommon in the Peloponnesus, but they do not occur often in the Dorian states." They existed among the Eleians and Mantineians, with whom they seem to have been the chief executive magistracy (Thuc. v. 47, § 10). A distinction may here be noted; at Mantineia it is *οἱ δημιουργοὶ καὶ ἡ βουλή*, at Elis *οἱ δ. καὶ οἱ τὰ τέλη ἔχοντες καὶ οἱ ἑξακόσιοι*. This constitution belongs to a period of moderate reform, after the fall of the Eleian oligarchy and before the rise of unmixed democracy (Schömann, *Antiq.* i. 172, E. T.). We also read of demiurgi in the Achaean league, who probably ranked next to the strategi. [ACHAICUM FOEDUS, p. 9 *b*.] Officers named *Epidemiurgi*, or upper demiurgi, were sent by the Corinthians to manage the government of their colony at Potidaea. (Thuc. i. 56.) [R. W.] [W. W.]

DE'MIUS (*ὁ δήμιος*), the public executioner at Athens, a slave, who was the servant of The Eleven. For references, see DEMOSII, HENDEKA, HOI, and TORMENTUM. [W. S.]

DEMOCRA'TIA (*δημοκρατία*), that form of constitution in which the sovereign political power is in the hands of the demus, or commonalty. In the article ARISTOCRATIA the reader will find noticed the rise and nature of the distinction between the politically privileged class of nobles and the commonalty, a class personally free, though without any constitutionally recognised political power. It was this commonalty which was properly termed the demus (*δῆμος*). The natural and inevitable effect of the progress of society being to diminish, and finally do away with, those distinctions between the two classes on which the original difference in point of political power was founded, when the demus, by their increasing numbers, wealth, and intelligence, had raised themselves to a level, or nearly so, in real power and importance with the originally privileged class, now degenerated into an oligarchy, a struggle was sure to ensue, in which the demus, unless overborne by extraneous influences, was certain to gain the mastery. The sovereign power of the demus being thus established, the government was termed a democracy. There might, however, be two modifications of the victory of the commonalty. If the struggle between the classes had been protracted and fierce, the oligarchs were commonly expelled. This was frequently the case in the smaller states. If the victory of the commonalty was achieved more by the force of moral power than by intestine warfare and force of arms, through the gradual concessions of "the few," the result (as at Athens) was simply the entire obliteration of the original distinctions. This form of the constitution was still, in the most literal sense of the term, a democracy; for as wealth and birth no longer formed the title to political power, though the wealthy and noble still remained citizens of the commonwealth, the supreme power was to all intents and purposes in the hands of the class formerly constituting the demus, by virtue of their being the more numerous. (Aristot. *Pol.* iv. 4, p. 1290 b, 17.) When the two classes were thus equalised, the term demus itself was frequently used to denote the entire body of free citizens—"the many," in contrast with "the few."

It is obvious that, consistently with the maintenance of the fundamental principle of the supreme power being in the hands of the demus, various modifications of the constitution in detail might exist, and different views might be held as to what was the perfect type of a democracy, and what was an imperfect or a diseased form of it. Aristotle (*Pol.* iv. 4) points out that a democracy cannot be defined by the mere consideration of numbers: it is rather, when every free citizen is a member of the sovereign body (*δῆμος μὲν ἐστιν ὅταν οἱ ἐλεύθεροι κύριοι ὦσιν*, p. 1290 b, 1). This definition he expresses in a more accurate form thus: *ἔστι δημοκρατία μὲν ὅταν οἱ ἐλεύθεροι καὶ ἄποροι πλείους ὄντες κύριοι τῆς ἀρχῆς ὦσιν* (*ib.* 17). It would still be a democracy if a certain amount of property were requisite for filling the public offices, provided the amount were not large. A *Politeia* itself is one species of democracy (*Pol.* iv. 3, p. 1290, 18), democracy, in the full sense of the word, being a sort of *παρέκβασις* of it. But for a perfect and pure democracy it was necessary that no free citizen should be debarred on account of his inferiority in rank or wealth from aspiring to any office, or exercising any political function, and that each citizen should be allowed to follow that mode of life which he chose. (Arist. *Pol.* iv. 4, p. 1292, 1; vi. 1, p. 1317 b, 12.) In a passage of Herodotus (iii. 80), where we probably have the ideas of the writer himself, the characteristics of a democracy are specified to be—1. equality of legal rights (*ἰσονομίη*); 2. the appointment of magistrates by lot; 3. the accountability of all magistrates and officers; 4. the reference of all public matters to the decision of the community at large. Aristotle also (*Rhet.* i. 8, § 4) says: *ἔστι δὲ δημοκρατία μὲν πολιτεία ἐν ᾗ κλήρῳ διανέμονται τὰς ἀρχάς, ὀλιγαρχία δὲ ἐν ᾗ οἱ ἀπὸ τιμημάτων*. In another passage (*Pol.* vi. 1, 1317 b, 18), after mentioning the essential principles on which a democracy is based, he goes on to say: "The following points are characteristic of a democracy: that all magistrates should be chosen out of the whole body of citizens; that all should rule each, and each in turn rule all; that either all magistracies, or those not requiring experience and professional knowledge, should be assigned by lot; that there should be no property qualification, or but a very small one, for filling any magistracy; that the same man should not fill the same office twice, or should fill offices but few times, and but few offices, except in the case of military commands; that all, or as many as possible of the magistracies, should be of brief duration; that all citizens should be qualified to serve as dicasts; that the supreme power in everything should reside in the public

assembly, and that no magistrate should be entrusted with irresponsible power except in very small matters. (Comp. Plat. *Rep.* viii. pp. 558, 562, 563; *Legg.* iii. p. 690, C; vi. p. 757, E.) Aristotle (*Pol.* iv. 3, 4, 5; vi. 1, 2) describes the various modifications which a democracy may assume. It is somewhat curious that neither in practice nor in theory did the representative system attract any attention among the Greeks.

That diseased form of a democracy, in which from the practice of giving pay to the poorer citizens for their attendance in the public assembly, and from other causes, the predominant party in the state came to be in fact the lowest class of the citizens (a state of things in which the democracy in many respects resembled a tyranny: see Arist. *Pol.* iv. 4, p. 1292, 18), was by later writers (Polyb. vi. 4, 57; Plut. *de Monarch.* c. 3) termed an *Ochlocracy* (ὀχλοκρατία—the dominion of the mob); but the term is not found in Aristotle. (Wachsmuth, *Hellenische Alterthumsk.* c. 7, 8; K. F. Hermann, *Staatsalterth.* §§ 52, 66–72; Thirlwall, *History of Greece*, vol. i. c. 10; Schömann, *Antiq.* i. 335–347, E. T.; Thalheim, *Rechtsalterth.* pp. 32–38.) [C. P. M.] [W. W.]

DEMONSTRATIO. [Actio.]

DEMOPOIETOS (δημοποίητος). [Civitas (Greek), pp. 443*a*–444*a*.]

DEMOSII (δημόσιοι), public slaves at Athens, bought by the state. The most numerous class were the τοξόται or Σκύθαι, a force of police (under officers called τόξαρχοι) also called Σπευσίνιοι, from the first organiser of the service. (Poll. viii. 131–2, δημοσίου ὑπηρέται, ib.; Schol. Arist. *Ach.* 54, δημόσιοι ὑπ., φύλακες τ. ἄστεος; Phot. *s. v.* τοξόται.) Their duty was to preserve order in the assembly, courts, public places, and public works. They were at first encamped in tents in the agora, and afterwards removed to the Areopagus. Certain of them were in personal attendance on officials, *e.g.* the Prytaneis (Arist. *Ach.* 54; *Thesm.* 940, 1002 ff.), Probuli (Arist. *Lysistr.* 441 ff.) — especially police-officers: Astynomi, Agoranomi (v. Plat. *Prot.* p. 319 C; Xen. *Mem.* iii. 6, § 1). The corps dated from the year of Salamis, when 300 were bought; they were later increased to 1200. (Andoc. *de Pac.* 5, 7; Aesch. *de fals. Leg.* § 173 f.; Boeckh, *P. E.* 206 ff. = *Sthh.*[3] i. 262 ff.)

Executioners, torturers, &c., whether police or not, were also slaves (Poll. viii. 71; Harp., *Etym. M.*, δημόκοινος; Bekk. *Anecd.* 236, 8; Thalheim, *Rechtsalterth.*, p. 124; Büchsenschütz, *Bes. u. Erw.* p. 104 ff.). Demosii were also employed in the treasury, in subordinate places in the assembly and courts, as checking-clerks (ἀντιγραφεῖς); their amenability to torture making them especially serviceable for such duties. The state undertook their training. (Schol. *ad* Dem. 2, 19; as φυλακὴ τῶν χρημάτων, Dem. *de Chers.* p. 101, § 47; ἀντιγραφεῖς, Bekk. *Anecd.* 197, 24 ff.; *C. I. A.* ii. 403.)

In the mint were slave workmen (Andoc. in Schol. to Arist. *Vesp.* 1007, *fr.* 6, Blass), as also in the mines. Exceptionally, as at Arginusae, demosii rowed in the galleys. As to legal position of public slaves, see *Att. Process*, p. 559 = 751, Lips.; Becker-Göll, *Charikles*, iii. 36. (Boeckh, *op. cit.*; Gilbert, *Staatsalterth.* i. 166–7, 219, &c.; id. *Beitr. z. inn. Gesch. Ath.* p. 367.) [J. M.]

DEMUS (δῆμος: on the etymology see Liddell and Scott, ed. 7), a country district, Lat. *pagus*. In contrasting "town" (πόλις) and "country" (περιοικίς), the Dorians called the divisions of the latter κῶμαι, the Athenians δῆμοι (Aristot. *Poet.* 3, § 6). Hence in the earlier Greek poets we find δῆμος applied to the outlying country population who tilled the lands of the inhabitants of the πόλις (Hom. *Il.* iii. 50; *Od.* vi. 3, viii. 555, xi. 14, xiv. 43; Hes. *Op.* 527).

The Demes (δῆμοι), as the subdivisions of Attica were called, had existed from a remote period, though in smaller numbers than they subsequently attained. As in the rest of Greece, many of them had been originally independent cities, each with its own πρυτανεῖον and βουλή: but the revolution ascribed to Theseus had consolidated the whole of Attica under one government, all the local magistracies and councils being made to centre in the prytaneum and senate of Athens. Henceforward Athens was the one city in the land; the demes became constituent portions of Athenian territory (Thuc. ii. 15). "Of the general fact there is no reason to doubt, though the operative cause assigned by the historian, the power and sagacity of Theseus, belongs to legend and not to history" (Grote, pt. ii. ch. 10, vol. ii. p. 277). Traces of this former independence survived to later times: Eleusis, alone among Attic demes, was allowed to retain the title of πόλις, and to coin its own money (Strab. ix. p. 395; cf. Gilbert, *Staatsalterth.* i. 193; a coin of Eleusis in *Dict. Geogr.* s. v.). A standing feud between the demes of Pallene and Hagnus* dated from the mythical wars, and they refused each other the right of intermarriage (ἐπιγαμία) and the friendly greeting (Ἀκούετε λεῴ) of the herald (Plut. *Thes.* 13). The ἐγκτητικὸν moreover, or tax on the occupation of land or houses in a different deme from that to which men belonged by birth, shows a curious survival of the ancient exclusive spirit of citizenship at a time when all were, in common, citizens of Athens alone. It is from the time of Cleisthenes that the historic importance of the demes commences. His legislation abolished the four old Ionic tribes for all but ceremonial purposes [Phylobasileis], while the gentes and phratries which composed them continued to exist as family and religious associations, but without political privilege. The new political organisation consisted of ten tribes, and of demes, stated to have now amounted to one hundred. The ten new tribes were not, strictly speaking, territorial divisions of the country. The older writers, who regarded them in this light, found a difficulty in the fact that demes of the same tribe were situated at opposite extremities of Attica (Thirlwall, *Hist. Gr.* ii. 74 and App. i. to same volume). In reality the already existing demes, probably with their numbers increased by subdivision, became the political units or "primitive constituent element of the commonwealth" (Grote); and the tribes were mere groups of demes arbitrarily arranged, and in no case all adjacent to

* Or Agnus; the breathing is doubtful. Inscriptions, so useful in determining the true spelling of demotic names (*e.g.* Κολλυτεύς, not Κολυττεύς as in some MSS.), do not help us here.

each other. The priority of the demes to the tribes is implied in the account of Herodotus, that Cleisthenes "distributed" the demes among the tribes by tens (*δέκα δὲ καὶ τοὺς δήμους κατένειμε ἐς τὰς φυλάς*, Herod. v. 69: on this, the right explanation of *δέκα* in this passage, cf. Stein *ad loc.*; Schömann, *Antiq.* i. 365 n., E. T.; Grote, ch. 31, iii. 115 n.). The distinction drawn by Dionysius (iv. 14) between the earlier Roman tribes and those of Servius, calling the former genealogical (*φυλαὶ γενικαί*) and the latter local (*τοπικαί*), applies also to the old-Ionic and the Cleisthenean tribes at Athens; but the ten Attic tribes were only so far local as being formed out of an aggregate of demes or parishes, not as themselves identified with a particular part of the country. The motives of this change are expressed by Aristotle as "the more complete fusion of all interests and the breaking up of old ties or associations" (*ὅπως ἂν ὅτι μάλιστα ἀναμιχθῶσι πάντες ἀλλήλοις, αἱ δὲ συνήθειαι διαζευχθῶσιν αἱ πρότερον*, *Pol.* vii. [vi.] 4, § 19). The local quarrels of the *πάραλοι*, *διάκριοι*, and *πεδιαῖοι*, so rife during the preceding century, now came to an end; the local predominance of the city, and the formation of a city interest distinct from that of the country, was obviated; which could hardly have failed to arise had the city by itself constituted either one deme or one tribe. Cleisthenes distributed the city (or found it already distributed, but this is less likely) into several demes, and these demes among several tribes; while Peiraeus and Phalerum, each constituting a separate deme, were also assigned to different tribes. On the object of this part of the Cleisthenean legislation see further in Grote (*l. c.* pp. 112–114).

The demes thus constituted bore some resemblance to an English parish, a still closer one to the German *Gemeinden* (especially in Switzerland), and the French *Communes*, having, like the latter, municipal organisation. (See these points further worked out in Haussoullier, *Vie Munic. en Attique*, pp. 207–210.) In extent, likewise, they must have varied within much the same limits as parishes in England: Attica with its 720 square miles being about equal in area to one of the smaller English counties, and the number of demes or parishes, which in both cases gradually increased, being about the same in each. The number of demes before the time of Cleisthenes is not known; but if those with patronymic names (Βουτάδαι, Σκαμβωνίδαι, Χολλεΐδαι, &c.) were all founded by him, it may have been under seventy, as these last amount to upwards of thirty in our lists. Schömann in his *Antiquities* (i. 365, E. T.) adheres to the opinion expressed in his earlier works, that Cleisthenes raised the number to exactly 100; and so Gilbert (*Staatsalterth.* i. 192). K. F. Hermann, while agreeing that this is what Herodotus meant to say, doubts whether the fact were really so (*Staatsalterth.* § 111). About B.C. 200 Polemon *ὁ περιηγητὴς* (*ap.* Strabo, ix. p. 396) reckoned 174; and some have thought that this had always been the number, and that Cleisthenes left many of them in a subject condition, to be enfranchised in later times (Niebuhr, *Hist. Rom.* ii. 308, E. T.). It is now universally admitted that this number was reached by a process of subdivision, which indeed did not stop here: 182 names of demes, or eight more than the supposed limit, have now been recovered (Gilbert, p. 193 n.); and Szanto thinks that they may have ultimately amounted to 190 (*Untersuch.* p. 34: Haussoullier demurs, but gives no reasons, p. 182). Several points connected with the legislation of Cleisthenes are confessedly obscure; but it seems certain that he introduced a uniform system (much as the French did, when at the Revolution they substituted departments for the old provinces), and that his hundred demes covered the whole soil of Attica, including the capital. If we bear in mind the ancient contrast between *πόλις* and *δῆμος*, it will seem much more probable that the city demes were now first constituted than that they existed previously, a point which Grote leaves undetermined. There is reason to think that these demes, with the Peiraeus and Phalerum, amounted to just ten, one being assigned to each tribe (compare *Dict. Geogr.* i. 325 a, with Grote, iii. 114 n.); an arrangement which must have tended to equalise the number of citizens in each tribe. There was every reason why the tribes, which contributed equal numbers to the senate and the dicasteries, and perhaps to other offices as well [ARCHON, p. 167 *a*], should be as nearly equal as possible; no reason why they should always have contained the same number of demes, or why the demes themselves should be of equal extent. The growth and movement of the population in the course of time accounts, quite naturally, for the increase in the number of the demes and the re-arrangement of their boundaries. We know that, in fact, the demes varied greatly in size: Acharnae was much the largest, supplying no less than 3000 hoplites in the time of the Peloponnesian war (*οἱ Ἀχαρνῆς μέγα μέρος ὄντες τῆς πόλεως*, Thuc. ii. 20); Halimus, the deme of Thucydides and of Euxitheus, the plaintiff in the speech against Eubulides, one of the smallest (Dem. *c. Eubul.* p. 1316, § 57; Haussoullier, p. 182). The names of the demes were derived either from natural features (*e.g.* *Ποταμὸς καθύπερθεν* and *ὑπένερθεν*), from neighbouring places (*e.g.* *Οἶον Δεκελειικόν*, *Οἶον Κεραμεικόν*), from plants which grew there (*e.g.* *Μαραθών*, *Ῥαμνοῦς*, *Μυρρινοῦς*, *Μυρρινοῦττα*), from trades carried on in them (*e.g.* *Κεραμεῖς*), or from inhabitants (*e.g.* *Ἑκάλη* and the patronymics in *-δαι* generally: *ἡ ἀπὸ τῶν τόπων*, *ἡ ἀπὸ τῶν παρακειμένων αὐτοῖς*, *ἡ ἀπὸ τῶν ἐν αὐτοῖς φυτῶν*, *ἡ ἀπὸ τῶν ἐν αὐτοῖς χειροτεχνῶν*, *ἡ ἀπὸ τῶν οἰκησάντων ἀνδρῶν καὶ γυναικῶν*, *Etym. M.* s. v. *Ἐλεεῖς*: cf. Schol. Aristoph. *Plut.* 586). Like the ten tribes, the first hundred demes all had eponymous heroes, known collectively as the *ἑκατὸν ἥρωες* (Herodian, *περὶ μονηροῦς λέξεως*, 17, 8; Schömann, *Antiq.* i. 367, E. T.); a fact which lends some plausibility to Leake's conjecture, *οἰκισάντων* for *οἰκησάντων* in the passage from the *Etym. M.* The demes with gentile or patronymic names are ascribed, as we have seen, either wholly or in part to Cleisthenes; and Schömann has pointed out that they were situated mainly in that part of the country which has been assigned to the old-Ionic tribe of the *Γελέοντες*, and where accordingly the greatest number of noble families and the most important of them lived (*l. c.* p. 366 n.). The Butadae were one of the noblest and most exclusive of these families;

and when their name became that of a deme, the distinction of the original stock was maintained by their calling themselves Eteobutadae or "genuine Butadae." Thus Lycurgus the orator was *τὸν δῆμον Βουτάδης, γένους τοῦ τῶν Ἐτεοβουταδῶν* (Plut. *Vitt. X. Oratt.* p. 841 B). If Philaïdae were really the *deme* and not the *gens* of Pisistratus (Plut. *Sol.* 10), we have an example of a patronymically named deme in the old times. But this is most likely an oversight of Plutarch's; indeed it is doubtful whether, in those days, Athenians were usually described by the name of their deme at all; and in all probability the deme Philaïdae was carved by Cleisthenes out of the territory of Brauron, one of the ancient cities of Attica, though Schömann (*l. c.*) thinks that the reverse was the case.

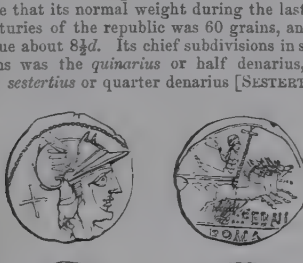
The municipal organisation of the demes was very complete, both from the civil and the religious point of view. They formed independent corporations, and had each their several magistrates, landed and other property, with a common treasury. They had likewise their respective assemblies convened by the demarch, in which was transacted the public business of the deme, such as the leasing of its estates, the annual elections of officers, the revision of the registers or lists of *Demotae* (*δημόται*), and the admission of new members [DEMARCHI]. Other magistrates, besides the demarch, were *ταμίαι* or treasurers, *ἀντιγραφεῖς*, controllers or checking clerks, and *ὁρισταί*, whose office was religious as well as civil: they not only settled boundaries, mostly of sacred places, but saw that the rules of exclusion were enforced (*e.g.* in the Thesmophorion at Peiraeus, *C. I. A.* ii. 573 b). Each deme appears to have kept what was called a *πίναξ ἐκκλησιαστικός*, or list of those demotae who were entitled to vote in the general assemblies of the whole people (Dem. *c. Leochar.* p. 1091, § 35). In financial matters they supplanted the old naucraries (*ναυκραρίαι*) of the four tribes, each deme being required to furnish to the state a certain quota of money and contingent of troops, whenever necessary. Each had, moreover, its peculiar temples and religious worship (*δημοτικὰ ἱερά*, Pausan. i. 31; Pollux, viii. 108), with priests chosen annually by the demotae (Dem. *c. Eubul.* p. 1313, § 46): and priests as well as magistrates had to submit to a *δοκιμασία*, in the same way as the public officers of the state. At Aexone we find for the religious establishment of this one deme four *ἱεροποιοὶ εἰς τὸ τῆς Ἥβης ἱερὸν* chosen by lot, two *σωφρονισταὶ* and a *κῆρυξ*, in this instance apparently to preserve order in a night-festival (*παννυχίς*), a *ἱερεὺς τῶν Ἡρακλειδῶν*, a *ἱέρεια τῆς Ἥβης καὶ τῆς Ἀλκμήνης*, and an *ἄρχων* attached to the service of the two goddesses (*C. I. A.* ii. 581). In Halimus a priest of Heracles, a favourite form of demotic worship in Attica, is chosen by lot from among the *εὐγενέστατοι* (Dem. *c. Eubul.* p. 1313, § 46; 1318, § 62). In Athmonon we have a decree in honour of six *μεράρχαι*, who had shown liberality in providing sacrifices (apparently as a local *λειτουργία*) for the festival of the Amarysia (*C. I. A.* ii. 580). The scamping of public works was prevented by *ἐπιτιμηταί*, as in the theatre at Peiraeus (*C. I. A.* ii. 573; cf. Boeckh, *Sthh.*[3] i. 260). Further details on the *ἱερὰ δημοτικὰ* will be found in the elaborate work of Haussoullier, pp. 136–173. The *δικασταὶ κατὰ δήμους* belonged to the public, not the demotic organisation [TETTARACONTA, Hoi].

Cleisthenes, like Solon before him, admitted many foreigners to the franchise, who according to his system were necessarily enrolled among the demes. The right explanation of the much-canvassed phrase in Aristotle (*πολλοὺς ἐφυλέτευσε ξένους καὶ δούλους μετοίκους*, *Pol.* iii. 2 = p. 1275 b, 37) is that he made citizens both of free-born foreigners (*ξένοι*) and slaves who by emancipation had already become *μέτοικοι* (Grote, ch. 31, iii. 110 n.; Gilbert, *Staatsalterth.* i. 144). Since a son was registered in the deme of his natural or adoptive father, non-residence must soon have become common; but this would not cause any inconvenience, as the meetings of each deme were not held within its limits, but at Athens (Dem. *c. Eubul.* p. 1302, § 10). The only difference it made was the payment of the *ἐγκτητικὸν* to the demotic treasury, which however was sometimes remitted by decree [ENCTESIS]. Those who in later times acquired the citizenship by vote of the Athenian people (the *δημοποίητοι*) were usually allowed to select at pleasure the deme, tribe, and phratry in which they would be enrolled; see the inscriptions quoted under CIVITAS, pp. 443 *b*, 444 *a*.

Two of the most important functions of the general assemblies of the demes were the admission of new members and the revision of the names of members already admitted. The register of enrolment was called *κοινὸν γραμματεῖον* (Dem. *c. Eubul.* p. 1317, § 60; Bekk. *Anecd.* 272, 27), or more usually *ληξιαρχικὸν γραμματεῖον* (Isae. *Or.* 7 [Apollod.], § 27; Dem. *c. Leoch.* p. 1091, § 35), because any person whose name was inscribed on it could enter upon an inheritance and enjoy a patrimony (*διὰ τὸ τῶν λήξεων ἄρχειν· λήξεις δ' εἰσὶν οἵ τε κλῆροι καὶ αἱ οὐσίαι*, Harpocrat. *s. v.*; Gilbert, *Staatsalterth.* i. 187); *λαγχάνειν κλῆρον* being thus equivalent to the Roman phrase *adire hereditatem*. These registers were kept by the demarchs, who, with the approbation of the members of the deme assembled in general meeting, inserted or erased names according to circumstances. Thus, when a youth was proposed for enrolment, it was competent for any demote to object to his admission on the ground of illegitimacy, or non-citizenship by the side of either parent. The demotae decided on the validity of these objections under the sanction of an oath, and the question was determined by a majority of votes (Dem. *c. Eubul.* p. 1318, § 61). The same process was observed when a citizen changed his deme in consequence of adoption (Isae. *Or.* 7 [Apollod.], §§ 28, 29). Sometimes however a demarch was bribed to place, or assist in placing, on the register of a deme, persons who had no claim to citizenship (Dem. *c. Leoch.* p. 1091, § 37). To remedy this admission of spurious citizens (*παρέγγραπτοι*) the *διαψήφισις* was instituted [DIAPSEPHISIS]. Lastly, as inscriptions abundantly show, crowns and other honorary distinctions could be awarded by the demes in the same way as by the tribes. (Grote, ch. 10, ii. 272 ff.; ch. 31, iii. 108 ff.; K. F. Hermann, *Staatsalterth.* § 111, &c.; Schömann, *Antiq.* i. 336, 366 f., E. T.; Gilbert, *Staatsalterth.* i. 142 ff., 192 ff.; Szanto, *Untersuchungen über das Attische Bürgerrecht*, Vienna, 1881;

Haussoullier, *La Vie Municipale en Attique*, &c., Paris, 1884: and for the geography of the demes, Leake, *Demi of Attica*, ed. 2, 1841; Ross, *Die Demen von Attica*, Halle, 1846; *Dict. Geogr.* i. 325–336.) [R. W.] [W. W.]

DENA'RIUS, translated by "penny" in the A. V. of the Bible, was the principal silver coin among the Romans, and was so called because it was originally equal to ten asses; but on the reduction of the weight of the as, it was made equal to sixteen asses, except in military pay, in which it was still reckoned as equal to ten asses. The denarius was first coined five years before the first Punic war, B.C. 269. An account of the introduction and the subsequent reductions of the denarius is given under As, p. 205, where its value and subdivisions are fully discussed, and the authorities given. It is sufficient to state here that its normal weight during the last two centuries of the republic was 60 grains, and its value about 8½*d*. Its chief subdivisions in silver coins was the *quinarius* or half denarius, and the *sestertius* or quarter denarius [SESTERTIUS].



Denarii. (British Museum. Actual size.)

For other divisions and for the types found upon the coins, see As. [P. G.]

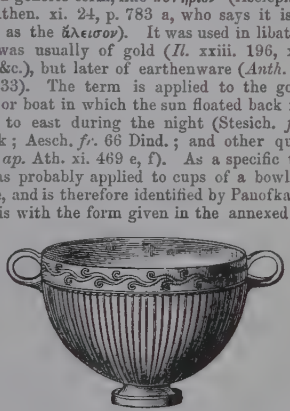
DENDRO'PHORI, a collegium or corporation of carpenters, frequently mentioned in inscriptions in imperial times. They formed originally a religious corporation, carrying the sacred tree in the worship of the Magna Mater (*collegium dendrophorum Matris magnae*), and were under the Quindecimviri. (See inscriptions quoted by Marquardt, *Röm. Staatsverw.* iii. pp. 356, 380.) Some modern critics have supposed that there were two collegia of Dendrophori, one religious, and the other of artificers; but it is more probable that they were in later times a college of carpenters under the protection and in the service of the Magna Mater. In an ordinance issued by Constantine in 315 they are mentioned along with the centonarii and fabri (Cod. Theod. xiv. 8). They were suppressed by Honorius and Theodosius in 415 as a heathen collegium (Cod. Theod. xvi. 10, 20, § 2), after which time their name does not appear. (Bossieu, *Inscr. de Lyon*, p. 412; Marquardt, *Privatl. d. Römer*, p. 698.) [W. S.]

DENICA'LES FE'RIAE. [FERIAE.]

DENS or **DENTALE.** [ARATRUM.]

DENTIFRI'CIUM (*ὀδοντότριμμα, ὀδοντόσμηγμα*), dentifrice or tooth-powder, appears to have been skilfully prepared and generally used among the Romans. A variety of substances, such as the bones, hoofs, and horns of certain animals, crabs, egg-shells, and the shells of the oyster and the murex, constituted the basis of the preparation. Having been previously burnt, and sometimes mixed with honey, they were reduced to a fine powder. Though fancy and superstition often directed the choice of these ingredients, the addition of astringents, such as myrrh, or of nitre and of hartshorn ground in a raw state, indicates science which was the result of experience, the intention being not only to clean the teeth and to render them white, but also to fix them when loose, to strengthen the gums, and to assuage toothache. (Plin. *H. N.* xxviii. § 178-9, xxxi. § 117, xxxii. § 65, 79; Scrib. Larg. *Comp.* 59.) Pounded pumice was a more dubious article, though Pliny (xxxvi. § 156) says, "Utilissima fiunt ex his dentifricia." [J. Y.] [J. H. F.]

DEPAS (*δέπας*), a cup with two handles, frequently mentioned by Homer, seems to have been a generic term, like *ποτήριον* (Asclepiades, *ap.* Athen. xi. 24, p. 783 a, who says it is the same as the *ἄλεισον*). It was used in libations, and was usually of gold (*Il.* xxiii. 196, xxiv. 285, &c.), but later of earthenware (*Anth. Pal.* iv. 333). The term is applied to the golden bowl or boat in which the sun floated back from west to east during the night (Stesich. *fr.* 8 Bergk; Aesch. *fr.* 66 Dind.; and other quotations *ap.* Ath. xi. 469 e, f). As a specific term it was probably applied to cups of a bowl-like shape, and is therefore identified by Panofka and Dennis with the form given in the annexed cut.



Depas. (Dennis, *Etruria.*)

Depas is frequently used in Homer with the epithet *ἀμφικύπελλον* (*Il.* i. 584, vi. 220), which has given rise to much discussion. It was, however, probably a double-cup, with a bottom halfway up, like a dice-box. That this was the form of the cup is inferred from a passage of Aristotle (*Hist. An.* ix. 40), where he describes the cells of bees as having two openings divided by a floor, like the *ἀμφικύπελλα* (Buttmann's *Lexilogus*, s. v.). Cups of this kind have been found in the cemeteries of Bologna, but the Homeric cups had two handles, while these have none (Dennis, *Etruria*, ii. p. 515).

Mr. Dennis points out that the golden cups which Schliemann found at Hissarlik and Mycenae, and which are figured in his works, are probably instances of the simple depas, but not of the *ἀμφικύπελλον*, if the previous explanation of the form of the latter is correct (Dennis, *Etruria*, i. p. cxix.; Schliemann, *Troy*, p. 326, *Mycenae*, pp. 231, 234). [W. S.]

DEPENSI ACTIO. [INTERCESSIO.]

DEPONTA'NI SENES, a name given to men sixty years of age, hence called *sexagenarii*, because they were freed from the obligation of voting in the comitia; that is, of passing over the bridges (*pontes*) which led into the saepta,

where the voting took place. [COMITIA, p. 508 *a.*] This is the most probable explanation of the word; and it is doubtful whether men of sixty years of age were absolutely deprived of the franchise, though this was the case if we accept literally the statement that they were thrust back from voting, "de ponte dejiciebantur" (Fest. pp. 75, 334, M.). Some ancient writers supposed that the name *depontani* had reference to a barbarous custom of antiquity, that men of sixty years of age were thrown down from the *pons sublicius* into the Tiber, but this interpretation was repudiated by Varro and Verrius. (Fest. *ll. cc.*; Varr. *ap.* Non. p. 523; Cic. *Rosc. Am.* 35, 100; Ov. *Fast.* v. 623; Macrob. i. 5; Plut. *Quaest. Rom.* 32.) [W. S.]

DEPORTA'TIO. [EXSILIUM.]

DEPO'SITI ACTIO. [DEPOSITUM.]

DEPO'SITUM is a real contract which consists in one man entrusting a movable thing to another to keep until it is demanded back, and without any reward for the trouble of keeping it. The party who makes the *depositum* is called *deponens* or *depositor*, and he who receives the thing is called *depositarius*. The main object of *depositum* is to benefit the *deponens*, and not the *depositarius*. Accordingly the *depositarius* has, as a rule, no right to make use of the thing deposited, the contract by which one person lends a thing to another for his gratuitous use being *commodatum*, and not *depositum*. The *deponens* is benefited by the *depositum* without being obliged to give anything in return. If money is promised to a person for taking care of a thing, the contract is *locatio conductio*, and not *depositum*. If anything else except money is promised, the contract is one of the *innominati contractus*. The act of deposit may be purely voluntary; or it may be from necessity, as in the case of fire, shipwreck, or other casualty. The *depositarius* is bound on demand to restore the thing deposited to the *deponens*, or to the person to whom the *deponens* has ordered it to be restored. If he cannot restore it, or cannot restore it uninjured, he is liable, should such loss or injury be due to his wilful misconduct (*dolus*) or to gross negligence (*culpa lata*), which is equivalent to wilful misconduct; but he is not liable on account of ordinary negligence (*culpa levis*), except under special circumstances, as that he has agreed to undertake such liability, or has benefited in some way by the contract. The reason why he is not bound as a rule to take any special care of the thing is, that he has derived no benefit from the contract. With the thing itself he must restore all appurtenances and any *fructus* which the thing has produced. The remedy by which the *deponens* could enforce these obligations is the *actio depositi directa*. The *actio* is in *duplum*, if the deposit was made from necessity: if the *depositarius* lost the action, he suffered *infamia* as a consequence. The *depositarius* on his side is entitled to be secured against all damage which he may suffer from the deposit through any *dolus* or *culpa* on the part of the *deponens*, and to all costs and expenses incurred by his charge: his remedy against the *deponens* is by an *actio depositi contraria*.

Roman law recognised an irregular kind of deposit, which consists in depositing fungible things, such as money, with another person, on the understanding that an equal quantity of things of the same kind shall be restored, and not the identical things deposited, as in an ordinary deposit. In this case the *depositarius* has the use of the things deposited, the property in them passing to him: consequently he is subject to all risk of loss. This transaction is distinguished from a loan (*mutuum*) by the fact that it is entered into in the interest of the person who makes over the things, and not in that of the person who receives them.

A deposit of a *res litigiosa* with some indifferent person, until an action relating to such *res* has been decided, is called sequestration.

(Dig. 16, 3; Cod. iv. 34, *Mos. et Rom. Legum Coll.* x.; Cic. *de Off.* i. 10; Juv. xiii. 60; Asher, *Zeitsch. f. Civ. und Pr. R.* xxii. 8; Arndts in Haimerl's *Vierteljahrschrift*, xvii. 8; Windscheid, *Pandekten*, § 374, &c.) [E. A. W.]

DERMA'TIKON (δερματικόν, sc. ἀργύριον), the hide-money; that is, the money paid into the treasury at Athens from the sale of the hides of victims slain at the festivals. (Boeckh, *P. E.* p. 333 = *Sthh.* i.^{3} p. 405; App. viii., vol. ii. p. 100–102; *C. I. A.* ii. 741 A.) [W. S.]

DESERTOR is defined by Modestinus to be one "qui per prolixum tempus vagatus, reducitur," and differs from an *emansor*, "qui diu vagatus ad castra egreditur" (Dig. 49, tit. 16, s. 3). Those who deserted in time of peace were punished by reduction to the ranks (*gradus dejectio*, Val. Max. ii. 7, § 4), corporal chastisement, fines, or ignominious dismissal from the service (*missio ignominiosa*, [Caes.] *B. Afr.* 54). Those who left the standards in time of war were usually punished with death (Dionys. xi. 43; Liv. *Epit.* lvi.; Tac. *Ann.* xiii. 36; Lamprid. *Al. Sev.* 51). The *transfugae*, or deserters to the enemy, when taken, were sometimes deprived of their hands or feet (Liv. xxvi. 12; Val. Max. ii. 7, § 11), but generally were put to death. In imperial times they were exposed to wild beasts (Val. Max. *l. c.* §§ 13, 14; Dig. *l. c.* § 10). (Marquardt, *Staatsverw.* ii. 553.) [W. S.] [W. W.]

DESIGNA'TOR. [FUNUS.]

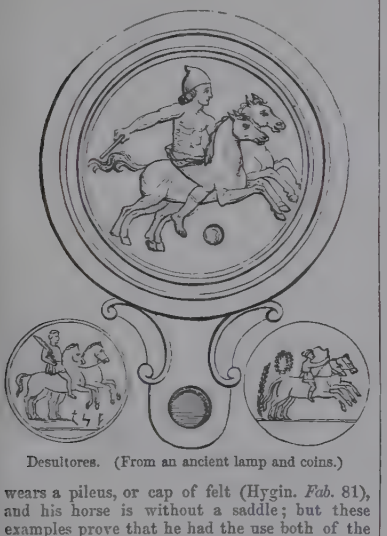
DESMOTE'RION (δεσμωτήριον). [CARCER.]

DESPOSIONAUTAE (δεσποσιοναῦται). [HELOTAE; LIBERTUS.]

DESULTOR (ἀποβάτης, μεταβάτης), literally "one who leaps off," was applied to a person who rode several horses or chariots, leaping from one to the other. As early as the Homeric times, we find the description of a man who keeps four horses abreast at full gallop, and leaps from one to another, amidst a crowd of admiring spectators. (*Il.* xv. 679–684; Propert. v. 2, 35; Agostini, *Gemme*, 193.) In the games of the Roman circus this sport was also very popular. The Roman desultor generally rode only two horses at the same time, sitting on them without a saddle, and vaulting upon either of them at his pleasure. (Isid. *Orig.* xviii. 39.) He wore a hat or cap made of felt. The taste for these exercises was carried to so great an extent, that young men of the highest rank not only drove bigae and quadrigae in the circus, but exhibited these feats of horsemanship. (Suet. *Jul.* 39: cf. Varr. *R. R.* ii. 7; Valer. Flacc. vi. 161; Liv. xliv. 9.) Among other nations this species of equestrian dexterity was applied to the purposes of war. Livy men-

tions a troop of horse in the Numidian army, in which each soldier was supplied with a couple of horses, and, in the heat of battle and when clad in armour, would leap with the greatest ease and celerity from that which was wearied or disabled upon the back of the horse which was still sound and fresh (xxiii. 29). The Scythians, Armenians, and some of the Indians were skilled in the same art.

The annexed woodcut shows three figures of desultores, one from a bronze lamp, published by Bartoli (*Antiche Lucerne Sepolcrali*, i. 24), the others from coins. In all these the rider



Desultores. (From an ancient lamp and coins.)

wears a pileus, or cap of felt (Hygin. *Fab.* 81), and his horse is without a saddle; but these examples prove that he had the use both of the whip and the rein. On the coins we also observe the wreath and palm-branch as ensigns of victory. [J. Y.] [J. H. F.]

DETESTA'TIO SACRO'RUM. [GENS.]

DEVERSO'RIUM. [CAUPONA.]

DEUNX, eleven ounces, eleven-twelfths of the as [AS], not represented by a coin, or eleven-twelfths of anything. (Varr. *L. L.* v. 172; Cic. *Caecin.* 6, 17.) [W. S.]

DEXTANS, ten ounces, ten-twelfths of the as [AS], not represented by a coin, or ten-twelfths of anything. (Varr. *L. L.* v. 172; Suet. *Ner.* 32.) [W. S.]

DEXTRA'LE (Cyprian. *Hab. Virg.* med.), and DEXTROCHERIUM (from *dexter* and χείρ, the hand, Capitol. *Maxim.* 6, *Maxim. Jun.* 1; *gemmata dextrocheria*, Schol. *ad* Juv. ix. 50), late Latin words, signifying a bracelet. For illustrations, see ARMILLA. [W. S.]

DIABATE'RIA (*διαβατήρια*), a sacrifice offered to Zeus and Athena by the Spartan kings on passing the frontier of Laconia in command of an army (Xen. *Rep. Lac.* 13, § 2 ff.). If the victims were unfavourable, they disbanded the army and returned home (Thuc. v. 54, 55, 116; cf. Xen. *Hell.* iii. 4, § 3; iv. 7, § 2; v. 3, § 14, 4, §§ 37, 47). We also find *διαβατήρια* offered by a Roman general in passing a swollen river (Plut. *Lucull.* 24). [W. S.] [W. W.]

DIABATHRON (*διάβαθρον*). [CALCEUS, p. 332 *b*, No. 4.]

DIADE'MA (*διάδημα*), a white band or fillet used to encircle the head. (Val. Max. vi. 2, § 7.) This ornament was of Oriental origin, and is frequently represented on the heads of Eastern monarchs. Hence the Greeks transferred it to their divinities. Its invention is ascribed by Pliny (*H. N.* vii. § 191) to "Liber pater"; and accordingly on coins and other works of art Dionysus is represented with a diadema or band on his head, as is shown in the accompanying coin of the city of Naxos in Sicily. (See also the figure of Dionysus on p. 356.) In the same way we find on the coins of Bruttii the heads of Apollo and Hercules wearing the diadema (Eckhel, i. p. 166); and Pliny (*H. N.* xxxiv. § 79) speaks of a statue of Apollo as crowned with a diadema (*diadematus*).

Diadema on head of Dionysus. (Coin of Naxos in Sicily. British Museum.)

The diadema was worn by the Assyrian kings. In the earliest monuments only one band passed round the head-dress of the monarch, but at a later period two or more were introduced, as in the accompanying figure (Layard, *Nineveh*, ii. p. 320). In the same way a blue band variegated with white spots encircled the tiara or cidaris of the Persian kings. (Xen. *Cyr.* viii. 3, § 13; Plut. *de Frat. Am.* c. 18; Lucian, *Pisc.* 15; "cidarim Persae vocabant regium capitis insigne: hoc caerulea fascia albo distincta circumibat," Curt. iii. 3, § 19; vi. 20, § 4: see drawing under TIARA.) It was adopted by Alexander after the conquest of Darius (Justin, xii. 3; Lucian, *Dial. Mort.* 12, 3), and became the recognised symbol of royalty. It appears constantly on the coins of the successors of Alexander in Syria and Egypt (see annexed cuts), and consisted of a broad white band

Diadema on head-dress of the Assyrian king. (Kouyunjik.)

Diadema on heads of Seleucus II., king of Syria (left-hand figure), and of Ptolemaeus II., king of Egypt (right-hand figure). (Coins in British Museum.)

encircling the head, with bands hanging down behind. Its white colour is frequently mentioned by ancient writers (*ταινία λευκὴ περὶ τῷ μετώπῳ*, Lucian, *Navig.* 39; Appian, *B. C.* ii. 108; "candida fascia," Suet. *Caes.* 79; "albentibus spumis in modum diadematis," Tac. *Ann.* vi. 37; "vitta albente," Sil. Ital. xvi. 241). The

example of the Diadochi was followed by other Grecian kings; for though Agathocles did not adopt it (Diod. xxiv. 5), it was worn by subsequent kings of Syracuse. Thus it appears on the coins of Hieron II., though Eckhel thinks that they were struck after his death, because it would appear from Livy (xxiv. 5), that it was first adopted by his grandson Hieronymus. (Eckhel, i. p. 253.)

Diadema on head of Hieron II. (Coin in British Museum.)

The diadema, as a symbol of royalty (*regni insigne*, Cic. *Phil.* iii. 5, 12), was hateful to the Romans, and was therefore refused by Julius Caesar, when M. Antonius offered him a laurel crown encircled by a diadem (*Διάδημα στεφάνῳ δάφνης περιπεπλεγμένον*, Plut. *Caes.* 61, *Anton.* 12; Cic. *Phil.* ii. 34, 85; Suet. *Caes.* 79). A diadem had been previously placed upon his statue, but was removed by order of the tribunes (Suet. *l. c.*; Dio Cass. xliv. 9; Appian, *B. C.* ii. 108). This diadem, like that of the Grecian kings, is expressly said to have been a white band (Suet., Appian, *ll. cc.*). It is indicative of the feeling of the Romans against the name of king and the emblem of kingly power, that succeeding emperors, though they exercised despotic power and assumed the *corona radiata* as a mark of divinity [CORONA, p. 550 *a*], are never represented with the diadem on their coins till the time of Constantine. The mad Caligula thought of assuming the diadem, and turning the *principatus* into a *regnum*, but gave up the idea (Suet. *Cal.* 22. Aurel. Vict. *Epit.* 3 says that Caligula actually assumed the diadem). Elagabalus also wished to use a jewelled diadem (Lamprid. *Elagab.* 23). Aurelius Victor says (*Epit.* 35) that Aurelianus was the first emperor who wore a diadem, but this is not confirmed by coins. It first appears, as we have already said, on the coins of Constantine, sometimes in a plain form, and sometimes adorned with precious stones. (Cf. Aurel. Vict. 41 of Constantine, "caput exornans perpetuo diademate.") In the *Chronicon Alexandrinum* it is said that Constantinus was the first who wore the diadem adorned with pearls (Eckhel, vi. p. 80), and Claudian speaks (*de Nupt. Honor.* 167) of the diadem inwoven with heavy pearls gathered in the Erythrean sea. The diadem was regularly worn by the emperors succeeding Constantine. Thus Julian had a magnificent diadem adorned with precious stones ("ambitioso diademate utebatur lapidum fulgore distincto," Amm. Marc. xxi. 1, § 4). The diadem was continually increased in richness, size, and splendour, till this bandage was at length converted into the crown which has been for many centuries the badge of sovereignty in modern Europe (Eckhel, vi. p. 18; viii. pp. 79, 363, 502).

Before the diadem was worn by the Roman emperors as a symbol of sovereignty, it was used as a head-dress by Roman women. Thus Isidore (*Orig.* xix. 31) defines the diadema as "ornamentum capitis matronarum ex auro contextum." (Becker-Göll, *Gallus*, iii. p. 279; Marquardt, *Privatl.*, p. 681.) [W. S.]

DIADICA'SIA (*διαδικασία*), in its most extended sense, is almost a synonym of *δίκη*, but always includes the notion of a *dispute between* rival claimants, not an action by one *against* another. In purely political questions, we find the word applied to arguments which of two parties were to get the credit or bear the blame of what had happened (Aeschin. *Ctes.* § 146; Dem. *de Chers.* p. 103, § 57). The phrase *ἐν τοῖς φίλοις διαδικάσασθαι* is applied to a settlement out of court (Dem. *c. Onet.* i. p. 864, § 2). Technically, diadicasia denotes the proceedings in a contest for preference between two or more rival parties, either as to the possession of property or as to exemption from personal or pecuniary liabilities. To the former class (rights or privileges) belong cases of disputed inheritance (Dem. *c. Leochar.* p. 1082, § 7); of contests for priesthoods or temple property, several of which are recorded by the grammarians; the claims of private creditors upon a confiscated estate (Bekk. *Anecd.* p. 236); and the contests between informers claiming rewards offered for the discovery of crimes (Andoc. *de Myst.* § 28). The latter class (burdens) includes cases like the ANTIDOSIS; questions as to who should undertake a trierarchy or a choregia (Xen. *Rep. Ath.* 3, §§ 4, 5; Dem. *c. Aphob.* ii. p. 841, § 17), or as to who was to be held responsible for debts due to the state (Dem. *c. Timocr.* p. 704, § 13; *c. Everg. et Mnes.* p. 1147, §§ 26–32). The essential distinction between diadicasia and the ordinary *δίκαι* is, that all the claimants are similarly situated with respect to the subject of dispute, and no longer classified as plaintiffs and defendants. As far as forms are concerned, we are not told that these suits differed from others. (Meier, *Att. Process*, ed. Lipsius, p. 367 ff.; Platner, *Klagen und Process*, ii. 309 ff.; Caillemer, *Droit de Succession*, p. 161 ff.; Thalheim, *Rechsalterth.* § 11 = § 66 Hermann.) [J. S. M.] [W. W.]

DIA'DOSEIS (*διαδόσεις*). [DIANOMAE.]

DIAETA. [DOMUS, p. 672 *b*.]

DIAETETAE (*διαιτηταί*), arbitrators, umpires. The Diaetetae mentioned by the Athenian orators were of two kinds: the one public and appointed by lot (*κληρωτοί*), the other private and chosen (*αἱρετοί*) by the parties who referred to them the decision of a disputed point, instead of trying it before a court of justice; the judgments of both, according to Aristotle, being founded on equity rather than law (*ὁ γὰρ διαιτητὴς τὸ ἐπιεικὲς ὁρᾷ, ὁ δὲ δικαστὴς τὸν νόμον*, *Rhet.* i. 13, § 19).

The institution of the public Diaetetae is placed by some modern writers in the time of the orator Lysias; but they were in all probability of far higher antiquity. So natural a mode of settling disputes, it is well argued by Schömann and Perrot, could hardly fail to have been adopted in the most primitive times. In the period for which we have more particular information, a certain number of citizens, somewhat advanced in years—the minimum age being fifty (Suidas, *s. v. διαιτηταί*), or, as Schömann inclines to believe, sixty (Pollux, viii. 126; Hesychius)—were appointed to serve as Diaetetae in such cases as might arise. With respect to their numbers there is some difficulty. The scholiast Ulpian states it at 440, *i.e.* 44 from each tribe (*ἦσαν δὲ τέσσαρες καὶ τεσσαράκοντα*

καθ' ἑκαστὴν φυλήν, *ad* Dem. *Mid.* p. 542, § 86). This number appears unnecessarily large; the orators often mention only one arbitrator in each case; and an easy correction of Ulpian's words was suggested—ἦσαν δὲ τεσσαράκοντα, τέσσαρες καθ' ἑκάστην φυλήν—making the total number 40. Of late years, however, an inscription has been discovered of about B.C. 325, naming the Diaetetae who actually served in that year, and had been rewarded with a garland for their conduct in office (first published in Ross, *Demen von Attika*, p. 22; also in Rangabé's collection, No. 1163). The numbers mentioned from the ten different tribes vary between 16 in the Cecropis and 3 in the Pandionis, in all 104 names. If, as is probably to be assumed, an equal number was chosen from each tribe, there must have been at least 160 of them. The fact that not all the Diaetetae of the year are commemorated in the inscription is easily explicable; those who were most in request would be summoned oftenest, some perhaps not at all (Schömann, *Antiq.* i. 472, E. T.; Perrot, *Essai*, p. 292).

The inference, alike from the scholiast and the inscription, that each tribe had its own Diaetetae, is further supported by Demosthenes (*c. Everg.* p. 1142, § 12) and Lysias (*c. Pancl.* § 2). There is, however, no ground for the conjecture that they were chosen by the members of each tribe for itself; or again, for a longer period than a year. Like the dicasts, with whom they had much in common, and other ἀρχαὶ κληρωταί, they must have been elected annually in the Ecclesia. A passage in Isaeus (δύο ἔτη τοῦ διαιτητοῦ τὴν δίαιταν ἔχοντος, *pro Euphil.* § 11, ed. Scheibe: printed as *fr.* 1 in older editions) has been thought to indicate a longer tenure; we must suppose that it was sometimes necessary or convenient to re-elect an arbitrator for the decision of a particular case. The Diaetetae unquestionably, no less than the Heliastae, gave their verdicts on oath. We read sometimes of their taking oaths previous to giving judgment in the particular cases which came before them (Isae. *Dicaeog.* § 32; Dem. *c. Callipp.* p. 1244, § 30): and from this it has been inferred that no general oath was exacted from them before they entered upon their duties. But Hudtwalcker, Schömann, and Perrot all maintain that they took an oath of office; it may have been a simpler and less solemn version of the Heliastic oath given in Demosthenes (*c. Timocr.* pp. 746-7, §§ 149-151).

The Diaetetae of the different tribes appear to have sat in different places,—as temples, halls, and courts of justice, if not wanted for other purposes. Those of the Oeneid and Erechtheid tribes met in the heliaea (Dem. *c. Everg.* p. 1142, § 12); we read of others holding a court in the Delphinium (*c. Boect.* ii. p. 1011, § 11; Isae. *pro Euphil.* § 9), and also in the στοὰ ποικίλη (*c. Steph.* i. p. 1106, § 17). Again, we are told of slaves being examined by the Diaetetae sitting for that purpose, under the appellation of βασανισταί [TORMENTUM], in the Hephaisteion (Isocr. *Trapez.* § 15). Moreover, we are told of private arbitrators meeting in the temple of Athena on the Acropolis; and, if the amended reading of Pollux (viii. 126) is correct, we are informed by him, in general terms, that the arbitrators formerly held their courts in the temples (Διήτων ἐν ἱεροῖς πάλαι). Harpocration also (*s. v.*) contrasts the dicasts with the arbitrators, observing that the former had regularly appointed courts of justice (ἀποδεδειγμένα).

Another point of difference was the mode of payment, inasmuch as the dicasts received a fee for each day's attendance at the public expense (the τριώβολον), whereas the only remuneration of the Diaetetae was a drachma deposited by the plaintiff on lodgment of his plaint, and one by the defendant on lodgment of his answer (ἀντωμοσία): the same sum was paid at every ὑπωμοσία or application for postponement by the party applying. This fee was called παράστασις, and is the same as the δραχμὴ τοῦ λιτομαρτυρίου mentioned by Demosthenes (*c. Timoth.* p. 1190, § 19). The defendant in this case had failed to give evidence as he ought to have done, and therefore the plaintiff commenced proceedings against him for this neglect, before the arbitrators in the principal suit, the first step of which was the payment of the παράστασις.

The public arbitrators were probably not ὑπεύθυνοι in the technical sense of having to give an account of their office before the Logistae [EUTHYNE]; but they were responsible in another way. Every one who had, or fancied he had, a cause of complaint against them for their decisions, might proceed against them by εἰσαγγελία, or information laid before the senate. For this purpose, says Ulpian, whose statement is confirmed by Demosthenes (*c. Mid.* p. 542, § 86) in the case of Straton, the public Diaetetae were towards the close of their year of office, and during the latter days of the month Thargelion, required to present themselves in some fixed place, probably near the senate-house, that they might be ready to answer any charge brought against them, of which they received a previous notice. The punishment, in case of condemnation, was *atimia*, or the loss of civic rights. According to Harpocration (*s. v.*), the εἰσαγγελία against the arbitrators was brought before the dicasts or judges of the regular courts; but this probably happened only on appeal, or in cases of great importance, inasmuch as the βουλὴ could not inflict a greater penalty than a fine of 500 drachmas with *atimia*.

As to the extent of the jurisdiction of the Diaetetae, Pollux (viii. 126) states, that in former times no suit was brought into a court before it had been investigated by the Diaetetae (πάλαι οὐδεμία δίκη πρὶν ἐπὶ διαιτητὰς ἐλθεῖν εἰσήγετο). There can be but little doubt that the word πάλαι here refers to a time which was ancient with reference to the age of the Athenian orators, and therefore that this previous investigation was no longer requisite in the days of Demosthenes and his contemporaries. Still we find the Diaetetae mentioned by them in very many cases of civil actions, and it is not unlikely that the magistrates, whose duty it was to bring actions into court (εἰσάγειν), encouraged the process before the arbitrators, as a means of saving the state the payment which would otherwise have been due to the dicasts. Hudtwalcker is accordingly of opinion that the Diaetetae were competent to act in all cases of civil actions for restitution or compensation, but not of penal or criminal indictments (γραφαί), and, moreover, that it rested with the complainant whether his cause was brought before them in the first

instance, or sent at once to a higher court of judicature. (Dem. *c. Androt.* p. 601, § 26.)

But besides hearing cases of this sort the Diaetetae sat as commissioners of inquiry on matters of fact which could not be conveniently examined in a court of justice (Dem. *c. Steph.* p. 1106, § 17), just as what is called an "issue" is sometimes directed by our own Court of Chancery to an inferior court, for the purpose of trying a question of fact, to be determined by a jury. Either party in a suit could demand or challenge (*προκαλεῖσθαι*) an inquiry of this sort before an arbitrator, the challenge being called *πρόκλησις*: a term which was also applied to the "articles of agreement" by which the extent and object of the inquiry were defined. (Dem. *c. Neaer.* p. 1387, § 124.) Many instances of these *προκλήσεις* are found in the orators; one of the most frequent is the demand or offer to examine by torture a slave supposed to be cognisant of a matter in dispute, the damage which might result to the owner of the slave being guaranteed by the party who demanded the examination. (Harpocr. *s. v. πρόκλησις.*) See also Demosthenes (*c. Onet.* i. p. 874, § 37), who observes that the testimony of a slave, elicited by torture, was thought of more value by the Athenians than the evidence of freemen. Another instance, somewhat similar to the last, was the *πρόκλησις εἰς μαρτυρίαν* (Pollux, viii. 62), where a party proposed to his opponent that the decision of a disputed point should be determined by the evidence of a third party. (Antiphon, *de Choreut.* § 23.) Sometimes also we read of a *πρόκλησις*, by which a party was challenged to allow the examination of documents; as wills (Dem. *c. Steph.* p. 1104, § 8), deeds, bankers' books, &c. (*c. Timoth.* p. 1197, § 43). It is manifest that the forms and objects of a *πρόκλησις* would vary according to the matter in dispute, and the evidence which was producible; we shall, therefore, content ourselves with adding that the term was also used when a party challenged his adversary to make his allegation under the sanction of an oath, or offered to make his own statements under the same obligation. (Dem. *c. Apat.* p. 896, § 14; *c. Con.* p. 1269, § 19.) The presumption or prepossession which might arise from a voluntary oath in the last case might be met by a similar *πρόκλησις*, tendered by the opposite party, to which the original challenger appears to have had the option of consenting or not as he might think proper. (Dem. *c. Timoth.* p. 1203, § 65; compare Arist. *Rhet.* i. 15, § 29.) In all cases where any of these investigations or depositions were made before the Diaetetae, we may conclude with Hudtwalcker (p. 48), that they might be called as witnesses in subsequent stages of the action, either to state the evidence they had taken, or to produce the documents they had examined, and which were deposited by them in an echinus. [Appellatio (Greek).]

The proceedings in the trials before the public arbitrators were of two kinds: 1st, When two parties agreed by a regular contract to refer a matter in dispute to a judge or judges *selected* from them. 2ndly, When a cause was brought before a public arbitrator, without any such previous compromise, and in the regular course of law. The chief difference seems to have been that, in case of a reference by contract between two parties, the award was final, and no appeal could be brought before another court, though the unsuccessful party might, in some instances, move for a new trial (*τὴν μὴ οὖσαν ἀντιλαχεῖν*, Dem. *c. Mid.* p. 542, § 86). Except in this point, of non-appeal, an arbitrator who was selected from the public Diaetetae by litigant parties seems to have been subject to the same liabilities, and to have stood in the same relation to those parties as an arbitrator appointed by lot: the course of proceeding also appears to have been the same before both (Dem. *c. Mid.* p. 541), an account of which is given below. There are strong reasons in support of Hudtwalcker's opinion, that whenever a suitor wished to bring an action before one or more of the public Diaetetae, he applied to one of the many officers called *εἰσαγωγεῖς* (Dem. *c. Lacrit.* p. 940, § 47; *c. Pantaen.* p. 976, § 33; Pollux, viii. 93), whose duty it was to bring the cause (*εἰσάγειν*) into a proper court. By some such officer, at any rate, a requisite number of arbitrators was allotted to the complainant; the statement of Harpocration that they were always taken from the same tribe as the defendant is rejected by Schömann as incapable of proof. Pollux (viii. 126) informs us that if a Diaetetes refused to hear a cause, he might be punished with *atimia*: but it appears that under extraordinary circumstances, and after hearing the case, a Diaetetes sometimes refused to decide himself, and referred the parties to a court of justice (Dem. *c. Phorm.* p. 913, § 21).

The process before the public Diaetetae was conducted in the following manner. After complaint made, and payment of the *παράστασις*, the plaintiff supported his averment by an oath, to the effect that his accusation was true, which the defendant met by a like oath as to the matter of his defence. When the oath (*ἀντωμοσία*) had been thus taken by the parties, the arbitrators entered upon the inquiry, heard witnesses, examined documents, and held as many conferences (*σύνοδοι*) with the parties as might be necessary for the settlement of the question. (See authorities, Hudtwalcker, p. 80.) The day of pronouncing judgment (*ἡ ἀπόφασις τῆς δίκης*, Dem. *c. Everg.* p. 1153, § 45) was probably fixed by law, if we may judge from the name (*ἡ κυρία* scil. *ἡμέρα*) by which it is called in the orators; it might, however, with consent of both parties, be postponed. The verdict given was countersigned by the proper authorities, perhaps by the *εἰσαγωγεῖς*, and thereby acquired its validity. The archons mentioned by Demosthenes (*c. Mid.* p. 542, § 85) as having signed a judgment were probably thesmothetae, as the action was a *δίκη κακηγορίας*, which is moreover called an *ἀτίμητος δέκα μνῶν δίκη*, *i.e.* an action where the plaintiff was not required to assess the damages (*aestimare litem*), the penalty, in case of a verdict for him, being determined by law: this alone is sufficient to prove that the Diaetetae sometimes decided in cases where the plaintiff sued for damages, as distinguished from those in which he sought restitution of rights or property; nor, indeed, does there seem any reason for supposing that their jurisdiction was not extended to the *ἄγωνες τιμητοί*, or actions where the plaintiff was required to assess or lay his damages, provided the assessment did not exceed some fixed amount. In support of this opinion we may adduce the authority of Pollux (viii. 127),

who expressly states that the plaintiff might assess his damages before the arbitrators, when the law did not do so for him.

If the defendant were not present on the proper day to make his last defence, judgment went against him by default (ἐρήμην ἔφλε), the arbitrator being obliged to wait till the evening (ὀψὲ ἡμέρας, Dem. *c. Mid.* p. 541, § 84; *c. Timoth.* p. 1190, § 19). Sometimes, however, the time of pronouncing sentence was deferred in consequence of a deposition (ὑπωμοσία, Pollux, viii. 60; Harpocr. *s. v.*) alleging a satisfactory cause for postponement, such as sickness, absence from town, military service, or other reasons. To substantiate these, the applicant, when possible, appeared personally; but if a party was prevented from appearing on the day of trial, by any unexpected event, the ὑπωμοσία might be made on oath by authorised friends. (Dem. *c. Olymp.* p. 1174, § 25; Pollux, viii. 56.) The ὑπωμοσία might be met by a counter-statement (ἀνθυπωμοσία) from the opposite party affirming his belief that the reasons alleged were fictitious or colourable. In connexion with this point, we may observe that, according to Pollux (viii. 60), the motion for a new trial could only be sustained in cases where the applicant had made a ὑπωμοσία, and demurred either personally or by proxy against the passing of judgment on the regular day. Moreover, it was incumbent on the party who wished for a new trial to move for it within ten days after judgment had been pronounced, and even then he was obliged to take a kind of ὑπωμοσία, to the effect that his absence on the proper day was involuntary. (Pollux, viii. 60.) In default of compliance with these conditions, the previous sentence was confirmed. (Dem. *c. Mid.* p. 542, § 86.) We are told also by Photius (*Lex.* s. v. μὴ οὖσα δίκη), that it was competent for plaintiff as well as defendant to move for a new trial on the grounds we have mentioned. When it was granted, the former verdict was set aside (ἡ ἐρήμη ἐλύετο), and the parties went again before an arbitrator, probably through the instrumentality of the εἰσαγωγεῖς, to whom application had been made in the first instance. The process itself is called ἀντίληξις in Greek, and does not seem to have been confined to trials before the Diaetetae: the corresponding term in Roman law is *restauratio eremodicii*.

This, however, was not the only means of setting aside a judgment, inasmuch as it might also be effected by an ἔφεσις, or appeal to the higher courts [APPELLATIO (Greek)], and, if false evidence had been tendered, by a δίκη κακοτεχνιῶν (Harpocr. *s. v.*; Dem. *c. Timoth.* p. 1201, § 56).

It remains to speak of the strictly private arbitrators, chosen by mutual agreement between contending parties, and therefore generally distinguished by the title αἱρετοί, of whom it must be understood that they were not selected from the διαιηταὶ of the tribes. The powers with which they were invested, were, as we might suppose, not always the same; sometimes they were merely διαλλακταί, or chosen to effect a compromise or reconciliation: thus Isaeus (*Dicaeog.* § 32) speaks of arbitrators offering either to bring about a reconciliation if they could, without taking an oath, or to make an award (ἀποφαίνεσθαι) upon oath. Sometimes, on the other hand, they were purely referees, and then their powers depended upon the terms of the agreement of reference; if these powers were limited, the arbitration was a δίαιτα ἐπὶ ῥητοῖς (Isaeus, *l. c.*; Isocr. *Trapez.* § 19; *c. Callim.* §§ 10, 14). The agreement was not merely a verbal contract (*stipulatio*), but drawn up in writing (ἐπιτροπὴ κατὰ συνθήκας, Dem. *c. Phorm.* p. 912, § 18), and signed by the parties; it fixed the number of referees (generally three), determined how many unanimous votes were necessary for a valid decision, and probably reserved or prohibited, as the case might be, a right of appeal to other authorities. (Isocr. *c. Callim.* § 19; Dem. *c. Apat.* p. 897, § 15.)

If there were no limitations, these Diaetetae were then, so to speak, arbitrators proper, according to the definition of Festus (p. 15, ed. Müller):—"Arbiter dicitur judex, quod totius rei habeat arbitrium et potestatem." Moreover, no appeal could be brought against their judgment (Dem. *c. Mid.* p. 545, § 94); though we read of an instance of a party having persuaded his opponent to leave a matter to the arbitration of three persons; and afterwards, when he found they were likely to decide against himself, going before one of the public arbitrators. (Dem. *c. Aphob.* p. 862, §§ 58, 59.) We should, however, suppose that in this case there was no written συνθήκη. The award was frequently given under the sanction of an oath, and had the same force as the judgment which proceeded from a court of law, so that it might be followed by a δίκη ἐξούλης. (Dem. *c. Callipp.* p. 1240, § 16.) We may add, that these private Diaetetae are spoken of as sitting ἐν τῷ ἱερῷ, ἐν τῷ Ἡφαιστείῳ, and that in some cases it was customary to give notice of their appointment to the proper archon or magistrate (ἀποφέρειν πρὸς τὴν ἀρχήν), who, as Hudtwalcker suggests, may have acted as an εἰσαγωγεὺς in the case. (Dem. *c. Callipp.* p. 1244, § 30; *c. Mid.* p. 542, § 86.)

(The exhaustive treatise of Hudtwalcker, *Ueber die Diäteten*, 1812, is still the chief authority; corrected by Meier, *Die Privatschiedsrichter und die öffentlichen Diäteten Athens*, 1846; Westermann, *Berichten d. Sächs. Gesellschaft d. Wissensch.* 1848, p. 433 ff.; Perrot, *Essai sur le Droit Public d'Athènes*, 1869, pp. 284–309; Schömann, *Antiq.* i. pp. 471–473, E. T., 1880; Thalheim, *Rechtsalterth.* pp. 98, 99, 1884.) [R. W.] [W. W.]

DIAETE'TICA (διαιτητική), one of the principal branches into which the ancients divided the art and science of medicine [MEDICINA]. The word is derived from δίαιτα, which meant much the same as our word diet. It is defined by Celsus (*de Medic.* Praef. lib. i.) to signify that part of medicine *quae victu medetur*, "which cures diseases by means of regimen and diet"; and a similar explanation is given by Plato (*ap.* Diog. Laert. iii. 1, § 85). Taken strictly in this sense, it would correspond very nearly with the modern *dietetics*, and this is the meaning which it always bears in the earlier medical writers. In some of the later authors it seems to comprehend Celsus's second grand division, *Pharmaceutica*, and is used by Scribonius Largus (*de Comp. Med.* § 200) simply in opposition to *chirurgia*, so as to answer directly to the province of our *physician*.

In later times the comic poet Nicomachus (*fr.* 1, 30 M. *ap.* Ath. vii. p. 291 c) introduces a cook who, among his other qualifications, implies that he is a physician; but no attention seems to have been paid to eating as a branch of medicine before the date of Hippocrates. Homer represents Machaon, who had been wounded in the shoulder by an arrow (*Il.* xi. 507) and forced to quit the field, as taking a draught composed of wine, goat's-milk cheese, and flour (*ib.* 638), which probably no surgeon in later times would have prescribed in such a case. (See Plat. *de Rep.* iii. pp. 405, 406; Max. Tyr. *Diss.* 29; Athen. i. p. 10.) Hippocrates seems to claim for himself the credit of being the first person who had studied this subject, and says that "the ancients had written nothing on it worth mentioning" (*de Rat. Vict. in Morb. Acut.* § 1, vol. ii. p. 26, ed. Kühn). Among the works forming the Hippocratic collection, there are four that bear upon this subject, of which, however, only one (viz. that just quoted) is considered to be undoubtedly genuine. It would be out of place here to attempt anything like a complete account of the opinions of the ancients on this point; those who wish for more detailed information must be referred to the different works on medical antiquities, while in this article only such particulars are mentioned as may be supposed to have some interest for the classical reader.

In the works of Hippocrates and his successors almost all the articles of food used by the ancients are mentioned, and their real or supposed properties discussed, sometimes quite as fancifully as by Burton in his *Anatomy of Melancholy*. In some respects they appear to have been much less delicate than the moderns, as we find the flesh of the fox, the dog, the horse, and the ass spoken of as common articles of food (Pseudo-Hippocr. *de Vict. Rat.* ii. § 46, vol. i. pp. 679, 680). Beef and mutton were of course eaten, but the meat most generally esteemed was pork (see Oribas. *Coll. Med.* i. p. 585, Daremberg). A morbid taste for human flesh appears to have been secretly indulged in the time of Xenocrates (1st cent. A.D.); so that the hateful practice was forbidden by an imperial edict (*τῆς Ῥωμαϊκῆς βασιλείας ἀπηγορευκυίας ἀνθρώπους ἐσθίειν*, Galen, *de Simpl. Med. Temper. ac Facult.* xx. 1, tom. xii. p. 248). And this decree serves to illustrate the "strange and revolting anecdote," as Milman calls it (*Lat. Chr.* book ii. ch. 1, vol. i. p. 129), of the wild cry that, in a time of scarcity amounting to famine, assailed the ears of the Emperor Attalus, "Fix the tariff for human flesh" (*pone pretium carni humanae*, Zosim. vi. 11).

With regard to the strength or quality of the wine drunk by the ancients, we may arrive at something like certainty from the fact that Coelius Aurelianus mentions it as something extraordinary that Asclepiades at Rome in the 1st century B.C. sometimes ordered his patients to double and treble the quantity of wine, till at last they drank half wine and half water (*de Morb. Chron.* ii. 7, p. 386). From this it appears that wine was commonly diluted with five or six times its quantity of water. Hippocrates also in particular cases (*Aphor.* vii. 56, tom. iii. p. 763) recommends wine to be mixed with an equal quantity of water, and Galen approves of the proportion (*Comment. in Hippocr. Aph.* tom. xviii. A, p. 169). According to Hippocrates, the proportions in which wine and water should be mixed together vary according to the season of the year; for instance, in summer the wine should be most diluted, in winter the least so. In one place (Ps. Hippocr. *de Vict. Rat.* lib. iii. *in fin.*) the patient after great fatigue is recommended *μεθυσθῆναι ἅπαξ ἢ δίς*, in which passage it has been doubted whether actual *intoxication* is meant, or only the "drinking freely and to cheerfulness," in which sense the same word is used by St. John (ii. 10) and the LXX. (Gen. xliii. 34; Cant. v. 1; and perhaps Gen. ix. 21).

Exercise of various kinds, and bathing, are also much insisted on by the writers on diet and regimen; but for further particulars on these subjects the articles BALNEAE and GYMNASIUM must be consulted. It may, however, be added that the bath could not have been very common, at least in private families, in the time of Hippocrates, as he says that "there are few houses in which the necessary conveniences are to be found" (*de Rat. Vict. in Morb. Acut.* § 18, tom. ii. p. 62; cf. Galen's *Comm.*, t. xv. p. 706).

Another very favourite practice with the ancients, both as a preventive of sickness and as a remedy, was the taking of an emetic from time to time. In one of the treatises of the Hippocratic collection the unknown author recommends it two or three times a month (*de Vict. Rat.* iii. 68, tom. i. p. 710). Celsus considers it more beneficial in the winter than in the summer (*de Medic.* i. 3, p. 28), and says that those who take an emetic twice a month had better do so on two successive days than once a fortnight (*ib.* p. 29). In the 1st century B.C. this practice was so commonly abused that Asclepiades rejected the use of emetics altogether. "Offensus," says Celsus (*ib.* p. 27), "eorum consuetudine qui quotidie ejiciendo vorandi facultatem moliuntur." (See also Plin. *H. N.* xxvi. § 17.) It was the custom among the Romans to take an emetic immediately before their meals, in order to prepare themselves to eat more plentifully; and again soon after, so as to avoid any injury from repletion. Cicero, in his account of the day that Caesar spent with him at his house in the country (*ad Att.* xiii. 52), says, "Accubuit, *ἐμετικὴν* agebat (*he was meditating an emetic*), itaque et edit et bibit *ἀδεῶς* et jucunde;" and this has by some persons been considered a sort of compliment paid by Caesar to his host, as it intimated a resolution to pass the day cheerfully, and to eat and drink freely. He is represented as having done the same thing when he was entertained by king Deiotarus (Cic. *pro Deiot.* 7, § 21). The glutton Vitellius is said to have preserved his own life by constant emetics, while he destroyed all his companions who did not use the same precaution (Suet. *Vitell.* 13); so that one of them, who was prevented by illness from dining with him for a few days, said, "I should certainly have been dead if I had not fallen sick" (Dio Cass. lxv. 2). It might truly be said, in the strong language of Seneca, "Vomunt, ut edant; edunt, ut vomant" (*Cons. ad Helv.* 9, § 10: cf. *de Provid.* 3, § 11; *Ep.* 95, § 21). By some, the practice was thought so effectual for

strengthening the constitution, that it was the constant regimen of all the athletae, or professed wrestlers, trained for the public shows, in order to make them more robust. Celsus, however (*l. c.* p. 28), warns his readers against the too frequent use of emetics without necessity and merely for luxury and gluttony, and says that no one who has any regard for his health, and wishes to live to old age, ought to make it a daily practice. [W. A. G.]

DIAGO'GION (διαγώγιον). [DECUMAE, p. 604 *b*.]

DIAGRAPHEIS (διαγραφεῖς). [EISPHORA.]

DIA'LIS FLAMEN. [FLAMEN.]

DIAMARTY'RIA (διαμαρτυρία). [ANAKRISIS.]

DIAMASTIGO'SIS (διαμαστίγωσις) was a solemnity performed at Sparta at the festival of Artemis Orthia, whose temple was called Limnaeon, from its situation in a marshy part of the town. (Paus. iii. 16, § 6.) The solemnity was this:—Spartan youths (ἔφηβοι) were scourged on the occasion at the altar of Artemis, by persons appointed for the purpose, until their blood gushed forth and covered the altar. The scourging itself was preceded by a preparation, by which those who intended to undergo the diamastigosis tried to harden themselves against its pains. Pausanias describes the origin of the worship of Artemis Orthia, and of the diamastigosis, in the following manner:—A wooden statue of Artemis, which Orestes had brought from Tauris, was found in a bush by Astrabacus and Alopecus, the sons of Irbus. The two men were immediately struck mad at the sight of it. The Limnaeans and the inhabitants of other neighbouring places then offered sacrifices to the goddess; but a quarrel ensued among them, in which several individuals were killed at the altar of Artemis, who now demanded atonement for the pollution of her sanctuary. From henceforth human victims were selected by lot and offered to Artemis, until Lycurgus introduced the scourging of young men at her altar as a substitute for human sacrifices.

The diamastigosis, according to this account, was a substitute for human sacrifice, and Lycurgus made it also serve his purposes of education, in so far as he made it a part of the system of hardening the Spartan youths against bodily sufferings. (Plut. *Lyc.* 18, *Instit. Laced.* p. 254; Cic. *Tusc.* v. 27, § 77.) According to another far less probable account, the diamastigosis originated in a circumstance, recorded by Plutarch (*Aristid.* 17), which happened before the battle of Plataeae.

The worship of Artemis Orthia was unquestionably very ancient, and the diamastigosis only a step from barbarism towards civilisation. Many anecdotes are related of the courage and intrepidity with which young Spartans bore the lashes of the scourge; some even died without uttering a murmur at their sufferings, for to die under the strokes was considered as honourable a death as that on the field of battle. (Cf. Müller's *Dor.* ii. 9, § 6, note k, and iv. 5, § 8, note c; Manso, *Sparta*, i. 2, p. 183.) [L. S.]

DIA'NOMAE (διανομαί) or DIA'DOSEIS (διαδόσεις, Dem. *c. Leoch.* p. 1091, § 37) were public doles to the Athenian people, resembling the Roman CONGIARIUM. To these belong the free distributions of corn (Aristoph. *Vesp.* 715 ff.), the cleruchiae [COLONIA, p. 477], the revenues from the mines, and the theoric fund (Dem. *l. c.*; THEORICON). (Cf. Boeckh, *P. E.* p. 216 = *Sthh.*[2] i. 274.) [W. S.] [W. W.]

DIAPSE'PHISIS (διαψήφισις), a political institution at Athens, the object of which was to prevent aliens, or such as were the offspring of an unlawful marriage, from assuming the rights of citizens. As usurpations of this kind were not uncommon at Athens (Plut. *Pericl.* 37; Harpocr. *s. v.* ποταμός), various measures had been adopted against them (γραφαὶ ξενίας and δωροξενίας); but as none of them had the desired effect, a new method, the διαψήφισις, was devised, according to which the trial on spurious citizens was to be held by the demotae within whose deme intruders (παρέγγραπτοι, Aeschin. *F. L.* §§ 76, 177; Philochorus *ap.* Schol. Aristoph. *Vesp.* 716) were suspected to exist; for if each deme separately was kept clear of intruders, the whole body of citizens would naturally feel the benefit. Every deme therefore obtained the right or duty at certain times to revise its lexiarchic registers, and to ascertain whether any had entered their names who had no claims to the rights of citizens. The assembly of the demotae, in which these investigations took place, was held under the presidency of the demarch, or some senator belonging to the deme (Harpocr. *s. v.* δήμαρχος); for in the case brought forward in the oration of Demosthenes against Eubulides, we do not find that he was demarch, but it is merely stated that he was a member of the βουλή. When the demotae were assembled, an oath was administered to them, in which they promised to judge impartially, without favour towards, or enmity against, those persons on whom they might have to pass sentence. The president then read the names of the demotae from the register, asking the opinion of the assembly (διαψηφίζεσθαι) respecting each individual, whether they thought him a true and legitimate citizen or not. Any one then had the right to say what he thought or knew of the person in question; and when any one was impeached, a regular trial took place. (Dem. *c. Eubul.* p. 1301, § 9; Aeschin. *l. c.*) Pollux (viii. 18) says that the demotae on this occasion gave their votes with leaves and not with pebbles as was usual, but Demosthenes simply calls them ψῆφοι. If a person was found guilty of having usurped the rights of a citizen (ἀποψηφίζεσθαι), his name was struck from the lexiarchic register, and he himself was degraded to the rank of an alien. But if he did not acquiesce in the verdict, but appealed to the great courts of justice, at Athens, a heavier punishment awaited him, if he was found guilty there also; for he was then sold as a slave, and his property was confiscated by the state. (*Arg. ad* Demosth. *c. Eubul.*; Dion. Hal. *de Isaeo*, c. 16, and the fragment of the speech *pro Euphileto* there preserved.)

If by any accident the lexiarchic registers had been lost or destroyed, a careful scrutiny of the same nature as that described above, and likewise called διαψήφισις, took place, in order to prevent any spurious citizen from having his name entered in the new registers. (Dem. *l. c.* p. 1306, § 26.)

The oldest known διαψήφισις occurs in B.C. 445 (Plut. *Pericl.* 37; Schol. Aristoph. *Vesp.* l. c.).

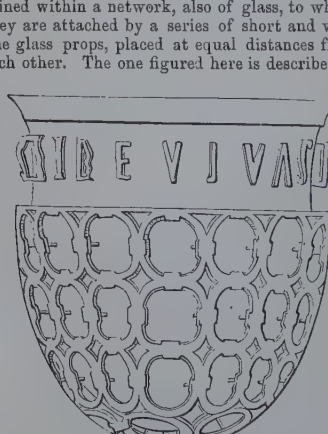
The chief sources of information are the speeches of Demosthenes and Isaeus already referred to (compare Hermann, *Staatsalterth.* § 123; Schömann, *Assemblies*, p. 380 ff.). [L. S.] [W. W.]

DIA'RIUM. [SERVUS.]

DIA'SIA (διάσια), a great festival celebrated at Athens, without the walls of the city (ἔξω τῆς πόλεως), in honour of Zeus, surnamed Μειλίχιος (Thuc. i. 126). It was the greatest of the Athenian festivals of Zeus, before the time of Solon, and was of a propitiatory character. The whole people took part in it, and the wealthier citizens offered victims (ἱερεῖα), while the poorer classes burnt such incense as their country furnished (θύματα ἐπιχώρια), which the scholiast on Thucydides erroneously explains as cakes in the shape of animals. (Compare Xen. *Anab.* vii. 8, § 4; Lucian, *Tim.* 7; Aristoph. *Nub.* 402, &c.) The diasia took place on the 23rd of the month of Anthesterion (Schol. *ad* Aristoph. *l. c.*) with feasting and rejoicings, and was, like most other festivals, accompanied by a fair. (Aristoph. *Nub.* 841.) It was this festival at which Cylon was enjoined by an oracle to take possession of the acropolis of Athens; but he mistook the oracle, and made the attempt during the celebration of the Olympian games. (Compare Pollux, i. 26; Suidas, *s. v.*) The etymology of διάσια given by most of the ancient grammarians (from Διὸς and ἄση) is false; the name is a mere derivative from Διός, as Ἀπολλώνια from Ἀπόλλων. See A. Mommsen, *Heortologie*, p. 19 ff. [L. S.]

DIASTY'LUS. [TEMPLUM.]

DIATRE'TA, sc. *vasa*, mentioned only by Martial (xii. 70, 9) and Ulpian (*calices diatreti*, Dig. 9, 2, 27, § 29), were probably glass cups in the shape of an egg, which could not therefore be put down, but must be emptied at a draught. Seven such cups are still in existence. (See Marquardt, below.) The makers of such cups were called *diatretarii* (Cod. Theod. xiii. 4, 2; Cod. Just. x. 66 (64), 1). These cups are contained within a network, also of glass, to which they are attached by a series of short and very fine glass props, placed at equal distances from each other. The one figured here is described in



Calix diatretus, cup of glass. (Winckelmann.)

the notes to Winckelmann (i. 2, § 21). Round the rim is an inscription, BIBE VIVAS MULTOS ANNOS; the letters being connected with the cup in the same manner as the network. The letters are green, the network is blue, and the cup itself resembles opal. Neither the letters nor the network have been soldered to the cup, but the whole has been cut out of a solid mass, after the manner of a cameo, the marks of the wheel being still visible on the little props. These cups were of great value, as we may perceive from the penalties imposed, in case of their being broken in the manufacture (Dig. *l. c.*). A passage of Pliny relating to certain glass cups may refer to these *diatreta* (*H. N.* xxxvi. § 195, where the word *petrotos* is evidently corrupt). (Marquardt, *Privatl. d. Römer*, p. 733; Becker-Göll, *Gallus*, ii. p. 384; Blümner, *Technol., &c.*, iv. p. 400.) [W. S.]

DIAULOS (δίαυλος). [CURSUS, p. 581 *b*.]

DIAZO'MA (διάζωμα). [SUBLIGACULUM.]

DICASTE'RION (δικαστήριον) indicates both the aggregate judges that sat in court, and the place itself in which they held their sittings. For an account of the former, the reader is referred to the article DICASTES: with respect to the latter, our information is very imperfect. In the earlier ages there were five celebrated places at Athens set apart for the sittings of the judges, who had cognizance of the graver causes in which the loss of human life was avenged or expiated, viz. the Areiopagites and the Ephetae. These places were on the Areiopagus [AREIOPAGUS]; in the Palladium, a sacred place in the south-eastern part of the city; in the Delphinium, a place sacred to the Delphian Apollo in the same district; in the Prytaneum, the ancient sacred hearth of the State, to the north-east of the Acropolis; and finally at Phreatto or Phreattys, in the Peiraeus, at the inlet of Zea. (Schömann, *Antiq.* i. 465, E. T.; and the great passage in Dem. *c. Aristocr.* pp. 641–646.) The antiquity of these four last is sufficiently vouched for by the archaic character of the division of the causes that were appropriated to each: in the first we are told that accidental deaths were discussed; in the second, homicides confessed, but justified; in the third there were quasi-trials of inanimate things, which, by falling and the like, had occasioned a loss of human life [APSYCHON DIKÉ]; in the fourth, homicides who had returned from exile, and committed a fresh manslaughter, were appointed to be tried. With respect to these ancient institutions, of which little more than the name remained when the historical age commenced, it will be sufficient to observe that, in accordance with the ancient Greek feeling respecting homicide, viz. that it involved ceremonial pollution in all cases, irrespective of the degree of criminality, the presiding judge was invariably the king archon, the Athenian rex sacrorum; and that the places in which the trials were held were open to the sky, to avoid the contamination which the judges might incur by being under the same roof with a murderer. (Antiph. *de Caed. Her.* § 11; PHONOU DIKÉ.) The places, however, remained after the office of the judges who originally sat there was abolished; and they appear from Demosthenes (*c. Neaer.* p. 1348, § 9) to have been occasionally used by the ordinary Heliastic judges when trying a cause of the kind to which they were originally appropriated. The Heliaea properly so called, and probably the majority of

the Heliastic courts, were situated in the Agora; others in various parts of the city. The statement that there were not more than ten of these is probably erroneous, according to Schömann (*op. cit.* p. 476), and due to a confusion between the ten sections of dicasts and the localities where they held their sittings, the name δικαστήριον being common to both. Besides the Heliaea, the first in numbers and importance, the following are named: the Parabyston (παράβυστον), in which the ἔνδεκα presided, and which is said to have received its name from its position in a remote quarter of the city (cf. Dem. *c. Timocr.* p. 715, § 47); the Dicasterion of Metiochus or Metichus, and that of Calleas (τὸ Κάλλειον), probably named after their builders; the Green Court (Βατραχιοῦν) and the Red Court (Φοινικιοῦν), the Middle Court (Μέσον), the Greater Court (Μεῖζον), the New Court (Καινόν), the Triangular Court (Τρίγωνον), and the Dicasterion at the holy place of Lycus (ἐπὶ Λύκῳ), probably near the Lyceum without the city. Dicasteries near the walls, and in the street of the Hermoglyphi, are mentioned with no further indication of their name. The Odeum, too, a building erected by Pericles and properly destined for musical performances, was used for the sittings of Heliastic courts ([Dem.] *c. Neaer.* p. 1362, § 152); and so probably were other places of which no mention is found. (Schömann, *l. c.*) The dicasts sat upon wooden benches, which were covered with rugs or matting (ψιαθία), and there were elevations or tribunes (βήματα), upon which the antagonist advocates stood during their address to the court. The space occupied by the persons engaged in the trial was protected by a railing (δρύφακτοι) from the intrusion of the bystanders; but in causes which bore upon the violation of the mysteries, a further space of fifty feet all round was enclosed by a rope, and the security of this barrier guaranteed by the presence of the public slaves. (Meier, *Att. Proc.* pp. 11, 41 ff.) [J. S. M.] [W. W.]

DICASTES (δικαστής), in its broadest acceptation a judge, more particularly denotes the Athenian functionary of the democratic period, commonly rendered "juryman." Except, however, in the circumstance that they were sworn "well and truly" to discharge the duties intrusted to them, there was little resemblance between an Attic dicasterion and an English jury. As distinguished from the district judges (οἱ κατὰ δήμους δικασταί, better known by their later name of οἱ τεττεράκοντα), and from the Nautodicae or judges in commercial cases, the Dicastae are frequently styled Heliastae, and their courts the Heliastic courts. The name comes from ἡλιαία, a word which, like ἀγορά, denotes both the assembly and the place in which it was held; and the court of the Heliaea, as the most strongly manned and the first in dignity, being taken as a representative of the rest, both names were used indiscriminately. Their jurisdiction extended to matters of every kind without exception. In private causes it is highly probable that they acted originally as judges of the second instance, *i.e.* of appeal; but in public matters they acted as the primary and sole judicial authority. The Heliastae were instituted by Solon; but what was their original number, and how they were nominated at first, we do not know. At the time when democracy was fully developed, when the causes even of the subject allies were brought before the Athenian courts, there were 6000 dicasts or heliasts, 600 for each tribe, chosen by lot. Previously the number cannot have been very small; and divisions of the whole body into sections, such as we find afterwards, may without hesitation be assumed to have existed in the earlier times also. The ballot (κλῆροῦν, ἐπικλῆροῦν τὰ δικαστήρια, Dem. *c. Everg.* p. 1144, § 17; *c. Pantaen.* p. 978, § 39; sometimes also πλῆροῦν, after the analogy of "manning" a ship, *c. Timocr.* p. 729, § 92) was conducted annually by the nine archons: according to some authorities their secretary (γραμματεύς) made the tenth [ARCHON, p. 167 *a*]. The lots were drawn, and the persons chosen were sworn, in the earlier ages at a place called Ardettos, without the city, on the banks of the Ilissus; but in after-times at some other spot, of which we are not informed (Harpocrat. *s. v.* Ἀρδηττός, quoting Theophrastus). The formula of the Heliastic oath, preserved in Demosthenes (*c. Timocr.* p. 746, §§ 149–151), passed until lately as genuine, and was accepted as such by Schömann in his early writings (*Att. Process*, &c.) as well as by other recent scholars. The first hint that, like most of the documents embodied in the Demosthenic speeches, it was the patchwork of a late grammarian, seems to have been given by Schömann in his *Antiquities* (1855): and the point was completely proved in a special dissertation by Westermann in 1859. Some possibly genuine clauses are mingled with inconsistencies and improbabilities, and on the whole it seems beyond the reach of criticism to sift the old from the new (Perrot, *Essai sur le Droit Public d'Athènes*, p. 240). The whole number of 6000 was divided into ten sections of 500 each, so that 1000 remained over, in order, when necessary, to serve for the filling of vacancies in the sections. These sections, as well as the places of meeting, were called Dicasteria, and in each section members of all the tribes were mingled together. Each Heliast received, as a certificate of his appointment, a bronze tablet (πινάκιον, σύμβολον) with his name and the number or letter of the section to which he belonged (from A to K). Three of these σύμβολα have been found, inscribed as follows: — B. ΑΝΤΙΧΑΡΜΟΣ ΛΑΜΠ[ΤΡΕΤΣ], Δ. ΔΙΟΔΩΡΟΣ ΦΡΕΑ[ΡΡΙΟΣ], Ε. ΔΕΙΝΙΑΣ ΑΛΑΙΕΤΣ: and bear besides representations of owls and Gorgon heads, and other devices symbolic of the Athenian people (Boeckh, *C. I. G.* Nos. 207–209; and the monographs mentioned under BOULÉ, p. 313 *b*). As often as courts were to be held the Heliastae assembled in the Agora, and the courts in which each section had to sit for the day were there assigned by the Thesmothetae by lot. But it did not happen always, or in every suit, that whole sections sat; on the contrary, sometimes cases were tried only by parts of a section, sometimes by several sections combined, according to the importance of the issues. Provision, however, was made that the number should be always an uneven one, in order to avoid an equality of the votes; and if we find the number of 200 or 2000 dicasts mentioned, we are to assume that the round numbers only are

given instead of 201 or 2001. For examples of the actual figures, we have in Demosthenes a court of 1001 dicasts taken from two sections (δικαστηρίοιν δυοῖν εἰς ἕνα καὶ χιλίους ἐψηφισμένων, *c. Timocr.* p. 702, § 9); and one of 1501 from three sections in *Lex Seguer.* s. v. ἡλιαία (Bekker's *Anecd.* p. 262, where ἐκ τριῶν φυλῶν is an incorrect expression for ἐκ τριῶν δικαστηρίων). The usual number in the Heliaea appears to have been 501: the case mentioned by Andocides (*de Myst.* § 17) of the whole 6000 dicasts sitting at once in a γραφὴ παρανόμων is accepted without question by Schömann (*Antiq.* i. 474, n.), doubted by Perrot (*Essai*, p. 246). Andocides is habitually loose in his statements; and if the Athenian constitution had provided for such a monster dicastery in the most important cases, it is likely that some mention of it would occur elsewhere in the orators and grammarians.

For the trial of certain classes of cases Heliastae of a peculiar qualification were required: as, for instance, in the case of profaners of the mysteries, when the initiated only were allowed to judge; and in that of military offenders, who were left to the justice of those only whose comrades they were, or should have been at the time when the offence was alleged to have been committed. After this ballot on the day of the trial each member of the section received a staff with the colour and number of the court in which he had to sit: this might serve both as a ticket to procure admittance, and also to distinguish him from any loiterer who might endeavour clandestinely to obtain a seat after business had begun. That the dicasts were not sworn afresh before every case seems certain; the oath originally taken at the annual election sufficed. The legal age of the Heliastae was at least thirty, and of course the full franchise (ἐπιτιμία) was another condition of eligibility. No perquisite was ever more jealously guarded. For an atimos to attempt to earn the dicast's fee was a capital offence; and a case is mentioned in which this law was actually carried out. (Dem. *c. Mid.* p. 573, § 182.) It would appear that they were only balloted for from among those who voluntarily offered themselves: we have no information on this point, but after the custom of payment was introduced there would be no lack of candidates. We might rather expect that the lot would be modified by some system of rotation with a view of giving every one an equal number of turns; but of this also there is no trace.

This payment (μισθὸς δικαστικός, more usually τὸ δικαστικόν) is said to have been first instituted by Pericles. It is generally supposed from Aristophanes (*Nub.* 863), who makes Strepsiades say that with the first obolus he ever received as a dicast he bought a toy for his son, that it was at first only one obolus. According to the Scholiast (on *Ran.* 140) the pay was subsequently augmented to two oboli, but this seems to be merely an erroneous inference from the passage of his author. There is no sufficient proof that the pay of the dicasts was ever two oboli, but it increased rapidly under the influence of the demagogues (Aristot. *ap.* Schol. Aristoph. *Vesp.* 682; Schol. *Ran.* 140; Pollux, viii. 113; Hesych. *s. v.* δικαστικόν: Suid. *s. v.* ἡλιασταί). Three oboli or the *triobolon* (τριώβολον) occurs as early as B.C. 425 in the comedies of Aristophanes, and is afterwards mentioned frequently (Aristoph. *Eq.* 51, 255; *Vesp.* 300, 663, 684). The payment was made at the end of the day's work by the COLACRETAE (*q.v.*), in exchange for the staff (βακτηρία) and ticket (σύμβολον) with which, as we have seen, each dicast was already provided on entering the court. (Schol. *ad* Aristoph. *Plut.* 277; Suid. *s. v.* βακτηρία: *Etym. M.* s. v. σύμβολον: Pollux, viii. 16.) No doubt the staves only were given up, to be redistributed on another trial; the bronze σύμβολα merely shown, and retained by the dicast, as they were inscribed with his name and had to serve him throughout the year: unless we are to suppose that two different kinds of σύμβολα were used. Demosthenes certainly speaks of the βακτηρία and σύμβολον as delivered together to the dicast (*de Cor.* p. 298, § 210). Those who had come too late had no claim to the *triobolon* (cf. BOULÉ, p. 313 *b*). The annual amount of these fees is reckoned by Aristophanes (*Vesp.* 663, with the Schol.) at 150 talents, implying 300 days' pay for every dicast (6000 at half a drachma would require exactly half a talent a day): the sum is a high one, but it refers to a period when the total revenue of the state was as much as 2000 talents. (Boeckh, *P. E.* p. 227; *Att. Process*, p. 125 ff. = 145 ff. Lips.; Schömann, *Antiq.* i. 474 ff., E. T.; Perrot, *Essai sur le Droit Public d'Athènes*, ch. iii. §§ 4–9.) [J. S. M.] [W. W.]

DICASTICON (δικαστικόν). [DICASTES.]

DIKE' (δίκη) signifies generally any proceedings at law by one party directly or mediately against others. (Harpocrat. *s. v.*; Pollux, viii. 40, 41.) The object of all such actions is to protect the body politic, or one or more of its individual members, from injury and aggression; a distinction which has in most countries suggested the division of all causes into two great classes, the public and the private, and assigned to each its peculiar form and treatment. At Athens the first of these was implied by the terms public δίκαι or ἀγῶνες, or still more peculiarly by γραφαί: causes of the other class were termed private δίκαι or ἀγῶνες, or simply δίκαι in its limited sense (ἐκαλοῦντο αἱ γραφαὶ καὶ δίκαι, οὐ μέντοι καὶ αἱ δίκαι γραφαί, Pollux, viii. 41). There is a still further subdivision of γραφαὶ into δημοσίαι and ἴδιαι, of which the former is somewhat analogous to impeachments for offences directly against the state; the latter, to criminal prosecutions, in which the state appears as a party mediately injured in the violence or other wrong done to individual citizens. Once more, there was a distinction of δίκαι πρός τινα and κατὰ τινός, which may be defined with Meier (*Att. Process*, p. 167) as for the non-fulfilment of obligations *ex contractu* and *ex delicto* respectively: or more simply non-criminal (πρός) and criminal (κατά). (Cf. Cucheval, *Étude sur les Tribunaux Athéniens*, p. 13.) It will be observed that cases frequently arise, which, with reference to the wrong complained of, may with equal propriety be brought before a court in the form of the γραφὴ last mentioned, or in that of an ordinary δίκη, and under these circumstances the laws of Athens gave the prosecutor an ample choice of methods to vindicate his rights by private or public proceedings (Dem. *c. Androt.* p. 601, § 25), much in the same way as a plaintiff in modern times

may, for the same offence, prefer an indictment for assault, or bring his civil action for trespass on the person. It will be necessary to mention some of the principal distinctions in the treatment of causes of the two great classes above mentioned, before proceeding to discuss the forms and treatment of the private lawsuit.

In a δίκη, only the person whose rights were alleged to be affected, or the legal protector (κύριος) of such person, if a minor or otherwise incapable of appearing *suo jure*, was permitted to institute an action as plaintiff; in public causes, with the exception of some few in which the person injured or his family were peculiarly bound and interested to act, any free citizen, and sometimes, when the state was directly attacked, almost any alien, was empowered to do so. In all private causes, except those of ἐξούλης, βιαίων, and ἐξαιρέσεως, the penalty or other subject of contention was exclusively recovered by the plaintiff, while in most others the state alone, or jointly with the prosecutor, profited by the pecuniary punishment of the offender. The court fees, called *prytaneia*, were paid in private but not in public causes, and a public prosecutor that compromised the action with the defendant was in most cases punished by a fine of a thousand drachmas and a modified disfranchisement, while there was no legal impediment at any period of a private lawsuit to the reconciliation of the litigant parties. (Meier, *Att. Process*, p. 163.)

The proceedings in the δίκη were commenced by a summons to the defendant (πρόσκλησις) to appear on a certain day before the proper magistrate (εἰσαγωγεύς), and there answer the charges preferred against him. (Arist. *Nub.* 1221; *Av.* 1046.) This summons was often served by the plaintiff in person, accompanied by one or two witnesses [CLETERES], whose names were endorsed upon the declaration (λῆξις or ἔγκλημα). If there were an insufficient service of the summons, the lawsuit was styled ἀπρόσκλητος, and dismissed by the magistrate. (Hesych.) From the circumstance of the same officer that conducted the anakrisis being also necessarily present at the trial, and as there were besides *dies nefasti* (ἀποφράδες) and festivals, during which none, or only some special causes could be commenced, the power of the plaintiff in selecting his time was, of course, in some degree limited; and of several causes, we know that the time for their institution was particularised by law. (Aristoph. *Nub.* 1190.) There were also occasions upon which a personal arrest of the party proceeded against took the place of, or at all events was simultaneous with, the service of the summons; as, for instance, when the plaintiff doubted whether such party would not leave the country to avoid answering the action; and accordingly we find that in such cases (Dem. *c. Zenoth.* p. 890, § 29, *c. Aristog.* i. p. 788, § 60) an Athenian plaintiff might compel a foreigner to accompany him to the polemarch's office, and there produce bail for his appearance, or, failing to do so, submit to remain in custody till the trial. The word κατεγγυᾶν is peculiarly used of this proceeding. Between the service of the summons and appearance of the parties before the magistrate, it is very probable that the law prescribed the intervention of a period of five days. (Meier, *Att. Process*, p. 580.) If both parties appeared, the proceedings commenced by the plaintiff putting in his declaration, and at the same time depositing his share of the court fees (πρυτανεῖα), the non-payment of which was a fatal objection to the further progress of a cause. (Matthiae, *de Jud. Ath.* p. 261.) These were very trifling in amount. If the subject of litigation was rated at less than 100 drachmae, nothing was paid; if at more than 100 drachmae and less than 1000 drachmae, 3 drachmae was a sufficient deposit, and so on in proportion. If the defendant neglected or refused to make his payment, it is natural to conclude that he underwent the penalties consequent upon non-appearance; in all cases the successful party was reimbursed his prytaneia by the other. (Meier, *Att. Process*, p. 613.) The παρακαταβολή was another deposit in some cases, but paid by the plaintiff only. This was not in the nature nor of the usual amount of the court fees, but a kind of penalty, as it was forfeited by the suitor in case he failed in establishing his cause. In a suit against the treasury it was fixed at a fifth; in that of a claim to the property of a deceased person by an alleged heir or devisee, at a tenth of the value sought to be recovered. (Matth. *de Jud. Ath.* p. 260.) If the action was not intended to be brought before an Heliastic court, but merely submitted to the arbitration of a diaetetes [DIAETETES], a course which was competent to the plaintiff to adopt in all private actions (Hudtwalcker, *de Diaetet.* p. 35), the drachma paid in the place of a deposit above mentioned bore the name of παράστασις. The deposits being made, it became the duty of the magistrate, if no manifest objection appeared on the face of the declaration, to cause it to be written out on a tablet, and exposed for the inspection of the public on the wall or other place that served as the cause list of his court. (Meier, *Att. Process*, p. 605.)

The magistrate then appointed a day for the further proceedings of the anakrisis [ANAKRISIS], which was done by drawing lots for the priority in case there was a plurality of causes instituted at the same time; and to this proceeding the phrase λαγχάνειν δίκην, which generally denotes to bring an action, is to be primarily attributed. If the plaintiff failed to appear at the anakrisis, the suit, of course, fell to the ground; if the defendant made default, judgment passed against him. (Meier, *Att. Process*, p. 623.) Both parties, however, received an official summons before their non-appearance was made the ground of either result. An affidavit might at this, as well as at other periods of the action, be made in behalf of a person unable to attend upon the given day, and this would, if allowed, have the effect of postponing further proceedings (ὑπωμοσία); it might, however, be combated by a counter-affidavit to the effect, that the alleged reason was unfounded or otherwise insufficient (ἀνθυπωμοσία); and a question would arise upon this point, the decision of which, when adverse to the defendant, would render him liable to the penalty of contumacy. (Dem. *c. Olymp.* p. 1174, § 25.) The plaintiff was in this case said ἐρήμην ἑλεῖν: the defendant, ἐρήμην ὀφλεῖν, δίκην being the word omitted in both phrases. If the cause were primarily brought before an umpire (διαιτητής), the anakrisis was conducted by him; in

cases of appeal it was dispensed with as unnecessary. The anakrisis began with the affidavit of the plaintiff (*προωμοσία*), then followed the answer of the defendant (*ἀντωμοσία* or *ἀντιγραφή* [ANTIGRAPHÉ]), then the parties produced their respective witnesses, and reduced their evidence to writing, and put in originals, or authenticated copies, of all the records, deeds, and contracts that might be useful in establishing their case, as well as memoranda of offers and requisitions then made by either side (*προκλήσεις*). The whole of the documents were then, if the cause took a straightforward course (*εὐθυδικία*), enclosed on the last day of the anakrisis in a casket (*ἐχῖνος*), which was sealed and entrusted to the custody of the presiding magistrate, till it was produced and opened at the trial. During the interval no alteration in its contents was permitted, and accordingly evidence that had been discovered after the anakrisis was not producible at the trial. (Dem. *c. Boeot.* i. p. 999, § 18.) In some causes, the trial before the dicasts was by law appointed to come on within a given time; in such as were not provided for by such regulations, we may suppose that it would principally depend upon the leisure of the magistrate. The parties, however, might defer the day (*κυρία*) by mutual consent. (Dem. *c. Phaen.* p. 1042, § 12.) Upon the court being assembled, the magistrate called on the cause (Platner, *Process und Klagen*, i. 182), and the plaintiff opened his case. At the commencement of the speech, the proper officer (*ὁ ἐφ' ὕδωρ*) filled the clepsydra with water. As long as the water flowed from this vessel, the orator was permitted to speak; if, however, evidence was to be read by the officer of the court, or a law recited, the water was stopped till the speaker recommenced. The quantity of water, or, in other words, the length of the speeches, was not by any means the same in all causes: in the speech against Macartatus, and elsewhere, one amphora only was deemed sufficient; eleven are mentioned in the impeachment of Aeschines for misconduct in his embassy. In some few cases, as those of *κάκωσις*, according to Harpocration, no limit was prescribed. The speeches were sometimes interrupted by the cry *κατάβα*—"go down;" in effect, "cease speaking"—from the dicasts, which placed the advocate in a serious dilemma; for if after this he still persisted in his address, he could hardly fail to offend those who bade him stop; if he obeyed the order, it might be found, after the votes had been taken, that it had emanated from a minority of the dicasts. (Aristoph. *Vesp.* 980.) After the speeches of the advocates, which were in general two on each side, and the incidental reading of the documentary and other evidence, the dicasts proceeded to give their judgment by ballot. [PSEPHOS.]

When the principal point at issue was decided in favour of the plaintiff, there followed, in the case of a *δίκη τιμητή*, a further discussion as to the amount of damages, or penalty, which the defendant should pay. [TIMEMA.] If the penalty was already prescribed by law, the suit was described as *ἀτίμητος*, not requiring assessment (Dem. *c. Mid.* p. 543, § 90; *c. Aphob.* i. p. 834, § 67). The method of voting upon this question seems to have varied, in that the dicasts used a small tablet instead of a ballot-ball, upon which those that approved of the heavier penalty drew a long line, the others a short one. (Aristoph. *Vesp.* 167.) Upon judgment being given in a private suit, the Athenian law left its execution very much in the hands of the successful party, who was empowered to seize the movables of his antagonist as a pledge for the payment of the money, or institute an action of ejectment (*ἐξούλης*) against the refractory debtor. The judgment of a court of dicasts was in general decisive (*δίκη αὐτοτελής*); but upon certain occasions, as, for instance, when a gross case of perjury or conspiracy could be proved by the unsuccessful party to have operated to his disadvantage, the cause, upon the conviction of such conspirators or witnesses, might be commenced *de novo*. [APPELLATIO (Greek).] In addition to which, the party against whom judgment has passed by default had the power to revive the cause, upon proving that his non-appearance in court was inevitable (*τὴν ἐρήμην ἀντιλαχεῖν*, Platner, *Process und Klagen*, i. 396): this, however, was to be exercised within two months after the original judgment. If the parties were willing to refer the matter to an umpire (*διαιτητής*), it was in the power of the magistrate to transfer the proceedings as they stood to that officer; and in the same way, if the diaetetes considered the matter in hand too high for him, he might refer it to the *εἰσαγωγεύς*, to be brought by him before an Heliastic court. The whole of the proceedings before the diaetetes were analogous to those before the dicasts, and bore equally the name of *δίκη*: but it seems that the phrase *ἀντιλαχεῖν τὴν μὴ οὖσαν* is peculiarly applied to the revival of a cause before the umpire in which judgment had passed by default. [J. S. M.] [W. W.]

DICHALCON (*δίχαλκον*), a double chalcus [CHALCUS], a small copper Greek coin, equal to one-fourth of an obolus. (Pollux, ix. 65; *Anth. Pal.* xi. 165; Vitruv. iii. 1; cf. Plin. *H. N.* xxi. § 185.) [W. S.]

DI'CROTUM. [NAVIS.]

DICTA'TOR, an extraordinary magistrate at Rome. The origin of the name is obscure, the derivation given by Cicero (*de Rep.* i. 40, 63), "dictator ab eo appellatur quia dicitur" (cf. Varr. *L. L.* vi. 61), being impossible, though historically significant; while the derivation from *dictare*, which is evidently etymologically correct, is hard to connect with the historical use of the term. It is probable that the word was originally used with a somewhat indefinite sense, especially as we find it applied to a very different office in some of the towns of Latium, as, for instance, at Alba, Lanuvium, Cora, Tusculum, and Nomentum (Cic. *pro Mil.* 10, 27). At Rome this magistrate was originally called *magister populi* and not *dictator*, and in the sacred books he was always designated by the former name down to the latest times. (Cic. *de Rep.* i. 40, 63; *de Leg.* iii. 3, 9; *de Fin.* iii. 22, 75; Varr. *L. L.* v. 82; Festus, s. v. *optima lex*, p. 198, ed. Müller.)

On the establishment of the Roman republic the government of the state was entrusted to *two* consuls, that the citizens might be the better protected against the tyrannical exercise of the supreme power. But it was soon felt that circumstances might arise in which it was

of importance for the safety of the state that the government should be vested in the hands of a single person, who should possess for a season absolute power, and from whose decision there should be no appeal to any other body. Thus it came to pass that in B.C. 501, nine years after the expulsion of the Tarquins, the dictatorship (*dictatura*) was instituted. The name of the first dictator and the immediate reason of his appointment were differently stated by the annalists. The oldest authorities mention T. Larcius, one of the consuls of the year, as the first dictator, but others ascribed this honour to M'. Valerius. (Liv. ii. 18.) Mommsen holds that the dictatorship of the latter was the first, but that it was omitted under the false belief that no one who had not been consul would be created dictator. Livy states (*l. c.*) that a formidable war with the Latins led to the appointment; and he also found mentioned in the annals that the consuls of this year were suspected of belonging to the party of the Tarquins; but in the latter case T. Larcius could not have been one of the consuls. Dionysius relates at length (v. 63–70) that the plebs, who were oppressed by the weight of their debts, took advantage of the danger of the republic to obtain some mitigation of their sufferings, and refused to serve in the army, and that thereupon recourse was had to a dictator to bring them to their duty. But as Livy makes no mention of any internal disturbances in this year, and does not speak of any commotions on account of debts till four years subsequently, we may conclude that Dionysius has in this case, as he has in many others, deserted the annalists in order to give what appeared to him a more satisfactory reason. It is true that the patricians frequently availed themselves of the dictatorship as a means of oppressing the plebs; but it is certainly unnecessary to seek the first institution of the office in any other cause than the simple one mentioned by Livy; namely, the great danger with which the state was threatened. Modern scholars have stated other reasons for the establishment of the dictatorship, which are so purely conjectural and possess such little inherent probability, that they do not require any refutation. Thus Niebuhr infers (*Hist. of Rome*, vol. i. p. 564) from the Roman dictator being appointed only for six months, that he was at the head both of Rome and of the Latin league, and that a Latin dictator possessed the supreme power for the other six months of the year; but this supposition, independent of other considerations, is contradicted by the fact, that in the year in which the dictator was first appointed, Rome and the Latins were preparing for war with one another. Mommsen, on the other hand, maintains that the inconsistent accounts as to the origin of the dictatorship indicate that it must have been from the first an integral part of the republican constitution, and that the dictator was regarded as *collega maior* of the consuls. Most recent scholars dispute this view (Herzog, i. 128; Willems, *Droit Romain*, p. 267, &c.), which is only an inference, and is not supported by any ancient authority.

By the original law respecting the appointment of a dictator (*lex de dictatore creando*), no one was eligible for this office unless he had previously been consul (Liv. ii. 18). Madvig's notion that *consulares legere* means "the ex-consuls elected" (*Verf.* i. 487) has found little support. We find, however, a few instances in which this law was not observed, and Mommsen rejects altogether Livy's vague account of the proposal of this law. (See, *e.g.* Liv. iv. 26, 48; vii. 24.) When a dictator was considered necessary, the senate passed a senatusconsultum that one of the consuls should nominate (*dicere*) a dictator; but this decree was not formally necessary, hence Plutarch (*Marc.* 24) is right in saying that the dictator is not elected by the people nor by the senate. We find, indeed, an instance (Liv. iv. 57) in which the decree of the senate enjoining the appointment of a dictator was vetoed by the tribunes, and hence lost all legal force; but the appointment was made. In almost all cases, however, we find mention of a previous decree of the senate (see, *e.g.*, Liv. ii. 30; iv. 17, 21, 23, 26, 57; vi. 2; vii. 21; viii. 17; ix. 29; x. 11; xxii. 57). Niebuhr indeed supposes (*Hist. of Rome*, vol. i. p. 567) that the dictator was originally created by the curiae, like the kings, but this theory needs no refutation (cf. Mommsen, *Röm. Staatsr.* ii.[2] 141; Madvig, *Verf.* i. 487, note).

The nomination or proclamation of the dictator by the consul was necessary in all cases. It was always made by the consul, probably without any witnesses, between midnight and morning, and with the observance of the auspices (*surgens* or *oriens nocte silentio* * *dictatorem dicebat*, Liv. viii. 23, ix. 38, xxiii. 22; Dionys. x. 11). The technical word for this nomination or proclamation was *dicere* (seldom *creare* or *facere*). So essential was the nomination of the consuls, that we find the senate on one occasion having recourse to the tribunes of the people to compel the consuls to nominate a dictator, when they had refused to do so (Liv. iv. 26). After the battle at the lake Trasimenus, all communication with the surviving consul was cut off. A difficulty thus arose, but unfortunately the text of Livy (xxii. 8) is corrupt, and it is not possible to determine exactly how it was met. The best MS. reads *nec dictatorem populo creare poterat*. This has been commonly altered into *populus*, but Weissenborn reads *praetor*, and Madvig *populo non consulto senatus*. Mommsen (*C. I. L.* i. p. 288) rejects the whole clause, and maintains that a praetor was competent to create a dictator. The reading in the next clause, *prodictatorem*, is due solely to an erroneous conjecture. (Cf. Herzog, i. 725.) It seems not improbable that a resolution of the senate empowered a praetor to take the votes of the people as to the selection of the dictator. Livy (xxii. 31) seems to regard Fabius as acting only *pro dictatore*. In the same spirit it became a question, whether the tribuni militum with consular power could nominate a dictator, and they did not venture to do so till the augurs had been consulted and declared it allowable (Liv. iv. 21), after which they frequently exercised this power. The nomination of Sulla by an interrex and of Caesar by a praetor was held to be contrary to all precedent and altogether illegal. (Comp. Cic. *ad Att.* ix. 15.) The senate seems

* Respecting the meaning of *silentium* in relation to the auspices, see AUGUR, p. 247 *b*.

to have usually mentioned in their decree the name of the person whom the consul was to nominate (Liv. iv. 17, 21, 23, 46; vi. 2; vii. 12; viii. 17; ix. 29; x. 11; xxii. 57); but that the consul was not absolutely bound to nominate the person whom the senate had named is evident from the cases in which the consuls appointed persons in opposition to the wishes of the senate (Liv. viii. 12, *Epit.* 19; Suet. *Tib.* 2). It is doubtful what rule was adopted, or whether any existed, for the purpose of determining which of the two consuls should nominate the dictator. In one case we read that the nomination was made by the consul who had the fasces (Liv. viii. 12), in another that it was decided by lot (iv. 26), and in a third that it was matter of agreement among themselves (iv. 21). In later times the senate usually entrusted the office to the consul who was nearest at hand. The nomination took place at Rome, as a general rule; and if the consuls were absent, one of them was recalled to the city, whenever it was practicable (Liv. vii. 19; xxiii. 22); but if this could not be done, a senatusconsultum authorising the appointment was sent to the consul, who thereupon made the nomination in the camp (Liv. vii. 21; viii. 23; ix. 38; xxv. 2; xxvii. 5). Nevertheless, the rule was maintained that the nomination could not take place outside of the *Ager Romanus*, though the meaning of this expression was extended so as to include the whole of *Italia*. Thus we find the senate in the second Punic war opposing the nomination of a dictator in Sicily, because it was outside of the ager Romanus (*extra agrum Romanum—eum autem Italia terminari*, Liv. xxvii. 5).

Originally the dictator was of course a patrician. The first plebeian dictator was C. Marcius Rutilus, nominated in B.C. 356 by the plebeian consul M. Popillius Laenas. (Liv. viii. 17.) The eligibility of a plebeian to this office seems to have been regarded as a necessary inference from the Licinian law, which threw open the consulship.

The reasons which led to the appointment of a dictator required that there should be only one at a time. The only exception to this rule occurred in B.C. 217, when a resolution of the people created Minucius a colleague with equal powers to Fabius Cunctator, who was at the time holding the dictatorship (Liv. xxii. 25). Polybius expressly calls Minucius a dictator, and he is described as such in an inscription (*C. I. L.* i. p. 556). In B.C. 216 after the battle of Cannae, M. Fabius Buteo was nominated dictator for the purpose of filling up the vacancies in the senate, although M. Junius Pera was discharging the regular duties of the dictator. Livy asserts that Fabius resigned on the day of his nomination on the ground that there could not be two dictators at the same time. (Liv. xxiii. 22, 23; Plut. *Fab.* 9.) He discharged, however, the duty of filling up the senate, for which he was appointed; and Mommsen regards the words put into his mouth by Livy as invented by the annalists, as a protest against the unconstitutional procedure of the previous year. The dictators that were appointed for carrying on the business of the state were said to be nominated *rei gerundae causa*, or sometimes *seditionis sedandae causa*; and upon them, as well as upon the other magistrates, the imperium was conferred by a *Lex Curiata*. (Liv. ix. 38, 39; Dionys. v. 70.) Dictators were also frequently appointed for some special purpose, and frequently one of small importance, of whom further mention will be made below. At present we confine our remarks to the duties and powers of the *dictator rei gerundae causa*.

The dictatorship was limited to six months (Cic. *de Leg.* iii. 3; Liv. iii. 29, ix. 34, xxiii. 23; Dionys. v. 70, x. 25; Dio Cass. xxxvi. 17, xlii. 21; Zonar. vii. 13), and no instances occur in which a person held this office for a longer time, for the dictatorships of Sulla and Caesar are of course not to be taken into account. On the contrary, though a dictator was appointed for six months, he often resigned his office long previously, immediately after he had despatched the business for which he had been appointed. (Liv. iii. 29, iv. 46, vi. 29.) His powers also ceased with the expiration of the term of office of the consul who had appointed him (Mommsen, *Röm. Staatsr.* ii.^{2} 152). As soon as the dictator was nominated, a kind of suspension took place with respect to the consuls and all the other magistrates, with the exception of the tribuni plebis. It is frequently stated that the duties and functions of all the ordinary magistrates entirely ceased, and some writers have even gone so far as to say that the consuls abdicated (Polyb. iii. 87; Cic. *de Leg.* iii. 3; Dionys. v. 70, 72); but this is not a correct way of stating the facts of the case. The regular magistrates continued to discharge the duties of their various offices under the dictator, but they were no longer independent officers, but were subject to the higher imperium of the dictator, and obliged to obey his orders in everything. We often find the dictator and the consuls at the head of separate armies at the same time, and carrying on war independent of one another (Liv. ii. 30, viii. 29); we see that the soldiers levied by the dictator took the oath of allegiance to the consul (Liv. ii. 32), and that the consuls could hold the consular comitia during a dictatorship (Liv. xxiii. 23). All this shows that the consuls did not resign their functions, although they were subject to the imperium of the dictator; and accordingly, as soon as the dictator abdicated, they again entered forthwith into the full possession of the consular power. (Dionys. v. 70; Liv. iv. 27.)

The superiority of the dictator's power to that of the consuls consisted chiefly in the three following points—greater independence of the senate, more extensive power of punishment without any appeal (*provocatio*) from their sentence to the people, and irresponsibility. To these three points must of course be added that he was not fettered by a colleague. We may naturally suppose that the dictator would usually act in unison with the senate; but it is expressly stated that in many cases where the consuls required the co-operation of the senate, the dictator could act on his own responsibility. (Polyb. iii. 87.) For how long a time the dictatorship was a *magistratus sine provocatione*, is uncertain. That there was originally no appeal from the sentence of the dictator is certain, and accordingly the lictors bore the axes in the fasces before them even in the city, as a symbol of their absolute power over the lives of the citizens, although by the Valerian law the axes had disappeared from the fasces of the consuls.

(Liv. ii. 18, 29, iii. 20; Zonar. vii. 13; Dionys. v. 70, 75; Pompon. *de Orig. Jur.* § 18.) That an appeal afterwards lay from their sentence to the people, is expressly stated by Festus (s. v. *optima lex*), and it has been supposed that this privilege was granted by the Lex Valeria Horatia, passed after the abolition of the decemvirate in B.C. 449, which enacted "ne quis *ullum* magistratum sine provocatione crearet." (Liv. iii. 15.) But eleven years afterwards the dictatorship is spoken of as a *magistratus sine provocatione;* and the only instance in Livy (viii. 33, 34) in which the dictator is threatened with provocatio, certainly does not prove that this was a legal right; for L. Papirius, who was then (B.C. 325) dictator, treated the provocatio as an infringement of the rights of his office. We may therefore suppose that the Lex Valeria Horatia only applied to the regular magistracies, and that the dictatorship was regarded as exempt from it. It is more probable that the right of appeal (within the city) was granted by the third Valerian law *de provocatione* (B.C. 300), which Livy describes as *diligentius sancta* (x. 10). It is true that these words cannot in themselves denote any extension of the right of appeal, but it is not unnatural to suppose that an extension to the only case hitherto excluded accompanied the provision of more effective securities. In connexion with the *provocatio* there arises another question respecting the relation of the dictatorship to the tribunes of the plebs. We know that the tribunes continued in office during a dictatorship; but we are expressly informed that they had no control over a dictator, and could not hamper his proceedings by their *intercessio* or *auxilium* (Zonaras, vii. 15). The few instances which appear to prove the contrary are to be explained in a different manner, as Becker has shown (cf. Mommsen, *Röm. Staatsr.* ii.[2] 157). That the tribunes continued in office as independent magistrates during a dictatorship, while all the other magistrates became simply the officers of the dictator, may perhaps be explained by the fact, that the *lex de dictatore creando* was passed before the institution of the tribuneship of the plebs, and consequently made no mention of it; and that as a dictator was appointed in virtue of a senatusconsultum, the senate had no power over the tribunes of the plebs, though they could suspend the other magistrates.

It has been already stated that the dictator was irresponsible; that is, he was not liable after his abdication to be called to account for any of his official acts. This is expressly stated by ancient writers (Zonar. vii. 13; Dionys. v. 70, vii. 56; Plut. *Fab.* 3; Appian, *B. C.* ii. 23), and, even if it had not been stated, it would follow from the very nature of the dictatorship. We find moreover no instance recorded in which a dictator after his resignation was made answerable for the misuse of his power, with the exception of Camillus, whose case however was a very peculiar one. (Compare Becker, *Römisch. Alterth.* vol. ii. part ii. p. 172.)

In was in consequence of the great and irresponsible power possessed by the dictatorship, that we find it frequently compared with the regal dignity, from which, though in theory quite different, it practically only differed in being held for a limited time. (Cic. *de Rep.* ii. 32; Zonar. vii. 13; Dionys. v. 70, 73; Appian, *B. C.* i. 99; Tac. *Ann.* i. 1.) There were, however, a few limits to the power of the dictator. 1. The most important was that the period of his office was only six months. 2. He had not power over the treasury, but could only make use of the money which was granted him by the senate. (Zonar. vii. 13.) 3. He was not allowed to leave Italy, since he might in that case easily become dangerous to the republic (Dio Cass. xxxvi. 17); though the case of Atilius Calatinus in the first Punic war forms an exception to this rule. (Liv. *Epit.* 19.) 4. He was not allowed to ride on horseback at Rome, without previously obtaining the permission of the people (Liv. xxiii. 14; Zonar. vii. 13); a regulation apparently capricious, but perhaps adopted that he might not bear too great a resemblance to the kings, who were accustomed to ride. Mommsen finds in this curious limitation an indication of his special function as commander of the infantry (*magister populi*).

The insignia of the dictator were nearly the same as those of the kings in earlier times, and of the consuls subsequently. Instead however of having only twelve lictors, as was the case with the consuls, he was preceded by twenty-four bearing the axes as well as the fasces. The *sella curulis* and *toga praetexta* also belonged to the dictator. (Polyb. iii. 87; Dionys. x. 24; Plut. *Fab.* 4; Appian, *B. C.* i. 100; Dio Cass. liv. 1.)

The preceding account of the dictatorship applies more particularly to the *dictator rei gerundae causa;* but dictators were also frequently appointed, especially when the consuls were absent from the city, to perform certain acts which could not be done by any inferior magistrate. These dictators had little more than the name; and as they were only appointed to discharge a particular duty, they had to resign immediately that duty was performed, and they were not entitled to exercise the power of their office in reference to any other matter than the one for which they were nominated. The occasions on which such dictators were appointed, were principally:—1. For the purpose of holding the comitia for the elections (*comitiorum habendorum causa*), first in B.C. 351 (Liv. vii. 22) and frequently afterwards. 2. For fixing the *clavus annalis* in the temple of Jupiter (*clavi figendi causa*) in times of pestilence or civil discord, because the law said that this ceremony was to be performed by the *praetor maximus*, and after the institution of the dictatorship the latter was regarded as the highest magistracy in the state (Liv. vii. 3). 3. For appointing holidays (*feriarum constituendarum causa*) on the appearance of prodigies (Liv. vii. 28), and for officiating at the public games (*ludorum faciendorum causa*), the presidency of which belonged to the consuls or praetors (viii. 40, ix. 34). 4. For holding trials (*quaestionibus exercendis*, ix. 36), though Mommsen doubts whether this was not an appointment *rei gerundae causa*, as it is described in the Capitoline *Fasti*. 5. And on one occasion, for filling up vacancies in the senate (*legendo senatui*, xxiii. 22).

Along with the dictator there was always a *magister equitum*, the nomination of whom was left to the choice of the dictator, unless the senatusconsultum specified, as was sometimes

the case, the name of the person who was to be appointed (Liv. viii. 17; xxii. 57). The magister equitum had, like the dictator, to receive the imperium by a lex curiata (Liv. ix. 38). The dictator could not be without a magister equitum, and, consequently, if the latter died during the six months of the dictatorship, another had to be nominated in his stead. The magister equitum was subject to the imperium of the dictator, but in the absence of his superior he became his representative, and exercised the same powers as the dictator. In B.C. 217, shortly before legal dictators ceased to be appointed, we find an instance of a magister equitum being invested with an imperium equal to that of the dictator, so that there were then virtually two dictators, but this is expressly mentioned as an anomaly, which had never occurred before (Polyb. iii. 103, 106). The rank which the magister equitum held among the other Roman magistrates is doubtful. Niebuhr asserts (vol. ii. p. 390), "No one ever supposed that his office was a curule one;" and if he is right in supposing that the consular tribunate was not a curule office, his view is supported by the contention of a dictator in Livy, that the imperium of the magister equitum was not superior to that of a consular tribune (vi. 39). Cicero on the contrary places the magister equitum on a par with the praetor (*de Leg.* iii. 3, 9), and Mommsen holds that he probably had the curule chair, and certainly the *praetexta* and six lictors. After the establishment of the praetorship, it seems to have been considered necessary that the person who was to be nominated magister equitum should previously have been praetor, just as the dictator, according to the old law, had to be chosen from the consulars (Dio Cass. xlii. 21). Accordingly, we find at a later time that the magister equitum had the insignia of a praetor (Dio Cass. xlii. 27). The magister equitum was originally, as his name imports, the commander of the cavalry, while the dictator was at the head of the legions, the infantry (Liv. iii. 27), and the relation between them was in this respect similar to that which subsisted between the king and the tribunus celerum.

Dictators were only appointed so long as the Romans had to carry on wars in Italy. A solitary instance occurs in the first Punic war of the nomination of a dictator for the purpose of carrying on war out of Italy (Liv. *Epit.* 19); but this was never repeated, because, as has been already remarked, it was feared that so great a power might become dangerous at a distance from Rome. But after the battle of Trasimene in B.C. 217, when Rome itself was threatened by Hannibal, recourse was again had to a dictator, and Q. Fabius Maximus was appointed to the office. In the next year, B.C. 216, after the battle of Cannae, M. Junius Pera was also nominated dictator, but this was the last instance of the appointment of a *dictator rei gerundae causa*. From that time dictators were frequently appointed for holding the elections down to B.C. 202, but from that year the dictatorship disappears altogether. After a lapse of 120 years, Sulla caused himself to be appointed dictator in B.C. 82, *reipublicae constituendae causa* (Vell. Pat. ii. 28); but, as Niebuhr remarks, "the title was a mere name, without any ground for such a use in the ancient constitution." Neither the magistrate (*interrex*) who nominated him, nor the time for which he was appointed, nor the extent and exercise of his power, was in accordance with the ancient laws and precedents; and the same was the case with the dictatorship of Caesar. Soon after Caesar's death the dictatorship was abolished for ever by a lex proposed by the consul Antonius (Cic. *Phil.* i. 1; Liv. *Epit.* 116; Dio Cass. xliv. 51). The title indeed was offered to Augustus, but he resolutely refused it in consequence of the odium attached to it from the tyranny of Sulla when dictator (Suet. *Aug.* 52).

Sometimes a substitute was invented for the dictatorship, whenever the circumstances of the republic required the adoption of extraordinary measures, by the senate investing the consuls with dictatorial power. This was done by the formula, *Videant* or *dent operam consules, ne quid respublica detrimenti capiat*. We find instances of this in the earliest time of the republic (Liv. iii. 4, vi. 19), as well as later; as, for instance, in the case of Cicero (Sall. *Cat.* 29; Plut. *Cic.* 14). Sometimes this power was granted to other magistrates in addition to the consuls (Caes. *B. C.* i. 5; Cic. *Rabir. perd.* 7). (Becker, *Röm. Alterth.* ii. part ii. 150 foll., supplemented from recent authorities, especially Mommsen, *Röm. Staatsr.* ii. 133–172.) [W. S.] [A. S. W.]

DICTY'NNIA (Δικτύννια), a festival with sacrifices, celebrated at Kydonia in Crete, in honour of Artemis, surnamed Δίκτυννα or Δικτύνναια, from δίκτυον, a hunter's net. (Diod. Sic. v. 76; compare Strabo, x. p. 479; Paus. ii. 30, § 3.) Particulars respecting its celebration are not known. Artemis Δίκτυννα was also worshipped at Sparta (Paus. iii. 12, § 7), and at Ambrysos in Phocis. (Paus. x. 36, § 3; compare the Schol. *ad* Aristoph. *Ran.* 1284, *Vesp.* 357; and Meursius, *Creta*, c. 3.) [L. S.]

DIDRACHMON (δίδραχμον). [DRACHMA.]

DIENGYESIS (διεγγύησις). [ENGYE.]

DIES (of the same root as δῖος and *deus*, Curtius, *Gr. Etym.* No. 269). The name *dies* was applied, like our word day, to the time during which, according to the notions of the ancients, the sun performed his course round the earth; and this time they called the civil day (*dies civilis*, in Greek νυχθήμερον, because it included both night and day. See Censorin. *de Die Nat.* 23; Plin. *H. N.* ii. § 188; Macrob. *Sat.* i. 3). The natural day (*dies naturalis*), or the time from the rising to the setting of the sun, was likewise designated by the name *dies*. The civil day began with the Athenians at the setting of the sun, and with the Romans (as with the Egyptians and Hipparchus) at midnight; with the Babylonians at the rising of the sun, and with the Umbrians at mid-day. (Macrob. *l. c.*; Gellius, iii. 2.) We have here only to consider the natural day; and as its subdivisions were different at different times, and not always the same among the Greeks as among the Romans, we shall endeavour to give a brief account of the various parts into which it was divided by the Greeks at the different periods of their history, and then proceed to consider its divisions among the Romans, to which will be subjoined a short list of remarkable days.

At the time of the Homeric poems, the natural day was divided into three parts (*Il.* xxi. 111). The first, called ἠώς, began with

sunrise, and comprehended the whole space of time during which light seemed to be increasing, *i.e.* till mid-day. (*Il.* viii. 66, ix. 84; *Od.* ix. 56.) Some ancient grammarians have supposed that in some instances Homer used the word ἠὼς for the whole day, but Nitzsch (*Anmerkungen zur Odyssee*, i. 125) has shown the incorrectness of this opinion. The second part was called μέσον ἦμαρ or mid-day, during which the sun was thought to stand still. (Hermias, *ad* Plat. *Phaedr.* p. 342.) The third part bore the name of δείλη or δείελον ἦμαρ (*Od.* xvii. 606; compare Buttman's *Lexilog.* ii. n. 95), which derived its name from the increased warmth of the atmosphere. The last part of the δείλη was sometimes designated by the words ποτὶ ἕσπερα or βουλυτός (*Od.* xvii. 191; *Il.* xvi. 779). Besides these three great divisions, no others seem to have been known at the time when the Homeric poems were composed. (Cf. Buchholz, *Hom. Realien*, i. 39–42.) The chief information respecting the divisions of the day in the period after Homer, and more especially the divisions made by the Athenians, is to be derived from Pollux (*Onom.* i. 68). The first and last of the divisions made at the time of Homer were afterwards subdivided into two parts. The earlier part of the morning was termed πρωΐ or πρὼ τῆς ἡμέρας: the later, *i.e.* from 9 or 10 till noon, πληθούσης τῆς ἀγορᾶς, or περὶ πλήθουσαν ἀγορὰν (Herod. iv. 181; Xen. *Memorab.* i. 1, § 10, *Hellen.* i. 1, § 30; Dion Chrysost. *Orat.* lxvii.). The μέσον ἦμαρ of Homer was afterwards expressed by μεσημβρία, μέσον ἡμέρας, or μέση ἡμέρα, and comprehended, as before, the middle of the day, when the sun seemed neither to rise nor to decline. The two parts of the afternoon were called δείλη πρωΐη or πρωΐα, and δείλη ὀψίη or ὀψία (Herod. vii. 167, viii. 6; Thuc. iii. 74, viii. 26; Xen. *Anab.* i. 8, 8; compare Libanius, *Epist.* 1084). This division continued to be observed down to the latest period of Grecian history, though another more accurate division, and more adapted to the purposes of common life, was introduced at an early period; for Anaximander, or according to others, his disciple Anaximenes, is said to have made the Greeks acquainted with the use of the Babylonian chronometer or sun-dial (called πόλος or ὡρολόγιον, sometimes with the epithet σκιοθηρικόν or ἡλιαμάνδρον), by means of which the natural day was divided into twelve equal spaces of time. (Herod. ii. 109; Diog. Laërt. ii. 1, 3; Plin. *H. N.* ii. § 187; Suidas, *s. v.* 'Αναξίμανδρος.) These spaces were, of course, longer or shorter according to the various seasons of the year. The name hours (ὧραι), however, did not come into general use till a very late period, and the difference between natural and equinoctial hours was first observed by the Alexandrine astronomers.

During the early ages of the history of Rome, when artificial means of dividing time were yet unknown, the natural phenomena of increasing light and darkness formed with the Romans, as with the Greeks, the standard of division, as we see from the vague expressions in Censorinus (*de Die Nat.* 24). Pliny states (*H. N.* vii. § 212) that in the Twelve Tables only the rising and the setting of the sun were mentioned as the two parts into which the day was then divided, but from Censorinus (*l. c.*) and Gellius (xvii. 2) we learn that mid-day (*meridies*) was also mentioned. Varro (*L. L.* vi. 4, 5) and Isidore (*Orig.* v. 30 and 31) likewise distinguished three parts of the day, viz. *mane*, *meridies*, and *suprema*, scil. *tempestas*, after which no assembly could be held in the forum (cf. *XII. Tab.* in Censor. 24: "Solis occasus suprema tempestas esto"). The Lex Plaetoria prescribed that a herald should proclaim the *suprema* in the comitium, that the people might know that their meeting was to be adjourned (Varr. *L. L.* vi. 5). But the division of the day most generally observed by the Romans, was that into *tempus antemeridianum* and *pomeridianum*, the *meridies* itself being only considered as a point at which the one ended and the other commenced. As it was of importance that this moment should be known, an officer [ACCENSUS] of the consuls was directed to proclaim the time of mid-day, when from the Curia he saw the sun standing between the Rostra and the Graecostasis. The division of the day into twelve equal spaces, which, here as in Greece, were shorter in winter than in summer,* was adopted at the time when artificial means of measuring time were introduced among the Romans from Greece. This was about the year B.C. 293, when L. Papirius Cursor, before the war with Pyrrhus, brought to Rome an instrument called solarium horologium, or simply solarium. (Plaut. *ap. Gellium*, iii. 3, § 5; Plin. *H. N.* vii. § 212). In B.C. 263 M. Valerius Messala brought one which he had taken at the capture of Catina; and although this was incorrect, having been constructed for a place 4° further south than Rome, it was in use for 99 years, before the error was discovered. In B.C. 164 the censor Q. Marcius Philippus had a more exact sun-dial constructed; but the time was still unknown in cloudy weather (Plin. *l. c.*). Scipio Nasica, therefore, erected in B.C. 159 a public clepsydra, which indicated the hours of the night as well as of the day (Censorin. c. 23). Before the erection of a clepsydra it was customary for one of the subordinate officers of the praetor to proclaim the third, sixth, and ninth hours; which shows that the day was, like the night, divided into four parts, each consisting of three hours. In daily life numerous terms were in use to denote the different parts of the day, mostly of a general and somewhat vague character. (Cf. Varr. *L. L.* vi. 4–7; Servius on *Aen.* ii. 268, iii. 587; Isidor. *Or.* v. 31, 32.) See Dissen's treatise, *De Partibus Noctis et Diei ex Divisionibus Veterum*, in his *Kleine Lateinische und Deutsche Schriften*, pp. 130, 150. Compare the article HOROLOGIUM.

All the days of the year were, according to different points of view, divided by the Romans into different classes. For the purpose of the administration of justice, and holding assemblies of the people, all the days were divided into *dies fasti*, *dies nefasti*, and *dies* partly *fasti*, partly *nefasti*.

I. *Dies fasti* in the wider sense were days on which legal and political business could be lawfully transacted. They were divided into—

* The day at Rome varies from 8 hrs. 54 min. on Dec. 23, to 15 hrs. 6 min. on June 25: hence the hour varied between 45 min. and 1 hr. 15 min. (Ideler, *Chron.* ii. 13.)

1. *Dies fasti* in the narrower sense, marked with F in the calendars. On these legal business could be conducted (Ov. *Fast.* i. 48, "fastus erit per quem lege licebit agi;" Varr. *L. L.* vi. 29, "dies fasti per quos praetoribus omnia verba sine piaculo licet fari"). The word is derived by the ancients from *fari;* but although the root is undoubtedly the same, the more immediate connexion is with *fas*.

2. *Dies comitiales*, days on which meetings of the people could legally be held, and on which, if there was no meeting convened, courts could be opened. (Macrob. *Sat.* i. 16, 14, quoting Varro: "Comitiales sunt, quibus cum populo agi licet, et fastis quidem lege agi potest, cum populo non potest, comitialibus utrumque potest.") These days are marked C in the calendars. The *nundinae* belonged to this class, so far as the plebeians were concerned, from the first; but in early times they were *nefasti* for the patricians, a distinction removed in B.C. 287 by the Lex Hortensia (cf. Becker-Marquardt, ii. 3, 61). Mommsen doubts this view.

II. *Dies nefasti* were days on which no legal or political business could be done. Varro (*L. L.* vi. 30) says: "Contrarii horum (fastorum) vocantur dies nefasti, per quos dies nefas fari praetorem 'do, dico, addico,' itaque non potest agi, necesse enim aliquo eorum uti verbo, cum lege quid peragitur." These are again divided into two quite distinct classes:—

1. *Dies nefasti* or *feriati*, on which no business could be done because the day was sacred to some festival (a *dies festus*). These are marked N in the calendars. This sign was commonly interpreted *nefastus parte* or *nefastus principio*, and was explained to mean that the day was one during the earlier part of which no business could be done. But Mommsen (*Chronol.* p. 220; *C. I. L.* i. p. 366) showed that this view was quite untenable. It is sufficiently disproved by the fact that thus there would be no difference between N and EN, and that the former sign is prefixed to all holidays in the calendar except the *Feralia*, while it is quite impossible to believe that there was no whole holiday observed at Rome. The sign Mommsen explains to be, like M' when used as an abbreviation for Manius, a modification of the archaic M with five strokes (M); but there is little to support this view. Huschke interprets it as for *Nefastus Purus*.

2. *Dies religiosi* or *vitiosi*, sometimes called *atri*, marked in the calendars by R. These were unlucky days, which had been declared to be such by a decree of the senate in consequence of some disaster which had taken place upon them. All the *dies postriduani* were included under this head; *i.e.* the days after the calends, the nones and the ides, because these were believed to have been specially unfortunate (Ov. *Fast.* i. 59, 60, "Omen ab eventu est: illis nam Roma diebus damna sub averso tristia Marte tulit"). On these days it was not only unlawful to transact any legal or political business, but it was also unlucky to begin any affair of importance. (Cf. Gellius, iv. 9, 5: "Religiosi dies dicuntur tristi omine infames impeditique, in quibus et res divinas facere et rem quampiam novam exordiri temperandum est.")

III. Days partly *fasti* and partly not, including:—

1. *Dies intercisi*, marked in the calendars by EN, for *endotercisi* (*endo* being an archaic form of *in*, as in *endoperator*). On these days a victim was sacrificed in the morning, and the *exta* offered in the evening. Between the sacrifice and the offering the day was *fastus;* before the former and after the latter it was *nefastus*. (Varr. *L. L.* vi. 31; Ov. *Fast.* i. 49; Macrob. *Sat.* i. 16, 2, 3.)

2. *Dies fissi*, three in number. To two of these, March 24th and May 24th, are prefixed the letters Q. R. C. F., *i.e.* "quando rex (sacrorum) comitiavit, fas." These were probably the days on which the *rex* presided in the *comitia calata* for the purpose of the *testamenti factio* (Mommsen, *Röm. Staatsr.* ii.² 37). These days were even in ancient times confused with the *Regifugium*, i.e. February 24th, and the letters were wrongly interpreted *quando rex comitio fugit*. To the third, June 15th, is prefixed Q. ST. D. F., i.e. *quando stercus delatum fas:* on this day the temple of Vesta was solemnly cleansed by the Vestals, and the filth carried away or thrown into the Tiber (Ov. *Fast.* vi. 707), no other business being permitted on this day.

Mommsen (*C. I. L.* i. p. 373) calculates that the year contained 45 *dies fasti*, 194 *dies comitiales*, 48 *dies nefasti* or *feriati*, 57 *dies religiosi*, 8 *dies intercisi*, and 3 *dies fissi*.

Another division of the days of the year was of a purely religious character, with which naturally the former division to a certain extent coincided, in a city so dominated by religious scruples as Rome:—

(1) *Dies festi*, on which the gods were honoured by (a) *sacrificia*, (b) *epulae*, (c) *ludi*, (d) *feriae*. The *feriae* were of three kinds: 1, *stativae*, the date of which was fixed; 2, *conceptivae*, the date of which was determined each year by the proper officials; 3, *imperativae*, special holidays, proclaimed by authority, such as *supplicationes*.

(2) *Dies profesti*, ordinary working-days.

(3) *Dies intercisi*, of a mixed character.

Macrobius (i. 16), in describing the division of the *dies profesti*, adds to the *d. fasti* and *d. comitiales*, *comperendini*, "quibus vadimonium licet dicere;" *stati*, "qui iudicii causa cum peregrino instituuntur;" and *proeliares*, "quibus fas est res repetere vel hostem lacessere." These were of little practical importance, and do not appear with any distinguishing mark in the calendars.

For the NUNDINAE, cf. *s. v.* (See Marquardt, *Röm. Alterth.* vi. pp. 270–287.) [A. S. W.]

DIFFARREA'TIO. [DIVORTIUM.]

DIGESTA. [PANDECTAE.]

DIGITA'LIA. [MANICA.]

DI'GITUS. [PES.]

DIIPO'LIA or DIPO'LIA (Διιπόλια, Διπόλια or Διπόλεια), an annual festival celebrated at Athens in honour of Zeus, the protector of the city (Πολιεύς), to whom a bull was sacrificed, whence the festival was also called Buphonia (Aristoph. *Pax*, 420; *Av.* 984–5, with the Scholia). It took place on the 14th of Skirophorion, and cannot therefore, as some have believed, be the same as the Diasia, which was held in Anthesterion. It is possible that the θυσία τῷ Διὶ σωτῆρι, mentioned in an inscription (*C. I. G.* 151), may refer to the Dipolia. (Comp. Antiph. *Tetral.* i. 4, § 8; Pausan. i. 24,

§ 4, 28, § 11; Ael. *V. H.* viii. 3; Porph. *de Abst.* ii. 29; Creuzer, *Symbolik*, i. 172, iv. 122 ff.; Hermann, *Gottesd. Alterth.* § 61, n. 16, 17; A. Mommsen, *Heortol.* p. 453 ff.) [L. S.]

DI'MACHAE (διμάχαι), Macedonian horse-soldiers who also fought on foot when occasion required. Their armour was heavier than that of the ordinary horse-soldiers, and lighter than that of the regular heavy-armed foot. A servant accompanied each soldier in order to take care of his horse when he alighted to fight on foot. This species of troops is said to have been first introduced by Alexander the Great (Pollux, i. 132; Curt. v. 13, 8). They appear also among the Celtiberians (Diod. v. 33). [W. S.] [W. W.]

DIMACHAERI. [GLADIATORES.]

DIMENSUM. [SERVUS.]

DIMINU'TIO CA'PITIS. [CAPUT.]

DIOBE'LIA. [DIOBOLON.]

DIO'BOLON (Διώβολον), a small coin of two obols [DRACHMA], which was given to each Athenian citizen during the festivals to pay for his seat in the theatre, whence the gift was called διωβελία. (Xen. *Hell.* i. 7, § 2; Aristot. *Pol.* ii. 7, § 19.) In Plautus the adjective *diobolaris* signifies anything very cheap or mean (*scorta*, Plaut. *Poen.* i. 2, 61; Varr. *L. L.* vii. 64; Fest. p. 74, 6, M.; *anus*, Plaut. *Pseud.* ii. 2, 64, but in this passage others read *doliaris*). [W. S.]

DIOCLEIA (διόκλεια), a festival celebrated in the beginning of spring, by the Megarians, in honour of an ancient Athenian hero, Diocles, around whose grave young men assembled on the occasion, and amused themselves with gymnastic and other contests. We read that he who gave the sweetest kiss obtained the prize, consisting of a garland of flowers. (Theocrit. *Idyll.* xii. 27, &c.) The Scholiast on Theocritus (*l. c.*) relates the origin of this festival as follows:—Diocles, an Athenian exile, fled to Megara, where he found a youth with whom he fell in love. In some battle, while protecting the object of his love with his shield, he was slain. The Megarians honoured the gallant lover with a tomb, raised him to the rank of a hero, and, in commemoration of his faithful attachment, instituted the festival of the Diocleia. See Böckh, *ad* Pind. *Olymp.* vii. 157, p. 176, and the Scholiast *ad* Aristoph. *Acharn.* 730, where a Megarian swears by Diocles, from which we may infer that he was held in great honour by the Megarians. (Compare Welcker's *Sappho*, p. 39, and *ad Theogn.* p. 79.) [L. S.]

DIOMOSIA (διωμοσία). [ANAKRISIS.]

DIONY'SIA (Διονύσια). Dionysus as well as Apollo had a share at Delphi as one of the chief Hellenic gods. "Dionysus was the god of the peasantry, the bestower of the fullest festive enjoyment in the free conditions of a life led according to Nature" (Curtius, *Hist. of Greece*, ii. 78). Hence we are not surprised to meet his festivals everywhere. Thebes is said to have been his birthplace (Paus. ix. 12, 3), whence his worship spread to Corinth and Sicyon (*ib.* ii. 2, 7); to Euboea, where he was educated; and Naxos, where he was united with Ariadne. In Athens his worship is said to have been introduced by Amphictyon (Ath. ii. 38); that is, that it belonged to the Ionic Amphictyony. For other legends connected with the introduction of Dionysiac worship into Attica, see Suidas, Μελαναιγίδα Διόνυσον, Ἀπατούρια: Hesych., *s. v.* Ἐλεύθερος: Steph. Byz Σημαχίδαι: Paus. i. 2, 5; 38, 8: Schol. on *Ach.* 243; and especially Ribbeck, *Anfänge und Entwickelung des Dionysuskultes in Attika.* No less old in Attica was the worship of the Icarian Dionysus (*Dict. Mythology*, s. v. *Icarius*). In historic times we find Dionysia held at Delos, Tenos, Syrus, Ceos, Amorgos, Paros, Astypalaea (Hermann, *Gottesd. Alterth.* 65, 11); at Miletus, Teos, Smyrna (*ib.* 66, 9), and at Corcyra in the west (*ib.* 68, 1): cf. Preller, *Griech. Myth.* i.[3] 557 *sqq.*

But there had been another form of the worship of Dionysus, quite un-Hellenic, and a scandal in their eyes (ψόγος ἐς Ἕλληνας μέγας, Eur. *Bacch.* 778), which was wildly orgiastic. In very early times, it originated in Thrace and Macedonia, whence it spread into Asia Minor, where it united with the Oriental mysteries of Cybele, and then reacted on the Hellenic ceremonies. The mystic forms of the Bacchic worship for the most part go back to Orpheus. These, which are known as the *trieteric* festivals of Dionysus, *i.e.* occurring every other year (τριετηρίδες, Eur. *Bacch.* 133; Verg. *Aen.* iv. 302), first gained ground, in Greece proper, in Boeotia, coming perhaps across the sea by the islands; for, as Preller has shown (in Pauly, ii. 1065), such orgiastic rites are found in a vast number of the islands. And, like a fire, they soon spread all through Greece. There were revels in Parnassus (Soph. *Ant.* 1126), in Phocis (Paus. vi. 26, 1), Messenia, Arcadia, even Sparta (Ael. *V. H.* iii. 42): see Preller, *l. c.* 1066. The festivals were held on mountains, with blazing torches (Eur. *Bacch.* 133, 146), in dark winter nights (Ov. *Fast.* i. 394). The votaries were in large part women, and were known by many names,—Maenads, Thyiads, Clodones, Mimallones, Bassarides, &c. They were clothed in fawn skins [NEBRIS], carried thyrsi [THYRSUS], and in their ecstasies used to hunt wild animals, tear them in pieces, and sometimes eat them raw. In very early times, human sacrifice seems to have been offered to Dionysus Zagreus (Paus. ix. 8, 2), and Themistocles before the battle of Salamis sacrificed three young Persian prisoners to Dionysus Omestes (Plut. *Them.* 13). The splendours of trieteric Bacchic revelry *in excelsis* are brilliantly depicted in the choruses and messengers' speeches of the *Bacchae;* cf. also Preller in Pauly, ii. 1064–1067.

But the genuine Hellenic worship of Dionysus was of a more cheerful and less frantic nature. It was simple, if somewhat coarse, enjoyment. When the vintage was over and the must had fermented, Dionysus, the god of the grape, was honoured by the country folk with the best they could offer, with sacrifices of oxen and goats, those enemies of the god who used to eat his vines: and, in their hearty and natural revelry, they used to march about in procession, and dance and sing, and dress themselves up in odd costumes. Many writers, such as Preller, K. O. Müller, &c., tell us how the worshipper was filled with an intense desire "to fight, to conquer, and to suffer in common with the god." Such ideas did certainly arise in connexion with the cult of Dionysus; but most probably they were later additions, coming from the mysteries and partly belonging to the trieteric votaries of Dionysus as Zagreus. Of the Attic Dionysia we have most knowledge. These, which we now

proceed to describe, though mainly Hellenic and natural wine-feasts, had suffered somewhat from the influence of the Thracian and Asiatic mysteries, and exhibit a strange compound of what is ridiculous and grotesque with what is solemn and serious. The country Dionysia alone remained free from the influence of the mystic Bacchic rites (August Mommsen, *Heortologie*, p. 77). But regular trieteric revels are not found in Attica (Schömann, *Alterth.* ii.[3] 503).

The Attic festivals are generally allowed to be four in number,—the country Dionysia, the Lenaea, the Anthesteria, and the Great Dionysia; for O. Gilbert's view (*Die Festzeiten der attischen Dionysien*, 1872), that the first three are parts of the same festival, is demolished by Schömann (*op. cit.* ii.[3] 597–599).

I. *The Lesser* or *Country Dionysia* (τὰ μικρὰ or τὰ κατ' ἀγρούς) were very ancient *wine*-feasts, celebrated in the various demes throughout Attica, from about the 8th to 11th of Poseideon (=about Dec. 19–22), under the presidency of the demarchs. As A. Mommsen (*op. cit.* 324 ff.) points out, we must not suppose with Kannegiesser, Boeckh, and Preller, that they were *vintage*-feasts: for (*a*) Poseideon is too late for the vintage, which was usually about the equinox, sometimes extending to the beginning of November, but not later (Plin. *H. N.* xviii. § 319); (*b*) the Lesser Dionysia are called θεοίνια (Harpocr. *s. v.*), *i.e.* festivals of θέοινος: cf. Aesch. *Fragm.* 397, πάτερ θέοινε μαινάδων ζευκτήριε, which Tzetzes (*ad* Lycophr. 1247) explains as θεὸς οἴνου εὑρέτης, and which may be explained as the god himself turning into wine (cf. οὗτος θεοῖσι σπένδεται θεὸς γεγώς, Eur. *Bacch.* 284); (*c*) intoxication is one of the marks of the Dionysiac festival, and must cannot intoxicate, it needs fermentation. The country Dionysia, then, was a *wine*-feast, and we find it celebrated with dramatic performances in Collytus, Piraeus, Salamis, Eleusis, Aixone, Phlya, Myrrhinus, &c. (see A. Müller, *Griech. Bühnenalt.* 317, 318). We have an excellent picture of the coarse sort of thing it was in the *Acharnians*, 240 ff. There is a procession: the daughter of Dicaeopolis marches in front as κανηφόρος, and the slave Xanthias carries behind an erect phallus, to which Dicaeopolis sings a rollicking song, &c.

II. The *Lenaea* (Λήναια or τὰ ἐν Λίμναις, Hesych., Suid.; or Διονύσια ἐπὶ Ληναίῳ, *C. I. G.* 157, 11) was a town-festival. Preller (*op. cit.* ii. 1060) supposes that the Lenaea and the country Dionysia were originally one feast, but were separated after the temple of the Lenaeon in Limnae got included within the city; the Lenaea was then put off a month later, to allow the country folk to celebrate their festival in their separate districts, and afterwards to bring their wine to the city and enjoy the festivity there also. Mommsen, however (*op. cit.* 338), holds that Limnae was included in the city long before Athens knew anything about Dionysia. He thinks (p. 46; cf. 73) that the Lenaea was originally a trieteric festival, held in the intercalary month as a sort of makeshift, not to let the month be entirely without a feast. A difficulty still attaches to the name Λήναια, which certainly points to a *vintage*-feast: but Λῆναι are Bacchae, votaries intoxicated by the god; accordingly the word is not derived from ληνὸς in the sense of "a wine-press," but in that of "a vat"; for the produce of the wine-press is not, as we have seen, intoxicating at that stage. The festival was certainly celebrated during historical times in Gamelion (Bekk. *Anecd.* 235, 6; Schol. on Hes. *Op.* 506), but there is great uncertainty as to the exact days. After a full discussion, Mommsen decides (*op. cit.* pp. 332–337) for 8th to 11th (=about Jan. 28–31), though Boeckh (*C. I. G.* 523, 21) considers the κιττώσεις Διονύσου of the 19th refer to the Lenaea. Another name for the festival or part of it was probably Ambrosia [AMBROSIA], though this matter is not quite decided. At the Lenaea there was a great feasting and a procession (Law of Evagoras, *ap.* Dem. *Mid.* 517, § 10), during which there was plenty of jesting ἐξ ἀμαξῶν (Schol. on Aristoph. *Eq.* 547), though this jesting appears to have been a feature introduced into the Lenaea from the Anthesteria (Phot. p. 565, 14). It was a cheerier and less pompous festival than the great city Dionysia, for strangers did not take part in it (Aristoph. *Ach.* 504). Dithyrambs were sung on the first day, and the victor got an ivy crown (Mommsen, *op. cit.* p. 342).

III. About the date of the *Anthesteria*, there can be no doubt. It consisted of three days, called the Πιθοίγια, the Χόες, and the Χύτροι. The Πιθοίγια was held on the 11th of Anthesterion (=about March 2nd): see Plut. *Symp.* iii. 7, 1; viii. 10, 3; the Χόες on the 12th, and the Χύτροι on the 13th (Harpocr. 184, 24, and 186, 9). The whole festival is sometimes called by one of its days, viz. the chief one, the Χόες (Preller, *op. cit.* ii. 1062: cf. Phot. 269; Thuc. ii. 15, 5; and Mommsen, p. 348). (1) The *Pithoigia* was the preliminary opening of the wine-casks, and general preparation for the Choes. "Among our paternal customs," says the Scholiast on Hes. *Op.* 370, "is a festival called Pithoigia, during which it is not lawful to debar either slave or hired labourer from the enjoyment of the wine; but when we (*i.e.* the masters) have sacrificed, we must give all a share of the good gifts of Dionysus." Indeed, during all the days of the Anthesteria, the rustic slaves had leisure, and a verse tells of the somewhat brusque reminder to them that the feast is over: θύραζε, Κᾶρες· οὐκέτ' Ἀνθεστήρια (Zenob. *Cent.* iv. 33). The schoolboys appear to have got holidays during the Anthesteria (Theophr. *Char.* 30 (17)); and some days prior to this Christmas of the Athenians, there was a regular fair at Athens, bringing a conflux of foreign traders (cf. Aristoph. *Ach.* 719 ff.; and Mommsen, p. 352). The fastening of a rope round the temple in Limnae doubtless took place on the afternoon of the Pithoigia (περισχοινίσαι, Poll. viii. 141), though Alciphron seems to refer it to the Χύτροι, to which festival it probably at first and in essence belonged, but afterwards it was effected before the first event of the Choes. During the afternoon the procession assembled, those taking part in it, especially the children, who were allowed to join from three years old upwards (for did not Eurysaces, son of Ajax, take part in the festival in times long past? Philostr. *Heroic.* 314, 11), gaily adorned with crowns and flowers. At six o'clock the next day, (2) the *Choes* began. The procession started, no doubt with torches, the common people fol-

lowing in waggons. It originally represented the entry of the Wine-god as the Liberator (Ἐλευθερεύς), from without the city into the little temple of the Ceramicus (Paus. i. 29, 2), —though Preller (*Gr. Myth.* i.[3] 556) attributes this procession to the Greater Dionysia, considering Mommsen's reference of it to the Anthesteria "certainly erroneous," — and his incorporation into the city, by union with the noblest woman of the land, the wife of the king. The marriage does not appear in the Orphic theology; but there were many mystic accretions. All this part of the ceremony was symbolical. It was a marriage procession, and the votaries of the god — the Horae, Nymphae, Bacchae—led him along with curious pipings and moanings, and songs which tell the deeds of Orpheus and the stories of the gods (Philostr. *Vit. Apoll.* p. 158, Kayser). Anon he is joined by the Basilinna, accompanied by fourteen venerable priestesses (γεραιραὶ or γεραραί), and she is solemnly betrothed to the god in secret. Within the temple in Limnae, which is opened on this day only in the year, she administers by the Sacred Herald to the priestesses a vow, which declares the most spotless purity of life, and exact scrupulousness in attending to the festivals of the Theoinia and the Iobakcheia (*i.e.* Greater Mysteries), and which the priestesses swear to, laying their hands on their baskets; afterwards she offers a mystic sacrifice, wherein she prays for all blessings for the state, and then remains for the night in the cella of the temple (see Dem. *c. Neaer.* pp. 1370–1, §§ 74–78; and Mommsen, *op. cit.* pp. 358–360). Preller (in Pauly, ii. 1062) compares this sacrifice to the Roman *Augurium Salutis* (Cic. *de Div.* i. 47, 105), and the mystic marriage with Dionysus to that of the Doge of Venice to the Adriatic. The next morning was given to rest, and in the early afternoon the drinking began. The state had given money to the poor to buy wine and provisions (Plut. *Reip. ger. praec.* 25; Boeckh, *Sthh.*[3] i. 280). All salaries had been paid, even those of the poor Sophists (Ath. x. p. 437). Guests are invited, the hosts supplying all the accessories, such as tables, crowns, cushions, &c., while the guests brought their own κίσται containing food, and χόες of wine (Aristoph. *Ach.* 1085 ff.). The place of festivity was perhaps the neighbourhood of the theatre in the Lenaean region (Mommsen, p. 363). At the proclamation of the herald, contests in drinking took place, and whoever drank up his χοῦς of wine first got a prize (Aristoph. *Ach.* 999 ff. From this on to the end of the play, the scene is laid during the Χόες). The amusement of the ASCOLIASMOS (ἀσκωλιάζοντας πίνειν) is remarked by Alciphron (iii. 51, 3) to be un-Attic. Strangers took part in the festival, of whom there were great numbers in Athens, owing to the fair and the mysteries at Agrae, which occurred shortly after. The festival was administered by the Archon Basileus, as it had been by king Pandion originally (Schol. on *Ach.* 961). But, besides all the revelry, there is a note of solemnity. If a libation is poured out to the Jolly God, there is another to Hermes Chthonius (Schol. *Ach.* 1076). Photius (269, 21) tells us that the Choes was a μιαρὰ ἡμέρα, on which the souls of the dead used to walk on earth (cf. the *mundus patens* of the Romans, Marquardt, *Staatsverw.* iii. 352). Eustathius (ad *Il.* xxiv. 526) says that the Pithoigia also was ἀποφράς. The mythical origin of this drinking on an unlucky day was the device of king Pandion, whereby Orestes, still pursued by the Erinnyes, might yet take part in the festivity (see Schol. on *Ach.* 961). The pursuing Erinnyes are like the shades which walked this day on earth (Voigt in Roscher's *Lexikon der Myth.* i. 1072). On into the evening and night the revelry continues: but there is a touch of seriousness in the last act of the festival. The drinker winds his garland round his χοῦς, brings it to the priestess at Limnae, and, pouring out the remnants of the wine as a libation, offers the crown to the god, and in so doing makes his libation and offering to the dead (Ath. x. p. 437; cf. Aristoph. *Fragm.* 480 Meineke=488 Kock; Plut. *Aristid.* 21; Mommsen, p. 365).

(3) We are now at the *Chytri* (Χύτροι), a feast to the dead, where everything is solemn and serious. The administration was probably in the hands of the king archon. The feast got its name because food, mostly vegetables, were brought in pots (χύτραι), as sacrifices to the Shades and to Hermes Chthonius (Schol. on *Ran.* 218); the story was that the offering was first made by the survivors to the shades of those who perished in Deucalion's flood. There is no question but that it was celebrated on the 13th of Anthesterion (Harpocr. 186, 9); and if Didymus (*ap.* Schol. on *Ach.* 1076) says that the Chytri and the Choes were celebrated on one day, the explanation is that the revelry of the Choes extended into the night of the 13th (Mommsen, 346). The first ceremony was bringing water (*Etym. M.* p. 744, ὑδροφόρια ἑορτὴ Ἀθήνῃσι πένθιμος ἐπὶ τοῖς ἐν τῷ κατακλυσμῷ ἀπολομένοις); then into a pit, about a cubit deep, outside the Lenaean district but in the neighbourhood, into which legend said the waters of the Flood passed away, there was poured ground corn and honey kneaded together (Paus. i. 18, 7). Then fourteen altars were erected (ἵδρυσιν, Alciphr. ii. 3, 11, and Meineke *ad loc.*), on which the Γεραιραὶ offered pots of πανσπερμία after women solemnly carrying them thither on their heads (*Etym. M.* 227; Schol. on *Plutus*, 1197, 1198; *Ach.* 1076; *Ran.* 218). None of the offerings were eaten. There were no doubt cyclic choruses at the Chytri (Aristoph. *Ran.* 212 ff.); but the χυτρινοὶ ἀγῶνες were certainly contests of actors, not dramas [COMOEDIA, p. 520].

On the whole the Anthesteria was in essence a feast of drinking, when the year's wine was brought into the city; Mommsen (p. 370) thinks it may have been originally celebrated to Kronos and Zeus Kronion, but certainly in historical times to Dionysus Eleuthereus. It mainly represented the introduction of the Dionysiac cult into Athens and its incorporation with the Athenian religion, and was grafted on to a festival of the dead. But all the ceremonies cannot be understood without bringing in the Orphic theology, which tells how Zeus made his son Dionysus king of all things for a day (see Lobeck, *Aglaoph.* 552), and the subsequent death of Dionysus (as the Chytri of mourning follow the Choes of joy) at the hands of the giants, who cut him into fourteen pieces (hence fourteen altars), and so on. For details, see Mommsen, pp. 371–373.

IV. *The Greater or City Dionysia* (τὰ μέγαλα or τὰ ἐν ἄστει) were probably celebrated from the 9th to 13th of Elaphebolion (= about March 28–April 2). Mommsen (pp. 58–60) thinks that these Dionysia must have been introduced either in the time of the Pisistratidae, or in that of Cimon and Pericles, probably the latter. They took the place of an earlier lyrical festival to Apollo. The 8th was the ASCLEPIEIA and the προάγων (Aeschin. *Ctesiph.* 63, § 67). At this the poets, choregi, actors, and chorus appeared before the public in festal attire, but not in theatrical costume (Schol. to Aeschin. *l. c.*), and formally announced the dramas which were going to be enacted, and solicited the kind attention and favour of the audience (hence Ulpian on Dem. *Androt.* 611, § 59, προάγωνές εἰσι λόγοι οἱ προευτρεπίζοντες ἡμῖν τῶν δικαστῶν τὴν ἀκοήν): cf. A. Müller, *Gr. Bühnenalterthümer*, pp. 363–366. On the 9th there was the procession (πομπή) and the carouse (κῶμος); on the 10th the lyrical contest of boys and men. (We should probably insert καὶ οἱ ἄνδρες in the law of Evagoras, Dem. *Mid.* 517, § 10: see Bergk in *Rhein. Mus.* xxxiv. p. 31.) From the 11th to the 13th were dramatic performances, and on the beginning of the 14th the Pandia. This is Mommsen's (pp. 387–391) arrangement as opposed to K. F. Hermann's (*Gottesdienstl. Alterth.* § 59, 5, 6), who puts the 15th as the last day of the Dionysia. Mommsen bases his order mainly on the fact that the Peace of Nicias was ratified on the 14th (Thuc. iv. 118), which can hardly have been a feast-day; also the 14th was the full moon, and the Pandia was probably a full-moon feast; festivals moreover seldom passed beyond the full moon: and besides Calidorus in Plautus (*Pseud.* i. 3, 87), on the day before the Dionysia, in asking Ballio to wait six days, virtually asks him to wait till the festival was over. The Dionysia were great holidays. During them prisoners were released on parole (Ulpian on Dem. *Androt.* 614, § 68), and no one was allowed to seize the goods of a debtor (Law *ap.* Dem. *Mid.* 518, § 10). Even Plato thought it allowable to get drunk during the festivals of the god of wine (*Legg.* vi. 775 C). As to the ceremonial, early on the 9th (*i.e.* at nightfall) the image of Dionysus by Alcamenes (Paus. i. 20, 3) was taken from its "hearth and home" (ἑσχάρα) in the Lenaeon, and brought into the theatre, by the Ephebi (according to an inscription in Mommsen, p. 392), who gave a bull for sacrifice in the temple after the πομπή. The image was set up in the orchestra (Dio Chrys. xxxi. p. 386, Dindorf). The priest of Dionysus had doubtless important functions in the setting up of it. Later on, when day had come, there was the πομπή, which was of a much more dignified and orderly nature than that of the Anthesteria or Lenaea. It was partly on foot, partly on carts, but apparently there were no waggons. (Mommsen, p. 396.) In the agora a cyclic chorus danced round the altar to the twelve gods (Xen. *Hipp.* 3, 2). The goal of the procession was the Lenaeon. Strangers took part in the festival, of whom there were considerable numbers in Athens, as the allies used to come and pay their tribute in Elaphebolion (Boeckh, *Staatshaushaltung*, i.[3] 218; Schol. on *Ach.* 504). The State gave victims (*C. I. G.* 157), and sometimes other bodies did so likewise: *e.g.* the Ephebi, as we have seen. On the morning of the 10th the lyrical contests for choruses of boys and men began [CHOREGUS]. We have a splendid dithyramb of Pindar's composed for the Dionysia (*Fragm.* 75, ed. Bergk). A κῶμος by the victorious competitors followed. It is in relation to this part of the feast that Dionysus was honoured as μελπόμενος (Paus. i. 2, 5; 31, 6). From the 11th to 13th dramas were exhibited, a tragic trilogy in the morning and a comedy in the afternoon. The administration of the feast was in the hands of the Archon Eponymus, assisted by ἐπιμεληταί (Poll. viii. 89; cf. Dem. *Mid.* 519, § 15). For a full account of the dramatic performances held on the different festivals to Dionysus, see COMOEDIA, TRAGOEDIA, THEATRUM; and for minor festivals connected with Dionysus, see BRAURONIA, OSCHOPHORIA.

On the whole subject of the Dionysia, see Boeckh, *Vom Unterschiede der Lenäen, Anthesterien, und ländlichen Dionysien*, in the *Abhandlungen der Akad. der Wiss. zu Berlin*, 1816–1817; C. F. Hermann, *Gottesd. Alterthümer*, §§ 57–59; Preller in Pauly, ii. 1056–1067, and his *Griech. Mythologie*, i.[3] 544–593; August Mommsen, *Heortologie der Athener*, pp. 323–373, 387–398; Schömann, *Alterth.* ii.[3] 487–504; Voigt in Roscher's *Ausführliches Lexikon der Griechischen und Römischen Mythologie*, i. 1069–1075. Many illustrations depicting Bacchic worship are to be found in Mr. Sandys' edition of the *Bacchae*.

For the worship of Dionysus in Italy, see BACCHANALIA and LIBERALIA. [L. C. P.]

DIOSCU'RIA (διοσκούρια or διοσκούρεια, *C. I. G.* 1444), festivals celebrated in various parts of Greece in honour of the Dioscuri, the heroes Castor and Polydeuces (Pollux). The Spartan Dioscuria, mentioned by Pausanias (iv. 27, § 1; compare with iii. 16, § 3) and Spanheim (*ad* Callim. *Hymn. in Pall.* 24), were celebrated with sacrifices, rejoicings, and drinking. At Cyrene the Dioscuri were likewise honoured with a great festival. (Schol. *ad* Pind. *Pyth.* v. 629.) The Athenian festival of the Dioscuri has been described under ANAKEIA, where they were worshipped under the name of Ἄνακτες. Their worship was very generally adopted in Greece, especially in the Doric and Achaean states (Paus. x. 33, 3; 38, 3), as we conclude from the great number of temples dedicated to them; but scarcely anything is known respecting the manner in which their festivals were celebrated.

The festival of the Dioscuri was celebrated at Rome with great splendour on the Ides of Quinctilis, the 15th of July, the day on which they were believed to have assisted the Romans against the Latins in the battle of the Lake Regillus. On this occasion the Equites, who regarded the Dioscuri as their patrons, went in a magnificent procession, crowned with olive chaplets and wearing their state dress, the trabea, from the temple of Mars outside the city, through the main streets, across the forum, and by the ancient temple of the Dioscuri (Dionys. vi. 13; Liv. ix. 46). [EQUITES.] [L. S.]

DIO'TA (δίωτος), a vessel with two ears (ὦτα) or handles, is generally used as synonymous with amphora, though it may signify any

two-handled vessel. (Plat. *Hipp. Maj.* p. 288 D; Athen. xi. p. 473 c; Hor. *Carm.* i. 9, 8.) Annexed

Diota of the earliest style. (Birch.)

is the figure of a diota of the earliest style; for its ordinary shape, see AMPHORA. [W. S.]

DIPHROS (*δίφρος*). [CURRUS; SELLA.]

DI'PHTHERA (*διφθέρα*), a cloak made of skins, characteristic of workmen and countrymen. (Aristoph. *Nub.* 72, and Schol. *Vesp.* 444; Plato, *Crit.* p. 53; Lucian, *Tim.* c. 12.) On *σκυτίναι ἐσθῆτες* in general, see Pollux (vii. 70), who mentions a variety with a head-gear (*ἐπίκρανον*) like the *cucullus* (q. v.). (Becker-Göll, *Charikles*, iii. p. 261 ff.) [W. S.] [J. M.]

DIPLAX (*δίπλαξ*). [PALLIUM.]

DI'PLOIS (*δίπλοΐς*). [PALLIUM.]

DIPLO'MA. This word—which, like *δίπτυχα*, signified two tablets fastened together, as far as mere outward form is concerned—is fully treated of under DIPTYCHA: so here we have to set forth the various kinds of diplomata as regards their tenor. They all agreed in being some kind of a governmental grant. The Greeks sometimes called them *γράμματα βασιλικά*, and they were analogous to our letters-patent or passports (Salmasius *ad* Suet. *Aug.* 50). During the civil war Caesar gave diplomata to such as he allowed to enter the city (Cic. *Fam.* vi. 12, 3) or to leave Italy (ib. *Att.* x. 17, 4). To some of those who were condemned for adultery with Julia, Augustus is said to have given diplomata to ensure their safety (Senec. *de Clem.* i. 10, 4). But the word is generally applied either to permissions to use the public post, or to the grants of citizenship and rights of marriage to certain veterans.

1. After the establishment of the post by Augustus, *diploma* was the regular term for the permission granted by the emperor or provincial governor to an individual to use the post (*C. I. G.* 4956, 25; Plin. *Ep.* x. 45 (54), 64 (14), 120, 121). In the early empire the Praefectus Praetorio seems to have usurped the right of issuing diplomata when there was no emperor (Plut. *Galb.* 8); but illegally, for in such a case the chief administration rested with the consuls (Herodian, ii. 12, 4; yet cf. Mommsen, *Staatsr.* ii.[2] 1064, note 7). In the Constantinian and subsequent ages (see Godefroi, *Paratitlon* to Cod. Theod. viii. 5) the Emperor, the Praefectus Praetorio, and the Magister Officiorum issued permissions to use the post (Lyd. *de Magistr.* ii. 10, 26), but most of the other magistrates could only use it themselves, and that on state service, though certain officials were given the disposal of a limited number of permits each year: *e.g.* the Magister Militum per Orientem had twenty-five (Böcking, *Not. Dig.* i. p. xiv.). Another common name for these grants was *evectiones*. (For the strange terms *combinae* and *tractoriae*, see Salmasius on Capitol. *Pert.* 1.) They only lasted for a certain time (Plin. *ll. cc.*), and were very sparingly given, the greatest strictness being observed in requiring those who used the post to have them (Dig. 48, 10, 27, 2; Capitol. *Pert.* 1). On these diplomata the name (Plut. *Otho*, 3; Suet. *Otho*, 7; Tac. *Hist.* ii. 65) and seal (Suet. *Aug.* 50; Plut. *Galb.* 8) of the emperor were essential. After the further extension and development of the postal system under Hadrian, there were regular clerks, who were freedmen, for furnishing the various kinds of diplomata. These clerks were called *a diplomatibus* (Orelli, 2795), and perhaps formed a department of the *scrinium a memoria* (Henzen, 6328). The imperial *tabellarii* appear to have been called *diplomarii* (Mommsen, *I. R. N.* 6903). For further details see CURSUS PUBLICUS; Friedländer, ii. 14 ff.; and O. Hirschfeld, *Verwaltungsgeschichte*, i. 103–105; and for the later ages, Cod. Theod. viii. 5 and Godefroi's notes.

2. The Military Diplomata were documents granting rights of citizenship and regular marriage to soldiers who had served out their time; hence are frequently called *Privilegia Veteranorum de civitate et connubio*. Up to the date of the publication of the fifth volume of the *Ephemeris Epigraphica*, 1884, there are 80 extant, a complete index of 77 being given by Mommsen in that number (pp. 101 ff.). Previously in *C. I. L.* iii. p. 843 ff., he had given a full text and treatise on the diplomata then discovered. Five of these diplomata (21, 23, 30, 75, 76) are in the British Museum, one (21, of Trajan's time) being in good preservation. The earliest dates from the reign of Claudius, 52 A.D. (Dipl. 1); the latest from that of Diocletian, 301 A.D. (Dipl. 58). In republican times grants of citizenship were made by the people; in imperial times by the emperor (cf. Plin. *Ep.* x. 5, 6, 7; Suet. *Nero*, 12). The diplomata given to soldiers were always, like laws, cut in brass and posted up (cf. Cic. *Fam.* xiii. 36; *Phil.* ii. 36, 92) somewhere, before Domitian's time generally in the Capitol near the temple of Fides, subsequently *in muro post templum divi Augusti ad Minervam*. But if they were like laws, it was like "leges *datae*," not "*rogatae*" (see Mommsen, *ad Leges Salp. et Malac.* p. 392 ff.), and so Gaius (i. 57) rightly classes them among the *principum constitutiones*. They rest on the right granted to imperatores in the later ages of the republic, by such laws as the Lex Gellia et Cornelia (72 B.C.), a law which enacted that those who got citizenship from Cn. Pompeius with the advice of his council should be valid citizens (Cic. *Balb.* 8, 19; 14, 32: cf. Reid's introduction, p. 11); a right possessed long previously by certain *Triumviri coloniis deducendis* (*ib.* 21, 48, and Reid's note). The diplomata we are considering are *copies* of the law, and bear special reference to one individual and certain

of his relations, whose names are inserted at the end after the long preamble of the law, a space being evidently left in some diplomata (*e.g.* 6, 7, 10) for the name, which was subsequently added, perhaps in the presence of the witnesses, a reference being sometimes made to the actual place in the law where the individual in question will be found alluded to (*e.g.* in Dipl. 6 we find "Tabula I. pagina v. loco xxxxvi."). They bear the names of seven witnesses, who, after comparison of the copy and the law, affixed their seals; a practice arising from the sealing of wills, and afterwards extended to all legal documents. The names of the witnesses are nearly always in the genitive, signifying that it is their seal. These witnesses were mostly in early times friends and compatriots of the *beneficiarius*, called in by him; from Vespasian's time they were Roman citizens of the lower classes, who were perhaps called in by the brass-cutter and most likely made a business of such attestations. Hence the same name frequently occurs: *e.g.* Ti. Julius Felix (Dipl. 34, 35, 39, 41, 46): the name of Pullius occurs at least twenty-one times in these inscriptions; and they were, Mommsen supposes, freedmen of the Pullii, who for some generations seem to have had an extensive metal-working factory.

It is noticeable that among the legions the only ones to which diplomata are given are I., II. Adjutrices. These were formed for the fleet by Galba and Vespasian. Several are assigned to the praetorian and urban cohorts; but far the most to the auxiliary alae and cohorts, and to the *classici*. As to the date which is always added to the diplomata, Mommsen notices that in the third century the only dates found are "a. d. v. Kal. Jan." and "a. d. vii. Id. Jan."; the latter being the day of Augustus's establishment of the empire (*C. I. L.* i. p. 383): yet cf. Dipl. 72 (*Eph. Epigr.* iv. p. 508), which bears date "a. d. iii. Id. Aug."

As to the form in which the diplomata were couched, it is best to give a specimen of one. We take No. 16 of the year 93 A.D., now preserved at Florence (*C. I. L.* iii. p. 859).

"Imp(erator) Caesar, divi Vespasiani f. Domitianus Augustus Germanicus pontifex maximus tribunic(ia) potestat(e) xii imp(erator) xxii co(n)s(ul) xvi censor perpetuus, p(ater) p(atriae).

"Peditibus et equitibus qui militant in cohorte iii Alpinorum et in viii voluntariorum civium Romanorum, qui peregrinae condicionis probati erant, et sunt in Delmatia sub Q. Pomponio Rufo, qui quina et vicena stipendia aut plura meruerunt, item dimisso honesta missione emeritis stipendiis

"Quorum nomina subscripta sunt, ipsis liberis posterisque eorum civitatem dedit et connubium cum uxoribus quas tunc habuissent cum est civitas iis data, aut, si qui caelibes essent cum iis quas postea duxissent dumtaxat singuli singulas

"A. d. iii. Id. Julias M. Lollio Paullino Valerio Asiatico Saturnino, C. Antio Julio Quadrato co(n)s(ulibus)

"Cohort(is) iii, Alpinorum cui praeest C. Vibius Maximus, peditibus, Veneto Diti f., Davers(o), et Madenae Plarentis filiae uxori eius Deramist(ae) et Gaio f. eius

"Descriptum et recognitum ex tabula aenea quae fixa est Romae in muro post templum divi Aug(usti) ad Minervam."

The names of the seven witnesses are added: A. Volumni Expectati, Q. Orfi Cupiti, &c. [As to the difficult question of the marriage of soldiers, some remarks will be found under EXERCITUS.]

The tablets were, as we said, of brass. They are generally oblong, about $6 \times 4\frac{3}{4}$ inches. They have for the most part four holes, which are indicated in the accompanying figures of the four sides. The tablets were fastened together by two brass rings passed through holes 1 and 2. Accordingly, if you have the outside of *tabella prior* facing you, the fastenings are on the right side of the tablets. Also a thread (of brass in the case of the diplomata) was fastened three times through the holes 3 and 4, in accordance with the usual usage in official documents. "Amplissimus ordo decrevit," says Paulus (*Sent. Rec.* v. 25, 6), "eas tabulas quae publici vel privati contractus scripturam con-

Fig. 1.

Fig. 2.

tinent, adhibitis testibus ita signari, ut in summa marginis ad mediam partem perforatae triplici lino constringantur atque impositae

supra linum cerae signa imprimantur." (Cf. Suet. *Nero*, 17; Gaius, ii. 181; Just. *Inst.* ii. 16, 3.) But after the time of Antoninus Pius the holes 1 and 2 nearly always (*e.g.* Dipl. 51) do not appear, the only fastening being through 3 and 4 (*e.g.* Dipl. 51).

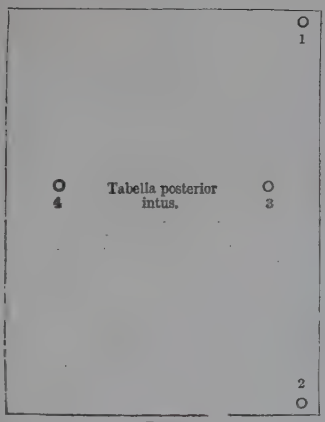


Fig. 3.

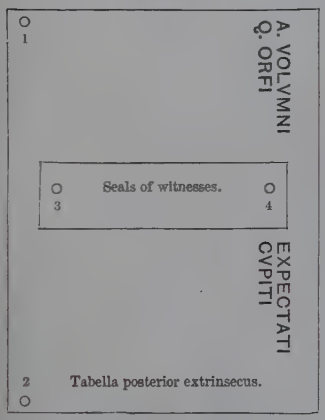


Fig. 4.

Originally an official document was written only on the inside tablets, the names of the witnesses alone being outside. But later the instrument was written on the outside as well: and such is the case with all our diplomata. The contents are written on the outside of *tabella prior* (Fig. 1), the lines running along the shorter side of the oblong. On the inside of *tabella prior* and *posterior* (Figs. 2 and 3), the diploma is again found in full in larger letters, the lines running along the longer side of the oblong and passing on from one tablet to the other. The writing here was after Trajan's time somewhat careless, with many abbreviations; also the locality where the diploma was fixed was omitted or inadequately specified. The inner side of *tabella posterior* was not used at all in the diplomata of the third century. Fig. 4 shows the outside of *tabella posterior* which contained the names of the witnesses. These names were cut at the same time as the rest of the document; and the witnesses gave their attestation by affixing their seals in the vacant space in the middle of the tablet, after comparison of the law and the copy. See Mommsen in *C. I. L.* iii. p. 902 ff.; *Ephemeris Epigraphica*, ii. 452–466; iv. 181–187, 495–515; v. 92–104, 610–617, 652–656. [L. C. P.]

DIPO'LIA. [DIPOLIA.]

DI'PTEROS (δίπτερος). [TEMPLUM.]

DI'PTYCHA (δίπτυχα, from πτύσσω, "to fold"), two writing tablets (*tabulae* or *tabellae*,

Diptycha Consularia of Clementinus, A.D. 513. (Labarte.)

also called *pugillares*), fastened together at the back by means of wires, which answered the purposes of hinges, so that they opened and shut. The insides of such tablets were covered with wax for the purposes of writing, and with a raised margin round each to prevent the wax of one tablet rubbing against the wax of the other. The outside was made of different materials, such as wood, ivory, or parchment. [For authorities, see TABULAE.] Similar tablets were used by the Greeks. Herodotus (vii. 239) speaks of a δέλτιον δίπτυχον, made of wood and covered with wax; and even in Homer (*Il.* vi. 169) we read of a πίναξ πτυκτός.

The *Diptycha Consularia*, frequently mentioned in the later times of the empire, were made of ivory, and were presented by the consuls to the emperor and their friends on the day on which they entered upon their office. Other magistrates, such as the quaestors, also distributed diptycha on the same occasion (Symmach. *Ep.* ii. 81), but from the time of Theodosius this privilege was confined to the *Consules ordinarii*. (Claudian, *de Cons. Stilich.* iii. 346, Symmach. *Ep.* v. 56, vii. 76, ix. 119; Cod. Theod. xv. 8, 1.) These diptycha contained the portraits and names of the consuls, with other representations in bas-relief. Several of these diptycha are still extant—61 in all, according to Marquardt; the oldest bearing the date of 406 A.D., and the latest of 541. The specimen on the preceding page, figured by Labarte, represents one tablet, the other being nearly the same. On it Clementinus, consul A.D. 513, is represented seated on a curule chair, between the figures of Rome and Constantinople, holding the map of the Circus, and giving with it the sign for the beginning of the games. Above him are his signet, name, and title, surmounted by a cross and portraits of the Emperor Anastasius and the Empress Ariadne. Under him are two boys, emptying bags of presents; namely, coins, diptychs, and palm-branches. (There are several works on the Consular Diptychs, a list of which is given in Becker-Göll, *Gallus*, ii. p. 462; Marquardt, *Privatl. d. Römer*, p. 546.) [W. S.]

DIRECTA ACTIO. [ACTIO.]

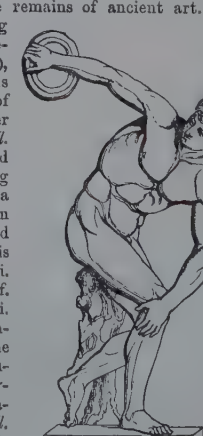
DIRIBITO'RES are said by most modern writers to have been the persons who gave to the citizens the *tabella* with which they voted in the comitia; but Wunder has most distinctly proved, in the preface to his *Codex Erfurtensis* (pp. cxxvi.–clviii.), that it was the office of the *diribitores* to divide the votes when taken out of the *cistae*, so as to determine which had the majority. He remarks that the etymology of *diribere* would lead us to assign to it the meaning of "separation" or "division," as it is compounded of *dis* and *habere* in the same manner as *dirimere* is of *dis* and *emere*; the *h* disappears as in *praebere* and *debere*, which come respectively from *prae* and *habere*, and *de* and *habere*. In several passages *diribitio suffragiorum* immediately precedes the *renuntiatio*, and hence the word cannot have any other signification than that given by Wunder. (Cic. *pro Planc.* 20, 49; *ad Qu. Fratr.* iii. 4, § 1; Varr. *de Re Rust.* iii. 2, § 1, iii. 5, § 18; *Lex Malac.* § 55, l. 12.)

When Cicero says (*in Pison.* 15, 36), "vos rogatores, vos diribitores, vos custodes tabellarum," we may presume that he mentions these officers in the order in which they discharged their duties in the *comitia*. It was the office of the *rogatores* to collect the *tabellae* which each century gave, as they used, before the ballot was introduced, to ask (*rogare*) each century for its votes, and report them to the magistrate who presided over the comitia. The *diribitores*, as has been already remarked, divided the votes when taken in the *cistae* to the *villa publica*, and there sorted them; the *custodes*, among whom were the agents of the candidates, checked them off by points marked on a tablet. [Compare CISTA, SITULA.] [W. S.]

DISCUS (δίσκος), a circular plate of stone (λιθίνοις δίσκοις, Pind. *Isthm.* i. 34), or metal ("splendida pondera disci," Mart. xiv. 164), made for throwing to a distance as an exercise of strength and dexterity. This gymnastic feat, like the αἰγανέα, formed later part of the Pentathlon, scenes from which were sometimes engraved on the discus.

The earliest form was a stone (λίθος, λᾶς), as employed among the mythic Phaeacians, and even down to the latest period (*v. sup.*); such a mass of granite is preserved in the Bibl. Nat. at Paris (Ménard, *Vie Priv. des Anc.* tom. iv. p. 26). In Homer, the heroes contend for a lump of iron (σόλος αὐτοχόωνος), perforated in the centre for the passage of a thong which served as a handle (Eratosth., ed. Bernhardy, p. 251), to be given to him who should throw it farthest. (*Il.* xxiii. 826–46, and ii. 774; *Od.* viii. 129, 186–8, xvii. 168.) In historical times the discus was of bronze and *lenticular*, 10 to 12 in. in diameter; in the Lyceum was one like a small smooth shield, with neither handle nor strap (Lucian, *Anach.* c. 27). The discus of Iphitos in the temple of Zeus at Olympia (Paus. v. 20) bore the truce (ἐκεχειρία) announced by the Eleians at the games spirally engraved upon it.

Of the game itself (δισκοβολία), a complete idea may be formed from the notices of the ancients and the remains of ancient art. The player, standing upon a slight elevation (βαλβίς), raised the discus to the level of his right shoulder (κατωμαδίοιο, *Il.* xxiii. 431), and then with a swing of the arm and a following motion of the body hurled it with all his force. (*Od.* viii. 186–200; and cf. Stat. *Theb.* vi. 703, "Vasto contorquet turbine et ipse prosequitur;" τὰ δίσκουρα, as a measure of length, *Il.* xxiii. 431, 523). An early example of the δισκοβόλος in art was the figure of Eurybotus on the chest of Cypselus. But the most celebrated representation in



Discobolus. (Osterley, *Denkm. der alt. Kunst*, vol. i. No. 139.)

antiquity is that by the sculptor Myron, whose powerful portrayal of the initial attitude of the thrower has been the theme of critics from Quintilian downwards (see Quint. *Inst. Or.* ii. 13, § 10; also Lucian, *Philops.* c. 18; Philostr. *Imag.* i. 24; Welcker, *ad loc.*). Eight copies of this statue are extant, one of which is in the British Museum.

Discus came to mean any plate-shaped object, so perhaps that of silver in the Delphic temple (Philostr. *Vit. Apoll. Tyan.* iii. 9, 57); a dish for serving food (Athen. iv. p. 128 c; Krause, *Angeiol.* p. 418 ff.). (J. H. Krause, *Gymn. u. Agon. d. Hell.*; Ersch and Grüber, *Gymn.* p. 350 ff.; Baumeister, *Denkm.* s. v.; Blümner, *Gesch. d. Kunstgew.* s. v.) [J. M.]

DISPENSA'TOR, a steward in the urbana familia, who had the charge of the accounts and made the payments. (Cic. *Att.* xi. 1; Cic. *ap.* Non. p. 193; Fest. p. 72, M.; Juv. i. 91, vii. 219; Mart. v. 42; Macrob. *Sat.* ii. 4, 31; Suet. *Aug.* 67, *Galb.* 12, *Vesp.* 22.) The dispensator was usually, perhaps always, a slave; though under the empire, Orelli maintains, he was sometimes ingenuus (Orelli, *Inscr.* 4002). If there was a procurator in the house, the dispensator was under him, and acted simply as cashier. Thus we read in Petronius (30) that the procurator *rationes accipiebat*, while the dispensator paid out the golden money in the atrium. If there was a dispensator on the country estate, he was nearly the same as the villicus (Dig. 50, 16, 166). The imperial procuratores discharged important duties not only at the court, but in Rome and the provinces (cf. Plin. *H. N.* vii. § 128). How valuable was the appointment may be seen from the fact that Otho extorted a million of sesterces from a slave whom he had recommended to Galba for the office of dispensator (Suet. *Oth.* 5). A slave of Claudius, who was dispensator in Nearer Spain, had a silver dish 500 pounds in weight, and many of his companions had similar dishes, but of less weight (Plin. xxxiii. § 145; Tertull. *de Pall.* 5). In a columbarium on the Appian way is an inscription respecting an imperial dispensator in Gallia Lugdunensis, erected by sixteen of his slaves (*vicarii*), who had accompanied him to Rome, where he died (Orelli-Henzen, *Inscr.* 6651). (Becker-Göll, *Gallus*, ii. p. 136; Friedländer, *Sittengesch. Roms*, i. p. 97; Marquardt, *Privatl. d. Römer*, p. 152.) [W. S.]

DITHYRAMBUS. [Chorus.]

DIVERSO'RIUM. [Caupona.]

DIVIDI'CULUM. (Aquaeductus, p. 154 *b*.)

DIVINA'TIO is, according to Cicero (*de Divinat.* i. 1, 1), a presentiment and a knowledge of future things; or, according to Chrysippus (Cic. *de Divinat.* ii. 63, 130), a power in man which foresees and explains those signs which the gods throw in his way, and the diviner must therefore know the disposition of the gods towards men, the import of their signs, and the means whereby the indications given by these signs are to be dealt with. According to this latter definition, the meaning of the Latin word *divinatio* is narrower than that of the Greek μαντική, inasmuch as the latter signifies any means by which the decrees of the gods can be discovered, the natural as well as the artificial; that is to say, the seers and the oracles, where the will of the gods is revealed by inspiration, as well as the *divinatio* in the sense of Chrysippus. In the one, man is the passive medium through which the deity reveals the future; while, in the other, man discovers it by his own skill or experience, without any pretension to inspiration. As, however, the seer or *vates* was also frequently called *divinus*, we shall treat, under this head, of seers as well as of other kinds of *divinatio*. The subject of oracles is discussed in a separate article. [Oraculum.]

The belief that the decrees of the divine will were occasionally revealed by the deity himself, or could be discovered by certain individuals, is one which the classical nations of antiquity had, in common with many other nations, before the attainment of a certain degree of intellectual cultivation. In early ages such a belief was natural, and perhaps founded on the feeling of a very close connexion between man, God, and nature. But in the course of time, when men became more acquainted with the laws of nature, this belief was abandoned, at least by the more enlightened minds, while the multitudes still continued to adhere to it; and the governments, seeing the advantages to be derived from it, not only countenanced, but encouraged and supported it.

The seers or μάντεις, who, under the direct influence of the gods, chiefly that of Apollo, announced the future, seem originally to have been connected with certain places where oracles were given; but in subsequent times they formed a distinct class of persons, independent of any locality; one of them is Calchas in the Homeric poems. Apollo, the god of prophecy, was generally the source from which the seers, as well as other diviners, derived their knowledge. In many families of seers the inspired knowledge of the future was considered to be hereditary, and to be transmitted from father to son. To these families belonged the Iamids (Paus. iii. 11, § 5, &c.; Boeckh, *ad* Pind. *Ol.* vi. p. 152), who from Olympia spread over a considerable part of Greece; the Branchidae, near Miletus (Conon, 33); the Eumolpids, at Athens and Eleusis; the Clytinds (Paus. vi. 17, § 4), the Telliads (Herod. viii. 27; Paus. x. 1, § 4, &c.; Herod. ix. 37), the Acarnanian seers, and others. Some of these families retained their celebrity till a very late period of Grecian history. The *manteis* made their revelations either when requested to do so on important emergencies, or they made them spontaneously whenever they thought it necessary, either to prevent some calamity or to stimulate their countrymen to something beneficial. The civil government of Athens not only tolerated, but protected and honoured them; and Cicero (*de Divinat.* i. 43, 95) says, that the *manteis* were present in all the public assemblies of the Athenians. (Compare Aristoph. *Pax*, 1025, with the Schol.; *Nub.* 325, &c. and the Schol.; Lycurg. *c. Leocrat.* p. 196.) Along with the seers we may also mention the Bacides and the Sibyllae. Both existed from a very remote time, and were distinct from the *manteis* so far as they pretended to derive their knowledge of the future from sacred books (χρησμοί) which they consulted, and which were in some places, as at Athens and Rome, kept by the government or some especial officers, in the acropolis and in the most revered sanctuary. Bacis was, according to

Pausanias (x. 12, § 6; compare with iv. 27, § 2), in Boeotia a general name for a man inspired by nymphs. The Scholiast on Aristophanes (*Pax*, 1009) and Aelian (*V. H.* xii. 35) mention three original Bacides,—one of Eleon in Boeotia, a second of Athens, and a third of Caphys in Arcadia. (Compare Aristoph. *Equit.* 123, 998; *Aves*, 963; Clem. Alex. *Strom.* i. 398.) From these three Bacides all others were said to be descended, and to have derived their name. Antichares (Herod. v. 43), Musaeus (Herod. vii. 6), Euclous of Cyprus (Paus. x. 12, § 6), and Lycus, son of Pandion (Paus. *l. c.*), probably belonged to the Bacides. The Sibyllae were prophetic women, probably of Asiatic origin, whose peculiar custom seems to have been to wander with their sacred books from place to place. (Liv. i. 7.) Aelian (*V. H.* xii. 35) states that, according to some authors, there were four Sibyllae,—the Erythraean, the Samian, the Egyptian, and the Sardinian; but that others added six more, among whom there was one called the Cumaean, and another called the Jewish Sibylla. Compare Suidas (*s. v.* Σίβυλλαι), and Pausanias (x. 12), who has devoted a whole chapter to the Sibyllae, in which, however, he does not clearly distinguish between the Sibyllae properly so called, and other women who travelled about and made the prophetic art their profession, and who seem to have been very numerous in all parts of the ancient world. (Clem. Alex. *Strom.* i. 319.) The Sibylla whose books gained so great an importance at Rome, was, according to Varro (*ap.* Lactant. i. 6), the Erythraean: the books which she was said to have sold to one of the Tarquins were carefully concealed from the public, and only accessible to the duumvirs. The early existence of the Sibyllae is not as certain as that of the Bacides; but in some legends of a late date, they occur even in the period previous to the Trojan war, and it is not improbable that at an early period every town in Greece had its prophecies by some Bacis or Sibylla. (Paus. *l. c.*) They seem to have retained their celebrity down to the time of Antiochus and Demetrius. (See Niebuhr, *Hist. of Rome*, i. p. 503, &c.)

Besides these more respectable prophets and prophetesses, there were numbers of diviners of an inferior order (χρησμολόγοι), who made it their business to explain all sorts of signs, and to tell fortunes. They were, however, more particularly popular with the lower orders, who are everywhere most ready to believe what is most marvellous and least entitled to belief. This class of diviners, however, does not seem to have existed until a comparatively late period (Thuc. ii. 21; Aristoph. *Aves*, 897; *Pax*, 986, 1034, &c.), and to have been looked upon, even by the Greeks themselves, as nuisances to the public.

The second or artistic kind of divination consisted in the interpretation of signs and phenomena. For this kind of divination no divine inspiration was thought necessary, but merely experience and a certain knowledge acquired by routine; and although in some cases priests were appointed for the purpose of observing and explaining signs [AUGUR; HARUSPEX], yet on any sudden emergency, especially in private affairs, any one who met with something extraordinary might act as his own interpreter. The principal signs by which the gods were thought to declare their will, were things connected with the offering of sacrifices, the flight and voice of birds, all kinds of natural phenomena, ordinary as well as extraordinary, and dreams.

The interpretation of signs of the first class (ἱερομαντεία or ἱεροσκοπία, *haruspicium* or ars *haruspicina*), was, according to Aeschylus (*Prometh.* 492, &c.), the invention of Prometheus. It seems to have been most cultivated by the Etruscans, among whom it was raised into a complete science, and from whom it passed to the Romans. Sacrifices were either offered for the special purpose of consulting the gods, or in the ordinary way; but in both cases the signs were observed, and, when they were propitious, the sacrifice was said καλλιερεῖν. The principal points that were generally observed were: 1. The manner in which the victim approached to the altar, whether uttering a sound or not; the former was considered a favourable omen in the sacrifice at the Panionium. (Strab. viii. p. 384; compare Paus. iv. 32, § 3.) 2. The nature of the intestines with respect to their colour and smoothness (Aeschyl. *Prometh.* 493, &c.; Eurip. *Elect.* 833); the liver and bile were of particular importance. [CAPUT EXTORUM.] 3. The nature of the flame which consumed the sacrifice (see Valckenaer, *ad* Eurip. *Phoen.* 1261); hence the words πυρομαντεία, ἔμπυρα σήματα, φλογωπὰ σήματα. That the smoke rising from the altar, the libation, and various other things offered to the gods, were likewise considered as a means through which the will of the gods might be learned, is clear from the names καπνομαντεία, λιβανομαντεία, κριθομαντεία, and others. Especial care was also taken during a sacrifice, that no inauspicious or frivolous words were uttered by any of the bystanders: hence the admonitions of the priests, εὐφημεῖτε and εὐφημία, or σιγᾶτε, σιωπᾶτε, *favete linguis*, and others; for improper expressions were not only thought to pollute and profane the sacred act, but to be unlucky omens (δυσφημία, κληδόνες, φῆμαι, φωναὶ or ὀμφαί, Pind. *Ol.* vi. 112; Hom. *Il.* ii. 41).

The art of interpreting signs of the second class was called οἰωνιστική, *augurium* or *auspicium*. It was, like the former, common to Greeks and Romans, but was never developed into so complete a system by the former as by the latter; nor did it ever attain the same degree of importance in Greece as it did at Rome. [AUGUR.] The Greeks, when observing the flight of birds, turned their face towards the north, and then a bird appearing to the right (east), especially an eagle, a heron, or a falcon, was a favourable sign (Hom. *Il.* xiv. 274, xxiv. 310, *Od.* xv. 524); while birds appearing to the left (west) were considered as unlucky signs. (Hom. *Il.* xii. 201, 230; Festus, s. v. *Sinistrae Aves.*) Sometimes the mere appearance of a bird was thought sufficient: thus the Athenians always considered the appearance of an owl as a lucky sign; hence the proverb, γλαὺξ ἵπταται, "the owl is out," *i.e.* we have good luck. Other animals appearing unexpectedly, especially to travellers on their road (ἐνόδια σύμβολα), were also thought ominous; and at Athens it was considered a very unlucky omen, when a weasel appeared during the assembly of the people.

(Aristoph. *Eccles.* 793.) Superstitions of this kind are still met with in several European countries. Various other means were used to ascertain the will of the gods, such as the σιδηρομαντεία, or divination by placing straws on red-hot iron; the μολυβδομαντεία, by observing the figures which melted lead formed; the βοτανομαντεία, or divination by writing one's own name on herbs and leaves, which were then exposed to the wind, &c.

Of greater importance than the appearance of animals, at least to the Greeks, were the phenomena in the heavens, particularly during any public transaction. They were not only observed and interpreted by private individuals in their own affairs, but by the public magistrates. The Spartan ephors, as we learn from Plutarch (*Agesil.* 11), made regular observations in the heavens every ninth year during the night; and the family of the Pythaistae, of Athens, made similar observations every year before the theoris set sail for Delos. (Müller, *Dorians*, ii. 2, § 14.) Among the unlucky phenomena in the heavens (διοσημεῖα, *signa*, or *portenta*) were thunder and lightning (Aristoph. *Eccles.* 793; Eustath. *ad* Hom. *Od.* xx. 104), an eclipse of the sun or moon (Thucyd. vii. 50), earthquakes (Xen. *Hellen.* iv. 7, § 4), rain of blood, stones, milk, &c. (Hom. *Il.* xi. 53, &c.; Cic. *de Divinat.* i. 43). Any one of these signs was sufficient at Athens, as well as at Rome, to break up the assembly of the people. (Schömann, *de Comit. Ath.* p. 146, &c. transl.) In common life, things apparently of no importance, when occurring at a critical moment, were thought by the ancients to be signs sent by the gods, from which conclusions might be drawn respecting the future. Among these common occurrences we may mention sneezing (Hom. *Od.* xvii. 561, with the note of Eustath.; Xen. *Anab.* iii. 2, § 9; Plut. *Themist.* 13; Ovid, *Heroid.* 19, 151; Propert. ii. 2, 33), twinkling of the eyes (Theocrit. iii. 37; Plaut. *Pseud.* i. 2, 105; compare Wüstemann, *ad* Theocrit. *l. c.*), tingling of the ears, and numberless other things which we cannot here enumerate. Some of them have retained their significance with the superstitious multitude down to the present day.

The art of interpreting dreams (ὀνειροπολία), which had probably been introduced into Europe from Asia, where it is still a universal practice, seems in the Homeric age to have been held in high esteem; for dreams were said to be sent by Zeus. (Hom. *Il.* i. 63, ii. *init.*; *Od.* iv. 841, xix. 457.) In subsequent times, that class of diviners who occupied themselves with the interpretation of dreams, seems to have been very numerous and popular; but they never enjoyed any protection from the state, and were only resorted to by private individuals. Some persons are said to have gained their livelihood by this profession. (Plut. *Aristid.* 27.) Respecting the oracles which were obtained by passing a night and dreaming in a temple, see ORACULUM.

For further information concerning the art of divination in general, see Cicero's work *de Divinatione*. The μαντική of the Greeks is treated of at some length by Wachsmuth (*Hellen. Alterth.* ii. 2, p. 259, &c., vol. ii. p. 585, 2nd edit.). Compare Thirlwall's *Hist. of Greece*, i. p. 206, &c.

The word *divinatio* was used in a particular manner by the Romans as a law-term, which requires some explanation. If in any case two or more accusers came forward against one and the same individual, it was, as the phrase ran, *decided by divinatio* who should be the chief or real accuser, whom the others then joined as subscriptores; *i.e.* by putting their names to the charge brought against the offender. This transaction, by which one of several accusers was selected to conduct the accusation, was called *divinatio*, as the question here was not about facts, but about something which was to be done, and which could not be found out by witnesses or written documents; so that the judices had, as it were, to divine the course which they had to take. (Ascon. *in Argum. ad* Cic. *Divinat. in Caec.* p. 99, ed. Orelli.) Hence the oration of Cicero in which he tries to show that he, and not Q. Caecilius Niger, ought to conduct the accusation against Verres, is called *Divinatio in Caecilium*. Cf. cc. 15 and 20 of the oration, and Gellius, ii. 4. [L. S.] [A. S. W.]

DIVI'SOR. [AMBITUS.]

DIVO'RTIUM, divorce. **1.** GREEK. The term for this act was ἀπόλειψις or ἀπόπεμψις, the former denoting the act of a wife leaving her husband, and the latter that of a husband dismissing his wife (Dem. *c. Onet.* i. p. 865, § 4; *c. Neaer.* p. 1362, § 52, 1365, § 59). The only Greek states respecting whose laws of divorce we have any knowledge are Athens and Sparta. In both states the law permitted either husband or wife to call for and effect a divorce, though it was much easier for a husband to get rid of his wife than for a wife to escape from her husband. At Sparta, it seems, a man might dismiss his wife if she bore him no issue; the recorded instances, however, are those of kings, and private inclination was sacrificed to state policy (Herod. v. 39, vi. 61). The law at Athens allowed a man to divorce his wife without ceremony, simply by his act of sending her out of his house (ἐκπέμπειν, ἀποπέμπειν), upon which she returned to the guardianship of her nearest male relation (Dem. *c. Onet.* i. p. 868, § 8; cf. KYRIOS). The husband was then bound to return the dowry which she had brought him, or to pay her interest at the rate of nine obols per mina per month (ἐπ' ἐννέα ὀβολοῖς = 18 per cent. per annum, Dem. *c. Aph.* i. p. 818, § 17, *c. Neaer.* p. 1362, § 52); and in addition to this to provide alimony (σῖτος). It became the duty of the κύριος to enforce these claims, if necessary, by a προικὸς δίκη or a σίτου δίκη (*c. Neaer.* l. c.; Isae. *Or.* 3 [*Pyrrh.*], §§ 9, 78). A husband thus dismissing his wife usually did so, as might be expected, in the presence of witnesses (Lys. *c. Alcib.* i. § 28). What became of the children in such a case is not mentioned, but it is probable that they remained with the father. Besides the various motives which naturally incline men to seek a new connexion or break off the old, the Athenian law created artificial grounds of divorce. The heiress (ἐπίκληρος) became the property of the next-of-kin. He, or she, or both of them might be married at the time when the inheritance devolved upon her. In such a case the man was tempted to put away his wife; the wife might be obliged to leave her husband (Isae. *l. c.* § 64; Dem. *c. Eubul.* p. 1311, § 41). Much less repulsive was the rule that proved adultery

on the part of the wife compelled her husband to divorce her, or himself incur the penalty of atimia (Lex *ap.* Dem. *c. Neaer.* p. 1374, § 87). When, on the other hand, a wife wished to leave her husband, if both parties agreed upon a divorce, no further proceedings were required: mutual consent was sufficient to dissolve a marriage. If the husband objected, she was obliged to appear in person before the archon, and state in writing the grounds of her application ([Andoc.] *c. Alcib.* § 14; Plut. *Alcib.* 12). She had to conduct her case quite alone, for as she was in her husband's power until judgment was given, no one had a right to come forward as her advocate. It has been maintained that she could be represented by her *κύριος*, but the notorious case of Alcibiades and his ill-used wife Hipparete, in the passages just cited, leaves little doubt that she could not (Lipsius on *Att. Process*, p. 512 n. = 414): the expression in Demosthenes (*c. Onet.* i. p. 868, § 17, *τὴν ἀπόλειψιν οὗτοι πρὸς τὸν ἄρχοντ' ἀπεγράψαντο*, cf. 871, § 26) probably refers to the register (*ἀπογραφή*) of all divorces, whether made by consent or otherwise, which was kept by the archon. The action thus brought by a woman was called *ἀπολείψεως δίκη*. Her right to a separation would depend on the treatment she had received [KAKOSIS]; but of the nature of the archon's jurisdiction we know but little. The husband's loss of freedom (*i.e.* by becoming a prisoner of war and being sold into slavery) is mentioned as affording an absolute claim to a divorce (Thalheim, *Rechtsalterth.* p. 67 n.).

Charondas, in his legislation at Thurii, had permitted divorce, but his law was subsequently modified by the addition that, if divorced persons should wish to marry again, they should not be allowed to marry a person younger than the one from whom he (or she) had been separated (Diod. xii. 18).

(*Att. Process*, pp. 413–415 = 510–513 Lipsius; C. R. Kennedy, *Select Priv. Or. of Dem.* p. 269 f.; Schömann, *Antiq.* i. 517, E. T.; Hermann-Blümner, *Privatalterth.* pp. 252, 262; Thalheim, *Rechtsalterth.* p. 67.) [L. S.] [W. W.]

2. ROMAN. The word *divortium* signified generally a separation; and, in a special sense, a divorce or dissolution of marriage. Several authorities (Gell. iv. 3, Dionys. ii. 25; Val. Max. ii. 1–4) state that divorce was unknown at Rome in early times, and that the first instance of divorce occurred in B.C. 233, when Sp. Carvilius Ruga put away his wife on the ground of barrenness. It is said that the act of Carvilius was generally disapproved of (Val. Max. ii. 1–4). Savigny has discussed the details of this story with his usual acuteness (*Verm. Schriften*, v. 1–4). It is probable that divorce on account of the misconduct of the wife was in use from a very early period; but the case of Carvilius Ruga may have been the beginning of the lax system of divorce which prevailed towards the end of the free republic and under the empire.

The marriage by which the husband acquired *manus* over his wife, as well as the later free marriage, was dissoluble; but the marriage of a *flamen*, which was solemnised by *confarreatio*, could never under any circumstances be severed (Plut. *Romul.* 22; Gell. x. 15).

A corresponding form to that by which a marriage had been created was used for dissolving it: thus a marriage entered into by *confarreatio* was put an end to by a similar ceremony, called *diffarreatio* (Festus, s. v. *diffarr.*); if a wife had passed into the *manus* of her husband by *coemptio*, she could only be released by a *remancipatio*, which, according to Gaius, the husband could be compelled to execute (Gaius, i. 137). These formal restrictions on the right of divorce disappeared under the free form of marriage, which did not bring the wife *in manum viri*. The theory on which Roman marriage was based admits the utmost facility of divorce: the consent and conjugal affection of the parties were regarded as the essential part of a marriage, and this *affectio maritalis* was necessary for the continuance as well as for the creation of a marriage. Accordingly either party might declare his or her consent to dissolve the connexion. No judicial decree and no interference of any public authority was necessary to dissolve the marriage. A divorce which was brought about by one party renouncing the marriage and not by mutual consent was called a *repudium*. It was customary for one who renounced a marriage to send a distinct notice or declaration of intention to the other party, and it was doubted in the time of Cicero whether the simple fact of either party marrying again without any such notice having been given was sufficient to constitute a divorce (Cic. *Orat.* i. 40). The ceremony of breaking the *nuptiales tabulae* (Tacit. *Ann.* xi. 30), or of taking the keys of the house from the woman and turning her out of doors, were probably considered to be acts of themselves significant enough; but the general practice was apparently to deliver a written notice, and perhaps to assign a reason, though in the case of Paula Valeria mentioned by Cicero no reason was assigned. By the Lex Julia de adulteriis it was required that a *repudium* should be executed in the presence of seven witnesses, Roman citizens of the age of puberty (Dig. 24, 2, 9; Sueton. *Octav.* 34). This prevented an adulteress from setting up the pretence of a *repudium* as an excuse for her conduct.

Not only the wife herself, but also her father, if she was under his power, might dissolve the marriage. This right of a paterfamilias was made practically ineffectual by a decree of the Emperor Marcus. Towards the latter part of the republic and under the empire, divorces became very common. Cn. Pompeius divorced his wife Mucia for alleged adultery, and his conduct was approved (Cic. *ad Att.* i. 12, 18); and Cicero speaks (*ad Fam.* viii. 7) of Paula Valeria as being ready to serve her husband on his return from his province with notice of divorce (cf. Juv. vi. 224, and Martial, vi. 7). Cicero himself divorced his wife Terentia after living with her thirty years, and married a young woman whom he also divorced (Plut. *Cic.* 41). Cato the younger divorced his wife Marcia, that his friend Hortensius might marry her and have children by her; for this is the true meaning of the story (Plut. *Cat. Min.* 25). By the Lex Papia Poppaea a freedwoman who had married her patron was prevented from divorcing herself (Dig. 24, 2, 11) so as to be capable of marrying anyone else.

From an early time penalties were imposed on those who divorced without good cause, and also on those who by their conduct made a divorce necessary.

A man was punished by *nota censoria*, a woman by loss of *dos*. There was the *retentio dotis propter mores* when the divorce was caused by the fault of the wife, and also the *retentio propter liberos* which was the right of the husband to deduct an additional amount of *dos* in case there were children of the marriage. The free right of divorce was not taken away by the early Christian emperors, but its exercise except on grounds defined by statute was severely punished. Justinian went further than his predecessors in limiting the legal grounds of divorce. He even punished divorce by mutual consent unless the object of the parties was to live a life of chastity. (Dig. 34, 2; Cod. Theod. iii. 16; Cod. v. 17; Wächter, *Ueber Ehescheidungen bei den Römern.*) [G. L.] [E. A. W.]

DO'KANA (*τὰ δόκανα*, from *δοκός*, a beam) was an ancient symbolical representation of the Dioscuri (Castor and Polydeuces), at Sparta. It consisted of two upright beams with others laid across them transversely. (Plut. *de Amor. Fratr.* 1, p. 36.) This rude symbol of fraternal unity evidently points to a very remote age, in which scarcely any attempts in sculpture can have been made. At a later time, when works of art were introduced into all the spheres of ordinary life, this rude and ancient object of worship, like many others of its kind, was not superseded by a more appropriate symbol. The Dioscuri were worshipped as gods of war, and we know that their images accompanied the Spartan kings whenever they took the field against an enemy. But when in the year 504 B.C. the two kings, during their invasion of Attica, failed in their undertaking on account of their secret enmity towards each other, it was decreed at Sparta, that in future only one king should command the army, and in consequence should only be accompanied by one of the images of the Dioscuri. (Herod. v. 75.) It is not improbable that these images, accompanying the kings into the field, were the ancient *δόκανα*, which were now disjointed, so that one-half of the symbol remained at Sparta, while the other was taken into the field by one of the kings. Suidas and the *Etymologicum Magnum* (s. v.) state that *δόκανα* was the name of the graves of the Dioscuri at Sparta, and derived from the verb *δέχομαι*. (Müller, *Dorians*, i. 5, § 12, note m, ii. 10, § 8; Zoega, *De Obeliscis*, p. 228.) [L. S.]

DOKIMA'SIA (*δοκιμασία*), the public proof or testing of qualifications at Athens, was of several kinds:—I. Of each citizen on attaining legal majority. The Athenian first entered upon the full enjoyment of the rights of citizenship after the completion of his thirtieth year, before which age he was eligible neither for public office, nor to the council, nor to serve as a juryman. But the right of attendance at the general assemblies and of participation in the voting, nay, even of speaking in them, was at least not expressly forbidden him from his twentieth year onward; although discreet and sensible young men kept away of their own accord. Full age, as regarded private legal relations, began properly at the completion of the eighteenth year [EPHEBUS]. Before young men were declared to be of full age, however, they were subjected to an examination called *δοκιμασία*, which partly had reference to their bodily maturity, in order to ascertain whether they were capable of the military services imposed on them at this age; partly, in the cases of orphans and the sons of heiresses, to their capability of managing their property for themselves. Finally, a proof might be demanded in the course of it of the genuineness of their descent as citizens. The examination with regard to the first and third point was undertaken in an assembly of the Demotae or inhabitants of their district, and as it seems by the older men, and especially those who were Heliastae. (Aristoph. *Vesp.* 578.) That relating to the second point might be instituted before the Phratria. The phrase *ἐπὶ δίετες ἡβῆσαι*, indicating both the militafy age and civil majority (Aeschin. *c. Ctes.* § 122; Lex *ap.* Demosth. ii. *c. Steph.* p. 1135, § 20), is now explained, after Schömann, of the completion of the eighteenth year, in accordance with the precise language of the writer in Bekk. *Anecd.* p. 255, 15: *τὸ ἐπὶ δίετες ἡβῆσαι· τὸ γενέσθαι ἐτῶν ὀκτωκαίδεκα· ἵνα ἤβῃ ἢ τὸ ἐκκαίδεκα ἐτῶν γενέσθαι* (Schömann, *Assemblies*, p. 69 ff.; *Antiq.* i. 359, E. T.; Hermann, *Privatalterth.* § 56, n. 11; Blümner, *Privatalterth.* p. 322; A. Schaefer, *Demosthenes und seine Zeit*, iii. pt. 2, p. 35; Sandys on Dem. *c. Steph.* l. c.). The older scholars, following Harpocration and Pollux (viii. 105), made *ἥβη* the eighteenth, coming of age the twentieth year. In cases of immaturity of body and mind the dokimasia might, it seems, be postponed within certain limits: Schömann supposes that "among the Athenians no one particular period was appointed for being enrolled, provided that it was not done before the attainment of the eighteenth, nor after the completion of the twentieth year."

II. Of magistrates and public officers. When any citizen of Athens was either appointed by lot, or chosen by suffrage (*κληρωτὸς καὶ αἱρετός*), to hold a public office, he was obliged, before entering on its duties, to submit to a dokimasia, or scrutiny into his previous life and conduct, in which any person could object to him as unfit. This was the case with the archons, the senators, the strategi, and other magistrates. The examination, or anakrisis, for the archonship was conducted by the senators, or in the courts of the heliaea. The term for rejection was *ἀποδοκιμάζειν* (Lys. *c. Agorat.* § 10, *c. Evand.* §§ 6, 14; [Dem.] *c. Aristog.* i. p. 779, § 30, p. 790, § 67).

III. Of orators. Though not holding any office, orators are opposed to *ἰδιῶται* as *πολιτευόμενοι* or public characters ([Dem.] *Phil.* iv. p. 150, § 70; Aeschin. *c. Tim.* § 7). As such, they were liable to the denouncement of an inquiry (*ἐπαγγελία δοκιμασίας*) against those who spoke in the assembly while leading profligate lives, or after having committed flagitious crimes. This denouncement might be made in public by any one *πρὸς δοκιμασίαν τοῦ βίου, i.e.* to compel the party complained of to appear before a court of justice and give an account of his life and conduct. If found guilty, he was punished with atimia and excluded from the assemblies (Aeschin. *c. Timarch.* §§ 2, 28, 32, 81; Dem. *c. Androt.* p. 602, § 29). [EPANGELIA.]

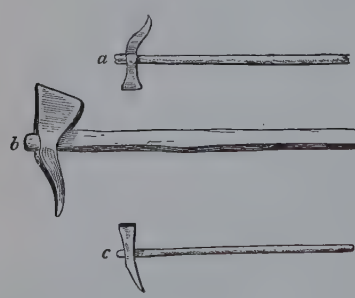
IV. Of the cavalry (*ἱππέων*), a muster before the *βουλὴ* or senate (Xenoph. *Oec.* 9, § 15; *Hipparch.*

3, § 9). The neglect of it involved expulsion from the service and atimia (Lys. *c. Alcib.* i. § 8, ii. § 5; *pro Mantith.* § 13).

V. Of invalids (ADYNATOI). [R. W.] [W.W.]

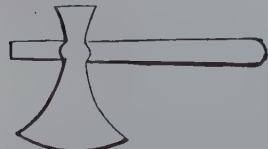
DODRANS, nine ounces, nine-twelfths or three-fourths of the as [AS], or three-fourths of anything. Hence the phrase *heres ex dodrante*, the heir to three-fourths of an estate. (Cic. *Att.* i. 14; Nep. *Attic.* 5; Mart. viii. 9; Suet. *Caes.* 83.) [W. S.]

DOLABRA, dim. DOLABELLA, a tool consisting of a long handle and a double head, which terminated on one side in a sharp blade, the edge of which ran parallel to the handle (while the blade of the *ascia* was at right angles to the handle), and on the other side in a pick, which was usually curved (*falx*, Prop. iv. 2, 59). In this form it was used for hewing wood (Curt. viii. 4, § 11), for pruning, where the pruning-hook was not strong enough (Colum. *de Arb.* 10, 2), for making stockades (Juv. viii. 248; Veget. *de Re Mil.* ii. 25), and for breaking down ramparts and walls (Liv. ix. 37, xxi. 11; Tac. *Hist.* iii. 20 and 27; Curt. ix. 5, § 19). It was consequently a tool familiar to the Roman soldier, as may be seen in the accompanying illustration (Fig. *b*), from Trajan's Column.



Dolabra. (Blümner.)

For the purpose, however, of excavating or breaking up the earth (Pallad. ii. 1 and 3, iii. 21), a *dolabra* with a straighter pick appears to have been used, as is shown in Fig. *a*, from a relief on a tomb. Of a similar form is Fig. *c*, which represents the dolabra used by masons (Isid. *Orig.* xix. 19, 11). The hatchet used at sacrifices ("scena ab aliis, a quibusdam sacena appellatur dolabra pontificalis," Festus, p. 318, M.) and by butchers (Dig. 33, 7, 18) was also called a *dolabra*, and is figured here. The *dolabella* is to be used, according to Columella, iv. 24, for breaking up the earth round the vines and for pruning. (Blümner, *Tech. u. Term.*, &c., vol. ii. p. 206.)


Dolabra. (From funeral monument.)

[J. Y.] [J. H. F.]

DO'LICHOS (*δόλιχος*). [CURSUS.]

DO'LIUM (*πίθος*), a large earthenware jar (*πίθος κεράμινος*, Herod. iii. 96) into which, or into the wooden *cupae*, new wine was put to let it ferment. [CUPA.] Such jars were frequently of great size, shaped like enormous caldrons, with globular bodies and wide gaping mouths. They were formed of the best clay, and, as they could not be turned on the wheel, were difficult of construction (*Geopon.* vi. 3), so that the making of them passed into a proverb for a troublesome undertaking (Zenob. *Cent.* iii. 65, Leutsch). They were lined with a coating of pitch, while they were hot from the furnace, and were usually sunk (*demersa*, *depressa*, or *defossa*) one-half or two-thirds in the cellar. Wine which would not keep long was drunk from the dolium or *cupa;* that which improved by keeping was transferred from them to the amphorae. [AMPHORA.] (*Geopon.* l. c.; Cat. *R. R.* 23; Varr. *R. R.* 1, 13; Colum. xii. 18; Non. *s. v.*; Dig. 33, 6, 3, § 1; Senec. *Ep.* 36, 3.) Besides holding wine, dolia were used for keeping other things, such as oil (Cat. *R. R.* 10, 4), corn (Dig. 50, 16, 206), &c. Many of these earthenware dolia were large enough to hold a man. Diogenes took up his abode in such a *πίθος* or dolium (Diog. Laërt. vi. 23; Juv. xiv. 308 ff.; Sen. *Ep.* 90, 14), and in some ancient works of art he is represented stretching his body out of a *πίθος*, in his celebrated interview

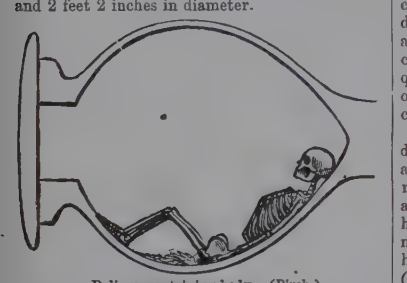
Pithos or Dolium of Diogenes.
(From fragment of lamp in British Museum. Birch.)

with Alexander. In the Peloponnesian war, when the country people took refuge in Athens, they are described, with some comic exaggeration, as living in such earthenware vessels (Aristoph. *Eq.* 792). The dolium into which the Danaids emptied their vessels was of a similar size (Hor. *Carm.* iii. 11, 27; cf. Lucian, *Hermot.* 61). Palladius (x. 11) speaks of dolia containing two hundred congii; and the *sesquiculleria dolia* of Columella (xii. 18, extr.) contained 1½ culleus—that is, 30 amphorae. Many of these large cullei have been found in Italy and other countries, having stamped on them the number of amphorae they contained; namely, 20, 30, and 36 amphorae. Some have leaden hoops round them. They were made of white or red clay, or of the two colours combined. On account of their great size these dolia, which were fixed in the cellar, were not allowed to be removed, and were sold along with the house (Dig. 33, 6, 3, § 1; 33, 7, 8). The *seriae* were similar vessels, and appear to

have been a smaller kind of dolia. The two are frequently mentioned together (Colum. xii. 18, and 50, § 14; Ter. *Heaut.* iii. 1, 51; Liv. xxiv. 18). The makers of the dolia were called *doliarii*, but the term *opus doliare* was applied to all kinds of coarse ware, such as the tiles of houses.

Dolia curta were urinals placed in the narrow streets between the houses for the convenience of those who passed by. (Lucret. iv. 1026; *dum eunt, nulla est in angiporto amphora quam non impleant*, Macrob. iii. 16, § 15; cf. *urinae vectigal*, Suet. *Vesp.* 23.)

Dolia were also used for holding corpses in graves. In the Crimea, near Sebastopol, sixteen πίθοι were discovered, 4 feet 4 inches high, and 2 feet 2 inches in diameter.



Dolium, containing body. (Birch.)

(Hermann-Blümner, *Griech. Privatalt.* pp. 162, 232; Becker-Göll, *Gallus*, iii. p. 418; Marquardt, *Privatl. d. Röm.*, p. 626; Blümner, *Techn. u. Term.*, &c., ii. p. 41; Birch, *Anc. Pottery*, pp. 134, 531.) [FICTILE, p. 843 *b*.] [W. S.]

DOLO (δόλων). 1. A weapon consisting of a long staff with a short iron point (Verg. *Aen.* vii. 664, and Varro, *ap.* Serv. *ib.*, "ingens contus cum ferro brevissimo;" Sil. iii. 250). 2. A secret poniard or dagger inserted in a walking-stick (Plut. *Tib. Gracch.* 10; Hesych. *s. v.*; Suet. *Claud.* 13, *Domit.* 17; Isid. *Or.* xviii. 9, 4) or a whip (Dig. 9, 2, 52). 3. A small top-sail [NAVIS]. [W. S.] [J. H. F.]

DOLUS MALUS. [CULPA.]

DOME'STICI. [PRAETORIANI.]

DOMICI'LIUM. This word signifies a man's permanent home. The following is the well-known definition of *domicilium* given in the *Corpus Juris* (Cod. x. 40, 7):—"In eo loco singulos habere domicilium non ambigitur, ubi quis larem rerumque ac fortunarum suarum summam constituit, unde rursus non sit discessurus, si nihil avocet, unde cum profectus est peregrinari videtur, quo si rediit peregrinari jam destitit." In a passage of the Digest a man's home is thus defined (Dig. 50, 16, 203): "Sed de ea re constitutum esse (respondit) eam domum unicuique nostrum debere existimari, ubi quisque sedes et tabulas haberet suarumque rerum constitutionem fecisset." A man acquired *domicilium* by making a place his residence and intending to remain in it permanently (*animus manendi*). *Domicilium* was lost by abandonment. The question of the existence of domicile was treated as one of fact to be determined by the circumstances of each case.

Thus it is determined (Dig. 50, 1, 27, § 1) that a person must be considered to have his *domicilium* in a *municipium* if he buys and sells there, attends the public spectacles, keeps the festival days there, and in fine enjoys all the advantages of the *municipium* and none of the *colonia*, where he is merely for the purpose of cultivation (*ubi colendi ruris causa versatur*). The terms *incolam esse* and *domicilium habere* are equivalent (Dig. 50, 1, 5; cf. Cod. 10, 39, 7 "Cives quidem origo, manumissio, allectio, vel adoptio, incolas vero domicilium facit").

The word *domicilium* was used in a fixed sense in the Lex Plautia Papiria, which was enacted B.C. 89: "Si qui foederatis civitatibus adscripti fuissent, si tum cum lex ferebatur in Italia domicilium habuissent et si sexaginta diebus apud praetorem essent professi" (Cic. *pro Arch.* c. 4). Cicero in the same passage indirectly describes *domicilium* in a way which partly agrees with the definition of the Code above cited: "At domicilium Romae non habuit: is qui tot annis ante civitatem datam sedem omnium rerum ac fortunarum suarum Romae collocavit."

It might be necessary for many purposes to determine where a man had his permanent abode. An *incola* was bound to obey the magistrates of the place where he was an *incola*, and also the magistrates of the place where he was a *civis*; he was not only subject to the municipal jurisdiction in both municipalities, but he was bound to perform all public functions (*publica munera*). A plaintiff was bound to bring his action in the forum of the defendant (*actor sequitur forum rei*), but the plaintiff had the choice of suing the defendant either at the place of his domicile (*forum domicilii*) or at the place of which the defendant was a citizen (*forum originis*). A man's legal relations were governed by the law of the place in which he was a citizen (*lex originis*), and not by that of the place of domicile; but if he was not a citizen of any *municipium*, he was subject to the *lex domicilii*. In the *praescriptio longi temporis decem vel viginti annorum*, it was enacted by Justinian, that the ten years' prescription should apply, if both parties had their *domicilium* in the same *provincia*; otherwise the prescription of twenty years was required.

The conception of domicile has far more important consequences in modern systems of law than in ancient; it is the foundation of a branch of what is sometimes called private International law, but more correctly the conflict of laws. (Savigny, *System*, viii. §§ 353, 354.) [G. L.] [E. A. W.]

DOMI'NIUM. *Dominium* or *rerum dominium* signifies ownership of property, and *dominus* is the owner. *Proprietas* is frequently used as an equivalent to *dominium*; and when ownership is distinguished from *usus fructus*, the word *proprietas* is preferred to *dominium* as an expression for ownership. The term *dominium* or *dominium legitimum* is, strictly speaking, confined to ownership *ex jure Quiritium*, i.e. to civil ownership, and does not include ownership *in bonis*, i.e. praetorian ownership.

Ownership is not defined by Roman legal writers, but the general notion implied in the term is clear. It is a right which, subject to certain legal limitations, entitles a person to exercise full control over a corporeal thing to the exclusion of all other persons. Ownership

cannot, however, be defined by enumerating all the powers which may be incidental to it, as the *jus utendi, fruendi, possidendi, disponendi*, since ownership may exist notwithstanding that one or more of these powers is detached from it. A thing may be considered to belong to a person whose powers over it are very much curtailed; hence arises the difficulty of defining ownership. The limitations to which ownership in Roman law is subject are either general or special. The former are imposed for the purpose of enforcing the precept *sic utere tuo ut alienum non laedas:* they prevent owners from so using their powers as to injure adjoining owners or the public generally. Special limitations on ownership arise by persons acquiring rights over property owned by someone else. For instance, the owner may be bound to allow to another person a certain use or enjoyment of the thing of which he is *dominus*, or to abstain from doing certain acts on or to his property and for the benefit of some other person. The only rights of this kind recognised by Roman law are *servitus, emphyteusis, superficies, pignus:* such rights are called *jure in re aliena;* they are protected, like *dominium*, by actions *in rem:* their nature is more fully explained under the head of SERVITUS. Ownership is in its nature single and entire; consequently the same thing cannot belong to several separate owners, but several persons may be joint *domini* or owners of one thing.

The subject of ownership comprehends the determination of the things which may be the objects of ownership: the power which a man may have over such objects, both as to duration of time and extent of enjoyment; the modes in which ownership may be acquired and lost; the persons who are capable of acquiring, transferring, or losing ownership. It is proposed to give some account of each of these branches of the general subject.

1. Of the things which may be the objects of ownership. *Res* is the general term for anything which is the object of a right, whether it has an actual physical existence or only an existence in thought. In this wide sense *res* are divided into *corporales* and *incorporales*. *Res corporales* are defined to be those "quae tangi possunt," *i.e.* physical objects; *incorporales* are those "quae tangi non possunt, sed in jure consistunt" — as *hereditas, ususfructus, obligationes*.

The objects of *dominium* are *res corporales*. *Res corporales* are divided into *immobiles*, or *solum et res soli*, and *mobiles*.

The ground (*solum*), and that which is attached to the ground, as buildings and other fixtures, trees, and standing crops, are *res immobiles*. *Res mobiles* are things which can be moved about from place to place or which move themselves (*res se moventes*). The distinction between land and movables is far less important in Roman law than in legal systems like our own, which have been influenced by feudalism.

Another division of *res* is that between *res quae usu consumuntur*, as food, and *res quae usu non consumuntur*, or things capable of being used again and again.

The class of *res quae pondere, numero, mensura constant*, consists of such things as wine, oil, corn, money, which are of such a nature that any of the same number, weight, and measure may be considered the same thing. The term *res fungibiles* has come to be used to denote this class of exchangeable things.

Things may be divided into simple, as an animal, a stone, and compound, *i.e.* things made up of distinct parts, as a carriage, a ship.

A number of individual things, not mechanically connected, may for legal purposes be regarded as one thing: a flock of sheep is an example of such a *universitas rerum distantium* (Dig. 41, 3, 30; 6, 1, 23, § 5).

Some things are appurtenant to others; that is, as subordinate things, they go with that which forms the principal thing (Dig. 18, 1, 49). For instance, a conveyance of a house or a ship includes by implication all its appurtenances.

Fructus are the products of a thing, as the crops of a field. *Fructus* sometimes includes profits of a thing which are not produced by it, *e.g.* minerals taken from the land.

Fructus is also used to signify profits derived from the legal use to which a thing is put, as interest from a loan (*quod non natura pervenit sed jure percipitur*, Dig. 6, tit. 1, l. 62, § pr.).

Res communes omnium, quarum usus communis est are objects of common use, which cannot be exclusively appropriated: such are the air, the sea, the seashore, running water (*Inst.* ii. 1, §§ 1–5).

Things capable in themselves of being objects of ownership might become legally incapable of belonging to anyone on account of their appropriation to some religious or quasi-religious purpose. Things which have this character are called *res divini juris:* there are three classes of such *res*, viz. *res sacrae, religiosae*, and *sanctae* (Gaius, ii. 2–11).

Res publicae, res universitatis, are things which belong to the state or to a public body; such *res* are *commercio exemptae*, i.e. they cannot be acquired by individual owners as long as they retain their public character.

Res privatae or *res singulorum* are things which are objects of individual ownership. Not even citizens could have *dominium*, i.e. Quiritarian ownership in provincial land; nor had bonitary ownership any application to land out of Italy.

The *dominium* of *provinciale solum* was considered to belong to the Roman people or to the emperor (Gaius, ii. 7). Nevertheless, individuals might enjoy rights in such land analogous to those of a *dominus*. The division of land into *ager publicus* and *privatus* is noticed as existing in the provinces (Cic. *Verr.* iii. 6); individuals could only hold *ager publicus* as lessees of the state. The terms *possessio* and *possessor* were used for the tenancy and tenant of *ager publicus*.

2. As to the powers which a man may have over objects of ownership.

An owner has, subject to general and special limitations, a right to the possession and enjoyment of his property. It is necessary to distinguish the owner's right to possess (*jus possidendi*) from the right of possession (*jus possessionis*). The right to possess belongs to the owner as such, the right of possession is attached to possession as such, *i.e.* it is inherent in anyone who has actual control of a thing, and the intention of exercising such control as owner, whether he has a title to the ownership or not. [POSSESSIO.]

The *dominus* of a thing could assert his right

to the possession of it by the action called *rei vindicatio*. He could not bring this action unless he was out of possession; and in order to succeed he must prove his ownership. If the owner's rights were attached while he was in possession, he could maintain the *actio negatoria* or *negativa in rem* against the aggressor. An owner who was disturbed in his possession could also protect himself by means of the possessory interdicts. The *rei vindicatio* could only be maintained by the *dominus ex jure Quiritium*, and not by the owner *in bonis* [BONA], for the praetor could not give a civil action to one who had merely a praetorian title. An action, however, was framed, which in the hands of the bonitary owner had the same effect as the *rei vindicatio:* it was called *actio Publiciana in rem*, and was based on the fiction that the civil ownership had been already acquired by usucapion. A bonitary owner might by this action recover the thing even from the Quiritary owner, and so his position was superior to that of a *bonae fidei possessor*.

In respect to duration of interest and freedom of alienation the powers of a *dominus* were as a rule unlimited.

3. Of the modes in which ownership may be acquired and lost.

A title to property may be acquired from some one previously entitled to it, in which case it is called a succession, or a person may become owner independently of anyone else.

A succession may be either universal (*successio per universitatem*) or singular (*res singulas acquirere*). A universal succession is the succession of one person to the entire property of another: the several rights and duties of which the property is composed do not, as in singular succession, pass to the successor in a separate piecemeal manner, but are transferred with the *universitas* or entirety. A person may succeed *per universitatem* to a living person, as in the case where a person arrogates another, and so becomes entitled to all the arrogated person's property (Gaius, iii. 21); or to a deceased person, as in the succession of a *heres* to the entire estate of another.

The different modes of universal succession are explained under other heads [ADOPTIO; BONORUM EMPTIO; HERES; SUCCESSIO; UNIVERSITAS].

The following remarks apply to the acquisition of single rights of ownership, whether by way of succession or independently.

Acquisitiones were either *civiles*, i.e. distinctively Roman in form, or *naturales* (*ex jure gentium*), which were not accompanied by any particular formality.

One of the earliest civil titles of acquisition was that by which individuals acquired from the state a title to booty taken from the enemy (Gell. vii. 4; cf. Mommsen, *R. Staatsr.* ii. (ed. 2), p. 538).

From an early period of Roman history the two civil forms of conveyance called *in jure cessio* and *mancipatio* were in use. *In jure cessio* was a collusive assurance executed in the presence of the magistrate: any kind of property might be transferred in this way, but the conveyance by *mancipatio* was preferred when it was applicable, because it did not require the presence of a magistrate.

Mancipatio was a conveyance *per aes et libram*, carried out by the parties in the presence of a *libripens* and five witnesses, who were originally regarded as representing the five classes into which the Roman people was divided: like all early conveyances, it is extremely formal in its character.

Mancipation was used for conveying a certain class of *res*, called *res mancipi*. *Res mancipi* are *praedia in Italico solo*, i.e. land in Italy, *jura praediorum rusticorum* or rural servitudes, slaves, and four-footed animals, as oxen, horses, &c., *quae collo dorsove domantur* (Ulpian, xix. 1; Gaius, ii. 15–17). All other things are *res nec mancipi*.

The civil ownership of *res mancipi* could only be conveyed by *in jure cessio* or *mancipatio*, whereas *res nec mancipi* passed from one owner to another by *traditio* or delivery.

Usucapion is a civil title by which a person who has possessed a thing for a prescribed time and under particular conditions becomes owner of it [USUCAPIO].

Adjudicatio is the assignment of property to a person by the award of a *judex:* such awards were made in partition and boundary suits (*tria judicia divisoria*. See ACTIO, p. 17 *b*).

Lex is a title by which property devolves on a person by operation of a rule of law without any act of the party acquiring: a person on whom a lapsed legacy (*caducum*) devolves acquires under this title.

Traditio is a conveyance of property according to the *jus gentium;* it consists in the alienor delivering a thing to the alienee with the intention of making the latter owner of it. There must be a *justa causa* for the delivery, *i.e.* some ground suitable for transferring ownership, as *emptio, venditio* or *donatio*. The other natural modes of acquiring are explained under particular heads [OCCUPATIO; ACCESSIO; ALLUVIO; SPECIFICATIO; CONFUSIO].

Praetorian ownership was acquired by *traditio* of a *res mancipi*, by acquiring the property of an inheritance under the praetorian title of *bonorum possessio*, and by purchase of an insolvent debtor's property (*bonorum emptio*). Subsequent to the time of the classical jurists some important changes were made in the law as to the modes of acquiring ownership. The forms of *in jure cessio* and *mancipatio* became obsolete, and the civil ownership of all *res* was transferred by *traditio*. Justinian abolished the distinctions between *res mancipi* and *nec mancipi*, and between bonitary and Quiritary ownership. He also altered the law of usucapion, making a uniform law on the subject applicable to *solum provinciale* and *Italicum*.

Ownership is lost either with or without the consent of the owner. With the consent, when he transferred it to another, which was the general mode of acquiring and losing property; without the consent, when the thing perished, when it became the property of another by accession, specification, or usucapion, when it was judicially declared to be the property of another, or forfeited after having been pledged. It is also lost by *maxima capitis deminutio*. The *media capitis deminutio* only effected an incapacity for Quiritarian ownership; but if it was a consequence of a capital crime, the property of the person convicted was forfeited to the state.

4. As to the persons who are capable of acquiring or losing ownership.

Juristic persons (*universitates personarum*) as well as natural persons might be owners. Only persons who had the *jus commercii* could acquire Quiritary or bonitary ownership. Persons in the power of another, whether free persons or slaves, could not acquire for themselves, but what they acquired belonged to the person in whose power they were. In course of time, however, the acquisitions of *filiusfamilias* were protected from the interference of *paterfamilias*, except such acquisitions as were derived from the *paterfamilias* himself (*peculium*). If a slave was a man's *in bonis*, everything that the slave acquired belonged to the owner *in bonis*, and not to him who had the bare Quiritarian ownership [BONA]. The usufructuary of a slave only acquired the ownership of that which the slave acquired *ex operis suis*.

Pupilli could acquire property, but could not alienate without the *auctoritas* of their tutor. Property of some persons could not become the property of another by usucapion, *e.g.* the property of *pupilli* could not be acquired by usucapion; a fact which Cicero was surprised that his friend Atticus did not know (*ad Att.* i. 5). (*Inst.* ii. tit. i. 6–9; Dig. 41, 1; Ulp. *Fragm.* tit. xix.; Gesterding, *Ausführliche Darstellung der Lehre von Eigenthum;* K. Sell, *Römische Lehre der dinglichen Rechte;* Windscheid, *Pandekten*, § 167, &c.; Puchta, *Inst.* § 231, &c.) [G. L.] [E. A. W.]

DO'MINUS means master, owner [DOMINIUM]. The word was applied as a title of respect to a superior in rank or station. Thus the head of a family was sometimes called *dominus* by the free members of his family as well as by his slaves (Suet. *Aug.* 53; Dig. 24, 1, 57). The title of *dominus* came to be ascribed to the emperor. The history of this use of the word, which corresponds with changes in the character of the emperor, is briefly as follows:—Augustus refused to be called *dominus* (*domini appellationem ut maledictum et opprobrium semper exhorruit*, Suet. *Aug.* 53; Ov. *Fast.* ii. 142), as did also Tiberius (Tac. *Ann.* ii. 87; Suet. *Tib.* 27).

Caligula was the first emperor who allowed himself to be called by the title (Victor. *Caes.* 3). Domitian claimed the titles of *Deus et Dominus* (Dio Cass. lxii. 13; Martial, v. 8). Trajan only wished to be called *princeps* (Plin. *Paneg.* §§ 2, 63, 88). Pliny in his letters always addresses Trajan as *dominus*, but in doing so he does not intend to make use of an official title. *Dominus* first appears on imperial monuments in the reign of Severus. Aurelian first adopted the title *Deus et Dominus* on his coins. Diocletian allowed himself to be publicly addressed as *dominus* (Vict. *Caes.* 39). From the fourth century the emperors freely ascribe the title to themselves. (Mommsen, *Staatsrecht*, ii. 737, &c.) [E. A. W.]

DOMUS (*οἰκία, οἴκησις, οἰκητήριον*, a dwelling-house; *οἶκος*, generally a room; in Homer and the Tragedians, *δόμος*, but more usually in the plural as a dwelling-house), a house.

I. PRE-HISTORIC. One special form of hut appears to have been commonly used by many different races of men at an early stage of their development. This was a small circular structure made of branches of trees stuck into the ground in a circle, and then bent inwards till their ends met and were tied together at the top. This rude framework was then filled in by wattled work woven in and out, and the whole was daubed over with tempered mud or clay. The hut of Achilles, thatched with rushes (*Il.* xxiv. 450), was probably a dwelling of this sort, and similar huts are said to have been used in Lydia, Sardis, and other places in Western Asia Minor (Herod. v. 101); it seems probable that a reminiscence of this form of building exists in the stone domical structures of Mycenae, Orchomenos, and other early sites in Greece.

Even in historic times a survival of this ancient circular form of house existed in the form of the Prytaneum in Athens and elsewhere, and also in the Athenian *Tholus*, which was built in the newer part of Athens as an adjunct, in a more convenient position for the use of the Prytanes. The Tholus was a round building with a domical roof, and must have had some resemblance to the Roman Temple of Vesta, to which the same name was frequently applied. The original Temple of Vesta was a round hut formed with wattle-work of osiers (Ov. *Fast.* vi. 261 *seq.*; Fest. p. 250, M.). Mr. James Frazer, in a valuable article (*Journ. of Philol.* vol. xiv.), derives the form both of the Greek Tholus and the Roman Temple of Vesta, in both of which a perpetual fire was kept burning, from the pre-historic round hut of the village chief, under whose charge was the ever-burning fire, which was kept lighted for the general convenience—a very important thing at a time when a fresh fire could only be obtained by the laborious process of friction.

Even during the imperial period in Rome one or more wattled huts were preserved in memory of the primitive dwellings of its founders. One of these, which stood at the western angle of the Palatine hill, was known as the *Casa Romuli* (Dionys. i. 79; Plut. *Rom.* 20); it was twice burnt and repaired during the reign of Augustus (Dio Cass. xlviii. 43, and liv. 29. See also Ov. *Fast.* iii. 183; Val. Max. iv. 4, 11; Liv. v. 53). The Tugurium Faustuli is probably another name for the same thing. Another hut, also called after Romulus, appears to have been preserved on the Capitoline hill (Vitruv. ii. 1; Senec. *Contr.* i. 6; Macrob. *Saturn.* i. 15).

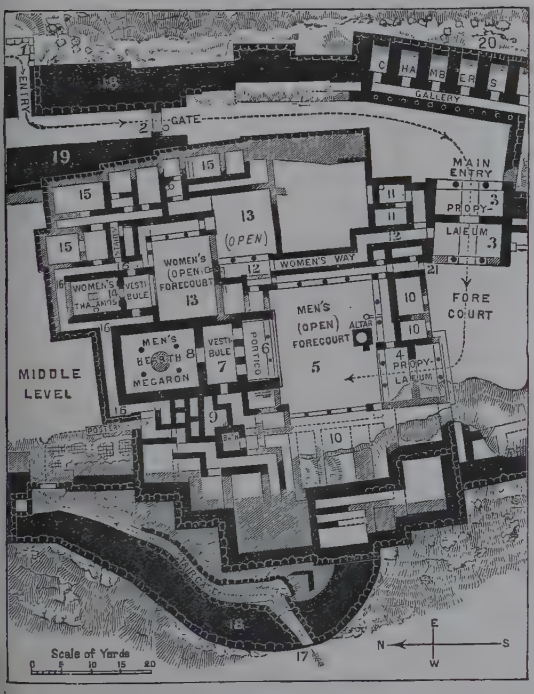
A careful representation of this early form of house, as used by the pre-historic Latin race, exists in the small sepulchral "house-urns," which are found in considerable numbers in the early cemeteries of Central Italy and elsewhere. In these the construction is less simple, the roof being evidently formed of separate branches, laid so as to form projecting eaves. These curious pieces of archaic pottery have small movable doors fixed with a wooden peg. (See Virchow, *Die italienischen und deutschen Haus-Urnen*, Berlin, 1884.)

During the many centuries which elapsed before the commencement of the historic period of Greece, a state of society existed very different from that with which Greek literature has made us familiar. Instead of the large cities with their flourishing trade and carefully constructed systems of political, religious, and social organisation, a number of small, highly-fortified towns or villages were ruled in an autocratic

way by some chieftain of semi-oriental habits, who lived in a style of much luxury and splendour, surrounded by a group of followers, very much like those of a mediaeval feudal lord. At this early period wealth and splendour, which in historic times were devoted to the more public uses of the agora, the council chamber, and the temples of the gods, were lavished on the palace of the chief. It is this period which is celebrated in the Homeric poems; which, there is every reason to believe, give us a faithful, if highly coloured, picture of the magnificence which adorned the dwellings of wealthy chiefs, such as Alcinous and, in a lesser degree, Ulysses. The recent discoveries made by Dr. Schliemann and Dr. Dörpfeld, within the massive walls of Tiryns (the Τίρυνς τειχιόεσσα of Homer), have for the first time shown us that the stately and richly decorated palaces of the Odyssey were not wholly the offspring of a poet's fancy.

Plan of the Palace of Tiryns.—Some doubt has been thrown on the remote antiquity of these remains; but new discoveries of a similar pre-historic building at Mycenae have put an end to any doubt as to the antiquity of the Tirynthian palace. On the whole the evidence of the general planning of the building, its methods of construction, and the style of its ornament give overwhelming proofs that the house is one which belongs to a far-off pre-historic period of Greek architecture, prior in all probability to the Dorian invasion of the Peloponnesus. The house itself occupies more than a third of the Tirynthian Acropolis, the massive stones of which excited the wonder of Herodotus, Diodorus, and Pausanias, and led to their being associated with the fables of Heracles and Perseus, and the mysterious Cyclops, who were supposed to have been their builders. The accompanying plan shows the arrangement of the house, which is evidently carefully designed to suit its special purpose.

On entering through the main gateway of the Acropolis, the approach (as shown by the dotted line on the plan) leads through a narrow passage, strongly defended on both sides by massive walls, to a second doorway. A continuation of the passage leads to the outer porch of the palace—a propylaeum, decorated on both sides by two columns *in antis*, very similar in design to the 5th-century propylaeum built by Ictinus at Eleusis. On passing this an outer court is reached; and then a second propylaeum, smaller but of similar design to the first, leads into the main courtyard of the palace. Rooms for guards are placed at the sides of both these propylaea. The main court (αὐλή), round which the apartments of the men are grouped, was surrounded on three sides by a colonnade (αἴθουσα), forming a cloister. Near the propylaeum stands a stone altar with a rock-cut hollow beneath it, into which the ashes would fall. This was probably an altar to Zeus ἑρκεῖος, which is frequently mentioned in the Odyssey (*e.g.* xxii. 335) as being placed in the courtyard of a house. Opposite the propylaeum is the great hall (μέγαρον, *Od.* xvi. 341, xvii. 604), with an open portico of two columns, and an inner porch (πρόδομος), into which three doors open from the portico, and one into the hall. The roof of the hall was supported on four columns, which probably carried a partly open lan-



Plan of the Palace at Tiryns.

1. Main entrance.
2. Inner gate.
3. First propylaeum.
4. Second propylaeum.
5. Open court.
6. Portico of hall.
7. Vestibule of hall.
8. Megaron.
9. Men's rooms.
10. Thalami.
11. Guard rooms.
12. Passage to women's part.
13. Open courts.
14. Thalamus or women's hall.
15. Thalami.
16. Passage to postern.
17. Narrow postern.
18. Projecting bastion.
19. Defences at the entrance.

tern to give light, and also to form an escape for the smoke of the fire below, the circular stone hearth (ἐσχάρα) of which is placed midway between the pillars. On the west side of the hall are a number of small rooms for the use of the men; among them is a small bathroom, about 12 feet by 10 feet, the construction of which is very remarkable for its ingenuity and the extreme care which has been taken in the workmanship.

The whole floor is formed of one great slab of stone, smoothed accurately so as to fall to one point, where the water made its exit through a stone pipe, and so into the main drain. The walls were lined with wooden boards, each of which had its lower end fastened to the stone floor by two wooden pegs or dowels. The edge of stone on which these boards rested is raised about an inch above the general level of the floor, so that water splashed by the bathers might not soak in under the wooden wall-lining. The bath itself, which was made of clay decorated with a red spiral pattern, much resembled in shape and size the fire-clay baths now made in large quantities at Stourbridge.

The eastern half of the house seems to have been intended for the use of the women, and probably the married members of the chief's family. This portion, like the other, contains two open courts, and a hall with a single vestibule—all on a rather smaller scale. In this hall the hearth is square, and, the span being less, the roof was not supported by pillars. On the east of the hall and court are two ranges of rooms, more in number and larger than those on the men's side of the house. There appear to have been three means of access to the women's part: one by a long passage (λαύρη) leading from a side door in the outer propylaeum, another from the north-east corner of the men's court, while a third way led by a long passage round the back of the two halls to a rock-cut stairway, at the foot of which was a small postern door in the outer fortification wall. In case of a siege this little postern would be blocked up with stones, but in times of peace the women of the household probably used this path to fetch water from some spring in the plain below. When blockaded by an enemy, the garrison appear to have depended on their stores of rain-water, large cisterns for which were formed in the thickness of the outer wall. The surface water was collected and carried to the cisterns in clay pipes and stone drains.

In addition to the rooms on the ground-floor, the walls of which still exist to a height of from two to three feet, there was also an upper story (ὑπερῷον), which probably extended over all the rooms except the two halls. Traces of a staircase in two flights still exist on the east side of the women's hall.

Construction of the Palace of Tiryns.—The walls, about three feet thick, are built of roughly-dressed limestone bedded in clay up to a height of about two feet above the floor level: the rest of the wall was of sun-dried brick, and the whole was covered inside and out with three coats of hard stucco, made of lime mixed with sand, gravel, and broken pottery, forming a coating nearly as hard as stone, which must have completely protected the unburnt bricks from the effects of weather.

The floors, both of the roofed parts and of the open courts, were made of a thick layer of good lime concrete. In the rooms the pavement was worked to a smooth surface, on which simple patterns of squares or spirals were incised, and then painted blue and red. Pliny (*H. N.* xxxvi. § 184; see below, p. 664*a*) speaks of painted floors having been used by the Greeks before mosaic came into use: those at Tiryns are the first examples of this kind of paving that have been found.

The concrete paving of the open-air courts is laid so as to fall towards open stone gullies, through which the rain-water escaped into the drains: its upper surface is formed of a sort of rough mosaic made of pebbles; these are set more closely together in places where there was most traffic.

The various doorways have massive stone sills or thresholds (λάϊνος οὐδός), mostly provided with two large drill-holes, in which the bronze pivots of the doors revolved, showing that in most cases folding doors were used. Some of these bronze pivots were found during the excavations: they are of very neat and solid workmanship, and much resemble the pivots of the great Balawat gates of Shalmaneser II. (859–824 B.C.), which are now in the British Museum. It is probable that the construction of the doors themselves in the Tirynthian palace resembled that of the Balawat doors. A number of thick wooden planks were placed side by side, and held in their place by strong bronze bands, which were nailed on to them, and lapped round the circular post on which the door swung: each end of this post was shod with a pivot, which revolved at the bottom in a hole drilled in the sill, and at the top in a similar hole in the lintel (ὑπερθύριον). The neatly-fitted planks are spoken of by Homer (*Od.* ii. 344) as σανίδες πυκινῶς ἀραρυῖαι. This method of hanging heavy doors lasted throughout the Greek and Roman periods, and was used, as can still be seen, for the great doors in Aurelian's wall round Rome. The wide bronze bands which were constructionally necessary for this sort of door formed also in some cases a rich and elaborate method of decoration, as they could be enriched with repoussé reliefs and gilt. A beautiful little earthenware box (*pyxis*) of the 4th century B.C. in the British Museum shows that doors of similar construction were used by the Greeks of later times. The painting on it represents a toilet scene in a lady's room, and in the background is a double door covered with wide bands, attached by rows of rivets along each edge, exactly like the Balawat doors. Owing to the use of soft unbaked brick for the jambs of the doorways, it was necessary to line the whole opening with woodwork, so as to protect the angles from injury. In some cases there seems to have been a stone lining, but even then the woodwork was not omitted. Grooves cut in the stone upright of some of the door-jambs (σταθμός) show with what extreme care and neatness the wood lining was fitted into its place. It is interesting to note that this system of using wooden door-linings survived till later times, and was used in cases where it would seem needless. Even the beautifully-finished white marble doorways in

the Parthenon and Propylaea at Athens had their reveals concealed by wooden casings.

The roof of the men's hall was supported by four intermediate columns (*κίονες*), which, like all the columns at Tiryns, were made of wood, resting on a carefully-levelled block of stone. The construction of the roof, of which nothing but charred fragments and ashes remains, may be guessed from an early rock-tomb in Phrygia discovered by Prof. Ramsay (see *Journ. of Hellenic Studies*, iii. p. 19). In this a copy of a wooden roof is carved in the rock: it is a simple low-pitched roof, having a principal rafter with tie-beam and king-post. These principal rafters are, according to some commentators, the *μεσόδμαι* of Homer (*Od.* xix. 37); * the small rafters or ceiling joists being the *δοκοί* (*Od.* xxii. 176), and the ceiling itself the *μέλαθρον* (*Od.* viii. 279): the whole roof is called the *ὀροφή* (*Od.* xxii. 298). A similar arrangement of hall with central hearth and pillar-supported roof was discovered by Dr. Schliemann at Hissarlik, and in both cases there was an open porch with wooden columns.

Part of a wooden column found at Khorsabad shows us what was probably a common method of decoration: the whole was sheathed with plates of bronze, beaten so as to represent the scales on a palm-tree; the metal was then thickly gilt. This system of ornament is probably a survival of an earlier time when a real palm-tree, with all its outer scales still attached, was used as a support. In some of the rooms at Tiryns, part of the wall surface was decorated in a very magnificent way. The wall was first lined with wooden planks, and on these plates of bronze were nailed, *repousse* with reliefs and gilt. Examples of these bronze linings on doors or walls, dating from the 6th century B.C., have been found at Olympia. The designs of these plates retain a very strongly-marked Oriental influence. Nothing could exceed the splendour of effect produced by these wall-linings of what would seem to be gleaming gold, broken into half-tones and high lights by their delicate reliefs. Homer's description of the bronze walls of the palace of Alcinous (*Od.* vii. 84) may have a foundation of reality; and even such apparently fabulous details as the golden doors and silver posts and lintels probably refer to a real custom of sheathing woodwork with gilt or silvered bronze.

Another of Homer's phrases, hitherto of somewhat doubtful meaning, has been rendered intelligible by a discovery at Tiryns. This is the *θριγκὸς κυάνοιο* (*Od.* vii. 87) which ornamented the walls of the hall of Alcinous. In the porch of the Megaron at Tiryns Dr. Dörpfeld discovered a frieze of alabaster, about 22 inches deep, which was carved with delicate patterns of rosettes and spirals, very early in character, and studded at intervals with jewel-like rows of bits of deep blue glass or paste, extremely magnificent in effect. The pieces of alabaster which form this magnificent frieze are fitted together with extreme neatness, the joints being concealed by rebates. Other similar fragments of friezes set with sham jewels have been found at Mycenae, Orchomenos, and Menidi.

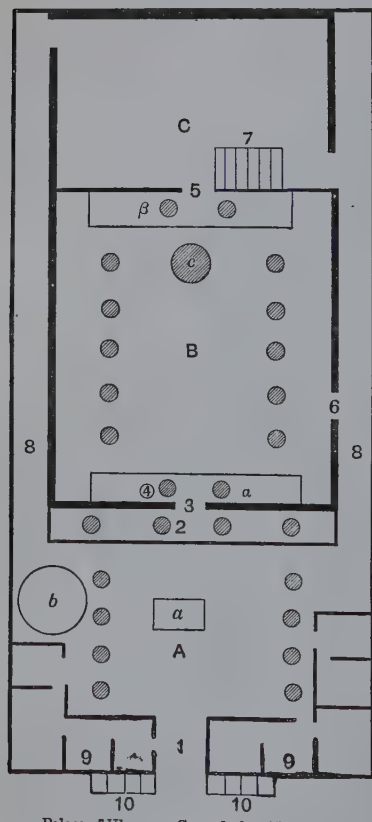
All the wall surfaces at Tiryns which were not lined with bronze or with bands of alabaster and marble, seem to have been ornamented with paintings on stucco, executed in simple earth colours with much decorative effect. These paintings were of several different styles: some had simple patterns of chequers and spirals which were evidently copied from the designs on woven stuffs; others were human figures or beasts with great spreading wings of purely Oriental style, treated in a very effective way by painting the feathers in alternate colours—red, yellow, and white. One very spirited painting represents a man on the back of a bull galloping at full speed. The exterior of the building seems to have been decorated with similar paintings on the stucco, which protected the unbaked clay of the upper part of the walls from the effects of weather.

The Homeric Palace of Ulysses.—It is interesting to compare the palace of Tiryns with that of Ulysses as depicted in the Odyssey. Among the many descriptions of the latter, one of the clearest is that given by Prof. Gardner in the *Journal of Hellenic Studies* (vol. iii. p. 264 *seq.*), of which we subjoin an abstract, together with his ground-plan of the palace. But it is necessary to remember at the outset, as Prof. Gardner observes in the *Quarterly Review* (January 1886, p. 121), that there is this difference between the abode of Ulysses and the palace of Tiryns, that the former is rude and rustic, while the latter is more like "the glorious abode of Alcinous in Phaeacian fairy-land, or the splendid house of Menelaus, which glittered like the sun and moon as one drew near to it."

The Homeric house, observes Prof. Gardner, consisted of three parts: *αὐλή*, the fore-court; *δῶμα* or *μέγαρον*, the hall of the men; and *θάλαμος*, called in later times *γυναικωνῖτις*, the apartments of the women (*οἳ οἱ ἐποίησαν θάλαμον καὶ δῶμα καὶ αὐλήν*, *Il.* vi. 316). The house was entered by massive folding doors (*θύραι δικλίδες*, *Od.* xvii. 267), and on either side were stone seats (*ἕδραι*, cf. *Od.* iii. 406, xvi. 344). The doors led into the *αὐλή*, or open court-yard, which was used as a kind of farm-yard. On either side and behind were chambers (*θάλαμοι*) used for various purposes, such as grinding the corn (*Od.* xx. 105), sometimes for sleeping in (*Od.* xix. 48; *Il.* ix. 473). In one corner of the court was the *θόλος* (*Od.* xxii. 442, 459), a circular building, no trace of which is found in the palace at Tiryns. (See above, p. 654.) In the midst of the court was the altar of Zeus *ἑρκεῖος* (*Od.* xxii. 335), which, as we have already seen, existed at Tiryns. In the court were two colonnades or porticoes, each called *αἴθουσα*, one on either side right and left of the court-yard (*αἴθουσα αὐλῆς*), and the other opposite the entrance to the court-yard, and along the front of the *δῶμα* or *μέγαρον*. The latter is often considered as part of the *πρόδομος*, so that *αἴθουσα* and *πρόδομος* are often used as synonymous terms. [For references see AITHOUSA.] Crossing the *Aithousa*, the visitor passed into the *μέγαρον* or *δῶμα*, where the

* The meaning of *μεσόδμαι* is very doubtful, and has been variously explained by ancient and modern critics. According to the etymology, they were something built between, *i.e.* perhaps the spaces between the pillars. For the authorities see Gardner, *Journal of Hellenic Studies*, iii. p. 272; Hermann-Blümner, p. 146.

chiefs lived. At either end of the *megaron* was a door, one leading into the court-yard through the *aithousa*, and the other into the women's apartments, the θάλαμος, properly so called.



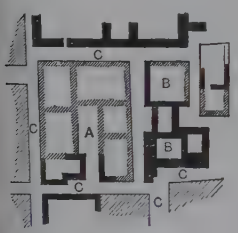
Palace of Ulysses. Ground-plan (Gardner).

A. αὐλή, fore-court.
a. Altar of Ζεὺς ἑρκεῖος.
b. θόλος.
B. δῶμα or μέγαρον, men's hall.
c. ἑστία.
C. θάλαμος, women's hall.
1. θύραι δικλίδες.
2. αἴθουσα, πρόδομος.
3. θύρα.
4. δουροδόκη.
α. μέλινος οὐδός.
β. λάϊνος οὐδός.
5. θύρα.
6. ὀρσοθύρη.
7. κλίμαξ.
8. λαύρη.
9, 9. θάλαμοι.
10, 10. ἕδραι.

In front of either door was a threshold (οὐδός), probably raised. The threshold in front of the door into the *megaron* was made of ash-wood (μέλινος οὐδός, *Od.* xvii. 339), and the threshold in front of the door into the women's apartments was of stone, λάϊνος οὐδός (*Od.* xx. 258), a distinction which is most important, as Prof. Gardner points out, for understanding the combat between Ulysses and the suitors. By the ashen threshold was the δουροδόκη or spear stand, close to one of the pillars (*Od.* i. 128). The *megaron* was of great size. In the palace of Ulysses the three hundred suitors of Penelope feasted in it. Its height was that of the house itself, and its roof was supported by lofty pillars (κίονες, *Od.* xix. 38). In the upper part of the *megaron* was the ἑστία, or hearth, where the food was cooked (*Od.* xx. 123), and the smoke escaped through a hole in the roof, as in the old Roman *atrum*. Such a hole, called κατνοδόκη by Herodotus, is mentioned in an early Macedonian house, where the sun shone through it (Herod. viii. 137). Besides the two principal doors of the *megaron* already mentioned, there was a third, or postern-door, called ὀρσοθύρη (*Od.* xxii. 126, 132, 333), the position of which has given rise to much dispute. It should, however, probably be placed, for the reasons given by Gardner and Jebb, on the side of the *megaron*, as shown in the plan (Plan, 6), leading into the λαύρη (*Od.* xxii. 128, 137) or narrow passage, which gave access to the women's apartments from the outer court-yard, thus avoiding the necessity of passing through the *megaron* (Plan, 8).

The women's rooms, or θάλαμος, properly so called, also called μέγαρα γυναικῶν (*Od.* xxii. 151), were immediately behind the *megaron* on the ground-floor, directly communicating with the latter by a door. This is clear from the whole narrative in the Odyssey of the combat between Ulysses and the suitors. The passages proving this have been critically examined by Prof. Jebb in the essay quoted below. (Cf. *Od.* xvii. 506, xx. 389, &c.; see also iv. 718.) Here the women sat engaged in weaving and domestic occupations. Here was the nuptial chamber, with the marriage bed made by Ulysses with his own hands (*Od.* xxiii. 192, 295). The ordinary sleeping and other rooms of the women were in the upper story (ὑπερῷϊον), which was reached by a ladder, κλίμαξ (*Od.* xxi. 5; cf. *Od.* ii. 358, iv. 760; *Il.* ii. 514, xvi. 184; Eustath. *ad Od.* i. 328, p. 1420, 53). Hence we find Penelope, after sleeping with Ulysses in the nuptial chamber, ascending with her handmaids into the upper chamber (*Od.* xxiii. 364). It is therefore a mistake on the part of some modern writers to describe the women's rooms as situated only in the upper story. In the women's rooms was the armoury (θάλαμος ὅπλων, cf. *Od.* xxii. 140, 151–156), and the treasury at the further extremity (θάλαμος ἔσχατος), with a high roof (*Od.* xxi. 8). In the women's part of the house there was also an open court, in which grew an olive-tree in the palace of Ulysses (*Od.* xxiii. 190). There was a similar court in the palace of Priam, where fifty chambers were built for his fifty sons and their wives (*Il.* vi. 242). For other details of the Homeric house, the reader is referred to the works cited below. (Prof. Gardner, *Journ. of Hellenic Studies*, iii. p. 264 *seq.*; Jebb, *ibid.* vii. p. 170 *seq.*; Dörpfeld, in Schliemann's *Tiryns*, London, 1866, and a review of this work by Gardner in the *Quarterly Review* for January 1886; Winckler, *Die Wohnhäuser der Hellenen*, Berlin, 1868; Protodikos, *De Aedibus Homericis*, Leipzig, 1877; Rumpf, *De Aedibus Homericis*, Giessen, 1884, 1857. Valuable accounts of the architecture and other arts of the Homeric period are given by Helbig, *Das homerische Epos*, 1876; and by Buchholz, *Die homerischen Realien*, Leipzig, 1883–5.)

II. The later Greek House. — The discoveries of recent years have shown that bricks made of unbaked clay were very extensively used by the Greeks down to quite late times. This point is well brought out by Dr. Dörpfeld (vol. ix. of the *Mittheil. d. deutsch. archäol. Inst. in Athen*), who shows that even important structures, such as the Heraion at Olympia and the walls round Athens which were destroyed by Sulla, were mainly formed of sun-dried bricks. The same perishable material was commonly used for the private houses of the Greeks, and this is one reason why examples of Hellenic domestic architecture are so very rare. Burnt bricks were first introduced by the Romans (Blümner, *Technol. u. Terminol.*, &c. ii. p. 11) Till quite recently very few remains of Greek houses were known to exist. In the Ionian Antiquities there is figured a Greek house at Delos, of which a ground-plan is given by Guhl and Koner (p. 106, 5th ed.). The excavations, however, made in the Greek city of Naukratis in the Egyptian Delta during 1884–86 by Messrs. Petrie and Ernest Gardner have brought to light remains of a large number of Greek streets and houses, all built of sun-dried brick coated with painted stucco. The accompanying figure shows part of Mr. Petrie's discoveries:—A is a single house forming a complete *insula*, as the Romans would call it: it consists of six rooms, with what was probably a small central open court. B B appear to be shops. C C are narrow streets. In this Greek city the streets seem all to be very narrow, and the *insulae* are mostly very small; in many cases, like the figured example, consisting of one house only. Though but very scanty remains were found of the unbaked brick walls, yet in a few places patches of painted stucco on the exterior were found *in situ*. Though walls of this sort would last very well as long as they were roofed over and protected by their coating of hard stucco, yet when once they had fallen into a ruined state the process of decay would be rapid and complete, even in Egypt, and of course much more so in a more rainy climate.



Plan of a Greek house at Naukratis in Egypt.

The other most important examples of Greek domestic architecture which have yet been discovered are some houses in the Peiraeus, the foundations of which were exposed in 1884 during the laying out of a new street by the municipality. (See Dr. Dörpfeld in *Mittheil. d. deutsch. archäol. Inst. in Athen*, vol. ix., No. 3, 1884.) The figure shows a reduction made from Dr. Dörpfeld's plan.

On the S.E. and S.W. sides the block faces on to streets: it appears to be a double house, though this is not quite certain, owing to the impossibility of ascertaining the positions of all the doors. On the N.W. side remains were found of a large open peristyle, apparently derived from the αὐλή of the earlier Hellenic plan: under the covered porticus of this cloister an altar was found, probably dedicated to Zeus Herkeios.

Plan of a Greek house discovered in Peiraeus.

On the S.E. side the house was entered through a long shallow porch, with two columns, in which stood another altar, probably that of Apollo Agyieus. This porch led into a small open court, surrounded on three sides by a covered walk (στοὰ or *porticus*). The pavement of this was laid so as to drain into an open gully, through which the rain-water escaped into a drain. In one corner of the court was a well, and on the other side a stone cistern for storing water; a second cistern stood in the room adjoining the open court on the N.W. Some remains of paving were found, as is indicated on the plan. In one room it consists of stone flags; in another of a sort of rude mosaic, formed of pebbles set in concrete, as in the open courts of the palace at Tiryns. On the S.W. side are some rooms which were entered directly from the street: these may have been shops or public offices. Traces of a staircase leading to an upper floor were found at one end of the room with the flagging pavement. This block measures, without counting the large peristyle, about 140 feet by 75 feet. The clear open space of the peristyle was about 68 feet wide; its other dimension was not discovered. It is possible that this block may have been all part of the same house; one portion being the *andronitis* or men's part, and the rest the *gynaeconitis* or women's part.

During the most flourishing period of Greece the private houses appear to have been small and simple in design: splendour of materials and ornament were reserved for the temples of the gods and the public buildings, such as the Agora and the great στοαί, which in Athens especially contributed so largely to the architectural magnificence of the city. The front of the house towards the street was not large, as the apartments extended rather in the direction of its depth than of its width. In towns the houses were often built side by side, with party walls between (δμόσιχοι οἰκίαι, Thuc. ii. 3; Isaeus, *de Philoctem. hered.* § 39; Plut. *de Genio Socr* 33 Plaut. *Mil. Glor.* ii. 2). The exterior wall was plain, and often covered with plaster or stucco (Plut. *Comp. Arist. et Cat.* 4). Sometimes, as in Tanagra, the exterior was adorned with what was probably terra-cotta (Dicaearch. p. 245, Fuhr.). Plutarch says that

Phocion's house was ornamented with plates of bronze (Plut. *Phoc.* 18). Unbaked clay, as we have already shown, was used for the walls, with probably a good deal of timber in the upper story (Xen. *Mem.* iii. 1, § 7): thus it was easy for the Plataeans to break through the party walls of their houses, so as to communicate with each other (Thuc. *l. c.*). For the same reason the burglar was called τοιχωρύχος, because he found it easier to obtain an entrance into houses by breaking through the soft walls than by the door or windows (Plat. *Legg.* p. 831 E; Plut. *Dem.* 11).

Foreigners were specially struck by the mean appearance of the private houses of Athens in the time of Pericles, as strongly contrasting with the splendour of the public buildings (Thuc. ii. 14, 65). "A stranger," says Dicaearchus (p. 8), "might doubt upon a sudden view whether this were really the city of Athens," so mean were the houses and crooked and narrow the streets. It was not till the time of Demosthenes that good houses began to be built in Athens (Dem. *c. Aristocr.* p. 689, § 207 ff.; *Olynth.* iii. p. 35, § 25 ff.). Meidias built a house in Eleusis larger than any in that place (*c. Mid.* p. 565, 24; Boeckh, *Publ. Econ.* p. 65, Engl. Tr.; *Staatshaush.* i.[2] p. 83). But after the time of Alexander the Great the decay of public spirit and the growth of private luxury led to the erection of larger and more richly decorated houses throughout the Greek cities, and especially in the chief colonies of Magna Graecia and Sicily. In cities such as Tarentum and Syracuse the costly magnificence of the private houses far surpassed those of the mother country.

The views of Socrates as to the arrangement of a good house are given by Xenophon (*Mem.* iii. 8, §§ 9, 10). It should (he says) be cool in summer and warm in winter, with convenient accommodation for the family and their possessions. The chief rooms should be lofty, and should face the south so as to get the full rays of the sun in winter, while for the sake of shade, when the sun was high up in summer, the house was to be shaded by projecting eaves; the rooms on the north, for the sake of shelter, were to be lower. Paintings and any sort of elaborate decorations destroyed, Socrates thought, more pleasure than they gave.

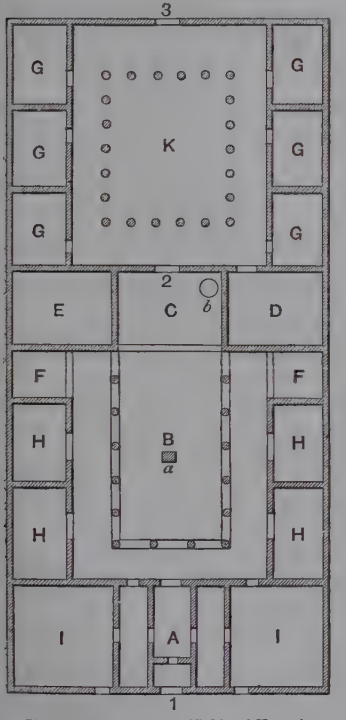
In all cases the country houses must have been much finer buildings than those in the old cities, where streets were narrow and sites often very cramped (Isocr. *Areop.* § 20). Thucydides (ii. 14) speaks of the preference of the Athenians for houses in the country.

The plan and whole arrangement of town and country houses would naturally be absolutely different, and it is unreasonable to suppose that one fixed type of house was used by the Greeks. Existing remains show us that the Roman houses had as many varieties of plan as we have now, and yet many archaeologists have written as if there was one stereotyped plan of house used in classical times. The somewhat pedantic language of Vitruvius (vi. 7, 10) on the subject has tended to support the belief in the existence of one fixed type of Greek house, but at his date, in the reign of Augustus, archaeology was practically an unknown science, and it may reasonably be suggested that the so-called Greek plan of Vitruvius does not represent the domestic architecture of the bygone days when the Greeks were an independent race, but rather Vitruvius' private notion, as a practising architect, of a house to be built for some wealthy Roman in the revived pseudo-Hellenic style which began to be popular in the reigns of the early emperors of Rome.

That the domestic architecture of the Roman empire was to a great extent derived from that of the far more artistic Greeks is shown in many ways, and especially by the fact that nearly all the names used in Rome for the different parts of a house were not Latin, but Greek (see p. 667 *b*): yet it should be remembered that the luxurious and ostentatious habits of imperial Rome had little in common with the austere simplicity of private life in Greece during its period of glory, and that therefore it is almost certain that a plan and arrangement of house would be required in Rome very different from that used in Athens during the age of Pericles, or even much later. Nevertheless, with this important reservation, many of Vitruvius' statements may be of great use in illustrating difficult passages in older Greek writers, which treat of some details in the Hellenic house, especially when the description is compared with some of the existing Roman dwellings, which are evidently designed to some extent after a real or supposed Greek model.

Greek houses had three principal features in common. First, there were one or two open courts, surrounded by the various rooms. Secondly, in a Greek family the women lived in private apartments allotted to their respective use. Hence the house was always divided into two distinct portions,—the *Andronitis* (ἀνδρωνῖτις), or men's apartments; and the *Gynaeconitis* (γυναικωνῖτις), or women's apartments. Thirdly, the *Gynaeconitis* was, as a general rule, in larger houses behind the *Andronitis*, and on the same floor as the latter. Much difficulty has been occasioned in the arrangement of a Greek house by the statement of Vitruvius (vi. 7, (10)) that the principal entrance led at once into the *Gynaeconitis*, and that the *Andronitis* therefore was behind the women's rooms, or rather, if we construe his words strictly, by their side. ("Conjunguntur autem his [i.e. the *Gynaeconitis*] domus ampliores [i.e. the *Andronitis*]."). But such an arrangement is alike inconsistent with the careful state of seclusion in which the Greek women were kept, and also with the positive statements of the writers of the period. It is very likely that Vitruvius misunderstood to some extent the descriptions given by his Greek authorities, and has assigned to the *Gynaeconitis* the arrangement of the *Andronitis*. In any case, as we have stated above, his account cannot be accepted as a correct representation of a Greek house in the period from the Peloponnesian war to the time of Alexander the Great. The general plan was much the same as that of the Homeric house. This is clearly brought out by Prof. Gardner in the essay already quoted. He shows that the Peristyle of the *Andronitis* is the successor of the Homeric *Aule*; the *Andron*, or eating-room, of the Homeric *Megaron*; and the peristyle of the *Gynaeconitis* of the Homeric *Thalamos*. "As the Greeks grew in culture

and took to living in cities, the *Aule* would naturally become civilised, and the rooms round it part of the house, while the feeding-room of the men would lose its enormous proportions, and become a dining-room instead of a feasting hall." That this was the case is shown by the position of the altars of the deities, which were least likely to be changed in an ancient house. Thus the altar of Zeus **ἑρκεῖος** was situated alike in the Homeric *Aule* (see p. 657 *b*) and the historical court of the *Andronitis* (see p. 662 *a*), and the sacred hearth or altar of *Hestia* occupied the same position in the Homeric *Megaron* (p. 658 *b*) and the historical *Andron* (p. 662 *b*).



Plan of a Greek house. (Guhl and Koner.)

A. Entrance-hall.
B. Peristyle of the Andronitis.
a. Altar of Zeus *ἑρκεῖος*.
C. Andron, or dining-hall.
b. ἑστία.
K. Peristyle of the Gynaeconitis.
H. Rooms of the Andronitis.
F. Perhaps sanctuaries of the *θεοὶ κτήσιοι* and *θεοὶ πατρῷοι*.
D. Thalamos.
E. Amphithalamos.
G. Rooms of the Gynaeconitis, for working in wool and other purposes.
I. Rooms of the Andronitis, and in some houses perhaps shops opening to the street.
1. *Πρόδομος*, and further back, street-door, *αὔλειος θύρα*.
2. Door between the men and women's rooms, *μέσαυλος* or *μέταυλος θύρα*.
3. Garden-door, *κηπαία θύρα*.

The above plan of the ground-floor of a Greek house of the larger size, with two courts or peristyles, is taken, with slight alterations, from Guhl and Koner. It is of course conjectural, but it will serve for the *probable* arrangements (for further we cannot go) of the Greek house at the period we are speaking of. Other plans, differing very much from this, have been given by several modern writers; but this appears on the whole the most consistent with the ancient authorities. In smaller houses the Gynaeconitis was much more limited, having no open court, and in some cases, as we shall presently see, was restricted to the upper story.

1. *Fore-court.*—That there was, in some cases, no open space between the street and the house-door, like the Roman *vestibulum*, is plain from the law of Hippias, which laid a tax on house-doors opening outwards, because they encroached upon the street. (Aristot. *Oecon.* ii. 6, p. 1347, 5.) The *πρόθυρον*, which is sometimes mentioned (Herod. vi. 35), may be the space indicated in the cut before the passage A. We learn, however, from the same law of Hippias, that houses sometimes had projections encroaching upon the street (*προφράγματα* or *δρύφακτοι*, Aristot. *l. c.*; Heracl. Pont. *Polit.* 1). In front of the house was generally an altar of Apollo Agyieus, or a rude obelisk emblematical of the god. Sometimes there was a laurel-tree in the same position, and sometimes a terminal bust of the god Hermes or Hecate. (Thuc. vi. 27; Aristoph. *Thesm.* 489 *seq.*, *Vesp.* 804.)

2. *Entrance.*—A few steps (*ἀναβαθμοί*) led up to the house-door, which generally bore some inscription, for the sake of a good omen, or as a charm, such as **Εἴσοδος Κράτητι Ἀγαθῷ Δαίμονι** (Plut. *Frag. Vit. Crat.* p. 874). There was also frequently inscribed *μηδὲν εἰσίτω κακόν*, an inscription which has been found also at Pompeii and even in Kurdistan (Diog. Laërt. vi. 39, 50; *C. I. Gr.* No. 4673). The form and fastenings of the door are described under JANUA and CLAVIS. This door, as we have seen, sometimes opened outwards; but the opposite was the general rule, as is proved by the expressions used for opening, *ἐνδοῦναι*, and shutting it, *ἐπισπάσασθαι* and *ἐφελκύσασθαι*. (Plut. *Pelop.* 11; *Dion* 57.) Immediately behind the door was the sanctuary of **Ἑρμῆς στροφαῖος** (Aristoph. *Plut.* 1153).

The house-door was called *αὔλειος*, *αὐλεία*, *αὔλιος*, or *αὐλία θύρα* (Pind. *Nem.* i. 19; Menandros *ap.* Stob. *Serm.* xxxiv. 11; Harpocr. *s. v.*; Eustath. *ad Iliad.* xxii. 66, p. 1257, 17), because it led to the *αὐλή*. It gave admittance to a narrow passage called *θυρωρεῖον* by Vitruvius, and *πυλών*, *θυρών* by Pollux (i. 77), on one side of which, in a large house, according to Vitruvius, were the stables, on the other the porter's lodge. The duty of the porter (*θυρωρός*, *πυλωρός*) was to admit visitors, and to prevent anything improper from being carried into or out of the house. (Aristot. *Oecon.* i. 6, p. 1345 a.) It was also his duty to sweep the house (Pollux, x. 28). Plato (*Protag.* p. 314 D) gives a lively picture of an officious porter. The porter was attended by a dog. (Apollod. *apud* Athen. i. p. 3; Theocr. xv. 43; Aristoph.

Thesm. 416, *Equit.* 1025.) Hence the phrase εὐλαβεῖσθαι τὴν κύνα (Aristoph. *Lysistr.* 1215), corresponding to the Latin *Care canem.*

At the further end of the passage Vitruvius places another door (θυρωρεῖον . . . locus inter duas januas), which, however, is not mentioned by other writers. Plutarch (*de Gen. Socr.* 18) mentions the house-door as being visible from the peristyle.

3. *Peristyle of the Andronitis* (Plan, B).—From the θυρωρεῖον we pass into the peristylo (περιστύλιον) of the *Andronitis.* This was the most important part of the house, corresponding to the Homeric αὐλή, by which name it is frequently called (Plat. *Protag.* p. 311 A, *Rep.* p. 328 C; Pollux, i. 77), though used for very different purposes. It was a court open to the sky in the centre (ὕπαιθρον), and surrounded on all four sides * by colonnades (στοαί), whence the name Peristyle. The one nearest the entrance was called πρόστῳον (Plat. *Protag.* p. 314 E), and the same name was also given to the colonnade *opposite* the entrance (ἐν τῷ κατ' ἀντικρὺ προστῴῳ, *ib.* p. 315 C). The word is also used by later writers as equivalent to περιστύλιον (Pollux, i. 77). These colonnades were used for exercise, and were sometimes of considerable extent, as in the house of wealthy Callias, and meals were occasionally taken in them (Plat. *l. c.*, *Symp.* p. 212; Plut. *de Gen. Socr.* 32; Dem. *in Eurg.* § 55; Pollux, i. 78). Here, as in the Homeric *aule*, was the altar of Zeus ἑρκεῖος, where sacrifices were offered (Harpocr. *s. v.*; Eustath. *ad Od.* xxii. 335; Plat. *Rep.* i. 328 C). The colonnades were arranged for the purpose of obtaining as much sun in winter, and as much shade and air in summer, as possible. (Xen. *Oecon.* ix. 4; *Mem.* iii. 8, § 9; Aristot. *Oecon.* i. 6.)

Round the peristyle were arranged the chambers used by the men called by the general name of οἶκοι, οἰκήματα, and ἀνδρῶνες, though the latter more specifically indicated a dining-room. (See below.) There were banqueting-rooms large enough to contain several sets of couches (τρίκλινοι, ἑπτάκλινοι, τριακοντάκλινοι), and at the same time to allow abundant room for attendants, musicians, and performers of games; parlours or sitting-rooms (ἐξέδραι), sleeping-rooms (κοιτῶνες, οἰκήματα), guest-chambers (ξενῶνες), picture-galleries and libraries, and sometimes store-rooms. The store-rooms were generally in the women's part of the house (see p. 663 *b*); but in the house of Callias a store-room (ταμιεῖον) in the *Andronitis* was fitted up as a guest's room (Plat. *Protag.* p. 315 D). In the arrangement of these apartments attention was paid to their aspect. (Vitruv. *l. c.*; Lys. *de caede Eratosth.* § 24, *in Eratosth.* § 10; Aristoph. *Eccles.* 8, 14; Pollux, i. 79, vii. 28, x. 32). The disposition of these rooms (Plan, H) is quite uncertain. F in plan, corresponding to the *alae* in a Roman house, may, according to Guhl and Koner, be the sanctuaries of the θεοὶ κτήσιοι and πατρῷοι (Lobeck, *Agl.* p. 1239; cf. Lycurg. *adv. Leocr.* § 25; Petersen, *Der geheime Gottesdienst bei d. Griechen*, Hamb. 1848), when these gods had sanctuaries in later times.

4. *Andron, or dining-hall* (Plan, C).—The ἀνδρὼν was situated in the centre of the house between the two courts opposite the entrance to the court of the *Andronitis.* It corresponds to the μέγαρον of Homer, but greatly reduced in size, as the court of the *Andronitis* contained the principal rooms for the men. Here stood the ἑστία, or sacred hearth, which is placed by Aeschylus in the centre of the house (μεσόμφαλος ἑστία, *Agam.* 1056); but in historical times it only stood as a symbol of domestic worship, the hearth being removed to a special kitchen (ὀπτάνιον). In later times it took the form of a round altar sacred to the goddess *Hestia*, the Roman *Vesta*, and was a sanctuary for suppliants. Thus it was the *Hestia* in the house of the Molossian king Admetus at which Themistocles took refuge (Thuc. i. 136; Plut. *Them.* 24), and it is mentioned as a place of refuge by Lysias in a small Greek house (ἐπὶ τὴν ἑστίαν καταφυγών, *de caede Eratosth.* § 27). The *Andron* is said by Xenophon to be the place where dinner was taken (ἐπὶ τῷ ἀνδρῶνι ἔνθα τὸ δεῖπνον ἦν, *Symp.* i. 13; cf. Aristoph. *Eccles.* 676), and Thales is represented by Plutarch as going through the porch to the banquet in the *Andron* (εἰς τὸν ἀνδρῶνα διὰ τῆς στοᾶς, *VII. Sap. Conv.* 3). In a Greek inscription a large dining-hall is called ἀνδρεῖον (*C. I. Gr.* 2554), and Pollux (i. 79) defines it generally as a place where men assemble (ἀνδρὼν ἵνα συνίασιν οἱ ἄνδρες). It is sometimes used as equivalent to *Andronitis*, and it is not always easy to distinguish its specific and more general meaning (cf. Herod. i. 34; Aeschyl. *Agam.* 243, *Choëph.* 712). The place occupied by the *Andron* is called by Vitruvius (*l. c.*) προστὰς or παραστάς, probably the same as the παστὰς of other writers, though he is clearly in error in placing it in the *Gynaeconitis*, as we have already seen. He says that on the side of the peristyle facing the south (*i.e.* opposite the entrance door) are two antae [ANTAE], at a considerable distance apart, which carry beams, and that the recess behind them is equal to one-third less than their distance from each other, and that this recess or room is called προστὰς or παραστάς. It is expressly identified by later writers with the *Andron*, and the word παστὰς is absurdly derived from feeding (ἀπὸ τοῦ πάσασθαι, Pollux, vi. 7; Schol. *ad* Apoll. Rhod. i. 789; *Etym. M.* p. 655, 46). It would seem that the word παστὰς or προστὰς did not originally signify a chamber, but simply a colonnade on the side of the peristyle opposite the entrance (Xen. *Mem.* iii. 8, 9; Herod. ii. 169), and was thus the same as the πρόστῳον mentioned by Plato in the passage already quoted (*Protag.* l. c.; see above, 3). We may therefore reasonably conjecture that the name was afterwards transferred from the colonnade to the dining-room lying immediately behind it; that is, to the *Andron.*

5. *Peristyle of the Gynaeconitis* (Plan, K).—The peristyle of the *Andronitis* was connected with that of the *Gynaeconitis* by a door called μέταυλος, μέσαυλος, or μεσαύλιος, which was in the middle of the portico of the peristyle of the *Andronitis*, or more specifically of the Andron.

* In Guhl's plan (p. 661) only three sides of colonnades are given, but from the passage of Plato there must have been a colonnade opposite the one at the entrance.

(See Plan, 2.) Vitruvius applies the name *μέσαυλος* to a passage between the two peristyles, in which was the *μέσαυλος θύρα*; but such a passage is not mentioned by other writers, and was probably suggested to Vitruvius by the position of the Roman *Fauces*. (See below, p. 671 *a*.) By means of this door all communication between the *Andronitis* and the *Gynaeconitis* could be shut off. Its uses are mentioned by Xenophon, who calls it *θύρα βαλανωτός* (*Oecon.* ix. 5; cf. Plut. *Arat.* 26). Its name *μέσαυλος* is evidently derived from *μέσος*, and means the door *between* the two *αὐλαί* or peristyles. (Suidas, *s. v.* Μεσαύλιον: Ael. Dion. *apud* Eustath. *ad Iliad.* xi. 547, p. 862, 17; Schol. *in* Apoll. Rhod. iii. 335.) The other name, *μέταυλος*, is taken by some writers as merely the Attic form of *μέσαυλος*. (Moer. *Att.* p. 264.) But Becker derives *μέταυλος* from *μετά*, as being the door *behind* or *beyond* the *αὐλή*, with respect to the *αὔλειος θύρα*. (Lys. *de caede Eratosth.* § 17; Plut. *Symp.* vii. 1; Ael. Dion. *apud Eustath.* l. c.)

This door gave admittance to the peristyle of the *Gynaeconitis*, which, like that of the *Andronitis*, was surrounded by colonnades. It was, as we have already said, situated in larger houses immediately behind the *Andronitis*. (Lys. *c. Simon.* § 6; Dem. *c. Euerg.* p. 1155, § 53; Xen. *Oecon.* ix. 5.) In like manner Sophocles, doubtless representing the practice of his own time, describes both sets of rooms as on the same floor (*Oed. Tyr.* 1241–1262). But in smaller houses, where there was no space for a separate court for women, the *Gynaeconitis* was in the upper story. Such was the case in the small house (*οἰκίδιον*) spoken of by Lysias (*de caede Eratosth.* § 19). There was the same arrangement in other houses (Aristoph. *Eccles.* 961, *Thesm.* 482; Babr. *Fab.* 116); and considering the small value of many houses at Athens (see below, p. 664 *b*), we may conclude that the women's rooms were often in the upper story. On the right and left of this *παστάς* (see above), according to Vitruvius, were two bed-chambers, the *θάλαμος* and *ἀμφιθάλαμος* (Plan, D, E), of which the former was the bed-chamber of the master and mistress of the house, and where also seem to have been kept the vases and other valuable articles of ornament. (Xen. *Oecon.* ix. 3.) The *Thalamus*, called by Sophocles *νυμφικὰ λέχη* (*Oed. Tyr.* 1242), is constantly described as the bridal chamber (Pind. *Pyth.* ii. 60; Soph. *Trach.* 913; Eur. *Hipp.* 940; Theocr. ii. 136), and was rebuilt or re-adorned on occasion of a marriage (*ἔθος ἦν τοῖς γήμασι θάλαμον οἰκοδομεῖσθαι*, Schol. *ad* Hom. *Il.* ii. 701; *νεόγραπτος θάλαμος*, Theocr. xviii. 3; cf. Theocr. xxvii. 36; Apoll. Rhod. iii. 36; Hesych. *s. v. θαλάμοιο νέοιο*). This chamber is frequently called *δωμάτιον* (Lys. *de caede Eratosth.* § 24; Aristoph. *Eccl.* 8; Theophr. *Char.* 13; Plat. *Rep.* iii. p. 390 C), and sometimes *παστὰς* or *παστός* (Theocr. xxiv. 46; *Anth. P.* ix. 245; Heliod. *Aethiop.* x. 16; Lucian, *Dial. Mort.* xxiii. 3; *Anth. P.* v. 52, vii. 711). In the *Thalamus* were placed the *θεοὶ γαμήλιοι*. The *Amphithalamus* is supposed by some to be the bed-chamber for the grown-up daughters of the family (cf. Achill. Tat. ii. 9). Beyond these rooms (for this seems to be what Vitruvius means by *in his locis introrsus*) were large apartments (*ἱστῶνες*) used for working in wool (*oeci magni, in quibus matres familiarum cum lanificis habent sessionem*, Vitruv.). Round the peristyle were the eating-rooms, bed-chambers, store-rooms (*ταμιεῖα*, cf. Aristoph. *Lysistr.* 495), and other apartments in common use (*triclinia quotidiana, cubicula, et cellae familiaricae*). (Plan, G.)

Besides the *αὔλειος θύρα* and the *μέσαυλος θύρα*, there was a third door (*κηπαία θύρα*) leading to the garden. (Pollux, i. 76; Dem. *in Euerg.* p. 1155, § 53; Lys. *in Eratosth.* § 16.)

Some other matters connected with a Greek house require notice.

1. *Upper stories.*—When there was an upper story (*ὑπερῷον, διῆρες*), it seldom extended over the whole space occupied by the lower story. The principal use of the upper story was for the sleeping apartments, both of the family and of the slaves. (Cf. Dem. *in Euerg.* p. 1156, § 56, where the words *ἐν τῷ πύργῳ* seem to imply a building several stories high.) Houses rarely had more than two stories; but in later times we find in the larger towns mention of houses with three stories (as in Cyzicus, Aristid. *Or.* xvi. p. 390, Dind.; *τριστέγη*, Artemidor. iv. 46; so also in Troas, Acts xx. 8, 9). The access to the upper floor seems to have been sometimes by stairs (*ἀναβαθμοί*) on the outside of the house, leading up from the street, as was the case at Rome (see p. 665 *b*). (Aristot. *Oec.* ii. 5, p. 1347, 5; cf. Liv. xxxix. 14.) The upper story was sometimes let, or used for lodging guests. (Antiph. *de Venef.* § 14.) But in some large houses there were rooms set apart for the reception of guests (*ξενῶνες*) on the ground-floor. (Vitruv. *l. c.*; Pollux, iv. 125; Eurip. *Alcest.* 564.) In cases of emergency store-rooms were fitted up for the accommodation of guests. (Plat. *Protag.* p. 315 D; see p. 662 *a*.)

Portions of the upper story sometimes projected beyond the walls of the lower part, forming balconies or verandahs (*προβολαί, γεισιποδίσματα*, Pollux, i. 81), like the Roman *maeniana* (see cut, p. 666 *a*).

2. *Roofs.*—The roofs were generally flat, and it was customary to walk about upon them, as on the Solaria at Rome (see p. 672 *b*); (Lys. *adv. Simon.* § 11; Aristoph. *Lysistr.* 389; Plaut. *Mil.* ii. 2, 3;) or to pass from one house to another (Dem. *c. Androt.* p. 609, § 53). But high-pitched roofs were also used, covered with tiles (*κέραμος*, Galen, xviii. 1, p. 518, K.; Pollux, i. 81).

3. *Doors.*—For particulars, see JANUA and CLAVIS. In the interior of the house the place of doors was sometimes supplied by curtains (*παραπετάσματα, παρακαλύμματα*), which also hung between the pillars of the *Peristyle* (Aristoph. *Vesp.* 1215). They were either plain, or dyed, or embroidered. (Pollux, x. 32; Theophrast. 5.)

4. *Windows.*—The principal openings for the admission of light and air were in the uncovered *Peristyle* and perhaps in the roofed part of the peristyle; but it is incorrect to suppose that the houses had no windows (*θυρίδες*), or at least none overlooking the street. They appear to have been chiefly in the upper story; and in ancient works of art women are represented looking out of them. (Aristoph. *Thesm.* 797, *Eccles.* 961; Plut. *de Curios.* 13, *Dion* 56. Also called *φωταγωγοί*, Lucian, *Conv.* 20.)

5. *Privies.* — They were called ἀπόπατοι (Aristoph. *Acharn.* 81; Pollux, x. 44), ἄφοδοι (Aristoph. *Eccles.* 1059), κοπρῶνες (*Pax*, 99, *Thesm.* 485; Dem. *c. Aristog.* p. 785). Their position is nowhere expressly indicated, but they were probably, as in Roman houses (see below, p. 672 *a*), in proximity to the kitchen (Hermann-Blümner, p. 154).

6. *Heating.*—Artificial warmth was procured by little portable stoves (ἐσχάρια, ἐσχαρίδες), or chafing dishes (ἀνθράκια). (Plut. *Apophth.* i. p. 717; Aristoph. *Vesp.* 811; Pollux, vi. 89, x. 101.) [FOCUS.] It is supposed that the chimney was altogether unknown, and that the smoke escaped through an opening in the roof; but it is not easy to understand how this could be the case when there was an upper story. The καπνοδόκη mentioned by Herodotus (viii. 137) was not really a chimney, but only an opening in the roof (see above, p. 658 *b*). But the κάπνη in Aristophanes (*Vesp.* 143) seems to have been really a chimney, as it is described by the Scholiast on the passage as pipe-shaped (σωληνοειδής). In any case the chimney seems to have been only used in the kitchen (ὀπτάνιον, Alexis *ap.* Athen. ix. p. 386 b).

7. *Decoration.*—The decorations of the interior were very plain at the period to which our description refers. The floors were mere plaster. At a late period coloured stones were used. (Plin. *H. N.* xxxvi. § 184.) Mosaics are first mentioned as introduced under the kings of Pergamus.

The walls, up to the fourth century B.C., seem to have been only whitewashed. The first instance of painting them is that of Alcibiades (Andoc. *in Alcib.* § 17; Dem. *c. Mid.* § 147; Plut. *Alcib.* 16). This innovation met with considerable opposition (Xen. *Mem.* iii. 8, § 10; *Oecon.* ix. 2). Plato mentions the painting of the walls of houses as a mark of a τρυφῶσα πόλις (*Repub.* ii. p. 373 A). These allusions prove that the practice was not uncommon in the time of Plato and Xenophon. We have also mention of painted ceilings at the same period (Plat. *Repub.* vii. p. 529 B; cf. κατὰ τοίχου γράφειν, Lucian, *Hist. Conscr.* 29). At a later period this mode of decoration became general.

8. *Letting and price of houses.*—There was a great deal of speculation in the building and letting of houses at Athens (Xen. *Oecon.* iii. 1). A distinction was made at Athens between the οἰκία, which was a dwelling-house for a single family, and the συνοικία, which was adapted to hold several families—like the Roman *insula*. The distinction is thus expressed by Aeschines (*c. Timarch.* § 124): ὅπου μὲν γὰρ πολλοὶ μισθωσάμενοι μίαν οἴκησιν διελόμενοι ἔχουσι, συνοικίαν καλοῦμεν, ὅπου δ' εἷς ἐνοικεῖ, οἰκίαν. The lodging-houses were let mostly to foreigners who came to Athens on business, and especially to the μέτοικοι, whom the law did not allow to acquire real property, and who therefore could not purchase houses of their own (Dem. *pro Phorm.* p. 946, § 6). As they, with their families, formed a population of about 45,000, the number of συνοικίαι must have been considerable. Pasion, the banker, had a lodging-house valued at 100 minas (Dem. *c. Steph.* i. p. 1110, § 28). Xenophon recommended that the μέτοικοι should be encouraged to invest their money in houses, and that leave should be granted to the most respectable to build and become house proprietors (οἰκοδομησαμένοις ἐγκεκτῆσθαι, *de Vectig.* ii. 6). The ἰσοτελεῖς laboured under no such disability; for Lysias and his brother Polemarchus, who belonged to that class, were the owners of three houses. The value of houses must have varied according to the size, the build, the situation, and other circumstances. Those in the city were more valuable than those in the Peiraeus or the country, *caeteris paribus*. Two counting-houses are mentioned by Isaeus (*de Hagn. her.* § 42) as yielding a return of rather more than 8½ per cent. interest on the purchase-money. But this probably was much below the average. The summer season was the most profitable for the letting of houses, when merchants and other visitors flocked to Athens. The rent was commonly paid by the month. Lodging-houses were frequently taken on speculation by persons called ναύκληροι or σταθμοῦχοι (Ammon., Harpocrat., Phot., Hesych. *s. v.*), who made a profit by underletting them, and sometimes for not very reputable purposes (Isaeus, *de Philoct. her.* § 19). Boeckh has given an account from the ancient writers of the prices of houses at Athens, which seem to have been very small. They varied from 3 minas to 120 minas, according to their size, situation, and condition, from 30 to 50 minas being an ordinary price. (Boeckh, *Publ. Econ. of Athens*, pp. 65, 141; *Staatshaush.* i.[3] p. 84.)

(The commentators on Vitruvius, *l. c.*; Schneider, *Epim. ad* Xen. *Mem.*; Hirt, *Die Lehre der Gebäude*, pp. 287–289; Stieglitz, *Archäol. d. Baukunst*, vol. ii. pt. 2, pp. 150–159; Krause, *Deinokrates*, p. 488 *seq.*; Winckler, *Die Wohnhäuser der Hellenen*, Berlin, 1868; Becker-Göll, *Charikles*, ii. p. 105 *seq.*; Hermann-Blümner, *Griech. Privatalt.* p. 143 *seq.*, Guhl and Koner, *Leben d. Griech. u. Röm.* p. 95 *seq.*, 5th ed.)

III. ROMAN.—The earliest dwellings of the Latins on the Palatine hill were probably mere huts of mud-daubed osiers, like the hut of Romulus, which was preserved as a sacred relic for many centuries. (See above, p. 654 *b*.) After the burning of Rome by the Gauls, the city was rebuilt in haste, with very narrow streets and on no regular plan (Liv. v. 55). Even the houses of the richest citizens were small and of inexpensive materials, such as unburnt brick, or the soft brown tufa which could be quarried in nearly all the hills of Rome. No examples of fired bricks are known in Roman buildings till the time of Julius Caesar; and the remarks of Vitruvius seem to refer wholly to crude or sun-dried bricks, of which no examples in Rome have survived to modern times. Down to the beginning of the last century of the republic, Romans of rank continued to live in small houses. In B.C. 125 the censors censured Lepidus, the augur, because he paid 6000 sesterces (about £50) for his house-rent (Vell. Pat. ii. 10); and Sulla, afterwards the dictator, when a young man, paid only 3000 sesterces for his rooms on the ground-floor, while a freedman in the upper part of the same house paid only 2000 sesterces (Plut. *Sall.* c. 1).

The earliest regulation we find respecting houses is a law of the XII. Tables, that each building should be separated from another by a

space of 2½ feet, called *ambitus* (Fest. pp. 5, 11, M.; Varr. *L. L.* v. 22; Isidor. xv. 16, 12). But this enactment was disregarded, and was again enforced by Nero, when he rebuilt the city (Tac. *Ann.* xv. 43; see below, p. 666 *b*). As the city increased in population, the houses were raised in height. "The immense size and population of Rome," says Vitruvius (ii. 8, 17), "make it necessary to have a vast number of habitations; and as the area is not sufficient to contain them all on the ground-floor, the nature of the case compels us to raise them in the air." The buildings thus referred to are the *Insulae*, which must be carefully distinguished from the *Domus*. The *insula*, in which the lower and middle classes lived, was a building of several stories, let out in floors or separate rooms to different families or persons. The *domus* or *aedes privatae* (Suet. *Ner.* 44), on the contrary, was a separate house, in later times a palace, usually with only one story above the ground-floor, the abode of the rich and great, and inhabited for the most part by a single family; though, as in the case of the palazzi in modern Rome, parts of them, especially at the back or top of the *domus*, were sometimes let out (Plaut. *Trin.* i. 2, 157; Liv. xxxix. 14, 2; Suet. *Ner.* 44, *Vitell.* 7). In the general description of a Roman house our remarks apply only to the *domus*, properly so called, as the *insula* was built on an entirely different plan. But we must say a few words on the *insula*.

The *insula* is defined by Festus (p. 111, M.) to be a building not joined by common walls with neighbouring houses, and surrounded by a street, so that it stood like an island surrounded by rivers or the sea. It was thus, as has been said, very much like one of the large hotels in modern cities, with one or more courts, and bounded on all sides by streets, like the Louvre hotel at Paris. The ground-floor was usually let out in shops (*tabernae*), and the upper stories in flats or separate rooms, as in continental cities in the present day. Such an *insula*, containing various tenements and shops, is the house of Pansa at Pompeii, described below (see p. 681 *b*). The number of *insulae* at Rome naturally exceeded that of the *domus*; and accordingly we find in the "Notitia," which was compiled between A.D. 334 and 357, that there were at Rome 44,171 *insulae* and 1782 *domus* (Marquardt, *Staatsverw.* ii. p. 120). To the same effect Suetonius, in describing the fire at Rome under Nero, speaks of the "immense number" of *insulae* that were burnt, in addition to the palaces (*domus*) of the nobles (Suet. *Ner.* 38). Other writers, in like manner, distinguish between the *insulae* and *domus* (Sen. *de Benef.* vi. 5, 5; Tac. *Ann.* xv. 43; Suet. *Ner.* 16; Cic. *de Off.* iii. 16, 65). Becker and some other writers erroneously suppose that a single floor or a separate room in such a house was also called *insula*, but the proper name for such a separate lodging was *cenaculum* (Becker-Göll, *Gallus*, ii. p. 221). The *insulae* are first mentioned in B.C. 456 in connexion with the Lex Icilia *de Aventino publicando*, from which it appears that each occupier had a story in absolute ownership, and could alienate and transmit it, as is customary in modern Rome and other continental cities (Dionys. x. 32; Niebuhr, *Hist. of Rome*, ii. p. 301, Engl. Tr.). But it was apparently more usual for an *insula* to have been built on speculation, and let by the proprietor to different occupants (Plut. *Crass.* 2; Mart. iv. 37). Hence the stories or separate rooms were called *cenacula meritoria* (Suet. *Vit.* 7; Juv. iii. 234; Dig. 7, 1, 13, § 8) or *conducta* (Dig. 19, 2, 30; cf. "mutat cenacula," Hor. *Ep.* i. 1, 91). Cicero had some shops, which he let (Cic. *ad Att.* xiv. 9; "merces insularum," *ib.* xv. 17). The rent (*pensio*, Juv. ix. 63) at Rome was considerable, even for a miserable garret (Juv. iii. 166, 225; cf. Mart. iii. 30, 3). Poor persons in the time of Julius Caesar appear to have paid 2000 sesterces (£17 or £18) as the usual rent (Suet. *Caes.* 38). Caelius was said to have paid 30,000 sesterces (about £266) for the rent of a third floor in the *insula* of P. Clodius, though Cicero says the real rent was only one-third of this sum (Cic. *Cael.* 7, 17). Hence it was a profitable speculation to build or hire a whole *insula*, and to sublet the *cenacula* to different tenants (Dig. 19, 2, 30). The *insularii* were not the occupants of the *insulae*, but those who had charge of the *insulae* and collected the rents. They were also called *procuratores insularum* (Dig. 1, 15, 4; 7, 8, 16; Petron. 95, 96; Becker-Göll, *Gallus*, i. p. 17). The *insula* appears to have been named after the person to whom it belonged. Thus we find in inscriptions the *insula Arriana Polliana*, the *insula Sertoriana*, &c. (Orelli, *Inscr.* 4324, 4331).

The upper stories and the separate rooms of the *insula* were, as we have already said, called *cenacula*. This word properly signifies rooms to dine in; but after it became the fashion to dine in the upper part of the house, all the rooms above the ground-floor were called *cenacula* (Varr. *L. L.* v. 162). Hence Festus says (p. 54, M.), "cenacula dicuntur, ad quae scalis ascenditur." Jupiter humorously describes his abode, "in superiore qui habito cenaculo" (Plaut. *Amph.* iii. 1, 3); Ennius speaks of "cenacula maxima coeli" (*ap.* Tertull. *adv. Valent.* 7); and Prudentius (*c. Symm.* i. 580) of "celsa cenacula." There were different flights of stairs connecting the upper stories with the lower part of the house, as we find to be the case in houses at Pompeii. Sometimes the stairs had no connexion with the lower part of the house, but ascended at once from the street. (Liv. xxxix. 14, 2; xxi. 62, 3; "si cenaculum ex publico aditum habeat," Dig. 43, 17, 3, § 7). As the different stories could not all be lighted from openings in the roof, as in the *domus*, they had windows looking out into the street (Liv. i. 41, xxiv. 21; Prop. v. (iv.) 7, 15, *seq.*; Juv. vi. 31). (On *windows*, see p. 686 *a*.) They also had sometimes balconies, supported by brackets, projecting into the street, from which an occupant could shake hands with his next door or opposite neighbour (Mart. i. 86). These balconies were called *maeniana*, and the same name was also given to the stories which projected over those below, as we see in some old houses in England. (Fest. p. 134, 22, M.; Isidor. xv. 3, 11; Vitruv. v. 1, 2; Val. Max. ix. 12, 7; Cic. *Acad.* iv. 22, 70; Dig. 50, 16, 242.) Projecting stories were forbidden in A.D. 368 to be erected in Rome (Amm. Marc. xxvii. 9, 8) on account of the narrowness of the streets and were again forbidden by the emperors Honorius

and Theodosius, unless there was an open space in some cases of ten, in others of fifteen feet, clear of any adjacent building (Cod. Just. 8, 10, 11; Becker-Göll, *Gallus*, ii. p. 287). Such a projecting story is seen in some of the Pompeian houses.

Maenianum or projecting story. (Overbeck, *Pomp.* p. 219.)

We find mention of a house three stories high in B.C. 218 (Liv. xxi. 62, 3); and Martial (i. 117, 7) considered the third story, where he lived, as very high. If we were to estimate the height of the Roman houses by the way in which they are spoken of by the ancient writers, we should probably assign to them too many stories; for the houses, as Friedländer observes, probably appeared higher than they really were in consequence of the narrowness of the streets. We have no express mention of any houses more than four stories high. In Juvenal's description of Rome (iii. 199 *seq.*) the dwellings of the poor are in the fourth story, under the roofs, where the doves lay their eggs. In the same satire he describes (iii. 269) the danger to which the passing traveller was exposed from the potsherds thrown from the lofty house-tops ("tectis sublimibus"). So frequently were persons injured in this way that the praetor gave them a right of action against the occupier. [DEJECTI EFFUSIVE ACTIO.] But from various circumstances we may infer that some of the houses at Rome had a larger number of stories than are expressly mentioned. Thus, as we shall presently see, Augustus limited the height of houses to 70 feet, which implies that they had been built still higher, and Cicero describes the houses as hoisted up and suspended in the air ("Romam cenaculis sublatam atque suspensam," *Leg. Agr.* ii. 35, 96). In like manner Tertullian (*adv. Valent.* c. 7) compares the Gnostic idea of several stages in heaven to an insula called *Felicula*, which seems to have been celebrated for its numerous stories. (On the height of Roman houses, see Friedländer, *Sittengesch. Roms*, i. p. 5 *seq.*)

The houses let for hire were in Rome, as in London at the present day, badly built by speculators. The upper stories were of wood (*tabulata, contignationes*), and frequently fell down, while their material made them more liable to fires, which were very frequent in Rome. Many of the houses were propped up, and old cracks simply plastered over (Juv. iii. 193 *seq.*). Catullus speaks ironically of the advantages of a beggar, who had nothing to fear from the fire or fall of houses ("non incendia, non graves ruinas," Catull. xxiii. 9); Strabo mentions both dangers (v. p. 235); and the fear of them drove timid persons out of Rome ("incendia, lapsus," Juv. i. 7; cf. Sen. *Ep.* 91, § 13; "tanta altitudo aedificiorum est, ut neque adversus ignem praesidium nec ex ruinis ullum ullam in partem effugium sit," *de Controv.* ii. 9; Plin. *H. N.* xxxvi. § 110). The returns from house property in Rome were large, but people feared to invest in it on account of fires (Gell. xv. 1). The inundations of the Tiber also caused the fall of houses (Tac. *Ann.* i. 76; Suet. *Aug.* 30). (For further details, see Friedländer, i. p. 26 *seq.*)

To guard against these dangers, in the reign of Augustus the height of new houses in streets was limited to seventy feet, by a "Metropolitan Building Act," as it would now be called (Strab. v. p. 235). Augustus recommended a work on this subject by Rutilius, entitled "De Modo Aedificiorum" (Suet. *Aug.* 89). Vitruvius (ii. 8, 17) gives some of the provisions of this Act, *e.g.* that houses, if several stories high, were to be built *pilis lapideis, structuris testaceis, parietibus caementitiis*; that is, on stone piers, with walls of concrete and burnt brick,—not of sun-dried clay, as had been the usual custom. It was not, however, till the reign of Nero that a complete reform was effected in the arrangement and construction of the houses and streets of Rome. Nero had a new and elaborate Building Act drawn up, which required fire-proof materials, such as *peperino*, a hard volcanic stone, to be used for the external walls of houses. He also enacted that each building should have separate walls, and a space (*ambitus*) left open all round it. As a means of escape and assistance in the case of fire, he also caused arcades or colonnades to be built at his own expense in front of the *insulae*. (See p. 672 *b*.) It is not improbable that Nero, as Tacitus and Suetonius seem to think, wilfully caused the great fire which destroyed so much of Rome, in order that his new Act might come into immediate effect, and also that he might lay out the streets on wider and straighter lines (Tac. *Ann.* xv. 43; Suet. *Ner.* 38). In Trajan's reign the limit of height for street houses was fixed at sixty feet (Aur. Victor, *Epit.* 13). The emperors Antoninus and Verus again made an ordinance about the space to be left round the *insulae* (Dig. 8, 2, 14).

We now turn to the history and construction of the *domus*, or mansion of the great and wealthy. It was not till the last century of the republic, when wealth had been acquired by conquests in the East, that houses of any splendour began to be built; but it then became the fashion, not only to build houses of an immense size, but to adorn them with marble columns, paintings, statues, and costly works of art. They covered a large space, most of the

rooms being on the ground-floor. The spacious *atria* and *peristylia*, being open to the sky, did not permit an upper story, which, if it existed, must have been confined to the sides of the building, and could not have been very high, as otherwise it would have darkened the *atria* and *peristylia*. These splendid mansions were erected for the most part on the hills, and along the slopes of the Palatine, on the side near the Forum, which was the favourite quarter for the Roman nobles. In later times the various palaces of the emperors swallowed up almost the whole of this favourite site, especially the palace of Caligula, which was built over the place where Cicero, Clodius, Crassus, and other famous men once resided.

The house of the orator L. Crassus on the Palatine, built about 92 B.C., was the first which had marble columns,—namely, the six (or four) columns of the atrium, 12 feet in height, which were of Hymettian marble. For this Crassus was severely blamed; and the stern republican M. Brutus nicknamed him the "Palatine Venus" (Plin. *H. N.* xxxvi. § 7, xvii. §§ 2-6; Val. Max. ix. 1, § 4). This house was valued at 6,000,000 sesterces, about £62,000 (Val. Max. *l. c.*); but Pliny says (xvii. § 2) that it yielded in magnificence to the house of Q. Catulus on the same hill, and was much inferior to that of C. Aquilius on the Viminal. The house of Catulus had a fine colonnade (*porticus*), adorned with the spoils of the Cimbric war. It was near the house of Cicero, as a portion of the colonnade was destroyed when Clodius razed the house of Cicero (Val. Max. vi. 3, § 1; Cic. *pro Dom.* 43, 114; *ad Att.* iv. 2, 4, iv. 3, 2; *ad Q. Fr.* iii. 1, 4, § 14).

In 78 B.C. M. Lepidus, for the first time in Rome, used the rich Numidian marble (mod. *giallo antico*) not only for columns, but even for the thresholds of his doors (Plin. *H. N.* xxxvi. § 48); but the fashion of building magnificent houses increased so rapidly that the house of Lepidus, which, in his consulship, was the first in Rome, was thirty-five years later eclipsed by a hundred others (Plin. xxxvi. § 109). Lucullus was especially celebrated for the magnificence of his houses (Cic. *de Off.* i. 39, 140). The Romans were exceedingly partial to marble for the decoration of their houses. Pliny (*H. N.* xxxvi. § 48), quoting Cornelius Nepos, says that marble slabs were first used for wall-linings by a knight named Mamurra, one of Caesar's prefects in Gaul: in whose house were columns of Carystian (*cipollino*) and Luna marble. A further advance in costly magnificence was made by the aedile M. Aemilius Scaurus in the middle of the first century B.C. He purchased the above-named house of L. Crassus and greatly enlarged it. He introduced, as the supports of his atrium, columns of the black "Lucullean" marble no less than 38 feet in height, the weight of which was so great that he had to provide security for an indemnity in case of injury that might be done to the main sewers, while these immense blocks of marble were being brought along the streets (Plin. *H. N.* xxxvi. § 5 *seq.*). This house was sold to Clodius for nearly 15 million sesterces, about £132,000; a price, says Pliny, worthy of the madness of kings (Ascon. *in Mil.* p. 33, Or.; Plin. *H. N.* xxxvi. § 115). This is the highest price recorded in the time of the republic for a house. The consul Messalla bought the house of Autronius for 3,400,000 sesterces, about £29,000, and Cicero the house of Crassus (not L. Crassus, the orator) for 3,500,000 sesterces, about £30,000 (Cic. *ad Att.* i. 13, 6, with Tyrrell's note; *ad Fam.* v. 6). Cicero's house was on the lower slope of the Palatine towards the *Regia*, the official residence of Julius Caesar as Pontifex Maximus, whom Cicero calls his neighbour (*ad Fam.* v. 6; *ad Att.* xiii. 45). It was originally built by M. Livius Drusus, from whom it passed to Crassus, of whom Cicero bought it. It was destroyed by Clodius during Cicero's exile, but was rebuilt at the public expense on his return (Vell. Pat. ii. 14; Cic. *pro Dom.* 37). These houses will serve as samples of the value of the mansions of the nobles during the republic. Sallust speaks of them like cities in size (*Cat.* 12), and Seneca describes them in the same terms under the empire (*Ep.* 90, 43), when the imperial palaces, of which we shall speak further on, became still more magnificent. Many of them, like the houses of Sallust and Maecenas, described below, were surrounded by gardens. The rich noble, we are told, was not content unless he had a *rus in urbe* (Mart. xii. 57, 21; cf. viii. 68, 2), and the extensive pleasure-grounds are alluded to in other passages (cf. Mart. xii. 50; Sen. *Ep.* 114, 9). The *atria* and *peristylia*, with the baths and other public rooms described by Vitruvius, were magnificent, but the sleeping and other private rooms were small and inconvenient, so that Martial, after describing one of these mansions, adds (xii. 50, 7):

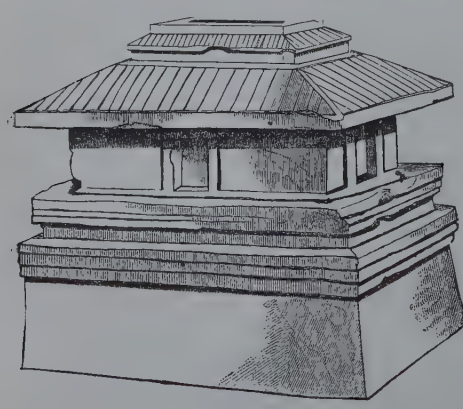
> "Atria longa patent. Sed nec cenantibus usquam,
> Nec somno locus est. Quam bene non habitas!"

In describing the *domus* properly so called, our chief authority is Vitruvius, whose descriptions of the various parts are elucidated by the existing remains of houses at Pompeii. There can be no doubt that the latter are constructed upon the model of the houses at Rome; and not, as some have supposed, borrowed from the Greeks. The municipal towns imitated in their buildings those of Rome, as Friedländer has pointed out (*Sittengesch. Roms*, iii. p. 114). The plan and arrangement of the Pompeian houses not only correspond in general with the description of Vitruvius, but we find in them the *atrium*, the *alae*, the *tablinum*, and the *fauces*, which are all characteristic of a Roman house, and have no counterpart in a Greek house. Moreover, the Pompeian houses resemble those in the Capitoline plan of Rome, made in the reign of Septimius Severus (see the plan below, p. 676 *a*), and the house of Livia on the Palatine (see below, p. 674) (Marquardt, *Privatl.* p. 211). Still, it should be observed that the Romans themselves derived all the later and ornamental additions to their houses from the Greeks, as the names themselves show, their *peristylia*, *triclinia*, *oeci*, *exedrae*, *diaetae*, *pinacothecae*, *bibliothecae*, &c. Moreover, in the disposition and arrangement of the rooms, it should be remembered that Vitruvius in his description of a Roman house, as of a Greek house, is giving his own private views on the subject, and not simply describing the existing methods of arrangement. His chapters on this subject are chiefly useful to the modern student for the

long list of names which he gives to the various parts of the house, and his indications of the special uses of each part. Still the chief rooms in the house of a wealthy Roman appear to have been arranged in the same manner, while the others varied according to the taste and circumstances of the owner.

According to Vitruvius, the principal parts of a Roman house were—1. *Vestibulum*, 2. *Ostium*, 3. *Atrium*, 4. *Alae*, 5. *Tablinum*, 6. *Fauces*, 7. *Peristylium*. The parts of a house which were considered of less importance, and of which the arrangement differed in different houses, were — 1. *Cubicula*, 2. *Triclinia*, 3. *Oeci*, 4. *Exedrae*, 5. *Pinacotheca*, 6. *Bibliotheca*, 7. *Balineum*, 8. *Culina*, 9. *Cenacula*, 10. *Lararium* or *Sacrarium*, 11. *Diaetae*, 12. *Solaria*. We shall speak of each in order.

But before doing so, it must be observed that the old Roman house contained only one room, the *atrium*, to which all other rooms were subsequently added, and that this was probably the name of the old Roman house. Thus we find that there was in Rome a considerable number of old buildings of simple construction bearing the name of *atrium*, such as the *atrium Vestae*, in which the Vestals lived, the *atrium sutorium*, the *atrium Libertatis*, the *atria Tiberina*, *atria Licinia*, *atria auctionaria*, and others (Marquardt, *Röm. Staatsverw.* iii. p. 155). The *atrium* was probably derived from the Etruscans, though we need not accept the etymology of Varro (*L. L.* v. 161), that it came from the Etruscan town of Atria or Adria. Some ancient writers, indeed, derive it from the Latin word *ater* (Serv. *ad* Verg. *Aen.* i. 726; Isidor. *Or.* xv. 3, 4), an etymology accepted by many modern writers, and among others by Marquardt; but the Etruscan origin is the more probable. Its earliest form is represented in Etruscan cinerary urns, of which an example is given below, where



Cinerary urn, in the form of an Etruscan house, from Chiusi, the ancient Clusium. (Dennis, *Etruria*, ii. p. 345.)

we see the opening in the roof, and the entrance door leading direct into the *atrium*. This opening was intended to give light to the building, and as a vent for the smoke; but as the *atrium* became enlarged, it took the form of the *compluvium* or *impluvium* mentioned below. The roof was supported by four beams, crossing each other at right angles, and sloping towards the roof in the centre. This kind of roof, only found in later times in small houses, retained in memory of its origin the name of *Tuscan* (Vitruv. vi. 3). The development of the *atrium* is explained further on. We now follow the description of Vitruvius.

1. VESTIBULUM. There has been much dispute respecting the exact signification of this word, which has arisen from the different meanings attached to it at different periods of history and in different kinds of houses. In the palaces of the nobles the *vestibulum* was a vacant space before the house, forming a court-yard or entrance-court, surrounded on three sides by the house, and open on the fourth to the street. The two wings ran out beyond the façade of the building, and the door was in the third side opposite the street. In some houses the projecting sides were occupied by shops opening into the street. In the *vestibulum* the clients assembled, till the door was opened, to pay their respects (*salutatio*) to the master of the house, so that they might not be left standing either in the street or within the house (Gell. xvi. 5, §§ 3, 8; "vestibulum, quod est ante domum," Varr. *L. L.* vii. 81; Macrob. vi. 8, § 15; Sen. *ad Marc.* 10, 1; Quintil. xi. 2, § 20; Cic. *Caec.* 12, 35; Mil. 27, 75). Hence the "vestibula regalia alta," or "magnifica vestibula," as Vitruvius calls them, were only required by the nobility on account of the *salutatio;* and the ordinary citizens ("qui communi fortuna sunt") had no occasion for a *vestibulum* (Vitruv. vi. 8, §§ 1, 2). Accordingly, in the smaller houses in Rome and the municipal towns, there was either no *vestibulum*, so that the door opened straight upon the street, as in the Capitoline plan of Rome (see cut, p. 676 *a*), or the *vestibulum* was simply indicated by the door standing back a few feet from the street, as in many of the houses at Pompeii. (See plans of house of the Tragic Poet, p. 681 *a*, and house of Pansa, p. 681 *b*.) Sometimes there were steps from the street leading up to the *vestibulum* (Sen. *Ep.* 84). In the houses of the nobility the *vestibulum* was adorned with statues, arms, and other trophies (Plin. *H. N.* xxxv. § 7; Liv. x. 7, xxii. 57; Cic. *Phil.* ii. 28, 68; Verg. *Aen.* ii. 504; Tibull. i. 1, 54; Ov. *Trist.* iii. 1, 33; Suet. *Tib.* 26, *Ner.* 38), sometimes with quadrigae (Juv. vii. 125; Sil. Ital. vi. 434); and in the *vestibulum* before the Golden House of Nero there was the colossal figure of the emperor, 120 feet in height (Suet. *Ner.* 31). [COLOSSUS.] It was for the most part uncovered (Plaut. *Most.* iii. 2, 132), but sometimes had a porticus or colonnade (Suet. *Ner.* 16; Tac. *Ann.* xv. 43), and was adorned with trees or shrubs (Verg. *Georg.* iv 20). But as the influence of the nobility declined in the first century of the Christian era, and the clients gradually disappeared, there was no longer any occasion for a *vestibulum* in the houses of the nobles; and hence the exact meaning of the word became a matter of dispute among anti-

quarians in the time of the Antonines (Gell. xvi. 5, §§ 2, 8). Moreover, as the master of the house no longer lived in the *atrium*, but in the *peristylium* and the adjoining rooms, the *atrium* became the place of waiting for visitors, and is thus sometimes apparently used as synonymous with *vestibulum* (Liv. v. 41, § 2; Ov. *Fast.* vi. 297; Suet. *Aug.* 100).

Public buildings also had *vestibula*, as the curia or senate-house (Liv. i. 48, ii. 48), and various temples (Liv. *Ep.* 86; Val. Max. i. 8, §§ 2, 11; Tac. *Hist.* i. 86: cf. Marquardt, *Privatl.* p. 219; Becker-Göll, *Gallus*, ii. p. 239).

2. OSTIUM. The *ostium* was the entrance to the house (Vitruv. *ap.* Serv. *ad* Verg. *Aen.* vi. 43; Isidor. xv. 7), and is constantly used as synonymous with *janua* and *fores*, the door. But *ostium* properly signified the small vacant space before the *janua*, whence Plautus (*Pers.* v. 1, 6) says *ante ostium et januam*. Here stood the *antae*, two posts or pillars flanking the doorway (Isidor. *l. c.*; Fest. p. 16, M.). [ANTAE.] On the threshold the word *Salve* was frequently wrought in mosaic, as we see in the Pompeian houses; and over the threshold there sometimes hung a cage containing a magpie (*pica*) or a parrot (*psittacus*), taught to greet those who entered (Petron. 28; "pica salutatrix," Mart. vii. 87, 6, xiv. 76; Pers. *prol.* 8). Over the door a few words of good omen were sometimes written, such as "nihil intret mali" (Orelli-Henz. *Inscr.* 7287), or "deprecatio incendiorum" (Plin. *H. N.* xxviii. § 20; Fest. p. 18, M.; Orelli, 1384). Sometimes the house was indicated by a sign over the door, as in mediaeval times. Thus we are told that Augustus was born "ad Capita Bubula" (Suet. *Aug.* 5), and Domitian "ad Malum Punicum" (Suet. *Dom.* 1). The street-door itself is fully described under JANUA.

Whether the street-door opened into a hall, or direct into the *atrium*, has been a subject of much dispute. Vitruvius mentions no entrance-hall in a Roman house, and he seems to speak of the Greek entrance-hall (*θυρωρεῖον*) placed between two doors as a peculiarity of a Greek house (Vitruv. vi. 10). But there are reasons for believing there must have been an entrance-hall in the palaces of the nobility, as behind the door there was a small room (*cella*) for the house-porter (*ostiarius* or *janitor*), and it is difficult to suppose that this was in the *atrium* (Ov. *Am.* i. 6, 1; Suet. *de Rhet.* 3, *Vitell.* 16; Colum. i. *praef.* 10; Petron. 28), especially as a dog was kept by his side, chained to the wall, with a written warning *Cave Canem* (Suet. *Vitell.* 16; Plaut. *Most.* iii. 2, 169; Sen. *de Ir.* iii. 37). Sometimes a dog was painted on the wall (Petron. 29), or wrought in mosaic on the pavement, as we find in the house of the Tragic poet at Pompeii. At the end of the hall, which seems to have been called *ostium*, there was no inner door, as Becker describes, but the entrance to the *atrium* was closed by a curtain (*velum*), which was drawn aside by the usher when he admitted strangers to an interview (Lamprid. *Alex. Sev.* 5; *Heliog.* 14; Sen. *Ep.* 20; Plin. *Ep.* ii. 17). The entrance-hall was small, so that a person in the *atrium* could look through it at persons walking in the street (Suet. *Cal.* 41). The smallness of the hall explains, as Göll says, the passages cited by Marquardt to prove that the street-door led directly into the *atrium* (Marquardt, *Privatl.* p. 222; Becker-Göll, *Gallus*, ii. p. 238).

3. ATRIUM. The first point to be determined in connexion with the *atrium*, upon which the whole disposition of a Roman house depends, is, whether the *atrium* and the *cavum aedium* (or *cavaedium*, as Pliny, *Ep.* ii. 17, 5, writes it) denote two separate courts or one and the same. Some modern writers, notably Becker in his *Gallus*, whom Burn has followed, maintain that they were distinct courts, and accordingly place three courts in a Roman house,—first the *atrium*, then the *cavum aedium* in the centre, and lastly the *peristylium* in the rear. But this view cannot be maintained; it is rejected by the best modern authorities; it is in direct opposition to the statements of Varro (*L. L.* v. 161) and Vitruvius (vi. 3 and 8), who call sometimes the chief room of the house *atrium* and sometimes *cavum aedium;* and it is contradicted by the fact, that no houses in Pompeii have yet been discovered containing more than two courts,—namely, the *atrium* and *peristylium*. We may therefore conclude that the *atrium* and the *cavum aedium* denote the same room, the only difference perhaps being that *cavum aedium* indicated originally the open part, and *atrium* the entire area; but in general the two words are used as synonymous. The *atrium* or *cavum aedium* was a large room or court roofed over, with the exception of an opening in the centre, called *compluvium*, towards which the roof sloped so as to throw the rain-water into a cistern in the floor, termed *impluvium* (Varr. *l. c.*; Fest. p. 108, M.; Liv. xliii. 13, 6; Plaut. *Amph.* v. 1, 56). The water from the *impluvium* flowed into a well (*puteus*) under ground; for before the construction of the aqueducts the Romans were dependent upon wells for their supply of water. The word *impluvium*, however, is sometimes employed in a wider sense to denote the whole uncovered space in the *atrium*, and therefore the opening in the top as well as the cistern at the bottom. (Cic. *Act. in Verr.* i. 23, 61, with the note of Pseudo-Ascon. p. 177, Or.; Serv. *ad* Verg. *Aen.* ii. 512; "per impluvium introspectant," Plaut. *Mil.* ii. 2, 3, ii. 3, 16; Ter. *Eun.* iii. 5, 40). *Compluvium* in like manner is sometimes used in the same wide signification as equivalent to *impluvium* (Suet. *Aug.* 92; Varr. *L. L.* v. 125). The *compluvium* was sometimes covered with hangings, as a protection against the sun (Ov. *Met.* x. 595; Plin. *H. N.* xix. §§ 24, 25; Dig. 33, 7, 12, § 20). The breadth of the *impluvium*, according to Vitruvius, was not less than a quarter nor greater than a third of the breadth of the *atrium;* its length was in the same proportion according to the length of the *atrium*.

Vitruvius (vi. 3) distinguishes five kinds of *atria* or *cava aedium*, which were called by the following names:—

(1.) *Tuscanicum.* In this the roof was supported by four beams, crossing each other at right angles, the included space forming the *compluvium*. This kind of *atrium* was the most ancient of all, as it is more simple than the others, and is not adapted for a very large building.

(2.) *Tetrastylum.* This was of the same form as the preceding, except that the main beams of

the roof were supported by pillars, placed at the four angles of the *impluvium*. Such an arrangement would be necessary in a large *atrium*, as the roof could not otherwise be well supported.

(3.) *Corinthium* was on the same principle as the tetrastyle, only that there were a greater number of pillars around the *impluvium*, on which the beams of the roof rested.

(4.) *Displuviatum* had its roof sloping the contrary way to the *compluvium*, so that the water fell outside the house instead of being carried into the *impluvium*, and was carried off by gutters.

(5.) *Testudinatum* was constructed in the same way as the *displuviatum*, but it was roofed all over and had no *compluvium*. We are not informed, however, how light was admitted into an *atrium* of this kind. This form went out of use: we have no instances of it in the Pompeian houses.

The *atrium*, as we have already seen, was originally the only room of the house, serving as sitting-room, bed-room, and kitchen, which it probably continued to do among the lower classes even in later times (Serv. *ad* Verg. *Aen.* i. 726, ix. 648; Varr. *ap.* Non. p. 83, s. v. *cortes*). Here was the *focus*, or hearth, which served not only for cooking, but from its sacred character was used also for the receptacle of the Lares or Penates, which were sometimes kept in little cupboards near the hearth. ("Juxta focum Dii Penates positi fuerunt," Schol. *ad* Hor. *Epod.* ii. 43; Plaut. *Aul.* ii. 18, 15; Tibull. i. 10, 20; Juv. viii. 110; Petron. 29.) The Lar or tutelary god of the house stood close to the entrance behind the door leading into the *atrium* (Ov. *Fast.* i. 136 *seq.*); and we find him so placed in some of the Pompeian houses. Near the sacred flame the members of the family took the common meal (Serv. *ll. cc.*), and the same custom continued in the country even in the time of Augustus (Hor. *Sat.* ii. 6, 65 *seq.*). In the *atrium* the master of the house kept his *arca* or money-chest (Serv. *ll. cc.*), which was fastened to the floor. [ARCA.] Here stood the nuptial bed (*lectus genialis*, Fest. p. 94, M.) against the back wall, opposite the entrance to the *atrium*, whence it was also called *lectus adversus* (Prop. iv. (v.) 11, 85; Gell. xvi. 9; Ascon. *in Mil.* p. 43, Orelli). Here sat the mistress of the house, spinning and weaving with her maids (Liv. i. 57, 9; Ascon. *l. c.*; Arnob. ii. 67). Here all visits were paid, and the patron received his clients (Hor. *Ep.* i. 5, 31; "more patrio sedens in solio consulentibus responderem," Cic. *Leg.* i. 3, 10). Here the corpse was placed before it was carried out to burial. [FUNUS.] Here, in the *alae* (see below), were placed the waxen *imagines* of the ancestors of the house. [IMAGINES.]

But as wealth increased, and numerous clients came to wait upon their patron, new rooms were built, and the *atrium* ceased to be the only room for the family. A kitchen (*culina*; see p. 671 *b*) was made for cooking, the Lares were placed in a special *lararium* (see p. 672 *b*); the meals were taken in the upper story, hence called *cenaculum* (Varr. *L. L.* v. 162; see p. 665 *b*); the master and mistress slept in a separate *cubiculum*. As the *atrium* now became the reception room, it was fitted up among the wealthy with much splendour and magnificence for the reception of their clients. The opening in the roof was enlarged for the admission of more light, and was supported by pillars frequently made of costly marble (see p. 667 *a*). Between the pillars and along the walls statues and other works of art were placed (Cic. *Verr.* i. 23, 61; Apul. *Met.* ii. 4). In the middle of the *impluvium* was a marble fountain, with jets of water, frequently adorned with reliefs, of which many beautiful specimens have been found at Pompeii. Near the fountain, where the hearth formerly stood, was a marble table, called *cartibulum* (Varr. *L. L.* v. 125). [CARTIBULUM.] The *atrium*, however, still continued, as in ancient times, to be the chief room of the house, and it was not only the room for the reception of guests, but its primitive character was preserved by its retaining the symbolical nuptial couch (Hor. *Ep.* i. 1, 87), the *imagines* of the ancestors, and the instruments for weaving and spinning. The ancient writers frequently contrast the simplicity of the ancient with the splendour of the modern *atrium*.

> "Cur invidendis postibus et novo
> Sublime ritu moliar atrium?"

(Hor. *Carm.* iii. 1, 45; cf. "caret invidenda sobrius aula," Hor. *Carm.* ii. 10, 7; Verg. *Georg.* ii. 461 *seq.*; Plin. *H. N.* xxxv. § 6; "atrium ex more veterum," Plin. *Ep.* v. 6, § 15.) The magnificence of the *atria* under the empire is constantly alluded to by the poets and other writers ("atria marmore tecta," Ov. *Met.* xiv. 260; "purpureis effulta columnis atria," Claud. *in Ruf.* ii. 135; "laqueata," Auson. *Id.* x. 49; "atria ampla, alta, longa," Vitruv. vi. 5, 2; Mart. xii. 50; Verg. *Aen.* i. 725).

The rooms which opened out of the *atrium* were lighted only through the *compluvium*, as there were no windows, as a general rule, upon the ground-floor.

4. ALAE, wings, were two small quadrangular apartments or recesses on the left and right sides of the *atrium* (Vitruv. vi. 4), but at its further end, and open to the *atrium*, as we see in the Pompeian houses. Here the *imagines* were kept in the houses of the nobles. But as the *alae* were really a part of the *atrium*, the *imagines* were frequently described as standing in the *atrium*. (Juv. viii. 19 *seq.*; Plin. *H. N.* xxxv. § 6; Ov. *Fast.* i. 591, *Am.* i. 8, 65; Mart. ii. 90, 6, v. 20, 5–7; Marquardt, *Privatl.* p. 235.)

5. TABLINUM was in all probability a recess or room at the further end of the *atrium* opposite the door leading into the hall, and was regarded as part of the *atrium*. It contained the family records and archives. (Vitruv. vi. 4 and 8; Fest. p. 356; Plin. *H. N.* xxxv. § 7.) It appears from the houses of Pompeii to have been separated not by a door, but simply by a curtain or *velum*, while it had a door at the back leading into the *peristylium*. Marquardt supposes that the *tablinum* was originally an alcove made of wood (whence its name) built at the back of the *atrium*, in which meals were taken during the summer, and was afterwards joined to the *atrium* by breaking through the walls of the latter (Varr. *ap.* Non. p. 83, s. v. *cortes*).

With the *tablinum*, the Roman house appears to have originally ceased; the sleeping rooms being arranged on the upper floor. But when

the *atrium* and its surrounding rooms were used for the reception of clients and other public visitors, it became necessary to increase the size of the house; and the following rooms were accordingly added:—

6. FAUCES was a passage by the side of the *tablinum*, which passed from the *atrium* to the *peristylium* or open court, as we see in the Pompeian houses. We must not suppose, as Rich does, that the plural indicates two passages (Vitruv. vi. 4).

7. PERISTYLIUM was in its general form like the *atrium*, but it was one-third greater in breadth, measured transversely, than in length (Vitruv. vi. 4); but we do not find these proportions preserved in the Pompeian houses. It was a court open to the sky in the middle; the open part, which was surrounded by columns, had a fountain in the centre, and was planted with flowers, shrubs, and trees forming a *viridarium*. The *atrium* and *peristylium* were the two important parts of a Roman house; the former, during the last century of the republic and under the empire, being the public reception room, and the latter the inner or private court-yard, which gave access to the private rooms, such as the *oeci* or saloons, the *triclinia* or dining-rooms, the baths, and the other rooms described below. The *peristylium* having never been used, like the *atrium*, as a place in which the family lived, the opening to the sky was much larger than the *compluvium* in the *atrium*, and the columns which surrounded it more numerous. Thus, in the house of the Faun at Pompeii, there were forty-four Doric columns in the *peristylium*. It was ornamented in much the same way as the *atrium*; and consequently it is sometimes difficult to determine whether the description of this ornamentation applies to the *atrium* or the *peristylium*. But the large marble fountain, with the steps leading down to it, on which the waters splashed (Sen. *Ep.* 86, 6; "in peristylio saliente aqua," Suet. *Aug.* 82), and the numerous shrubs and trees, of which the ancient writers frequently speak, belong properly to the *peristylium*. Hence we may safely assign to the *peristylium* the descriptions of Horace (*Ep.* i. 10, 22): "nempe inter varias nutritur silva columnas," and (*Carm.* iii. 10, 5) "nemus inter pulchra satum tecta," and of Tibullus (iii. 3, 15), "et nemora in domibus sacros imitantia lucos." (Cf. Juv. iv. 7; Plin. *H. N.* xvii. § 4; Sen. *Controv.* v. 5.) Between the columns of the *peristylium* statues were placed ("in silva sub divo," Cic. *Verr.* i. 19, 51), and vases filled with flowers (Dig. 33, 7, 26).

The arrangement of the rooms leading out of the *peristylium*, which are next to be noticed, varied, as has been remarked, according to the taste and circumstances of the owner. It is therefore impossible to assign to them any regular place in the house.

1. CUBICULA, bed-chambers, appear to have been usually small. There were separate *cubicula* for the day and night (*cubicula diurna et nocturna*, Plin. *Ep.* i. 3); the latter were also called *dormitoria*, and were mostly on the upper floor. (*Id.* v. 6, 21; Plin. *H. N.* xxx. § 52; Sidon. Apoll. *Ep.* ii. 2.) Vitruvius (vi. 7) recommends that they should face the east for the benefit of the rising sun. They sometimes had a small ante-room, which was called by the Greek name of *προκοιτών*, in which the *cubicularius* or valet probably slept. (Plin. *Ep.* ii. 17, 23.) In some of the Pompeian houses we find a recess in which the bed was placed. This recess was called *zotheca* or *zothecula*, and was used by Pliny in his villa in the day-time as well as the night (Plin. *Ep.* ii. 17, 21, v. 6, 38; Sidon. Apoll. *Ep.* viii. 16, ix. 11). Statues also were placed in this recess, as we learn from inscriptions (Orelli, 1368, 2006).

2. TRICLINIA, dining-rooms, are treated of in a separate article. [TRICLINIUM.]

3. OECI, from the Greek *οἶκος*, were spacious halls or saloons borrowed from the Greeks, and were frequently used as *triclinia*. (Cf. Plin. *H. N.* xxxvi. § 184.) They were to have the same proportions as *triclinia*, but were to be more spacious on account of having columns, which *triclinia* had not. (Vitruv. vi. 5.) Vitruvius mentions four kinds of *oeci*:—

(i.) The *Tetrastyle*, which needs no further description. Four columns supported the roof.

(ii.) The *Corinthian*, which possessed only one row of columns, supporting the architrave (*epistylium*), cornice (*corona*), and a vaulted roof.

(iii.) The *Egyptian*, which was more splendid and more like a basilica than a Corinthian *triclinium*. In the Egyptian *oecus*, the pillars supported a gallery with paved floor, which formed a walk round the apartment; and upon these pillars others were placed, a fourth part less in height than the lower, which surrounded the roof. Between the upper columns windows were inserted.

(iv.) The *Cyzicene* (Κυζικηνοί) appears in the time of Vitruvius to have been seldom used in Italy. These *oeci* were meant for summer use looking to the north, and, if possible, facing gardens, to which they opened by folding-doors. Pliny had *oeci* of this kind in his villa.

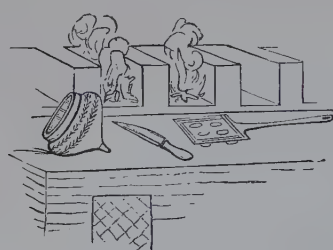
4. EXEDRAE, which appear to have been in form much the same as the *oeci*, for Vitruvius (vi. 5) speaks of the *exedrae* in connexion with *oeci quadrati*, were rooms for conversation and the other purposes of society. (Cic. *de Nat. Deor.* i. 6, 15; *de Orat.* iii. 5, 17.) They served the same purposes as the *exedrae* in the Thermae and Gymnasia, which were semicircular rooms with seats for philosophers and others to converse in. (Vitruv. v. 11, vii. 9; BALNEAE, p. 282 *a*.)

5, 6, 7. PINACOTHECA, BIBLIOTHECA, and BALINEUM [see BALNEAE], are treated of in separate articles.

8. CULINA, the kitchen. The food was originally cooked in the *atrium*, as has been already stated (see p. 670 *a*); but the progress of refinement afterwards led to the use of another part of the house for this purpose. In the kitchen of Pansa's house, of which a drawing is given on the next page, a stove for stews and similar preparations was found, very much like the charcoal stoves used in the present day. (See woodcut.) Before it lie a knife, a strainer, and a kind of frying-pan with four spherical cavities, as if it were meant to cook eggs.

In this kitchen, as well as in many others at Pompeii, there are paintings of the Lares and Penates, to whom the hearth in the *atrium* was sacred, and under whose care the kitchen was also placed. (Serv. *ad* Verg. *Aen.* ii. 469; Arnob. ii. 67.) In the country the meals were

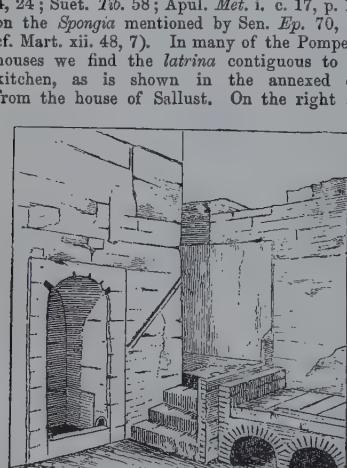
taken in the kitchen, as they were in ancient times in the *atrium* (Colum. i. 6; Varr. *R. R.*



Culina or kitchen, in Pansa's house.

i. 13). The kitchen was in the back part of the house, and in connexion with it was the *pistrinum* or bake-house, where bread was baked at home (Varr. *ap.* Non. p. 55, 18; Lucil. *ap.* Non. p. 217, 20); but after B.C. 171 there were public bake-houses in Rome (Plin. *H. N.* xviii. § 107). [PISTOR.] In the houses of the wealthy, as may be supposed, the kitchens were often of great size (Sen. *Ep.* 114, cf. 64). In Pompeii have been found sinks of kitchens, called *confluvia* (Varr. *ap.* Non. p. 544, 20) or *coquinae fusoria* (Pallad. *R. R.* i. 37).

In close and inconvenient proximity to the kitchen was the *latrina* (contraction of *lavatrina*, Varr. *L. L.* v. 118), or privy, in order that a common drain might carry off the contents of both to the *cloaca* or public sewer (Varr. *l. c.*; Colum. x. 85; cf. Plaut. *Curc.* iv. 4, 24; Suet. *Tib.* 58; Apul. *Met.* i. c. 17, p. 15; on the *Spongia* mentioned by Sen. *Ep.* 70, 20, cf. Mart. xii. 48, 7). In many of the Pompeian houses we find the *latrina* contiguous to the kitchen, as is shown in the annexed cut from the house of Sallust. On the right are



Culina and Latrina in the house of Sallust. (Gell, *Pompeiana*, p. 107.)

two small arches, which are the kitchen stove. On the left is an arched recess, which is the *latrina*, originally closed by a wooden door, of which the marks of the hinges may still be seen; and at the bottom is the mouth of the pipe supplying the place with water.

9. CENACULA, or rooms in the upper stories, have been already explained (see p. 665).

10. LARARIUM or SACRARIUM. The Lares or Penates were originally placed near the hearth of the house in the *atrium* (see p. 670 *a*); but when the latter became only a reception room, they were removed to a special chapel, called *Lararium* (Lamprid. *Alex. Sev.* 29, 31; Vopisc. *Florian.* 4; Capitol. *Anton. Phil.* 3) or *Sacrarium* (Cic. *ad Fam.* xiii. 2; Cic. *Verr.* iv. 2, 4), in which statues of other divinities were also placed. Such a chapel is found in the *peristylium* of many of the Pompeian houses.

11. DIAETA does not denote any particular kind of room, but is a word borrowed from the Greek (δίαιτα) to signify a room used for any of the purposes of life. (Plin. *Ep.* ii. 17, 12; vii. 5, 1; Stat. *Silv.* ii. 2, 83.) Each *diaeta* was sometimes called by a name, as the one belonging to Claudius (Suet. *Claud.* 10). Thus it denotes also a bed-chamber (Plin. *Ep.* vi. 16, 14), a dining-room (Sidon. Apoll. *Ep.* ii. 2), a summer-house or a room in a garden (Plin. *Ep.* ii. 17, 20; Dig. 7, 1, 66, § 1; Orelli, *Inscr.* 4373, &c.). It is also the collective name of a set of chambers. Thus Pliny speaks (v. 6, 31) of two *diaetae*, in one of which were four bed-chambers, and in another three.

12. SOLARIUM, literally a place for basking in the sun, denotes a terrace on the flat roof of a house, frequently used by the Romans, as is still the case in Italy and the East. (Isidor. xv. 3, 12; Dig. 8, 2, 17; Plaut. *Mil. Glor.* ii. 3, 69, ii. 4, 25; Suet. *Claud.* 10; Macrob. ii. 4, 14.) In the time of the emperors, these *solaria* on the tops of houses were turned into gardens, which contained even fruit-trees and fish-ponds (Sen. *Ep.* 122; *Contr. Exc.* v. 5). Somewhat similar were the *solaria* built by Nero on the colonnades in front of the *insulae* and *domus* (Suet. *Ner.* 16; Tac. *Ann.* xv. 43). Sometimes the *solaria* were covered by a roof ("tectum solarium," Orelli, *Inscr.* 2417).

Some other parts of a Roman house require a brief mention.

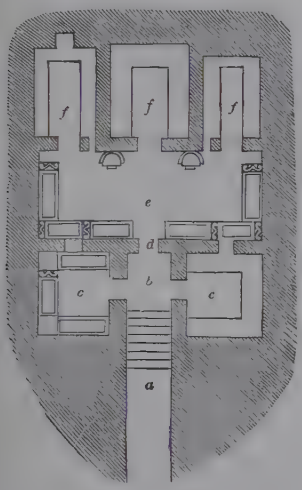
1. CELLAE SERVORUM, FAMILIARES or FAMILIARICAE, the small bed-rooms of the slaves, were usually situated in the upper story, as in the house of Pansa at Pompeii, or in the back of the house, with the exception of the *cella* of the house-porter, which was naturally close to the front door (see p. 669 *a*). (Colum. i. 6; Cic. *Phil.* ii. 27, 67; Hor. *Sat.* i. 8, 8; Vitruv. vi. 7; Plin. *Ep.* ii. 17, 9).

2. CELLA also denoted the store-room, of which there were several, bearing various names, according to their contents. Of these an account is given under CELLA No. 1, where the *cella vinaria* is likewise described.

3. CELLARS underground and vaulted are rarely mentioned ("hypogea concamerationesque," Vitruv. vi. (8) 11; "constructum subterris aedificium," Isidor. xvi. 3), though several have been found at Pompeii.

Etruscan Houses.—Though no Etruscan houses are extant, we obtain a good idea of their form and general disposition from their tombs, as there can be no doubt that their cemeteries were often intentional representations of their cities, and the separate tombs of their houses. The arrangement of the latter throws light upon that of the Roman house, the original

form of which was borrowed from the Etruscans. (See above, p. 668 *a*.) Thus in the cemetery of *Cervetri*, the ancient Agylla or Caere, the tombs have a large central chamber, representing the *atrium*, with others of smaller size opening out of it, lighted by windows in the wall of the rock, as they could of course have no opening or *compluvium* in the roof. The ceilings of all the chambers have the usual beams and rafters hewn in the rock. The smaller rooms round the *atrium* were *triclinia*, for each has a bench of rock round three of its sides, on which the dead had been deposited, reclining as at a banquet. (Dennis, *Etruria*, i. p. 238.) The following plan of one of these tombs shows a clear resemblance to an ancient house.



Plan of a tomb at Cervetri. (Dennis, *Etruria*, i. 256.)

a. Rock-hewn steps leading down to the tomb.
b. Entrance-hall.
cc. Small chambers, the *cellae* of the *janitor* or *ostiarius*.
d. Doorway to the tomb.
e. Principal chamber or *atrium*.
fff. Inner chambers or *triclinia*.

We find a similar arrangement in the tombs at Chiusi, the ancient Clusium, where the passage leads into the principal chamber or *atrium*, out of which open several smaller chambers or *triclinia* (Dennis, *Etruria*, vol. ii. p. 350).

Existing remains of Roman houses.—The oldest remains of a house in Rome are those of the Regia, which, according to Dio Cassius (xliii. 42), was the residence of the Pontifex Maximus, and was on the site of the house occupied by Numa. The Regia stood at the S.E. limits of the Forum, close by the Temple of Vesta, adjoining the House of the Vestal Virgins (Dio Cass. xliv. 17; Gell. iv. 6; Cic. *ad Att.* x. 3). The existing remains are of several dates: the oldest walls are of the softest tufa, and belong probably to a structure many centuries earlier than the Christian era; next comes a part built of hard blocks of peperino (*lapis Albanus*). A later part of the house is built of concrete faced with burnt bricks, and has columns of the hard travertine thickly coated with stucco, and painted in brilliant tints of blue and red. This is probably part of the rebuilding carried out by Domitius Calvinus after his victories in Spain, *c.* 35 B.C. Another portion of the same or an adjoining building was built of solid blocks of white marble. This also may be part of Calvinus's work. There are many reasons for believing that the Consular Fasti (now in the Capitoline Museum) were engraved on the solid marble walls of one of these rooms in the Regia (see *Bull. Inst. Arch. Rom.* 1886, p. 99). This interesting building exists only in a very fragmentary state, and its complete plan cannot be made out. The rooms are small, and the *atrium* also appears to have been of very limited extent. The mosaic pavements and painted decorations belong to the alterations made in the time of Augustus.

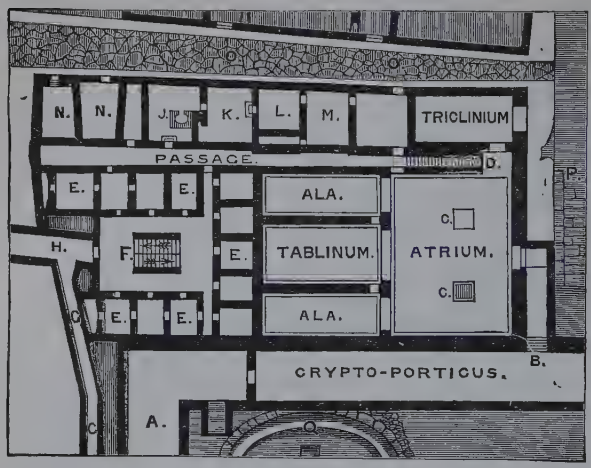
One of the best preserved houses in Rome is also of special interest from its early date. This is the small dwelling usually known as "the House of Livia" or "of Germanicus," which is built in a hollow in the N.W. part of the Palatine hill. That it is probably not later in date than the time of Augustus is shown by the construction of its walls, which are formed of concrete faced with very neat *opus reticulatum* of tufa, no brick being used. The figure on the next page shows its plan, which, owing to the irregularity of the site, is at two different levels: the small rooms grouped round the staircase F being at a much higher level than the larger rooms by the *atrium*; the stairs D lead from the *atrium* up to the higher floor behind. The main entrance is at B, approached down a short flight of steps. C C are pedestals for a statue and an altar: E E are bedrooms; G is a narrow *crypto-porticus*, which branches out of H, another dark passage, forming hidden communications with different buildings on this part of the Palatine. A is a third vaulted passage which leads to Caligula's palace: this is possibly the path by which Caligula's murderers escaped when they hid themselves in the house of Germanicus (Joseph. *Ant. Jud.* xix. 1, 2; Suet. *Calig.* 58).

The paintings in the principal rooms of this house are among the finest examples of Roman wall decoration that still exist (see Renier, *Les Peintures du Palatin*). The most remarkable (in the *tablinum*) is a scene of the liberation of Io by Hermes, who approaches stealthily to kill Argus, who is watching her. In composition, colour, and in delicacy of touch, this is a work of much beauty. As the names of the figures were painted under each in Greek, it appears probable that it is the work of a Greek artist: only one name (ΕΡΜΗC) is now legible. On the same wall is a street scene, with lofty houses several stories high, and fanciful balconies and porticoes. In the *triclinium* are some very clever paintings of bowls of fruit, in which grapes and apples are seen through the transparent glass of which the bowls are made.

The floors are formed of marble mosaic in simple geometrical patterns, very neatly fitted together, with much smaller *tesserae* than were used under the later empire.

On the upper floor a long passage, approached by the staircase D, divides the house into two

parts. J K L M seem to be small bath-rooms. N N are shops with no communication with the house, facing a public street, O O. At P are



Plan of the so-called House of Livia.

A. Passage.
B. Stairs.
C C. Pedestals for statues.
D. Stairs.
E E. Bed-rooms.
F. Stairs.
G. Crypto-Porticus.
H. Crypto-Porticus.
J K L M. Bath-rooms.
N N. Shops.
O O. Street.
P. Early Building.
Q. Piscina.

remains of a very ancient tufa building. Q is a *piscina*, which seems partly to have supplied the house with water. A number of inscribed lead pipes were found, but these were of later date than the house itself: water was laid on to the upper as well as to the ground floors.

As seems to have been usually the case in Roman houses till the reign of Augustus, the only method of heating was by charcoal braziers (*foculi*). In the *tablinum* a small recess is provided for the *foculus* or *caminus*. The use of hypocausts for private houses was a later introduction, and the very complete system of heating rooms, which provided not only for hot air under the hypocaust floors, but also wall-linings of flue-tiles all over the internal wall-surface of a room, did not come into general use till about the end of the second century A.D. In the third century especially the rapidly-growing effeminacy of the Romans led them to provide in the most elaborate manner for the heating of their houses; and the contrast is very great between the shut-in, highly-heated apartments of the later empire, as compared with the half open-air life and scanty warming of the earlier houses. In the above figured plan the *tablinum* and its *alae* are open on one side to the only partially roofed *atrium;* an arrangement fitted only for a hardy race, such as the Romans once were. The later houses, with their glazed and curtained windows, hollow floors, and walls radiating heat from their whole surface, must have had an atmosphere very like that of a modern hot-house. For details of the construction of hypocausts and the arrangement of flue-lined walls, the reader is referred to the article BALNEAE, p. 278 *b*.

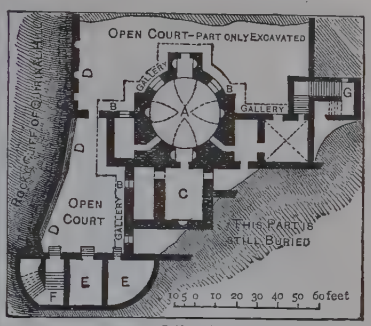
Owing to the fact that no Roman house now exists with walls perfect up to the roof, it had for long been a matter of doubt how the hot air and smoke from the hypocausts escaped after passing through the flue-tiles which lined the walls. An explanation of this has now been furnished by an extremely interesting mosaic picture found in 1878 at Oued-Atmenia in Algeria. (See Proceedings of the *Soc. Archéol. de Constantine*, vol. for 1878.) This most valuable picture is a perspective view of a very large country mansion, built by a wealthy Roman named Pompeianus, who was Proconsul of Africa under Honorius. The mosaic itself formed part of the pavement of the house which it represents. The building is one of immense extent, and varies from four to six stories in height. The ground-floor has only a few plain rectangular windows, fitted with strong iron gratings. In the upper stories the windows, partly arched and partly square-headed, are placed at frequent intervals. The long line of the main block is broken by two lofty tower-like structures. The central and most important part of the house has a low-pitched roof covered with red tiles, from the ridge of which, at four different points, chimney stacks project, just as they would in a modern house. What appears to be a conical smoke-cowl is set over each chimney. This unique mosaic gives a clear notion of the external appearance of one of the large mansions of the later empire, such as could never be gained from an examination of any of the very imperfect existing remains of Roman dwellings, numerous though they are, from which little more than the plan of the ground-floor can usually be gathered. And here it may be remarked that most writers on the subject of Roman houses appear to have ignored the fact that it was usually, if not invariably, the custom to build with an upper story, and hence it is obviously a mistake in examining the existing remains of any house to expect to find the whole accommodation of the dwelling provided on the ground-floor. It appears probable that in nearly all cases the best bedrooms were placed upstairs, where there was ample space for rooms of a good size, and yet it is usual to describe small cell-like rooms on the ground-floor as being the chief sleeping apartments of the family, in spite of

their obvious drawbacks from damp and want of light. In Italy especially ground-floor bedrooms are far from being healthy.

In 1874 remains of a very interesting house of the time of Augustus were found on the Esquiline hill, not far from the Basilica of S. Maria Maggiore: from its position on the line of the Servian wall and *agger*, it has been called "the House of Maecenas," who lived in that quarter, where he converted the public burial-ground into a large park (Hor. *Sat.* i. 8, 14; "horti Maecenatiani," Suet. *Tib.* 15). This palace of Maecenas from its lofty position on the Esquiline is called by Horace (*Epod.* 9, 3) "alta domus," and is probably alluded to in another passage ("molem propinquam nubibus arduis," Hor. *Carm.* iii. 29, 10); and on account of its healthy situation Augustus slept there when he was ill (Suet. *Aug.* 72). Tiberius took up his residence there. These gardens were of great extent, and were united by Nero with his palace on the Palatine hill (Tac. *Ann.* xv. 39; Suet. *Ner.* 31), and it was from one of the towers of Maecenas, which commanded an extensive view, that he surveyed the conflagration of Rome (Suet. *Ner.* 38; cf. Burn, *Rome*, 227). One fine room of this house, still well preserved, is of especial interest; this appears to have been a sort of greenhouse for plants and flowers: it is a large vaulted chamber, with a semicircular apse at one end; all round the walls are tiers of high steps once lined with marble, intended to form stands for rows of flower-pots; arranged exactly as in a modern conservatory. Prof. Mohr (*Bull. Inst. Arch.* vol. for 1875) has pointed out that the cultivation of shrubs and flowers in this way was largely practised by the Romans. On each side of the hall are six recesses, decorated with paintings of garden scenes, with fountains among the flowers, treated in a skilfully deceptive way, so as to look as if each recess were a window opening on to a real garden. The light was admitted only through openings in the barrel vault of the hall, on which were paintings of similar floral subjects; a remarkable example of the theatrical scene-painter's style of decoration which was popular among the Romans.

The *House of Sallust*, the historian, was one of the finest houses in Rome. It had, like the house of Maecenas, extensive gardens, whence the residence was frequently called the *Horti Sallustiani*. It was built by Sallust with the riches obtained in his government of Numidia (Pseud.-Cic. *Respons. in Sall.* 17, § 19); and after the death of his heir, Sallustius Crispus, in the reign of Tiberius, it appears to have passed into the hands of the emperor, as it is subsequently mentioned as an imperial palace, and the residence of several of the emperors. So large were the gardens, that the Emperor Aurelian, who preferred living there to the Palatine, erected in them a colonnade, 1000 paces long, in which he took horse exercise. Part of this house still exists in the narrow valley between the Pincian and Quirinal hills, near the *Porta Collina* in the Servian wall. (Tac. *Ann.* xiii. 47; *Hist.* iii. 82; Plin. *H. N.* vii. § 75; Dio Cass. lxvi. 10; Vopisc. *Aurel.* 49; Procop. *Bell. Vand.* i. 2.)

The position of this house is peculiar: part of it stands on the lower ground at the foot of a cliff of the Quirinal, and part on the top of the cliff; so that the floor of the third story of the lower part was level with the ground-floor of the rest. The figure shows the plan of the



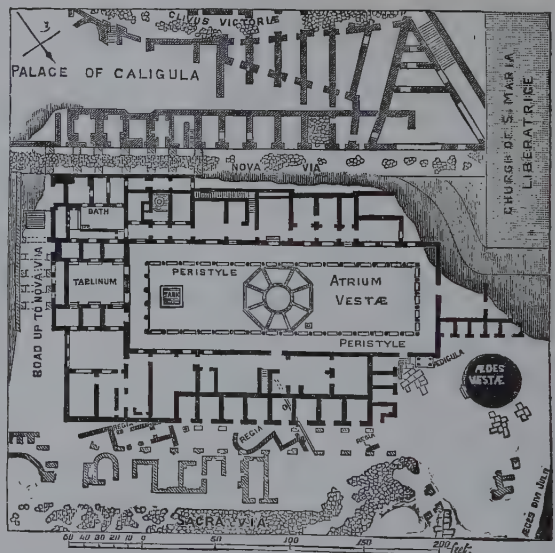
House of Sallust in Rome.

existing remains, which will be soon destroyed by the filling up of the valley, where the building stands, to make new boulevards: a most serious loss. The circular part A is a lofty domed hall: B B is a balcony-like gallery, supported on corbels, which runs round the outside of the main building, at a height of about forty feet above the ground: C is a fine vaulted room, with two stories over it: D D is a retaining wall, built against the scarped face of the cliff to keep the crumbling tufa rock from decay: E E are rooms in four or five stories, some with concrete and others with wooden floors: F are winding marble-lined stairs, with mosaic landings, which led to the top of the house and the rooms on the higher level of the hill. This part is still about seventy feet high. G is another marble-lined staircase. A great part of the house is still unexcavated. The date of the existing portion is of the first century A.D., and is evidently part of additions made by the early emperors. In the sixteenth century an immense quantity of valuable marbles, including magnificent columns of Oriental alabaster and Numidian *giallo antico*, were found in the ruins of Sallust's house, and used to decorate several of the churches of Rome.

Many inscribed lead waterpipes have been found there at different times: some have the name of the estate, the reigning emperor, the plumber, and the capacity of the pipe, *e.g.* XIII. ORTORVM SALLVSTIANOR. IMP. SEV. ALEXANDRI AVG. NAEVIVS MANES FECIT. A topographical indication on a Roman lead pipe is very rare.

Some very splendidly decorated houses have recently, during the formation of the new Tiber embankment, been discovered and then destroyed, along the line of the Farnesina gardens, by the right bank of the river. These were very richly ornamented with paintings, and especially with stucco reliefs of extraordinary beauty, evidently dating from the middle or early part of the first century A.D. Many of these were almost of pure Greek style, free from any of the usual Roman coarseness of detail or clumsiness of form. The reliefs were executed rapidly by the artist in the quick-setting wet stucco, which he applied in lumps to the previously prepared flat

surface, and then, before the stucco had time to harden, he modelled the figures into shape with his fingers and thumb, assisted by a few simple wooden modelling tools. The decision and rapid skill shown in this manipulation are very remarkable; and an amount of life and vigour appears in these hastily executed reliefs, which could hardly have been equalled by the slow process of chiselling a hard substance. Many of the scenes represented are Dionysiac, fauns playing on the double pipes, nymphs dancing with timbrels and other musical instruments, and sportive genii bearing the *thyrsus* or bunches of grapes. Some figures of winged Victories are marvels of delicate beauty, lightly poised on large wings, with drapery flowing behind them in graceful curving folds. The modelling of the nude limbs of the fauns is perfect for its skilful suggestion of the play of muscles under a supple skin, and is quite free from the anatomical exaggerations of the late Attic School of Sculpture, which the Romans seem specially to have admired.



Atrium Vestae.

The Tiber banks opposite the Campus Martius formed a favourite site for the houses of wealthy Romans: some of these are shown on fragments of the Capitoline marble plan of Rome; most of them have stairs leading down to the water's edge. The accompanying figure

Fragment of Capitoline Plan, showing plans of Roman houses.

shows another fragment of this celebrated plan, which was made in the reign of Severus to decorate the end wall of the Templum Sacrae Urbis by the Forum. This shows us a common type of street house in Rome, such as belonged to men of moderate means. On this fragment are engraved the plans of three houses in a row, almost identical in arrangement. (1) is the entrance passage, with two shops (2) on each side: (3) is a small Tuscan *atrium*, as Vitruvius calls it, being without columns: (4) is the passage leading into (5) the *peristylium*, round which are four small rooms (6), one at each corner.

Some interesting examples of houses not owned by private persons, but used by corporate bodies, have been found during the last few years. The chief of these is the Atrium Vestae or House of the Six Vestal Virgins, which was exposed to view in 1883–4.

The plan above, reproduced from Middleton's *Ancient Rome in* 1885 (p. 187), shows the position of the house, near the circular Temple of Vesta, and close to the northern angle of the Palatine, where the immense substructures of Caligula's palace still exist. The rooms are arranged round a long open *peristylium* or cloister; not unlike the plan of a mediaeval monastery. At one end is the *tablinum*, with three small chambers on each side; probably each of the six vestals had one of these. On the N.E. side of the *tablinum* is a large hall, with recesses for statues, and on the other side is a bath-room, and near it a kitchen, a baker's oven with a corn-mill, and other domestic offices. On both the long sides of the *peristylium* is a number of very handsome rooms, decorated in a very costly and elaborate manner: in all cases there was at least one upper story. On the verge of the N.E. side of the house is a row of shops: at this place the remains of the *Regia* are indicated on the plan. In the centre of the *peristylium* was what seems to have been a series of flower-beds, in the shape of a circle within an octagon: traces of the low brick kerbs which separated these beds are still easily distinguishable. On the S.W. side a great part of the upper story still exists: here, as in the previously mentioned houses of Livia and Sallust, the building is set against the side

of a slope, so that in one part an upper story has its floor level with the higher ground. In this case a considerable part of the lower slopes of the Palatine has been cut away to make a site for the Vestals' house, probably at the time of its enlargement under Hadrian, to whose period most of the existing structure belongs. The upper rooms consist chiefly of bedrooms and small bath-rooms, mostly with marble wall-linings and mosaic floors. Part of this upper story was rebuilt in the reign of Severus, after a destructive fire in the time of Commodus in 191 A.D.; and these later rooms have a very luxurious system of warming, both with hypocausts and wall-linings of flue-tiles. The stairs which led to a still higher floor still partly exist, so the whole amount of accommodation must have been very large, as befitted the dignified state of a Vestal's life. The internal decorations were very magnificent; in some of the rooms both walls and floors were covered with the rich coloured marbles from Africa and Greece. In one of the six small rooms by the *tablinum* a very curious precaution has been taken to keep the floor dry. Halves of large *amphorae* are set close together all over the area of the room: over them concrete was laid, and finally the marble paving-slabs were bedded in cement on the concrete. The hollows formed by the half amphorae would prevent the damp from rising. In some cases the rooms had moulded skirtings and cornices made of very hard and brilliant marbles, such as *rosso antico*, the cost of which must have been enormous. In some rooms niches for statues and other parts of the wall-surface were encrusted with gorgeous jewel-like glass mosaics, and ceilings and vaults were richly decorated with painting of the most glowing tints. As might be expected, the dwelling of this wealthy and highly honoured corporation of Vestals far exceeded in splendour even the richest houses at Pompeii. See the separate works on the *Atrium Vestae* published by Comm. Lanciani, Rome, 1884, and by Prof. Jordan, Berlin, 1885.

A corporate dwelling of a very different class is the Barrack (*excubitoria*) of the Seventh Cohort of the Roman *Vigiles*, discovered in 1867 near the Church of S. Crisogono in Trastevere. This is a handsome house of the second century A.D.; with a large mosaic-paved *atrium* or cloister, round which are arranged rooms in two or three stories. The decorations are partly of moulded terra-cotta, painted with brilliant colours, and partly of the usual marble linings in very thin slabs. The barracks of other cohorts of these *Vigiles*, who combined the offices of policemen, firemen, and lamplighters, have been found in many other quarters of Rome, but none so well preserved as the residence of the Seventh Cohort. (See Visconti, *Coorte VII. de' Vigili*, Rome, 1867, and *Bull. Comm. Arch. Mun. Rom.* for 1873.)

Another corporate or, as it might be called, "monastic" establishment was recently excavated a short distance outside the *Porta Portuensis* of Rome: this was the residence of the *Collegium* of the *Fratres Arvales*, one of the most dignified of the priestly *Collegia* of Rome; but its remains were too scanty for the whole plan to be distinguishable.

Within the last few years a number of streets and houses have been discovered at the mouth of the Tiber, at Ostia: these in plan much resembled the Pompeian houses, but were much more richly decorated with costly foreign marbles, most of which would pass Ostia on their way to Rome, where they were unladen on a long wharf called the *Marmoratum*.

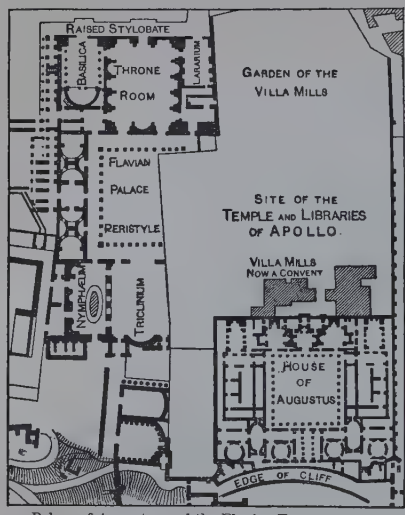
Of the imperial palaces of Rome, which at last covered the whole site of the primitive Roma Quadrata, the earliest was the house of Augustus (*Domus Augustana*), which was built on the S.W. edge of the Palatine, overlooking the Circus Maximus. He at first occupied, on the Palatine, the house of Hortensius, a dwelling conspicuous neither for size nor splendour; and when it was struck by lightning, he consecrated the spot to a temple of Apollo, and bought some neighbouring buildings, where he built a house for himself. (Vell. Pat. ii. 81; Dio Cass. xlix. 15; Suet. *Aug.* 29, 72.)

The house of Tiberius (*Domus Tiberiana*) on the Palatine is mentioned as distinct from that of Augustus, though it adjoined it, the palace of Augustus being more conspicuous towards the forum, while that of Tiberius formed the back front. Its situation is indicated by the descriptions of the ancient writers, that Otho descended through the back of the palace of Tiberius into the Velabrum (Tac. *Hist.* i. 27; Suet. *Oth.* 6; Plut. *Galb.* 24), and that Vitellius surveyed from it the conflagration of the Capitol (Suet. *Vitell.* 6). During the reign of Augustus Tiberius lived first in the house of Pompey in the Carinae, and afterwards in that of Maecenas on the Esquiline (Suet. *Tib.* 15); but when he became emperor, he probably resided in this house on the Palatine till he withdrew to Capreae. In later times this palace was the residence of Antoninus Pius and Marcus Aurelius, and a library was established there (Capitol. *Ant. Pius*, 10, *Ant. Phil.* 6, *Ver.* 2; Gell. xiii. 19; Vopisc. *Prob.* 2). The palaces of Augustus and Tiberius were destroyed in the fire of Nero; but they were rebuilt, as they are mentioned as separate buildings in the *Notitia*; and Josephus tells us that the different parts of the complex of buildings forming the imperial palace were named after their respective founders (*Ant.* xix. 1, § 15).

The palace of Augustus was excavated in 1775, and drawings made of it by Guattani, who published them in his *Monumenti Antichi di Roma*, 1785; the whole was soon covered in again, and no part is now visible. That part of the woodcut on the next page, which represents the palace of Augustus, is taken from Guattani's plan.

This palace, which was of very modest size, had a number of small rooms in two stories grouped round one peristyle: its comparative simplicity must have formed a striking contrast to the stately splendour of the public halls, libraries, and temples in the adjoining *Area Apollinis*, all built by Augustus, and adorned by him with countless works of art of every kind. (Prop. iii. 29; for other authorities, see *Dict. Gr. & Rom. Geogr.* ii. p. 805.) Nevertheless, though the palace of Augustus was small, yet it appears to have been designed with great taste, and decorated with considerable richness in its mixture of white and coloured marbles. That it was a very carefully designed architec-

tural composition is shown even by the bare plan, with its series of domed and vaulted halls,



Palace of Augustus and the Flavian Emperors.

and small apse-like recesses arranged with some complication and much ingenuity.

The *Flavian Palace*, which is shown on the same woodcut, was built by Domitian, adjoining the Area of Apollo and the Palace of Augustus on the N.W. side. (Plut. *Popl.* 15; Mart. viii. 36; Stat. *Silv.* iii. 4, 47, iv. 2.) Extensive remains of this building still exist, and are among the most conspicuous of the imperial palaces on the Palatine. It was a very different building from that of Augustus; being not so much a place of residence as a magnificent series of state apartments intended for public use. Hence Nerva had the words *Aedes publicae* inscribed on it. (Plin. *Panegyr.* 47.) At one end is a very splendid throne-room, with a *lararium* or imperial chapel on one side, and a *basilica* for judicial business on the other. At the other end of the peristyle is the *triclinium* for state banquets; and beyond it a series of stately halls, which may possibly be libraries (*bibliothecae*), and an *Academia* for recitations and other literary purposes. A sort of *Nymphaeum*, or room containing a fountain, with flowers, plants, and statues of nymphs and river-gods, was placed at one side of the *triclinium*, if not on both, so that the murmur and coolness of the water and the scent of the flowers might refresh the wine-heated guests. The whole of this magnificent palace was adorned with the greatest richness, both of design and materials, with floors, wall-linings, and columns of Oriental marbles, alabaster, and red and green porphyry. Even the rows of colossal statues, which decorated the throne-room, were made of the very refractory basalts and porphyry from the quarries of Egypt, at a cost of an almost incredible amount of labour: remains of these were found early in the last century. The position of the Flavian palace is remarkable: it is built on an immense artificial platform which bridges over a deep valley or depression in the summit of the Palatine.

Remains of a lofty building of republican date still exist deep below the floor-level of the so-called libraries; and a small house of early imperial date, richly decorated with marbles and paintings, can still be seen buried under the great peristyle. In many parts of the palace traces are distinctly visible of restorations made by Severus after the great fire in the reign of Commodus (191 A.D.), which devastated a large portion of the imperial palaces: the cracked and partly calcined marbles which suffered in the fire were broken up, and used to make concrete for the new walls of Severus; and thus, in many places, the somewhat curious sight is to be seen of concrete made of the most costly Oriental marbles and porphyries. (Dio Cass. lxxii. 24; Herodian. i. 14; Spartian. *Sept. Sev.* 19, 24.) Spartianus (*l. c.*) says that Septimius Severus made the *Septizonium* an *atrium* to the palace, so that it should be the first object to strike the eyes of those coming from Africa, his native country. Considerable remains of this *Septizonium* existed till near the end of the 16th century, when Pope Sixtus V. caused the pillars to be carried off to the Vatican. They are represented in the drawing in the *Dict. of Greek and Roman Geogr.* ii. p. 806, but the true nature of the building remains doubtful.

The enormous palace of Caligula (see cut, p. 676) occupied the northern corner of the Palatine hill, and the adjoining slopes as far as the Forum, covering the ground once occupied by the houses of Clodius, Cicero, and other wealthy Romans (Dio Cass. lix. 28; Suet. *Cal.* 22; Plin. *H. N.* xxxvi. § 111). The equally large palace of Severus occupied the opposite end of the Palatine. They are both remarkable for the gigantic substructures on which they stand, constructed so as to form at the foot of the hill a basement for state rooms on a level with the highest part of the ground, or, in other words, at both places the Palatine itself was enlarged by the construction of an artificial hill of massive concrete walls and vaults. On one side Severus used the very stately palace of Hadrian as a sort of platform on which to extend his new palace at the higher level; and so we see the rough concrete walls of Severus' substructure cutting through and rendering useless the richly ornamented halls of Hadrian. The enormous height of the palace of Severus must have made it one of the most imposing of all the buildings of Rome: its southern part, which stood at the foot of the Palatine hill, not only equalled the hill in height, but towered high above its summit. In costliness of material, though not in delicacy of design, this palace more than equalled the buildings of the earlier emperors, with the exception of that which Nero built. Some additions and improvements were made to the palace of Septimius Severus by Heliogabalus and Alexander Severus. (Lamprid. *Hel.* 3, 8, 24; *Alex. Sev.* 24, 25.)

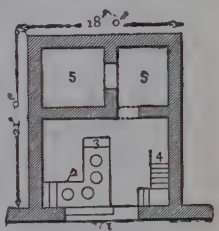
The *Golden House* (*Domus Aurea*) of Nero, which covered part of the Palatine and Esquiline hills and the great valley between them, must

have been a building of the most marvellous splendour and extent. It was nearly a mile in length, and included large gardens and parks for wild animals, all surrounded by a triple *porticus* or colonnade of marble. The interior was decorated in the most lavish way, with gold, ivory, and jewels. (Tac. *Ann.* xv. 42; Suet. *Ner.* 31; Mart. *Spect.* 2.) Some rooms, according to Suetonius, were entirely plated with gold, and studded with precious stones and pearls. The supper-rooms were vaulted with ivory panels (*lacunaria*), from openings in which flowers and perfumes were scattered on the guests. An enormous number of works of art of every class collected from Greek cities were brought to adorn the palace, and others were made by Nero's orders, such as the bronze colossal statue of himself, 120 feet high, the work of the Greek sculptor Zenodorus, and a painted portrait on canvas of the same ridiculous size. [COLOSSUS.] The destruction of the Golden House and the restoration of most of its site to public uses were among the most popular acts of the Flavian emperors. Both the *Colosseum* and the great *Thermae* of Titus stand on part of the site of Nero's palace, of which a small portion was used, after being stripped of its rich marble linings, to form the substructures of part of the *Thermae* of Titus. This is almost the only part which now exists: remains of a large peristyle, and the lofty rooms round it, are still fairly well preserved: the vaults are richly decorated with stucco reliefs and paintings, which are rapidly perishing. It was the discovery of these elaborate ornaments early in the sixteenth century which gave so great an impulse to the growing love for classical methods of decoration. Raphael and his pupils with great skill copied the stucco-work, and painted arabesques in the Vatican palace, in the Villa Madama, and in a large number of other buildings. Owing to these magnificent rooms having been used as the substructures of the baths of Titus, most writers on the subject have described the paintings as being part of the work of Titus: *e.g.* Mirri and Carletti, *Terme di Tito*, Rome, 1776, and De Romanis, *Terme di Tito*, Rome, 1822. Both these valuable illustrated works, which give much that is now lost, really deal with the *Golden House*, not with the *Thermae*. Though the walls of these two structures are mixed in a somewhat complicated way, it is very easy to distinguish one from the other. Titus's walls are of plain brick-faced concrete, without any stucco covering, while Nero's are in all cases either coated with painted stucco, or with the cement backing of the missing marble lining. Even where the stucco has in some places fallen off Nero's walls, clear evidence as to its former existence is given by the marble plugs with which the wall-surface was studded to form a key for the plastering.

Pompeian Houses.—Though of course less magnificent than the palaces of Rome, the houses of Pompeii, from their exceptionally perfect state of preservation, are of special value as examples of Roman domestic architecture, and have the advantage of being in most cases of known date. Few are older than the Christian era, and none of course are later than 79 A.D., when the city was overwhelmed by the eruption of Vesuvius. The existing remains show us, as a rule, only the ground-floor of each house; and it should be remembered that a number of the best rooms—especially, there is reason to believe, the bedrooms and the women's apartments—were on the upper floors. The presence of stairs in apparently all the houses proves that one-storied buildings were practically unknown in Pompeii: the few fragments of the upper story which have been found standing show that, in some cases at least, the upper part of the house was partly constructed of wood, and was arranged so as to project beyond the line of the lower story, very like the half-timbered houses of England or France in the fifteenth and sixteenth centuries. (See cut, p. 666 *a*.)

In one respect the Pompeian arrangement resembled that of mediaeval and modern Italy: that is, the street front on the ground-floor, even of large and handsome houses, was usually occupied by a row of shops. In some cases these shops have no doorway or passage communicating with the main house, and were probably rented by the owner to independent tradesmen; in others the shops could be entered from the house, and in these cases we may suppose that the shops were managed by the slaves or clients of the house-owner, who perhaps in this way made a profit out of the produce of his country estate.

The accompanying plan shows a small shop, to which is joined the residence of its owner, forming a small block independent of the adjoining larger house. (1) An open archway, in which a wooden shop-front was fitted; the threshold of this opening is rebated to receive the wooden partition, part of which was hinged so as to form a narrow door: the upper part would be closed at night by flap-shutters hinged at the top, an arrangement very like that of a modern Oriental bazaar. This method of constructing shop-fronts was very common, not only in Pompeii, but in Rome and elsewhere. The presence of a shop appears always to be indicated by this long grooved sill, with marks of the hinged door on one side. A large number of examples still exist in Rome. The L-shaped counter (2) is formed of concrete and brick stuccoed: in it are inserted a row of *amphorae*, apparently for the reception of hot food or drink of some kind. At one end is a charcoal stove (3); 5, 5 are the dining-room and store-room of the shopkeeper; 4 is the staircase leading to the sleeping apartments. The whole forms a complete house of the smallest type.

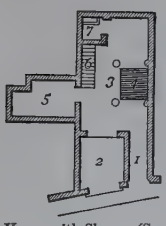


House with Shop.

In the next cut (p. 680 *a*) a similar shop has more extensive private accommodation connected with it. It has a separate passage from the street into the private part, which leads into a very small *atrium*, supported on four columns, two engaged in the wall; out of the *atrium* open a closet-like kitchen and a small dining-room. A very narrow staircase leads to the upper floor.

A third variety was evidently the property of

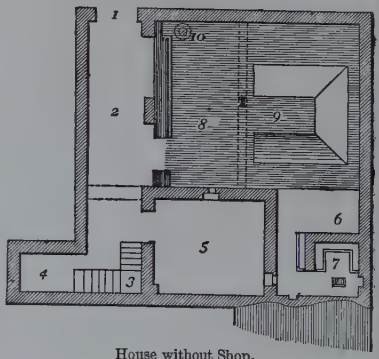
a richer tradesman: in this case the front door is in the middle of the façade; the passage from the street has a small kitchen and other offices on one side and the shop on the other, forming a wider frontage. Behind is a *Tuscan atrium*, occupying the whole width of the house, and behind it are two private rooms, probably dining-room and parlour. The stairs are placed in an angle of the *atrium*.



House with Shop. (See p. 679.)
1. Ostium. 2. Taberna. 3. Atrium. 4. Impluvium. 5. Cubiculum or Triclinium. 6. Scalae. 7. Culina.

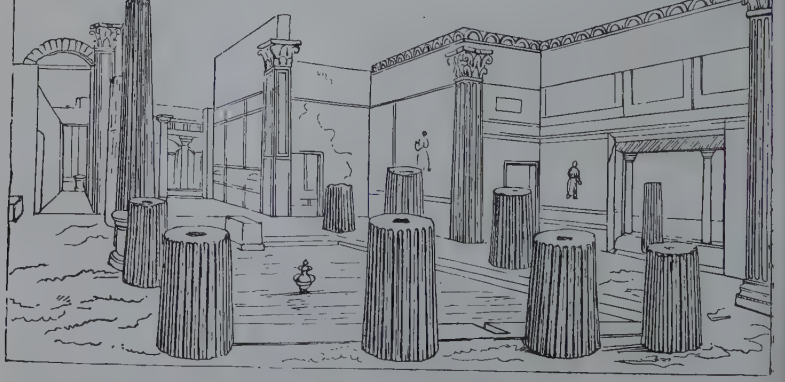
Next we come to a class of small houses with no shop attached: in one of these (see cut opposite) the whole width of the house, a space of 38 feet, is occupied by the dining-room and entrance-hall, from which it is separated by two wide open archways. Part of the dining-room was without a roof, forming a sort of *atrium*; the pavement of this open part has a long gutter to catch the rain-water, which was stored in an underground cistern, and drawn out through a well-mouth (*puteal*) at one end. The *triclinium*, or triple bench for the diners, still exists under the covered portion of the room: it is made of rubble stonework covered with stucco. Behind the dining-room are a small kitchen and a *lararium*, with an altar in front of a recess in which a goddess holding a cornucopia is painted. Next comes a small room, probably a *cella* for a slave, and by the side of it the staircase to the bedrooms above.

In the larger houses the *atrium* is a very important feature, on which the chief architectural beauty of the building depends. It is usually supported by Corinthian columns formed of concrete and brick, coated with brilliant painted stucco: marble, except in thin slabs for



House without Shop.
1. Door. 2. Entrance-hall. 3. Scalae. 4. Cella for slave. 5. Winter Triclinium. 6. Culina. 7. Lararium. 8. Atrium or open court. 9. Triclinium. 10. Puteal.

pavements or wall-linings, is rare in Pompeii; and even in the best houses display is made at the least possible cost,—a striking contrast to the lavish expenditure on the rich houses of Rome or even of Ostia. Shams of every kind were specially popular at Pompeii. The central paved space under the open part (*impluvium*) of the *atrium* is usually of marble, either in thin slabs or in mosaic; a fountain is a very common ornament, and flower-pots seem often to have been ranged round it.

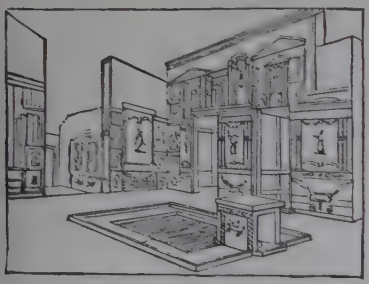


Atrium of the House of the Quaestor.

The two woodcuts annexed represent two *atria* of houses at Pompeii. The first is the *atrium* of what is usually called "the House of the Quaestor." The view is taken near the entrance-hall facing the *tablinum*, through which the columns of the peristyle and the garden are seen. This *atrium*, which is a specimen of what Vitruvius calls the Corinthian, is surrounded by various rooms, and is beautifully painted with arabesque designs upon red and yellow grounds.

The next woodcut represents the *atrium* of what is usually called "the House of Ceres." In

the centre is the *impluvium*; and as there are no pillars around the *impluvium*, this *atrium* must belong to the kind called by Vitruvius "the Tuscan."



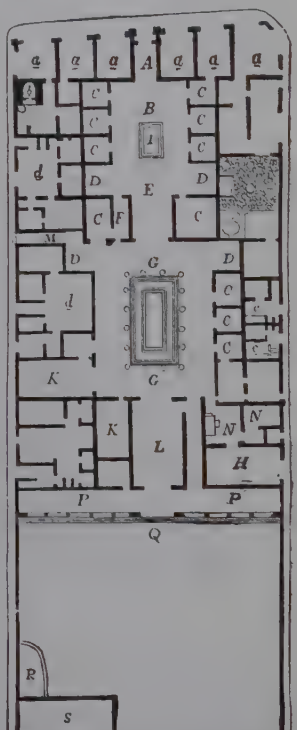
Atrium of the House of Ceres.

The three following plans are good typical examples of the best class of houses in Pompeii. The first is popularly known as "the House of the Tragic Poet."

House of the Tragic Poet.

Like most of the other houses at Pompeii, it had no *vestibulum* according to the meaning which we have attached to the word (see above, p. 668 *b*). The *ostium* or entrance-hall, which is six feet wide, is nearly thirty long,—a length occasioned by the shops on each side. Near the street door there is a figure of a large fierce dog worked in mosaic on the pavement, and beneath it is written *Cave Canem*. The two large rooms on each side of the vestibule appear from the large openings in front of them to have been shops; they communicate with the entrance-hall, and were therefore probably occupied by the master of the house. The *atrium* is about twenty-eight feet in length and twenty in breadth; its *impluvium* is near the centre of the room, and its floor is paved with white *tessera*, spotted with black. On the left-hand corner of the *atrium* is a small room (marked 1 in plan), perhaps the *cella* of the *ostiarius*, with a staircase leading to the upper rooms. On each side of the *atrium* are chambers for the use of the family, or intended for the reception of guests, who were entitled to claim hospitality. When a house did not possess a *hospitium*, or rooms expressly for the reception of guests, they appear to have been lodged in rooms attached to the *atrium*. [HOSPITIUM.] At the further end of the *atrium* is the *tablinum*, with the *fauces* or passage at the side, leading into the *peristylium*, with Doric columns and garden (*viridarium*). The large room on the right of the peristyle is the *triclinium*; beside it is the kitchen, with a *latrina*.

The second cut contains the ground-plan of an *insula* surrounded by shops, which belonged to the owner and were let out by him. The house itself, which is usually called "the House of Pansa," evidently belonged to one of the principal men of Pompeii. Including the garden, which is a third of the whole length, it is about 300 feet long and 100 wide.



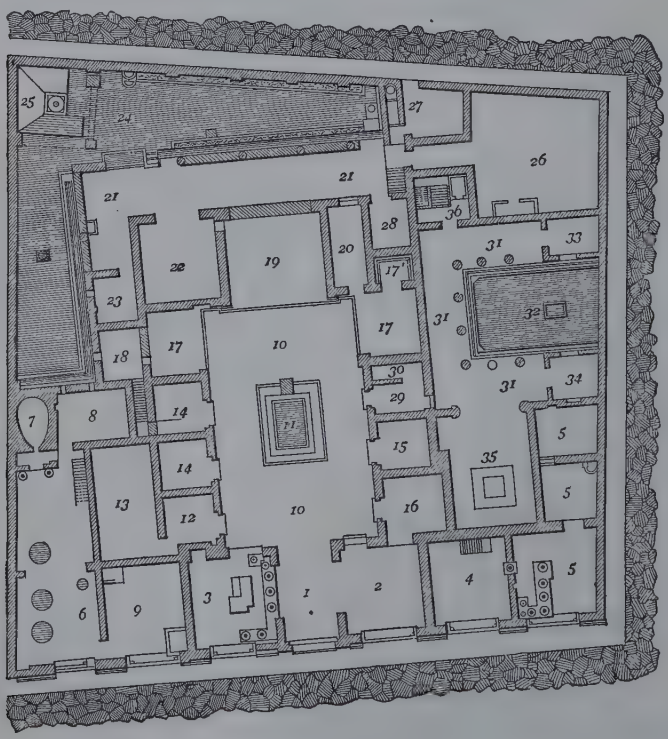
Ground-plan of an Insula, known as the House of Pansa.

A. *Ostium*, or entrance-hall, paved with mosaic. B. Tuscan *atrium*. I. *Impluvium*. C. Chambers on each side of the *atrium*, pro-

bably for the reception of guests. D. *Ala.* E. *Tablinum*, which is open to the *peristylium*, so that the whole length of the house could be seen at once; but as there is a passage (*fauces*), F, beside it, the *tablinum* might probably be closed at the pleasure of the owner. C. Chambers by the *fauces* and *tablinum*, of which the use is uncertain. G. *Peristylium.* D. Recesses in the *peristylium.* C. *Cubicula* by the side of the *peristylium.* K. *Triclinium.* L. *Oecus*, and by its side there is a passage leading from the *peristylium* to the garden. M. Back door (*posticum ostium*) to the street. N. *Culina.* H. Servants' hall, with a back door to the street. P. Portico of two stories, which proves that the house had an upper floor. The site of the staircase, however, is unknown, though it is thought there is some indication of one in the passage, M. Q. The garden. R. Reservoir for supplying a tank, S.

The preceding rooms belonged exclusively to Pansa's house; but there were a good many apartments besides in the *insula*, which were not in his occupation. *a.* Six shops let out to tenants. Those on the right and left hand corners were bakers' shops, which contained mills, ovens, &c., at *b.* The one on the right appears to have been a large establishment, as it contains many rooms. *c.* Two houses of a very mean class, having formerly an upper story. On the other side are two houses much larger, *d.*

Mr. Fergusson observes "that architectural effect has been carefully studied in the design



Plan of the House of Sallust.

A. Public Rooms.—1. Entrance. 2. Hall. 16. Probably the *cella* of the *ostiarius*, communicating with the hall and the *atrium.* 3. Shop communicating with the house. 4. Shop. 5. Shop with two rooms backwards, also marked 5, 5. Between 4 and 5 in the party-wall is a cistern common to both. 6. Bakehouse; the sites of three mills being indicated by round figures. There are remains of stairs leading to an upper story. 7. Oven. 8, 9. Rooms connected with the bakehouse. 10. *Tuscan atrium.* 11. *Impluvium.* 12. Antechamber, leading to 13. Probably a *triclinium* for winter use. 14, 15. *Cubicula* for guests (see House of Pansa, p. 681). 17, 17. *Alae.* 18. Small room leading out of the left-hand ala. 19. *Tablinum.* 20. *Fauces* leading into 21. *Porticus* or colonnade, occupying the usual site of the *peristylium.* 22. Summer *Triclinium.* 23. A small room. 24. Garden, to which there is an ascent by three steps from the *porticus* or colonnade. 25. *Triclinium*, or summer-house, covered by a trellis. 26. Kitchen and *Latrina.* 27. Back entrance. 28. Room opening from the *porticus.*

B. Private Rooms.—29. Entrance to the private apartments. 30. *Cella* of the *ostiarius* to the private apartments. 31. *Peristylium*, supported by Corinthian columns, with 32. *Impluvium* in the centre. 33, 34. Small rooms opening from the *peristylium.* 35. *Triclinium.* 36. Open space containing stove, with staircase to rooms above.

of Pansa's house; a vista nearly 300 feet in length being obtained from the outer door to the garden wall, varied by a pleasing play of light and shade, and displaying a gradually increasing degree of spaciousness and architectural richness as we advance. All these points must have been productive of the most pleasing effect when complete, and of more beauty than has been attained in almost any modern building of like dimensions" (*Hist. of Arch.* i. p. 370).

The third plan is that of one of the most elaborately decorated houses, usually (though without any real reason) called "the House of Sallust," which is remarkable for its very complete separation into two parts; one of which is carefully cut off from the more public rooms, and is supposed by many writers to be a *venereum*, or women's division of the house. But the division of a house into men's and women's apartments is quite foreign to the Romans; and though the Pompeians may have borrowed in this instance the Greek arrangement, yet it is better to conclude with Overbeck, that these were really the apartments devoted to the private use of the family. From the irregular nature of the ground, situated between two streets, as seen in the plan opposite, the private rooms could not be placed beyond the *atrium* and around the *peristylium*, which is here wanting, the usual position of the *peristylium* being occupied by the *porticus* and garden. (See plan, Nos. 21, 24.)

A row of shops occupies the main street fronts in the usual way: between two of these a wide passage leads into a large and handsome *Tuscan atrium*, round which the rooms of the more public part of the house are ranged: behind is a small garden, in one corner of which is a miniature summer-house, with three marble seats, and a fountain by it. The side of the house which fronts on to this little garden has an open loggia or *porticus* built along it. The private apartments are approached from the main *atrium* by a narrow door guarded by a small porter's cell. This, the only means of access, leads into a *Corinthian peristylium*, with a very small room cut out of each angle, and one larger apartment at one side. The bedrooms seem all to have been upstairs, and the fact that the same complete division of the two parts was kept up in the upper story is shown by the existence of a separate staircase in each portion of the house. A picture on the wall of the *peristylium* opposite the entrance, representing the fate of Actaeon when he surprised Diana, may have been intended as a warning to unauthorized visitors, supposing these apartments to be a *venereum*.

These are fairly typical examples of the arrangement of Pompeian houses, though there is an immense number of variations. In the main these first-century examples of Roman dwellings have a great deal in common with the house which Vitruvius describes, and show that his example as an architect was very largely followed for some years. In later times, however, the Roman houses were designed on a very different plan, less uniform in type, and with rooms much less open to the air.

Roman houses in Britain and Gaul.—A very large number of important Roman houses has been discovered in England and France, but most of these have been country villas, not town houses like those at Pompeii. At Silchester, however, one of the chief Roman towns in Britain, some remains of street houses have been exposed, of various dates from the first to the third century, showing a succession of alterations and rebuildings. In its original form one of these houses was very similar to some of the Pompeian dwellings: see *Archaeologia*, xlvi. p. 332. But in most cases the existing remains in England, being those of country houses and of later date than the buildings of Pompeii, have no resemblance to them in plan.

More ample space, and a much colder and wetter climate, led the Romans to adopt here a very different system of house-building from that which suited them in their earlier and hardier days in a mild climate like that of Italy. Thus we find that the later Romano-British or Gaulish houses had no group of rooms with wide arches opening on to a roofless *atrium*, but instead of this the rooms are commonly ranged in a long straggling line, with a passage along one side. In many cases a *peristylium* is used, but the rooms only open on to it by small carefully closed doors or well-glazed windows. The large villas at Lydney, Woodchester, Chedworth, and many other places have an extensive cloister or *peristylium*, round all four sides of which the rooms are arranged very like the plan of a mediaeval monastery: in none of these is there any *atrium*. In other cases, as at Cromhall in Gloucestershire, the rooms are ranged in L form, with one long passage running the whole length of the building: in other cases the rooms are all set in one line I, and have a similar passage from end to end. This seemingly inconvenient system of house-plan was largely used in England down to quite recent times; as, for example, in Hampton Court Palace. The villa at Witcomb in Gloucestershire was a very large and handsome building, arranged in the form of an H, with an octagonal hall projecting from the centre of the middle block.

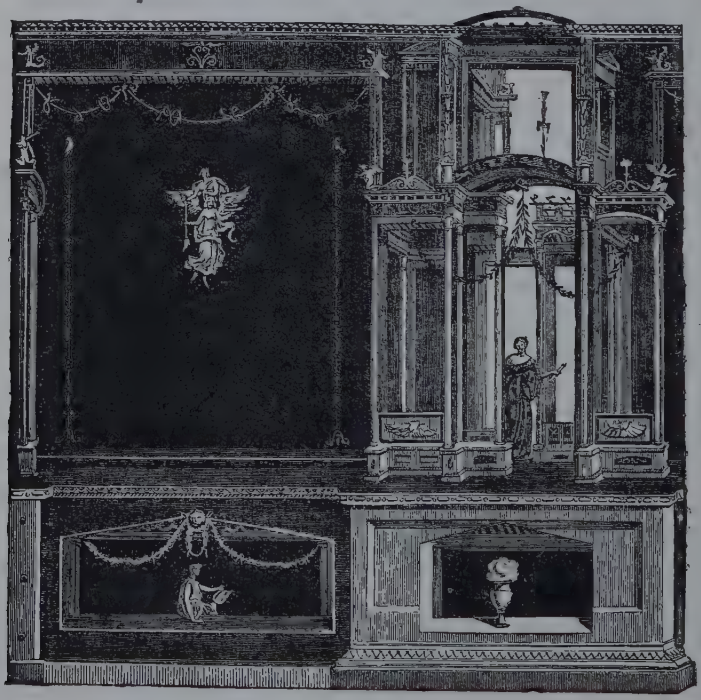
One peculiarity of the British houses is the extreme frequency of rooms with semicircular apses at one end, especially in cases where there is a hypocaust floor. The warming of Romano-British houses was very completely provided for; a very large proportion of the rooms have hypocausts, and many also have wall-linings of flue-tiles. Moreover the use of glazed windows seems to have been universal in Roman Britain; fragments of windows are nearly always found during excavations in the site of a house. Glass of several kinds occurs: rough-cast plate, ground plate, and crown glass are all common. Even in Pompeii remains of glass windows have been found, though they were apparently much less common there. (See below, *Windows*, p. 686 *a*.)

Construction of Roman houses.

1. *Walls.*—The wall of a house was called *paries* in contradistinction to *murus*, the wall of a city. The manner in which the walls were built varied according to the date and the locality. In Italy, during the Republican period in Rome, Pompeii, and other places, some easily-worked stone, such as tufa or peperino (*lapis Albanus*), was used, in large squared blocks (*opus quadratum*) for the best houses, unburnt brick

being the usual material for ordinary dwellings. In the time of Augustus concrete began to be the chief building material, faced at first with small squares of stone, about four inches by four inches on the face (*opus reticulatum*); then triangular kiln-baked bricks came into use, first employed together with the *opus reticulatum*, and then alone. In all cases, however, in Central and Southern Italy the main bulk of the wall was of concrete, and the brick only formed a thin facing. In other countries, however, where a fine natural cement like the pozzolana (*pulvis puteolanus*) of Italy was not to be found, a different method of construction was used. In Gaul and Britain houses were mostly built of rubble stonework, thickly bedded in hard mortar, with "lacing courses" of large square tiles (*tegulae bipedales*) built in at intervals of three or four feet; a method of building which still survives in some flint districts, like parts of Sussex.

The inner walls of the rooms were originally simply whitewashed (*dealbati*) [DEALBATORES], and subsequently covered with a white cement or stucco (*opus albarium*), the workers of which were called *tectores albarii*, or *albarii* simply. (Vitruv. v. 10, 3, vi. 10, 3; Pallad. i. 14; Plin. *H. N.* xxxv. § 194, xxxvi. § 183; Cod. Theod. xiii. 4, 2; Orelli, *Inscr.* 4142.) The plain surface of the walls was broken by quadrangular panels, called *abaci* (Plin. *H. N.* xxxiii. § 159; xxxv. §§ 3, 32; Vitruv. vii. 3, 10). [ABACUS.] In the second century B.C., the practice was introduced from Greece of painting these panels with an endless variety of figures, landscapes, buildings, gardens, &c., of which we have numerous examples in the existing remains of houses in Rome and Pompeii. So general was



Wall-painting at Pompeii. (Fergusson.)

the practice that even the smallest houses in Pompeii have paintings on their walls, of which a general idea may be formed from the annexed cut. The way in which these paintings were executed is described under PICTURA.

In addition to painting, other methods of decoration were used: in Rome especially the chief way of ornamenting the rooms of the best houses was by lining the walls with slabs of sawn marble, moulded into a skirting below and a cornice above. Mamurra, one of Caesar's prefects in Gaul, was the first, as we have already said (p. 667 *a*), who lined the walls of his rooms with marble slabs (Plin. *H. N.* xxxvi. § 48). Great magnificence of effect was produced by the skilful admixture of marbles of different rich colours, the moulded part being usually of a deeper tint than the flat surfaces. In the most careful work these marble linings were fastened to the walls by bronze clamps, but more often the slabs were simply attached by a thick bedding of cement behind them. (Sen. *Ep.* 86, § 4; Dig. 19, 1, 17, § 3; Isidor. xix. 13.)

Another very rich method of decoration was the application of stucco reliefs enriched with gold and colours. The discovery of fine

examples of these in a house near the Tiber has been mentioned above.

A third system, applied also to vaults, was to encrust the walls with mosaics, chiefly made of glass *tesserae* of the most brilliant jewel-like colours. [MUSIVUM OPUS.]

The *crypto-porticus*, which leads from the Palace of Caligula to the Flavian Palace (see above, p. 673 *b*), had the lower part of its walls lined with Oriental marbles, the upper part and vault was covered with sparkling glass mosaics, and the branch passage which leads to the supposed house of Livia was covered with very beautiful and delicately modelled stucco reliefs, gilt and coloured. The splendour of the state rooms may perhaps be guessed from the costly decorations of this long and half-subterranean passage. On the whole, splendour of effect, rather than refinement of design, was the chief characteristic of Roman house-decoration, and after the first century A.D. beauty of design and delicacy of workmanship were less valued than costly richness of material.

2. *Roofs.*—The roofs (*tecta*) of Roman houses were in the oldest times covered with straw, of which a memorial was preserved in the *casa Romuli* even in imperial times (Vitruv. ii. 1; and see p. 645 *b*). Next came the use of shingles for the roofing of houses, which continued down to the time of the war with Pyrrhus (Plin. *H. N.* xvi. § 36). Subsequently clay tiles, called *tegulae* and *imbrices*, superseded the shingles (Plaut. *Mil. Glor.* ii. 6, 24; *Most.* i. 2, 28; Isidor. xix. 10, 15; Plin. *H. N.* xxxv. § 152: see below). The construction of the roofs of the *atria* has already been explained (p. 669 *a*). The roofs of houses were sometimes flat (see *solarium*, p. 672 *b*), but they were also gabled (*pectenata*) like modern houses. These were of two kinds, the *tecta pectenata*, sloping two ways, and the *tecta testudinata*, sloping four ways (Fest. p. 213, M.) Both kinds of roofs were *displuviata*, that is, sloping towards the street, and the houses had around them, according to a law of the XII. Tables, an *ambitus*, or vacant space of 2½ feet, to receive the rain water running off the roofs (see p. 665 *a*). The projecting eaves of roofs were called *suggrundae* (Varr. *R. R.* iii. 3, 5; Vitruv. x. 21; Dig. 9, 3, 5, § 6). The gabled roofs rose to a point called *fastigium* (Cic. *ad Qu. Fr.* iii. 1, 4, § 14), though this word was strictly applied to the triangular pediment, which was only allowed in the temples of the gods and other public buildings. [FASTIGIUM.]

The roofs were usually of simple construction, with principal rafters framed with tie-beam and king post. The roof-covering was often very carefully fitted so as to exclude wet. The *tegulae*, with a flange on each side, were nailed with bronze or large iron nails, and the joints were covered by specially moulded joint-tiles (*imbrices*), the ends of which at the eaves were hidden by ornamental terra-cotta *antefixa*, which formed a sort of cresting all along the eaves. The eaves-course of tiles was often worked into the form of the *cymatium* or top wave-moulding of the cornice, and all along it pierced lions' heads were moulded to form escapes for the rain-water. In other cases less ornamental roofs were covered with doubly-curved pantiles, exactly like those still used in Rome and some parts of England. For the most magnificent buildings, such as some of the imperial palaces, the roofs were covered with tiles made of white marble, or even with bronze tiles plated with gold. For further details, see TEGULA.

In places where brick-earth was scarce or bad, and laminated stone plentiful, as in Oxfordshire and Gloucestershire, the Romans roofed their buildings with roughly-dressed tiles made of such stone as the so-called "Stonesfield slate." Traces of Roman workings of the quarries of this stone at Kinèton Thorns in Gloucestershire have been recently found, and extensive remains of the long barracks where the quarrymen were housed, forming a sort of quadrangle about 300 feet square. These "slates" were dressed in a lozenge form, and fixed by one large iron nail at the top corner, which of course was hidden by the lap of the next row of slates above. Clay tiles of many other forms were used; and local materials were nearly always utilized for roofing, as for all other purposes, by the practical and ingenious Roman builders.

3. *Floors.*—The floor (*solum*) of a room was seldom boarded ("strata solo tabulata," Stat. *Silv.* i. 5, 57), except in the upper stories. The floor on the ground-floor was usually of stone, and, in the case of common houses, consisted of small pieces of stone, brick, tiles, &c. (*ruderatio, opus ruderatum*), beaten down (*pavita*) with a rammer (*fistuca*), whence the word *pavimentum* became the general name for a floor (Plin. *H. N.* xxxvi. § 185 *seq.*; Vitruv. vii. 1). Sometimes the floors were paved with thin slabs of richly-coloured marbles, brought from Northern Africa, Arabia, or Greece (Fest. p. 242, M.; Tibull. iii. 3, 16; Sen. *Ep.* 86, 6; Pallad. i. 9), and still more frequently with mosaics (*opus musivum*). For a fuller account of the different kinds of floors, see PAVIMENTUM and MUSIVUM OPUS.

In Rome and other parts of Italy, owing to the wonderful strength of the *pozzolana*, the upper floors of houses were very frequently made of concrete cast in one great slab on temporary boarding, fixed at the required level. This set into one compact mass, like a piece of solid stone. Examples in Rome are to be seen where the upper floor had a span of twenty feet, and simply consisted of one slab of concrete about fourteen inches thick. On this, mosaic and other paving was laid, as on the ground-floors. For the peculiar construction of the hollow *hypocaust* floors, see BALNEAE, p. 278. In other cases in Rome, and nearly always in Britain, the upper floors were of wood: projecting stone corbels were built to carry the "plates" for joists on which floor boards were nailed, just as in many modern buildings. Vitruvius (vii. 1) also mentions mosaics being laid on the wooden doors of upper stories, as is the custom in modern Rome; but this appears not to have been done where there was a strong cement with which upper floors could be made of unsupported concrete.

4. *Ceilings.*—Ceilings were very commonly semicircular or "barrel" vaults (*camarae*), decorated with stucco reliefs, mosaics, or painting [CAMARA]. The *extrados* of the vault was filled in level with concrete to form the floor above. Wooden ceilings and flat concrete ceilings were decorated in the same way. One common method of ceiling decoration, applied both to brick and concrete or to wooden ceilings, was to divide

the whole area into a number of deeply-sunk panels, like pits or lakes (*lacus, lacunae*), whence they were called *lacunaria* or *laquearia* (Vitruv. vii. 2; Cic. *Tusc.* v. 21, 62; Hor. *Carm.* ii. 18, 2). These were richly ornamented, either by stucco reliefs gilt and coloured, or, in the case of wooden ceilings, by inlaid work of ivory, ebony, or other precious materials, as well as by paintings. In a few cases the "coffers" were covered with enriched bronze plates, thickly gilt. (Plin. *H. N.* xxxiii. § 57, xxxv. § 124; Hor. *Carm.* l. c.; Verg. *Aen.* i. 726; Sen. *Ep.* 90, 42.) The artists who executed this work were called *laquearii* (Cod. Theod. xiii. 4, 2). The design of these coffered ceilings was derived from the marble ceilings of the peristyles of Greek temples, such as the Parthenon.

5. *Windows.*—The Roman houses had few windows (*fenestrae*). The *atrium* and *peristylium* were lighted, as we have seen, from above, and the smaller rooms leading out of them generally derived their light from them, and not from windows looking into the street. The rooms only on the upper stories (*cenacula*) seem to have been usually lighted by windows, and looked out upon the street, as well as the inner courts. Hence they are frequently mentioned by the ancient writers (Liv. i. 41, xxiv. 21; Hor. *Carm.* i. 25; Prop. iv. (v.), 7, 16; Juv. iii. 270; Mart. i. 86, xi. 19; Plin. *H. N.* xix. § 59). In Pompeii, in like manner, the ground-floor rooms were mostly lighted from the inner courts, so that few lower windows opened on the street. There is an exception to this in "the House of the Tragic Poet," which has six windows on the ground-floor. Even in this case, however, the windows are not near the ground as in a modern house, but are six feet six inches above the foot-pavement, which is raised one foot seven inches above the centre of the street. The windows are small, being hardly three feet by two; and at the side there is a wooden frame, in which the window or shutter might be moved backwards or forwards. The lower part of the wall is occupied by a row of red panels four feet and a half high. The following woodcut represents part of the wall, with the apertures for windows above it, as it appears from the street. The tiling upon the wall is modern, and is only placed there to preserve it from the weather.

Wall with apertures for the windows in a house at Pompeii.

The windows appear originally to have been merely small openings in the wall, closed by means of shutters, which frequently had two leaves (*bifores fenestrae*, Ov. *Pont.* iii. 3, 5), whence Ovid (*Amor.* i. 5, 3) says,

"Pars adaperta fuit, pars altera clausa fenestrae."

They are for this reason said to be joined (*junctae fenestrae*), when they are shut. (Hor. *Carm.* i. 25.) Windows were also sometimes covered by a kind of lattice or trellis work (*clathri*), and sometimes by network, to prevent serpents and other noxious reptiles from getting in (Plaut. *Mil. Glor.* ii. 4, 25; Varr. *R. R.* iii. 7). The *transennae* were a kind of lattice-work of the same kind (Cic. *de Or.* i. 35, 162).

There has been much discussion whether glass windows were known to the ancients; but in the excavations at Pompeii many fragments of flat glass have been discovered, and in the *tepidarium* of the public baths a bronze lattice was found with some of the panes still inserted in the frame. (Gell, *Pompeiana*, i. p. 99.) [VITRUM.] Besides glass, other transparent substances were also used, such as talc, the *lapis specularis* of Pliny (*H. N.* xxxvi. § 163), and windows made of it were called *specularia* (Sen. *Ep.* 90, 25; Plin. *H. N.* xix. § 64, *Ep.* ii. 17; Mart. viii. 14; Juv. iv. 21), though some modern writers think that *specularia* also denoted glass windows. The best pieces of this transparent highly laminated substance came from Spain and Cappadocia, but it was also brought from North Africa, Cyprus, and Sicily. Pliny mentions pieces as large as five feet long (Plin. *H. N.* xxxvi. § 160 *seq.*). From an expression in Philo (*Leg. ad Caium*, § 45) it appears that the palace of Caligula had glass windows; and glass windows are expressly mentioned by Lactantius (*de Opif. dei*, 8).

6. *Doors.*—The subject of doors, with their locks and keys, is discussed under JANUA and CLAVIS. It is only necessary to mention here that many of the rooms in Roman houses had no doors, but only curtains, *vela*, *aulaea*, *centones* (Sen. *Ep.* 80; Plin. *Ep.* ii. 17; Petron. 7; Lamprid. *Alex. Sev.* 4, *Heliog.* 14). Hence among the slaves in the imperial household we find mention of *velarii* (Orelli, *Inscr.* 2967). Sometimes, when there were doors, curtains were also drawn across them (Suet *Claud.* 10; Tac. *Ann.* xiii. 5; Sidon. Apoll. *Ep.* iv. 24; Mart. xi. 45). [VELUM.]

7. *The heating of Houses.*—The rooms were heated in winter in different ways. The *cubicula*, *triclinia*, and other rooms, which were intended for winter use, were built in that part of the house upon which the sun shone most; and in the mild climate of Italy this frequently enabled them to dispense with any artificial mode of warming the rooms. Rooms exposed to the sun in this way were sometimes called *heliocamini*. (Plin. *Ep.* ii. 17, 20; Dig. 8, 2, 17.) The rooms were sometimes heated by hot air, which was introduced by means of pipes from a furnace below (Plin. *Ep.* ii. 17, v. 6, 24; Sen. *Ep.* 90), but more frequently in earlier times by portable furnaces or braziers (*foculi*), in which charcoal was burnt. (See woodcut, p. 276 *b*, and under FOCUS.) The *caminus*, however, was a fixed stove, in which wood appears to have been usually burnt. (Suet. *Vitell.* 8; Hor. *Sat.* i. 5, 81; *Ep.* i. 11, 19; Cic. *ad Fam.* vii. 10; Sid. Apoll. *Ep.* ii. 2.) It has been a subject of much dispute among modern writers, whether the Romans had chimneys for carrying off the smoke, except in the baths and kitchens. From many passages in ancient writers, it certainly appears that rooms usually had no chim-

neys, but that the smoke escaped through the windows, doors, and openings in the roof (Vitruv. vii. 3, 4; vii. 4, 4); but chimneys do not appear to have been entirely unknown to the ancients, as some have been found in the ruins of ancient buildings, and it is impossible to believe that, among a luxurious people like the Romans in imperial times, they were unacquainted with the use of chimneys. The passage of Horace ("lacrimoso non sine fumo," *Sat.* i. 5, 80), which has been quoted in proof that there were no chimneys, proves nothing, as damp wood would cause smoke, even if there had been chimneys. On the heating of houses, see also above, p. 674 *a*.

8. *The water supply* of a good Roman house was very complete; in towns the main usually ran under the pavement in the middle of the street, and from it "rising mains" branched off to the houses right and left, and often were carried to the upper stories, where a cistern supplied the fountain-jets (*salientes*) and other purposes below. For further details on the water-supply, see AQUAEDUCTUS, p. 155 *b*.

(Becker-Göll, *Gallus*, ii. p. 213 ff.; Marquardt, *Privatl.* p. 208 ff.; Guhl and Koner, p. 462 ff., 5th ed.; Hirt, *Gesch. d. Baukunst*, iii. p. 267 ff.; Fergusson, *Hist. of Arch.* i. p. 363 ff.; Burn, *Rome*, p. lxvii. ff.; Friedländer, *Sittengesch.* i. p. i. ff., p. 26 ff.; Ménard, *La vie privée des Anciens*, Paris, 1880–3; Zumpt, *Ueber die bauliche Einrichtung des Röm. Wohnhauses*, Berlin, 1844; Krause, *Deinokrates*, Jena, 1863. Although a large number of well illustrated works on Pompeii have been recently published, they have by no means superseded the earlier ones, which describe a great deal that is now lost: this is specially the case with Sir William Gell's valuable *Pompeiana*, London, 1824; and second part, London, 1832. The objects discovered are well illustrated by Pistolesi, *Real Museo Borbonico*, 1824–67. Dyer's *Ruins of Pompeii*, London, 1867, is a convenient handbook. Niccolini and others, *Le Case di Pompeii*, Naples, 1854–84, is a valuable work, which gives the more recent discoveries. A very splendidly illustrated work is the *Recueil des Peintures, &c. de Pompéi*, Paris, 1870–77. See also Zahn, *Die schönsten Ornamente aus Pompeji*, Berlin, 1827–59; Mazois et Gau, *Les Ruines de Pompéi*, Paris, 1824–38; Ternite, *Wandgemälde aus Pompeji*, Berlin, n.d.; Presuhn, *Les décorations de Pompéi*, Leipzig, 1878; Mau's edition of Overbeck's *Pompeji*, Leipzig, 1884; and Nissen, *Pompejanische Studien*, Leipzig, 1877. Middleton, *Ancient Rome in* 1885, gives some account of existing houses in Rome. Information about the Roman houses of Britain is mostly scattered through the publications of various societies, such as *Archaeologia*, the *Archaeological Journal*, the *Journal of the Archaeological Association*, and the Proceedings of a large number of local societies. See also a well-illustrated work by Thomas Morgan, *Romano-British Mosaic Pavements*, London, 1886. Wright's *The Celt, the Roman, and the Saxon*, London, 1875, has much information in a small space, and there are many separate monographs on single houses.) [J. H. M.] [W. S.]

DONA'RIA (*ἀναθήματα* or *ἀνακείμενα*) are names by which the ancients designated presents made to the gods, either by individuals or communities. Sometimes they are also called *dona* or *δῶρα*. The belief that the gods were pleased with costly presents was as natural to the ancients as the belief that they could be influenced in their conduct towards men by the offering of sacrifices; and, indeed, both sprang from the same feeling. Presents were mostly given as tokens of gratitude for some favour which a god had bestowed on man; but in many cases they were intended to induce the deity to grant some special favour. At Athens, every one of the six thesmothetae, or, according to Plato (*Phaedr.* p. 235 D), all the nine archons, on entering upon their office, had to take an oath, that if they violated any of the laws, they would dedicate in the temple of Delphi a golden statue of the size of the man who dedicated it (*ἀνδριάντα χρυσοῦν ἰσομέτρητον*, see Plut. *Sol.* 25; Pollux, viii. 85; Suidas, *s. v. Χρυσῆ Εἰκών*: Heraclid. Pont. c. 1). In this last case the anathema was a kind of punishment, in which the statue was regarded as a substitute for the person forfeited to the gods. Almost all presents of this kind were dedicated in temples, to which in some places an especial building was added, in which these treasures were preserved. Such buildings were called *θησαυροί* (treasuries); and in the most frequented temples of Greece many states had their separate treasuries. (Boeckh, *P. E.* p. 441 ff.) The act of dedication was called *ἀνατιθέναι*, *donare*, *dedicare*, or *sacrare*.

The custom of making donations to the gods is found among the ancients from the earliest times of which we have any record down to the introduction of Christianity; and even after that period it was, with some modifications, observed by the Christians during the Middle Ages. In the heroic ages of Grecian history the anathemata were of a simple description, and consisted of chaplets and garlands of flowers. A very common donation to the gods seems to have been that of locks of hair (*κόμης ἀπαρχαί*), which youths and maidens, especially young brides, cut off from their heads and consecrated to some deity. (Hom. *Il.* xxiii. 141; Aeschyl. *Choeph.* 6; Eurip. *Orest.* 96 and 1427, *Bacch.* 493, *Helen.* 1093; Plut. *Thes.* 5; Paus. i. 37, § 2.) This custom in some places lasted till a very late period: the maidens of Delos dedicated their hair before their wedding to Hecaerge (Paus. i. 43, § 4), and those of Megara to Iphinoe. Pausanias (ii. 11, § 6) saw the statue of Hygieia at Titane covered all over with locks of hair which had been dedicated by women. Costly garments (*πέπλοι*) are likewise mentioned among the earliest presents made to the gods, especially to Athena and Hera. (Hom. *Il.* vi. 293, 303.) At Athens the sacred *πέπλος* of Athena, in which the great adventures of ancient heroes were worked, was woven by maidens every fifth year, at the festival of the great Panathenaea. [ARRHEPHORIA.] (Compare Aristoph. *Av.* 792; Pollux, vii. 50; Wesseling, *ad* Diod. Sic. ii. p. 440.) A similar peplus was woven every five years at Olympia, by sixteen women, and dedicated to Hera. (Paus. v. 16, § 2.)

At the time when the fine arts flourished in Greece the anathemata were generally works of art of exquisite workmanship, such as high tripods bearing vases, craters, cups, candelabras, pictures, statues, and various other things.

materials of which they were made differed according to circumstances; some were of bronze, others of silver or gold (Athen. vi. p. 231, &c.), and their number is to us almost inconceivable (Demosth. *Olynth.* iii. p. 35). The treasures of the temples of Delphi and Olympia, in particular, surpass all conception. Even Pausanias, at a period when numberless works of art must have perished in the various ravages and plunders to which Greece had been exposed, saw and described an astonishing number of anathemata. Many works of art are still extant, bearing evidence by their inscriptions that they were dedicated to the gods as tokens of gratitude. Every one knows of the magnificent presents which Croesus made to the god of Delphi. (Herod. i. 50, &c.) It was an almost invariable custom, after the happy issue of a war, to dedicate the tenth part of the spoil (*ἀκροθίνιον*, *ἀκρόλειον*, or *πρωτόλειον*) to the gods, generally in the form of some work of art. (Herod. viii. 82, 121; Thucyd. i. 132; Paus. iii. 18, § 5; Athen. vi. p. 231, &c.) Sometimes magnificent specimens of armour, such as a fine sword, helmet, or shield, were set apart as anathemata for the gods. (Aristoph. *Equit.* 792, and Schol.) The Athenians always dedicated to Athena the tenth part of the spoil and of confiscated goods; and to all the other gods collectively, the fiftieth part. (Demosth. *c. Timocr.* p. 738, &c.) After a seafight, a ship, placed upon some eminence, was sometimes dedicated to Neptune. (Thucyd. ii. 84; Herod. viii. 121.) It is not improbable that trophies which were always erected on the field of battle, as well as the statues of the victors in Olympia and other places, were originally intended as tokens of gratitude to the god who was supposed to be the cause of the success which the victorious party had gained. We also find that on some occasions the tenth part of the profit of some commercial undertaking was dedicated to a god in the shape of a work of art. Respecting the large and beautiful craters dedicated to the temples, see the article CRATER.

Individuals who had escaped from some danger were no less anxious to show their gratitude to the gods by anathemata than communities. The instances which occur most frequently are those of persons who had recovered from an illness, especially by spending one or more nights in a temple of Asclepius (*incubatio*). The most celebrated temples of this divinity were those of Epidaurus, Cos, Tricca, and, at a later period, that of Rome. (Plin. *H. N.* xxix. § 4; compare F. A. Wolf, *Vermischte Schriften und Aufsätze*, p. 411, &c.) Cures were also effected in the grotto of Pluto and Proserpina, in the neighbourhood of Nisa. (Strab. ix. p. 437, xiv. p. 649.) In all cases in which a cure was effected presents were made to the temple, and little tablets (*tabulae votivae*) were suspended on its walls, containing an account of the danger from which the patient had escaped, and of the manner in which he had been restored to health. Some tablets of this kind, with their inscriptions, are still extant. (Wolf, *l. c.* p. 424, &c.) From some relics of ancient art we must infer that in some cases, when a particular part of the body was attacked by disease, the person, after his recovery, dedicated an imitation of that part in gold or silver to the god to whom he owed his recovery. Persons who had escaped from shipwreck usually dedicated to Neptune the dress which they wore at the time of their danger (Hor. *Carm.* i. 5, 13; Verg. *Aen.* xii. 768); but if they had escaped naked, they dedicated some locks of their hair. (Lucian, *de Merc. Cond.* c. 1, vol. i. p. 652, ed. Reiz.) Shipwrecked persons also suspended votive tablets in the temple of Neptune, on which their accident was described or painted. Individuals who gave up the profession or occupation, by which they had gained their livelihood, frequently dedicated in a temple the instruments which they had used, as a grateful acknowledgment of the favour of the gods. The soldier thus dedicated his arms, the fisherman his net, the shepherd his flute, the poet his lyre, cithara, or harp, &c.

It would be impossible to attempt to enumerate all the occasions on which individuals, as well as communities, showed their gratefulness towards the gods by anathemata. Descriptions of the most remarkable presents in the various temples of Greece may be read in the works of Herodotus, Strabo, Pausanias, Athenaeus, and others.

The custom of making presents to the gods was common to Greeks and Romans, but among the latter the donaria were neither as numerous nor as magnificent as in Greece; and it was more frequent among the Romans to show their gratitude towards a god, by building him a temple, by public prayers and thanksgivings (*supplicatio*), or by celebrating festive games in honour of him, than to adorn his sanctuary with beautiful and costly works of art. Hence the word *donaria* was used by the Romans to designate a temple or an altar, as well as statues and other things dedicated in a temple. (Verg. *Georg.* iii. 533; Ovid, *Fast.* iii. 335.) The occasions on which the Romans made donaria to their gods are, on the whole, the same as those we have described among the Greeks, as will be seen from a comparison of the following passages:—Liv. x. 36, xxix. 36, xxxii. 30, xl. 40, 37; Suet. *Claud.* 25; Tacit. *Ann.* iii. 71; Plaut. *Amphitr.* iii. 2, 65; *Curcul.* i. 1, 61, ii. 2, 10; Aurel. Vict. *Caes.* 35; Gellius, ii. 10; Lucan. ix. 515; Cic. *de Nat. Deor.* iii. 37; Tibull. ii. 5, 29; Hor. *Epist.* i. 1, 4; Stat. *Silv.* iv. 92. [L. S.]

DONA'TIO or gift is an agreement between two persons, by which one gives without remuneration and without being under any legal obligation (*nullo jure cogente*), and the other accepts something that has a pecuniary value.

It is properly called an agreement, because it is not sufficient that there be a person to give; there must also be a person who consents to accept the gift. It is essential to the notion of gift that the giver gives in order that the property of the receiver may be increased by the gift: there must be the *animus donandi*. Further *donatio* in its strictly technical sense implies that the increase made by the gift to the property of the donee is caused by an equivalent diminution in the property of the donor. The object of gift may be anything which increases the property of the donee, as transfer of ownership or possession to him, entitling him to sue as creditor, releasing him from a debt. A gift of the whole of a person's property is not a case of universal succession; and consequently the

several parts of the donor's property must be separately conveyed to the donee: hence, also, the donee does not incur any obligation to the creditors of the donor on account of the debts of the latter. The donor himself can, however, compel the donee to satisfy his debts from the property which the donee has received; for a *donatio* is regarded as comprising no more than the property after the debts are deducted. A gift of property made by an insolvent debtor was invalid as against his creditors.

According to Roman law, as it was in the time of the classical jurists, a mere agreement to give or *pactum donationis* was not legally valid; it was necessary either that the agreement should be in the form of a stipulation or carried out at once by delivery to the donee: but under the legislation of Justinian the donee could sue the donor on a mere *pactum donationis*. (Cod. viii. 34, 35, § 5; *Inst.* ii. 7, 2.) The Lex Cincia de donis ac muneribus—a plebiscitum proposed by the tribune M. Cincius Alimentus, B.C. 204—placed restrictions on the amount which might be given by way of *donatio;* what the prescribed limit was is uncertain. (Savigny, *Verm. Schr.* i. 12; Huschke, *Gaius*, § 3.)

The limitations of the *lex* as to the amount which might be given did not apply if the gift was conveyed to the donee by *in jure cessio* or *mancipatio*, and if the donee acquired interdict possession of the property so conveyed. Certain classes of persons (*exceptae personae*) were excepted from the operation of the law. The Lex Cincia is a *lex imperfecta;* i.e., gifts made in violation of it were not void, nor were the parties who made such a gift subject to any penalty; but no action could be successfully maintained for enforcing a gift contrary to the law, since it could be met by the *exceptio legis Cinciae*. In the later period of Roman law the forms of *in jure cessio* and *mancipatio* became obsolete: hence a new form called *insinuatio* was used for perfecting gifts, which consisted in a declaration of gift made before a public functionary. Justinian only required *insinuatio* for gifts above 500 solidi in amount. If the formality of *insinuatio* was not observed, the gift was invalid as to all the amount that exceeded 500 solidi. Certain near relations of a man might after his death impugn the validity of a *donatio inofficiosa*, which he had made, by the *querela inofficiosae donationis*, and the donor could revoke his gift if the donee was guilty of such gross ingratitude towards him as was defined by statute. (*Inst.* ii. 7; Dig. 39, 5; Cod. viii. 54; Paulus, v. 11; *Fragm. Vat.* 260–316; Savigny, *System*, iv. §§ 142–176; Schilling, *Institutionen*, iii. 741–797.) [G. L.] [E. A. W.]

DONA'TIO INTER VIRUM ET UXOREM. It was a rule of Roman law, which had its origin in custom, that neither husband nor wife could during marriage make a gift of anything to one another. The object of this rule is said to be the preservation of the marriage relation in its purity, as an agreement subsisting by affection and not one which should be maintained in a discreditable manner by means of gifts from one party to the other. Thus one married person was prevented from taking advantage of the weakness of the other. The wife required this protection as well as the husband, because, when there was no *conventio in manum*, the wife retained all rights of property not surrendered on her marriage [Dos], and she might during the marriage acquire separate property. Only a *donatio* by which the donor's property is lessened is within the prohibition. A *donatio* is not invalid under this law unless made between persons actually married, so as to take effect during the continuance of the marriage: thus a valid gift might be made between a man and a woman before or after marriage, or even during marriage, if it was not to take effect till after the marriage. In accordance with the above rule contracts and conveyances between husband and wife had no effect; thus stipulations were not binding: *mancipatio*, *in jure cessio*, and *traditio* conveyed no ownership; property which had been made over could be recovered by action. The rule could not be defeated in an indirect manner by means of a transaction between one of the parties to a marriage and a third person (*per interpositam personam*), as by an agreement of the husband with his wife's creditor, to be substituted as debtor in her place. The question whether one of the parties to a marriage, who has obtained possession from a third person of property belonging to the other, can acquire a title to it by usucapion, is determined by the following rules:—

A party to a marriage, who knows at the time of obtaining possession of property that the other party to the marriage is owner of it, cannot acquire because *bona fides* at the commencement of possession is essential to usucapion; but if such party has no knowledge of the ownership of the other, a title by usucapion is possible. If, however, before the time of possession is complete, both parties become aware that the ownership belongs to one of them, usucapion is prevented, since an acquisition under these circumstances would arise from a *donatio inter virum et uxorem*. If, before the ownership is acquired by usucapion, either the husband alone or the wife alone discovered that it was the property of the other, this would not destroy the right to acquire the property by usucapion, because in this case there would be no agreement and consequently no *donatio*. (Dig. 24, 1, 44.) The general rule as to donations between husband and wife is subject to some exceptions. Thus gifts of a trivial kind, as birthday presents, were allowed; if a house belonging to one of the parties to a marriage were destroyed by fire, it might be rebuilt at the expense of the other; a woman might make gifts to her husband to qualify him for certain honours and other distinctions (Dig. 24, 1, 40, § 42); but the most important relaxation in the law as to these donations was that in the time of Septimius Severus they were declared valid if the donor died first without having revoked his gift. (Dig. 24, 1; Cod. v. 16; Glück, xxv. p. 422, &c.; Savigny, *System*, iv. §§ 162–164.) [G. L.] [E. A. W.]

DONA'TIO MORTIS CAUSA. A *donatio mortis causa* has been defined to be "a gift which a man makes with reference to the event of his death, and so makes that the right of the donee either commences with the death of the donor, or is in some suspense until the death." (Cf. Festus, *s. v.*: "mortis causa donatio cujus mors fuit causa.") It resembles, in some respects, a

donatio proper or gift; in others, it resembles a legacy. It was necessary that the *donatio* should be accepted by the donee, and consequently there must be a conveyance by *traditio* or delivery, or at least a contract by an offer which is assented to; whereas a *legatum* only requires a unilateral act of a testator. A *donatio mortis causa* differed from a testamentary bequest in that it was regarded as a disposition of property made in the donor's lifetime, and not a charge on his inheritance (Dig. 39, 6, 28, "praesens praesenti dat;" Theoph. *ad* Inst. ii. 7, 1, *ἀπὸ ζῶντος εἰς ζῶντα γίνεται*). On the other hand, it was not intended to have the effect of depriving the donor of his right to his property in his lifetime, but only to act in the event of his death to the detriment of his heir (Inst. ii. 7, 1: "Et in summa, mortis causa donatio est, cum magis se quis velit habere quam eum, cui donatur, magisque eum, cui donat, quam heredem suum"). As the gift was not complete until the death of the donor, and as it had the benefit of a particular person for its object, it became void in the event of the donor surviving the donee. The donor always had it in his power to revoke his gift, unless he had expressly agreed not to do so. There were, according to Julianus (Dig. 39, 6, 2), three kinds of *donatio mortis causa*:—1. When a man under no apprehension of present danger, but moved solely by a general consideration of mortality, makes a gift to another. 2. When a man, being in immediate danger, makes a gift to another in such manner that the thing immediately becomes the property of the donee. 3. When a man, moved by the consideration of danger, gives a thing in such manner that it shall become the property of the donee only in case the giver dies. It is to be noticed that the gift was equally subject to revocation, whether the property passed immediately to the donee, or was only to do so on the death of the donor. When a gift was made on account of some imminent danger, it was *ipso jure* revoked by the donor's escape from the danger. In course of time most of the rules relating to legacies were made applicable to donations. No person could make or take under a *donatio mortis causa* who was not capable of making or acquiring a testamentary bequest. Property subject to such a gift was liable for the debts of a deceased person as if it were part of his inheritance. The heir could deduct his Falcidian fourth from it. A *donatio mortis causa* could not be used as a means of defeating the claims of those who could not have been disinherited by the deceased. In these and other respects we find donations assimilated to legacies in the legislation of Justinian. Still, they differed in some respects from legacies: for instance, such a donation could take effect, though there was no person to take the inheritance; and if it did not exceed five hundred solidi, it could be made in an informal way, though otherwise the forms of a codicil were required. It could only be constituted by agreement. The English law of *donationes mortis causa* is first stated by Bracton (ii. c. 26) in the very words of the Digest (39, 6, 2, &c.); and the present law is expounded by Lord Hardwicke (Ward *v.* Turner, 2 Ves. 431); but what he there states to be the English law is not exactly the law as stated by Bracton. Tradition or delivery is considered one essential of such a gift, and the death of the donor in the life of the donee is another essential. The gift is not an absolute gift, but a gift made in contemplation of death, and it is revocable. It does not prevail against the creditors of the deceased, and by statute it has been made subject to legacy duty. (Dig. 39, 6; Cod. viii. 57; Inst. Just. ii. 7, § 1; W. Müller, *Ueber die Natur der Schenkung auf Todesfall* (1827); Hasse, *Rhein. Mus.* ii. 300, iii. 1 (1828); V. Schröter, *Zeitschr. für Civilrecht und Process*, ii. 4 (1829); Wiederhold, *ib.* xv. 4 (1841); Savigny, *System*, iv. §§ 170–174; Vangerow, *Pandekten*, ii. §§ 561–563; Windscheid, *Pandekten*, ii. § 369, iii. §§ 675, 676.) [G. L.] [E. A. W.]

DONA'TIO PROPTER NU'PTIAS. Subsequent to the time of the classical jurists under the early Christian emperors, it became customary for a man, when about to marry, to make a *donatio* to his future wife as an equivalent to the *dos* which was brought into settlement on her part. On account of the correspondence between this kind of *donatio* and *dos*, it is called in Greek *ἀντίφερνα*, and in Latin *contrados*, *antidos*. The meaning of the term *donatio propter nuptias* is explained in the Institutes of Justinian. It was originally called *donatio ante nuptias* because, as there could be no *donatio* between husband and wife, it was necessary that the *donatio* should be ante-nuptial; but when, by an enactment of Justin I., it became legal to increase the *donatio* after marriage, and by a further enactment of Justinian even to constitute it after marriage, the old term was no longer suitable, and so *donatio propter nuptias* was substituted for it by Justinian. The object of the *donatio propter nuptias* seems to have been to secure a provision for the wife. If a *dos* had been given by the wife, or on behalf of the wife, and the husband by the terms of the settlement was entitled to it, or to a part of it in the case of the wife's death, it was usual for the husband, or some one on the part of the husband, to secure something to the wife in the event of her surviving him. The father of the husband was under the same obligation to make a *donatio ante* or *propter nuptias* as the father of the wife to provide a *dos*. (Cod. v. 11, 7.)

By a constitution of the Emperor Leo it was absolutely required that the amount secured in this way to the wife should be equal to the amount of *dos* the husband might be entitled to. (Cod. v. 14, 9, 10.) According to the legislation of Justinian, the *donatio* and the *dos* must be equivalent: if the *dos* was increased during marriage, a similar increase of the *donatio* was also necessary. (Nov. 97, c. 1, 2.) The husband had, during the marriage, the legal and actual control of the property given as *donatio*, but such part of it as consisted in things immovable he could not alienate or pledge even with the consent of the wife, unless she ratified her previous consent after two years from the time of giving it, and the husband had other property to satisfy her claim. The wife was given by law a hypothec over the husband's entire property as security for the *donatio*. If the husband became impoverished during the marriage, the wife was entitled to the profits of the *donatio* for her support; and the property was not liable to the demands of his creditors.

If the marriage was dissolved by the death of the wife or by divorce not caused by the husband's fault, the *donatio* became the absolute property of the husband, unless some person who made the *donatio* was entitled to the reversion of it by the agreement. If the husband died, the wife had a usufruct in the entire *donatio*. she was also entitled to share with her children in the ownership of it. (Nov. 127, c. 3.)

The special provisions, such as the necessity of *insinuatio*, which applied to the ordinary *donatio*, were dispensed with in this case. The opinions of modern jurists are much divided as to the notion, purpose, and law of the *donatio propter nuptias*. (Cod. v. 3; Cod. Theod. iii. 5; *Inst.* ii. 7, 3; Glück, xxv. pp. 274–329.) [E. A. W.]

DONATI'VUM. [CONGIARIUM.]

DORMITO'RIUM. [DOMUS, p. 671.]

DORODO'KIAS GRAPHE' (δωροδοκίας γραφή). [DECASMUS.]

DORON (δῶρον), a palm or hand-breadth. [PES.]

DO'RON GRAPHE' (δώρων γραφή). [DECASMUS.]

DOROXE'NIAS GRAPHE' (δωροξενίας γραφή). [XENIAS GRAPHE'.]

DO'RPIA (δόρπια). [APATURIA.]

DORPON (δόρπον). [CENA, p. 391*a*.]

DORU (δόρυ). [HASTA.]

DORY'PHORI. [MERCENARII.]

DOS (προίξ, φερνή), dowry. I. GREEK. In proof of the barbaric simplicity of ancient Greek custom, Aristotle instances the facts that they went armed and bought their wives (*Pol.* ii. 8, § 19 = p. 1268 b, 39). The presents made to the bride's father, or, to speak plainly, the price paid for her, was called ἔδνα or ἕεδνα: according to the generally accepted etymology of Curtius, who refers it to the root ἀδ (*σFαδ*) found in *ἀνδάνω, ἡδύς, suavis*, this would mean literally a *douceur* or "sweetener." This was, no doubt, originally a compensation for the loss of the daughter as a domestic servant; and the English law still recognises, in cases of seduction, an action by the father for "loss of service." As Grote has pointed out, the customs of the early Jews were in this respect completely Homeric (Gen. xxxiv. 12; Ex. xxii. 16, &c.); but among the ancient Germans they were modified; the husband gave presents, not to his wife's father, but to herself (Tac. *Germ.* 18). Grote further shows, in an excellent note, the exact correspondence between the old Greek ἑδνα and the *mundium* of the Lombard and Alemannic laws; a term found also in the laws of England under Ethelbert, of Denmark, and of Sweden (pt. i., ch. 20, i. 475 n.). This custom of the heroic times is illustrated by many passages in Homer: the bridegroom gives ἀπερείσια ἕδνα (*Il.* xvi. 178; *Od.* xix. 529); μυρία ἕδνα (*Il.* xvi. 190, xxii. 472; *Od.* xi. 282). The amount is reckoned in oxen and other cattle (*Il.* xi. 243), whence παρθένοι ἀλφεσίβοιαι of girls whose attractions command a high price in the matrimonial market (*Il.* xviii. 593; *H. Ven.* 119). On the other hand, to grant a daughter without ἕδνα was a high compliment to the intended son-in-law; Agamemnon offers it to Achilles (*Il.* ix. 141 ff.), Alcinous to Ulysses (*Od.* vii. 311 ff.). Sometimes the ἕεδνα appear to come from the bride's family (*Od.* i. 277; repeated ii. 196); these must be either really a marriage portion, the Homeric δῶρα, later φερνή (Nitzsch, *ad loc.*; L. and S. *s. v.*; Schömann, *Antiq.* i. 49, E. T.), or more probably "the ἕεδνα were applied by the bride's friends, wholly or in part, to furnish her outfit and provide the wedding feast; and thus they were, so far at least, indirectly returned to the bridegroom's side" (Merry and Riddell, *ad loc.*). In two other passages, however, referred to by the same editors and by Schömann (*l. c.*), ἕδνα may very well bear the usual sense: *ὡς κ' αὐτὸς ἐεδνώσαιτο θύγατρα* (*Od.* ii. 53) may mean simply "that he may give his daughter in marriage" (in exchange for ἕδνα); and *ἐεδνωταὶ κακοὶ* (*Il.* xiii. 382) may be "drivers of hard bargains" (cf. *συνώμεθα*, "agree," in the preceding line), not "niggardly in giving back the ἕεδνα."

We must hold with Aristotle that in the heroic age the purchase of wives was a reality, not, as Schömann thinks, a mere ceremonial survival. It does not follow that it was not usual for the family to give a woman a portion when she married; especially in the richer, *i.e.* mostly the royal and noble, classes. Andromache and Penelope are spoken of as ἄλοχοι πολύδωροι (*Il.* vi. 394; *Od.* xxiv. 294), or wives who brought many gifts to their husbands; other relatives and friends no doubt contributing presents in addition to the bride's portion from her father. These are called by the general name of δῶρα or gifts: there is no sufficient proof that the dowry so bestowed was also described by the same name of ἕδνα, as Schömann maintains; and the terms φερνὴ and προῖξ are undoubtedly post-Homeric. The μείλια offered by Agamemnon to Achilles are not specially "wedding presents," as often incorrectly explained (Hesych. *s. v.* ἕδνα, and many moderns); but, as the etymology implies, "soothing gifts," designed to propitiate the wrathful hero. If, on the death of the husband, the widow was not permitted by the heirs to remain in the house, the money she brought with her had to be refunded (*Od.* ii. 132). On the other hand, it is reasonable to suppose that proved adultery on the part of the wife involved the return of the ἕδνα or purchase-money to her husband, though curiously enough the only authority for this is the mythical case of Hephaestos and Aphrodite (*Od.* viii. 318). As was observed in ancient times, there is no direct mention of divorce in the Homeric poems.

At some time which cannot be determined, but which was undoubtedly earlier than the age of Solon, the dower in the modern sense arose, and the bride was portioned by her father or guardian (κύριος). In its origin this custom must have implied a return of the price paid; and conversely, during the period of transition from one system to the other, the father would doubtless regulate his demands with the view of indemnifying himself for the dowry to be expected when the marriage came off. Hence in lyric and tragic poetry we find ἕδνα used in the latter sense (Pind. *Ol.* ix. 16; Eurip. *Androm.* 2, 153, 942). When Euripides (*Med.* 236) makes Medea complain, among the disadvantages of her sex, that they had to purchase husbands with great sums of money (*χρημάτων ὑπερβολῇ*), the Scholiast points out the anachronism; the

poet is transferring to the heroic age the practice of his own time.

The Doric term for a portion was δωτίνη, and Müller (*Dor.* iii. 10) observes that we know for certain that daughters in Sparta had originally no dower, but were married with a gift of clothes only; afterwards they were at least provided with money and other personal property (Plut. *Lysand.* 30). But in the time of Aristotle (*Pol.* ii. 9, § 15=p. 1270, 23), so great were the dowers given and so large the number of ἐπίκληροι, or female representatives of families (οἶκοι), that nearly two-fifths of the whole territory of Sparta had come into the possession of females. At Athens the terms φερνὴ and προῖξ were probably (according to K. F. Hermann and his editor Blümner) at first distinguished; φερνὴ being the outfit or *trousseau* and the wedding presents which the bride brought to her husband; προῖξ the sum in money or realty which her father "settled" upon her (to use the modern expression), of which the husband had the usufruct, but for which, as we shall see, he had to give security. In aftertimes the words φερνὴ and προῖξ were used indiscriminately; the Roman *dos* is usually rendered in Greek by φερνή, whence *paraphernа*, *paraphernalia* [Dos, Roman]. The statement in Plutarch (*Sol.* 20) that the Athenian legislator did not allow a woman, unless she were an ἐπίκληρος, to have any φερνὴ or dower except a few clothes and articles of furniture, must therefore be understood in the earlier sense of φερνή, not as excluding any settlement of money upon her; though Plutarch no doubt took it in the later sense, and attributed to Athenian institutions a more Spartan simplicity than really belonged to them. In the orators we find that the dowers of women formed a considerable part of the taxable capital of the state (Boeckh, *P. E.* p. 514=*Sth.*[3] i. 598); even with poor people they varied from ten to a hundred and twenty minae, and Isaeus says that no decent man would give his legitimate daughter less than a tenth of his property (*Or.* 3 [*Pyrrh.*], § 51). Hipparete, as the daughter of Hipponicus the richest man in Athens, brought Alcibiades ten talents on her marriage, with the promise of ten more on the birth of a child. Yet, according to Demosthenes, even five talents were more than was usually given even by wealthy men (*c. Steph.* i. p. 1112, § 35; p. 1124, § 74). Dowries of five or ten talents in Lucian (*Dial. Meretr.* 7, p. 298, Reitz) and the comic poets must be ascribed, as Boeckh puts it, to the liberal donations of comedy. The daughters of Aristides received from the state, as a portion, only thirty minae each (Plut. *Arist.* 27; Aeschin. *c. Ctes.* § 258). We may observe, too, that a dowry was thought necessary to mark the distinction between a wife and a παλλακή: hence, persons who took portionless girls appear to have given their guardians a ὁμολογία προικός (Isae. *l. c.* § 35), or acknowledgment in writing by which the receipt of a portion was admitted, in proof of the legitimacy of the marriage. Compare the proverb νύμφη δ' ἄπροικος οὐκ ἔχει παρρησίαν (Menand. *Monost.* 371, Meineke). On gifts to παλλακαὶ themselves, see Concubina (Greek). Moreover, poor heiresses (τῶν ἐπικλήρων ὅσαι θητικὸν τελοῦσιν) were either married or portioned by their next of kin, according to a law which fixed the amount of portion to be given at five minae by a Pentacosiomedimnus, three by a Horseman, and one and a half by a Zeugites (Dem. *c. Macart.* p. 1068, § 54: cf. Ter. *Phorm.* ii. 1, 75, ii. 2, 62; Epicleros).

Some interesting light is afforded by inscriptions as to the practice in other less-known states. A long inscription of the Macedonian period recently discovered in Myconos gives a sort of marriage register of the island (Ἀθήναιον ii. 235 ff. (1873); *Hermes*, viii. 191 ff.; *Bull. de Corr. hellén.* vi. 590). In one case we find that out of a dowry of 1300 drachmas 200 are to be in clothes (l. 4–7); in another, 300 εἰς ἐσθῆν (*sic*) out of 700 (l. 17); in a third, 1000 drachmas equally divided between outfit and money; the highest figure given is 3500 and two female slaves (l. 32). Another, from Tenos, is in the British Museum (printed in *C. I. G.* 2338). Land and houses form part of a dower in *C. I. G.* (add.) 2347 c; Ross, *Inscr. Ined.* p. 126; cf. Dittenberger in *Hermes*, xvi. 200 (1881). At Massilia in Strabo's time (iv. p. 181) no higher dowry was allowed than 100 *aurei* in money, 5 in clothes and 5 in gold trinkets (Hermann-Blümner, *Privatalterth.* p. 262 ff.; Fränkel on Boeckh, n. 187).

The security exacted from the husband consisted generally of a piece of real property (ἔγγειος οὐσία), and was called ἀποτίμημα, the usual word for a mortgage (cf. L. and S. *s. vv.* ἀποτιμᾶν, ἀτοτίμημα). Demosthenes, proceeding to levy execution on the house and lands of Aphobus, finds them mortgaged to Onetor, whose sister Aphobus had married and divorced, and who now, as her κύριος, holds them as security for her dowry: the young orator's case is, that mortgage and divorce are both fictitious, and that Aphobus and Onetor are really in collusion to keep him out of his estate (*c. Onet.* i. *passim*). The dowry would have to be accounted for in other cases besides those noticed under Divortium. Thus, if a husband died, and the wife left the family (ἀπέλιπε τὸν οἶκον), she might claim her portion even though children had been born (Dem. *c. Boeot. de Dot.* p. 1010, § 6); and in the event of the wife dying without issue, her portion reverted to her κύριοι (Isae. *Or.* 8 [*Ciron.*], § 8; *Or.* 3 [*Pyrrh.*], § 36). After the death of the wife, her portion belonged to her children, if she had left any; and if they were minors, the interest was set apart for their education and maintenance (Dem. *op. cit.* p. 1023 § 50; p. 1026, § 59). When the husband died before the wife, and she remained in the family (μενούσης ἐν τῷ οἴκῳ), the law appears to have given her portion to her sons, if of age; subject, however, to an allowance for her support (Id. *c. Phaenipp.* p. 1047, § 27). The actions for dowry and alimony (προικὸς καὶ σίτου), discussed elsewhere as they affected the husband [Divortium], lay also against the heirs (οἱ τὸν κλῆρον ἔχοντες) who wrongfully withheld her rights from the widow; and such actions would be brought by her guardians (Isae. *Or.* 3 [*Pyrrh.*], § 78; Hudtwalcker, *Ueber die Diäteten*, n. 84). We may add that a δίκη προικὸς was one of the ἔμμηνοι δίκαι or suits that might be tried every month (Pollux, viii. 63, 101). Compare Schömann, *Antiq.* i. 516, E. T., and especially *Att. Process*, pp. 416–427 (=513–527 Lips.).

[R. W.] [W. W.]

II. ROMAN. *Dos* (*res uxoria*) is everything brought to the husband, or to the husband's father (if the husband was in his father's power), on the part of the wife, as her contribution towards supporting the expenses of the marriage state (*onera matrimonii*).

The whole property of a married woman might be made *dos*, or only a part of it: that which was not made *dos* continued to be her own separate property, and was termed *parapherna*; over this the husband had no control.

The *dos* belonged during the marriage solely to the husband, although the wife had an interest in it. It might consist of property of any kind, *i.e.* of anything by which the substance of the husband could be increased; so rights *in personam* as well as rights *in rem* might belong to the dotal estate. The husband did not succeed to *dos* by way of universal succession, and consequently the transfer of *dos* had no effect on the relations of the wife to her creditors. It is a disputed point whether there could be *dos* properly so called, under the early system of marriage, by which the husband acquired *manus* over the wife; but the institution of *dos* in a distinct legal form belongs to the later marriage, in which the wife is capable of holding separate property.

It was the duty of the wife to provide her husband with *dos*, but this duty was only a natural one, *i.e.* she could not be legally compelled to fulfil it. A woman herself had a legal claim against certain persons, that they should provide her with a *dos*, viz. against her father and other paternal ascendants, and under exceptional circumstances against her mother.

Dos was divided into two kinds, *dos profectitia* and *adventicia*, a division which had reference to the source from which the *dos* was derived, and to the demand for its restitution after the purposes were satisfied for which it was given. That *dos* is *profectitia* which was given by the father or other paternal ascendant of the wife, whether she was in the power of such ascendant or not. All other *dos* is *adventicia*. The *dos recepticia* was a species of *dos adventicia*, and was given by some one other than a paternal ascendant, on condition that it should be restored to him on the death of the wife.

Dos is created (*constituta*) when the agreement to give it is entered into: the actual performance of the dotal agreement may take place immediately on the agreement being made (*dotis datio*), or after an interval.

Dotis dictio was an old form by which certain persons bound themselves to be answerable for *dos* (Ulp. vi. 1); it became obsolete.

The ordinary mode of promising *dos* was by means of a stipulation (*dotis promissio*), but from the time of the Emperor Theodosius II. an informal promise of *dos* was legally binding, even though it were a mere *pollicitatio* or promise without an acceptance. (Cod. Theod. iii. 13, 4; Cod. iii. 11, 6.)

The husband was owner of the *dos*, and so had a right to the sole management of it, and to the *fructus* derived from it; but his power of alienation was to some extent limited. He could dispose freely of such parts of the *dos* as consisted of things movable; but the Lex Julia (de adulteriis) prevented him from alienating dotal land (*fundus dotalis*, *dotalia praedia*, Cic. *ad Att.* xv. 20; *dotales agri*, Hor. *Ep.* i. 6–21) without the wife's consent, or mortgaging it even with her consent (Gaius, ii. 63; *Inst.* ii. 8, pr.). The legislation of Justinian prevented alienation with the wife's consent, and it declared the law on the subject applicable to provincial land. A further legal protection of *fundus dotalis* consisted in the fact that it was incapable of being acquired by usucapion.

Dos is put an end to by the termination of the marriage for which it was created: whereupon the question arises as to the devolution of the property. If the marriage was dissolved by the death of the wife, her father or other paternal ascendant was entitled, before Justinian's change in the law, to recover the *dos profectitia*, unless it had been agreed in such case that the *dos* should belong to the husband; but if there were children of the marriage, the husband might deduct a portion on account of each child. (Ulp. *Frag.* vi. 4; *Frag. Vat.* 108.) The *dos adventicia*, in case of the wife's death, became the absolute property of the husband, unless the person who gave it had stipulated that it should be returned to him (*dos recepticia*), but Justinian also changed the law on this point. According to his legislation the wife was as a rule entitled both to *dos profectitia* and *adventicia* in case the marriage was dissolved by the death of the husband; and if the marriage terminated by her own death, her claim to the *dos* devolved on her *heredes*. A paterfamilias who had endowed a filiafamilias was, however, allowed to recover what he had given, and the claim of the wife to the *dos* might be excluded by the express terms of the dotal agreement (Cod. v. 13, 1). In case of divorce the wife forfeited her claim to *dos* if the divorce was due to her misconduct; otherwise her rights were the same as when the marriage was terminated by death.

The *dos* could not as a rule be claimed during the marriage; but if the husband were insolvent or if he wasted the *dos*, it could be recovered by the wife. The husband could not restore the *dos* of his own accord during the marriage, since the wife was incapable of giving him a good discharge; but there were some exceptions to this rule, *e.g.* the *dos* might be given up for the purpose of paying the wife's debts, or in order to maintain or ransom from captivity near kinsfolk. The husband was bound to restore immovable things belonging to the *dos*, immediately on the dissolution of the marriage; movable and incorporeal things within a year. (Cod. v. 13, 1, § 7.)

What should be returned as *dos* depended on the fact of what was given as *dos*. If the things given were ready money (*dos numerata*, Cic. *pro Caecina*, c. 4), or other things of an exchangeable kind, the husband was bound to restore the like sum or quantity. If they were not of an exchangeable kind, he was bound to restore the same specific things. If the things cannot be restored, or cannot be restored uninjured, he must make good all loss or deterioration which has happened on account of his wilful acts or on account of such negligence as he is not in the habit of showing in his own affairs. The husband was entitled to be reimbursed for all necessary expenses (*impensae necessariae*): as, for instance, for necessary repairs of houses incurred by him in respect of the dotal property, and also

for outlays which had improved the value of the property (*impensae utiles*). If things, whether immovable or movable, were valued when they were given to the husband, this was a species of sale, and the husband was looked on as holding the price of the things, and not the things themselves, as *dos* (*dos aestimata*).

The husband, or his heirs if he were dead, were liable to an *actio ex stipulatu de dote reddenda*, which was an action *stricti juris*, if there was an express agreement to restore, and by an *actio rei uxoriae* or *dotis*, which was an action *bonae fidei*, if there was no agreement. Justinian made the *actio ex stipulatu* applicable in all cases, and did away with the *actio rei uxoriae;* at the same time he converted the *actio ex stipulatu* when brought on account of *dos* into a *bonae fidei actio*.

The wife might by agreement have a special security for *dos*, and in case of necessity she might compel the husband to give such security (Dig. 24, 3, 22, § 8), otherwise, previous to Justinian's change in the law, she was unsecured except in respect of *fundus dotalis;* but she had some privileges over her husband's other unsecured creditors. Justinian provided that on the dissolution of the marriage the ownership of dotal property should pass to the wife, with all the legal remedies for securing such parts of the *dos* as still existed; that all the husband's property should be under an implied pledge (*tacita hypotheca*) as a security for the *dos;* and that the wife, but she alone, should have a priority of claim on such property over all other creditors to whom the same might be pledged (Cod. v. 12, 30; Nov. 91, 1).

The allusions to *dos* and its restitution are numerous in Roman classical literature. The name by which the Greek writers designate the Roman *dos* is φερνή. (Ulp. *Frag.* vi. *De Dotibus; Frag. Jur. Rom. Vatic.* 94–122; Dig. 23, 3; Cod. v. 12; Hasse, *Das Güterrecht*, &c. 1824; Tigerström, *Das römische Dotalrecht*, 1831, 1832; Bechmann, *Das römische Dotalrecht*, 1863; Czyhlarz, *Das römische Dotalrecht*, 1870.) [G. L.] [E. A. W.]

DOSSUA'RIUS or **DORSUA'RIUS**, any animal carrying burthens on its back (Varr. *R. R.* ii. 6 and 10). It carried its load either by means of panniers [CLITELLAE] or the pack-saddles (*sagma*), whence we read of *equus sagmarius* (Lamprid. *Heliog.* 4; Vopisc. *Aur.* 7). Hence came the German *Saum*-pferd and the English *sumpter*-horse. The annexed cut, repre-

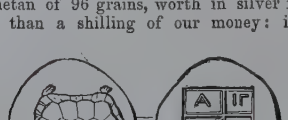
Dossuarii. (From Theodosian Column.)

senting a mule and a camel, carrying burthens, accompanied by two conductors, is taken from the Theodosian Column at Constantinople. [W. S.]

DOULOS (δοῦλος). [SERVUS.]

DRACHMA (δραχμή), the name of a weight and of a denomination of coin among the Greeks. As weight and as coin it was the hundredth part of the mina, and was divided into six lesser units called ὀβολοί. [See PONDERA, *ad init.*] The ancients (*Etym. Mag.* s. v. ὀβελίσκος: Pollux, ix. 77) connected the word with δράσσομαι, "I grasp," and δράγμα, "a handful," and supposed that a drachm was originally the value in silver of a handful of six ὀβολοί, or wedge-shaped pieces of metal, which circulated as money. It is, however, very doubtful if this derivation is not a mere fancy: it is far more probable that δραχμή, like δαρεικός, is connected with the Persian word *darag*, "a part," since the weight of the drachm seems to be derived by division of the mina, rather than the weight of the mina to be produced by multiplication of the drachm.

The ordinary denominations of Greek coins were: for gold, the didrachm (double drachm), drachm, hemi-drachm, and smaller divisions; for silver, the same, with the addition of the tetradrachm, and occasionally of the decadrachm. The weight of the drachm varied according to the standard to which it belonged [see tables under PONDERA]; the heaviest drachm was the Aeginetan of 96 grains, worth in silver rather more than a shilling of our money: it was



Aeginetan Drachm. (British Museum. Actual size.)

called at Athens παχεῖα δραχμή (Pollux, ix. 76). The Athenian drachm weighed but 67·5

Attic Drachm: late. (British Museum. Actual size.)

grains, and the Corinthian only 45 grains, value about sixpence. The sign for drachm in Attic inscriptions is ⊢. As the Romans reckoned in sesterces, so the Greeks generally reckoned by drachmae; and when a sum is mentioned in the Attic writers, without any specification of the unit, drachmae are usually meant. [P. G.]

DRACO. [CALDARIUM; SIGNA MILITARIA.]

DUCENA'RII, the name of various officers and magistrates, in the imperial period, of whom the principal were as follows:—

1. The imperial procuratores, who received a salary of 200 sestertia. Dio Cassius (liii. 15) says that the procuratores first received a salary in the time of Augustus, and that they derived their title from the amount of their salary. We thus read of centenarii, &c., as well as of ducenarii. (See Capitolin. *Pertin.* 2; Orelli, *Inscript.* No. 946.) Claudius granted to the procuratores ducenarii the consular ornaments (Suet. *Claud.* 24).

2. A class or decuria of judices, first established by Augustus. They were so called because their property, as valued in the census, only amounted to 200 sestertia, and they tried causes of small importance. (Suet. *Aug.* 32.)

3. Officers who commanded two centuries, and who held the same rank as the primi hastati in the ancient legion. (Veget. ii. 8; Orelli, *Inscrip.* No. 3444.)

4. The imperial household troops, who were under the authority of the *magister officiorum*. They are frequently mentioned among the *agentes in rebus*, or ushers. (Cod. 1, tit. 31; 12, tit. 20.)

In the third century A.D. and later the title is often applied in inscriptions to *protectores Augusti* and to many officials of equestrian rank, as *praefecti legionum, praefecti vehiculorum, imperatori a consiliis*. In these cases it appears to denote the rank as well as the salary of the official, and is seldom used without the addition of another title. (Th. Mommsen in *Ephem. Epigraphica*, v. 121–7.) The office of a ducenarius is *ducenaria* or *ducena* (Cod. Th. i. 9, 1; xii. 1, 5). [W. S.] [J. H. F.]

DUCENTE'SIMA. [CENTESIMA.]

DUELLA. [UNCIA.]

DULCIA'RII. [PISTOR.]

DUO'DECIM SCRIPTA (*κύβοι, διαγραμμισμός* [Pollux, ix. 99], in late Greek *τάβλα*), a game of mixed chance and skill, which must have been substantially the same as our backgammon. The following points of identity may be regarded as established. The game was played on a board of 12 double lines, with 15 white and 15 black men; the throws were counted as we count them; "blots" (*ἄζυγες*) might be captured; the pieces (whether they started from home or not) had to be brought home; and the winner was he who first cleared off his men. On the other hand, there were three dice instead of two [TESSERA]; and it is impossible to say where the men started, or how blots taken up re-entered. In the initial position the pieces may have stood in three rows of five or five rows of three; and either in the player's own table with a view to the double journey, or in the opponent's table with a view to the journey home. With the three dice the pieces would soon be scattered, and thus a less artificial arrangement than our own may be thought probable. The phrase *ὀπισθιδίη ὁδός* in Agathias may seem to favour the notion that they were played out and home. The board was *ἄβαξ*, ABACUS, more generally *tabula*, or from its raised rim *alveus, alveolus*; the men *ψῆφοι, calculi*; the situation at any point of the game, *θέσις* (Agathias); to move, *τιθέναι, dare*; to retract a move, *ἀνατιθέναι, reducere*. In a fragment of Cicero (*ap.* Non. p. 170, s. v. *Scripta*) we find: "Itaque tibi concedo, quod in duodecim scriptis solemus, ut calculum reducas, si te alicuius dati poenitet." This privilege is more likely to have been of the nature of odds granted by a superior player, than a regular rule of the game.

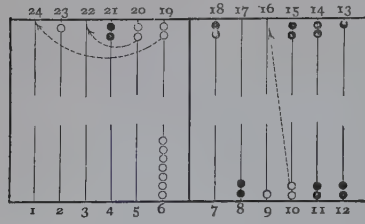
The classical Greek writers mostly use *κύβοι, κυβεύειν*, of games into which skill entered as well as of mere dicing; though Philemon marks the distinction (*μεθύειν, διαγραμμίζειν, κυβεύειν, fr.* 216 M.). That *κυβεία* was a game of skill as well as chance is clear from Plato (*Rep.* x. 604 C, *Phaedr.* 274 D, and *ap.* Plut. *de Tranq. An.* p. 467 A), and from a story told by Plutarch (*Artax.* 17); cf. Ter. *Adelph.* iv. 7, 21. Ovid alludes to the Duodecim Scripta (*A. Am.* iii. 363–4) among games which lovers are to play together; others are *latrunculi* (357–8), "spillikins" (361–2), and "go-bang" (365–6, this last couplet has often been misunderstood as though it referred to the placing of the backgammon-men). The lover is, of course, to lose on purpose to his mistress ("Tu male iactato, tu male iacta dato," *ib.* ii. 204), either by unlucky throws (perhaps he is to cheat in her favour, cf. 206) or by making bad moves. Martial includes among his modest wants *tabulamque calculosque* (ii. 48). The celebrated jurisconsult P. Mucius Scaevola was famed for his skill at Duodecim Scripta (Cic. *de Or.* i. 50, § 217; Val. Max. viii. 8, § 2; Quintil. *Inst.* xi. 2, § 38). Quintilian further tells the story that Scaevola, after losing a game, recalled the whole of the throws and the way each had been played; pointing out the move where he had made a mistake, and verifying his own recollections by those of his opponent. This is cited as an example of memory and logical sequence (*ordo*).

None of the above passages shed much light on the details of the game. Our knowledge of them is mostly gained from an epigram of Agathias (*Anth. Pal.* ix. 482; also in Brunck, *Anal.* iii. 60) on a case of special ill-luck which befel the Emperor Zeno (A.D. 474–491). This epigram has been discussed by many scholars (*e.g.* Salmasius in a long and learned note to the *Historia Augusta*, ii. pp. 736–761, ed. var. 1671; T. Hyde, the historian of chess; De Pauw, in a special dissertation; Jacobs, in his notes to the *Anthology*), but until lately was never rendered intelligible. The problem has been solved independently by M. Becq de Fouquières in his *Jeux des Anciens*, and Dr. H. Jackson in the *Journal of Philology*: on the few points where they differed, Dr. Jackson has since given in his adherence to M. Becq de Fouquières' conclusions. We reproduce this epigram with a few comments from the sources just named:

Εἰς τάβλαν Ζήνωνος τοῦ βασιλέως.

οὐτιδανὸ͵ μερόπων, εἰ καὶ μέγα ῥέξομεν ἔργον,
οὔτινος εἰς μνήμην δηρὸν ἐπερχόμεθα·
οἱ δ' ἀγαθοί, κἢν μηδέν, ἀναπνεύσωσι δὲ μοῦνον,
ὡς Λίβυς εἶπεν ἀνήρ, τοῦτ' ἀδάμαντι μένει.
δήποτε γὰρ Ζήνωνα πολισσούχον βασιλῆα,
παίγνιον ἀφράστων ἐκτελέοντα κύβων,
τοίη ποικιλότευκτος ἔλεν θέσις, εὖτ' ἀπὸ λευκοῦ,
τοῦ καὶ ὀπισθιδίην εἰς ὁδὸν ἐρχομένου,
ἐπτὰ μὲν ἕκτος ἔχεν, μίαν εἶνατος· αὐτὰρ ὁ σοῦμμος
δισσὰς ἀμφιέπων ἶσος ἔην δεκάτῳ·
ὅς τε πέλει μετὰ σοῦμμον ἔχων δύο, μουνάδα δ' ἄλλην
ψῆφον τὴν πυμάτην ἀμφιέπεσκε δίβος.
ἀλλὰ μέλας δισσὰς μὲν ἐν ὀγδοάτῳ λίπε χώρῳ
καὶ τόσσας ἑτέρας ἐς θέσιν ἐνδεκάτην·
ἀμφὶ δυωδέκατον δὲ διέπρεπον εἴκελοι ἄλλαι,
καὶ τρισκαιδεκάτῳ ψῆφος ἔκειτο μία·
δίζυγες Ἀντίγονον διεκόσμεον· ἀλλὰ καὶ αὐτῷ
ἶσος ἔμιμνε τύπος πεντεπικαιδεκάτῳ,
ὀκτωκαιδεκάτῳ πανομοίως· εἰσέτι δ' ἄλλας
εἶχεν διχθαδίας τέτρατος ἐκ πυμάτου.
αὐτὰρ ἄναξ λευκοῖο λαχὼν σημῆϊα πεσσοῦ
καὶ τὴν ἐσσομένην οὐ νοέων παγίδα,
τριχθαδίας ἀδόκητα βαλὼν ψηφῖδας ἀπ' ἠθμοῦ
πύργου δουρατέου κλίμακι κευθομένῃ

δοιὰ καὶ ἓξ καὶ πέντε κατήγαγεν · αὐτίκα δ' ὀκτὼ
ἄζυγας εἶχεν ὅλας πρόσθε μεριζομένας.
τάβλην φεύγετε πάντες, ἐπεὶ καὶ κοίρανος αὐτὸς
κείνης τὰς ἀλόγους οὐκ ὑπάλυξε τύχας.



The diagram (from Becq de Fouquières, p. 375) shows the "complicated position" (l. 7) before the emperor makes his throw. Zeno plays the white men, and moves from 1 towards 24. The situation of the numbered points presents no difficulty: thus, White has 7 pieces at 6, 1 at 9, 2 at 10; Black 1 at 13, and 2 each at 8, 11, 12, 15, 18 and 21 (*τέτρατος ἐκ πυμάτου*). The named points *σοῦμμος* (*summus*), *δίβος* (apparently *divus*, in spite of the difference of quantity; so Salmas. p. 753 b), and *Ἀντίγονος* (doubtless a Greek king chosen to balance the Roman emperor) have been ingeniously worked out in accordance with the conditions of the problem. It was natural to assign the *σοῦμμος* to one of the corner places 1, 12, 13, or 24; but it is now proved to have been at 19, the limit of the highest throw (three sixes) starting from 1. Hence two white men are placed on 19 and two more on 20, "the point next to the *σοῦμμος*" (l. 11). Similar calculations prove that the Antigonus, where the two remaining black men are situated, was at 14, and the *δίβος*, occupied by a solitary white man, at 23. In this position the emperor threw 2, 6, and 5; whereupon it appeared that he could not avoid leaving 8 *ἄζυγες* or "blots," an extraordinary piece of bad luck. It must be assumed that, if there was any way of playing all the numbers thrown, the player (contrary to the modern rule of backgammon) was bound to adopt it; and Zeno had consequently, as shown on the diagram, to play from 10 to 16, from 19 to 24, and from 20 to 22. Becq de Fouquières imagines that at this point his game was at once lost in some unexplained way: it is only necessary to assume that it was practically ruined by the 8 blots, 5 of which lie just in Black's course and can hardly fail to be hit by him, whatever he throws next. The special hardship of the emperor's case is that, out of 56 possible combinations of the dice, he threw the only one which raised the number of his blots from 2 to 8: this suffices to point the epigrammatist's warning, *τάβλην φεύγετε πάντες*: the master of the world is as much exposed to the caprices of fortune as any other gamester.

The Latin forms of the technical terms *τάβλα*, *σοῦμμος*, &c. in the above epigram, and the absence of any direct mention of the "twelve lines" in Greek authors, point to the conclusion that this precise form of the game was Roman rather than Greek. The twelve lines were doubtless an extension of the original five, so often mentioned in connexion with games of this class [LATRUNCULI; TABULA LUSORIA]; and may have been suggested by the die with its six faces and points from one to six (Becq de Fouquières, pp. 362, 367). It will be seen that the word *τάβλα* applies to the game itself, not merely to the board on which it is played: this may be paralleled from Old English, where "tables" is a synonym for draughts or, more probably, backgammon; and from Old German, in which *Zabel* is used for a game in glossaries of the 11th and 12th centuries, and chess is called *Schachzubel* in some early printed books (Van der Linde, *Gesch. des Schachspiels*, vol. i. App. pp. 126, 134 ff.). For *τάβλα*, *ταβλίζειν* we find in late Byzantine Greek *ταῦλα*, *ταυλίζειν*: long before those times *αβ* and *αυ* were undistinguishable, both being pronounced as *αν*.

More than a hundred ancient boards, serving for six different games, had been found in Rome alone down to 1877 (Marquardt, *Privatl.* 838); but only a single example shows the twelve lines. This is of marble, bears a Christian inscription, and is of very rude workmanship and illiterate spelling. It has been engraved by Salmasius (*l. c.* p. 751), Gruter (*Mon. Chr.* p. 1091), Becq de Fouquières (p. 364), and in a simplified form, omitting the inscription, by Rich (s. v. *Abacus*). This is to all intents and purposes a backgammon board, exhibiting the four half tables of six lines each. Mention is made of boards and men of costly materials, or of peculiar construction. In Petronius (c. 33) Trimalchio plays on a board of terebinth-wood, with dice of crystal, and with gold and silver denarii for black and white men. Pliny (*H. N.* xxxvii. § 13) has an absurdly rhetorical account of the splendours of an *alveus lusorius*, in gold and jewels, borne in Pompey's third triumph B.C. 61; in the centre of it was a golden moon of thirty pounds' weight. Becq de Fouquières (pp. 382–3) here amuses himself with the "solar myth," Suidas (*s. v. τάβλα*) having recorded a theory that the twelve lines represent the signs of the zodiac, &c. He has already given a common-sense explanation (see above), and, no doubt, is not to be taken seriously here. The Emperor Claudius had his carriage fitted with a board which would not upset, in order to play when travelling (*ita essedo alveoque adaptatis, ne lusus confunderetur*, Suet. *Claud.* 33). The *tabula lusoria* described by Martial was also specially adapted for two different games, probably on opposite sides:

"Hic mihi bis seno numeratur tessera puncto:
Calculus hic gemino discolor hoste perit" (xiv. 17).

The first line refers to the Duodecim Scripta; the second, modelled on a couplet of Ovid (*Trist.* ii. 477–8), to the game of draughts (*latrunculi*), in which the player left with but one man is bound to lose to his opponent who has two. (Becq de Fouquières, *Jeux des Anciens*, ed. 2, 1873, pp. 357–383; H. Jackson, in *Journ. of Philol.* vii. 236–243; Marquardt, *Privatl.* 834–838.) [W. W.]

DUO'DECIM TABULA'RUM LEX. [LEX.]

DUO VIRI, "the two men," a name applied to various magistrates and commissioners at Rome, and in the *coloniae* and *municipii*. The form *duumvir*, "one of the two men," is used

in the singular (Liv. ii. 42, 5, &c.): it is doubtful whether *duumviri* should ever be used in the plural. Some editors print it so, but in the MSS. and inscriptions we generally find only *iiviri*; in *C. I. L.* i. 1196 we have *duo viri*, and also *duo vir* (cp. *C. I. L.* vi. 3732); but there seems to be no epigraphic authority for *duumviri*. That Cicero knew only *tres viri*, not *triumviri*, is shown by *Ep. Fam.* viii. 13, 2. (Cf. Zumpt's *Grammar*, § 124.) The most important of these "commissions of two" were the following:—

1. DUO VIRI IURI DICUNDO, the highest magistrates in the municipal towns. [COLONIA, p. 482 *b*.]

2. DUO VIRI SACRORUM, to whom was at first entrusted the charge of the Sibylline Books (cf. Liv. iii. 10, 7; v. 13, 6: Mommsen, *Hist.* i. 240). The commission was afterwards made to consist of ten (Liv. vi. 37, 12; 42, 2), and afterwards, probably by Sulla, of fifteen. [DECEMVIRI.]

3. DUO VIRI NAVALES, an extraordinary commission appointed for the purpose of equipping or repairing a fleet. Originally a *praefectus* had been nominated for this purpose by the consuls, but in B.C. 311 the appointment was transferred to the people; and as the name was no longer suitable, the title of *duo viri* took its place (Mommsen, *Röm. Staatsr.* ii. 565). The election was made as occasion arose, and the tenure of office was not limited to one year. There is no instance of its occurrence on record later than that of B.C. 180–178 (Liv. xli. 1).

4. DUO VIRI AEDI DEDICANDAE, elected by the people for the purpose of dedicating a temple. The duty was always performed by one of the two only, and the election of a second seems to have been due only to the desire of the Romans to have two colleagues in each magistracy (Liv. vii. 28; xxii. 33; xxv. 41). The *duo viri aedi locandae*, who gave out the contract for the erection of a temple at the public cost and on public ground, were not necessarily the same as those who dedicated it (cf. Liv. xxii. 33 with xxiii. 21, 7), although they frequently were.

5. DUO VIRI VIIS EXTRA URBEM PURGANDIS were officers under the aediles, first mentioned in the Lex Julia Municipalis (l. 50; cf. *C. I. L.* i. p. 119), and possibly therefore instituted by Caesar. They were abolished by Augustus, when the *curatores viarum* were instituted (Dio, liv. 26).

6. DUO VIRI PERDUELLIONIS. [PERDUELLIO.]

7. DUO VIRI QUINQUENNALES, the censors in the municipia. [COLONIA, p. 483 *a*.] [A. S. W.]

DUPLA'RII or **DUPLICA'RII** were soldiers who received on account of their good conduct double allowance (*duplicia cibaria*), and perhaps in some cases double pay likewise. (Varr. *L. L.* v. 90; Liv. ii. 59, xxiv. 47; Orelli, *Inscrip.* No. 3535.) The forms occurring are *duplicarius* (Or. 3533, 4994), *dupliciarius* (*ib.* 3534), *duplaris* (Veget. ii. 7), *duplarius* (Or. 3531, 3535, &c.). The title appears so often in inscriptions together with that of Augustalis, that Henzen holds that the *duplarii* were a division of the Augustales (*Bull. dell' Inst. Rom.* 1848, 57); but Sellitto points out that in some inscriptions words intervening between the two titles betoken a distinction between them, e.g. *Aug(ustali) gratis creato Dupliciario.* (*Bull. Arch. Napol.* 1857, p. 24.) [W. S.] [J. H. F.]

DUPLICA'TIO. [ACTIO.]

DUPO'NDIUS or **DUPO'NDIUM**, a coin of two asses, struck after the reduction of the weight of the as. [AS.] It was in use under the empire, when it was the weight of half an ounce. (Varr. *L. L.* v. 169, ix. 81; Cic. *Quint.* 16, 53; Plin. *H. N.* xxxiii. § 42; Gaius, i. 122; Schol. *ad* Pers. ii. 59; Marquardt, *Röm. Staatsverw.* ii. pp. 8, 11.) As the Romans applied the uncial division of the as to the foot, *dupondium* also signified two feet (Colum. iii. 15, § 2). [W. S.]

DUSSIS. [AS.]

DUUMVIR. [DUO VIRI.]

DUX. [PROVINCIA.]

E.

EBUR. [ELEPHAS.]

ECCLE'SIA (*ἐκκλησία*), the general assembly of the citizens at Athens, in which they met for the direct exercise of their sovereign power. Whether certain periodical meetings of the people, regularly recurring at appointed times, were ordained by the legislation of Solon, is unknown. It is however probable that the only assemblies thus fixed in early times were for the election of magistrates (*ἀρχαιρεσίαι*) and the confirmation (*ἐπιχειροτονία*) whether of magistrates or of laws; while questions of public policy were discussed at meetings summoned for the purpose. In the times about which we have fuller information there was at first a regular assembly in each prytany, and therefore ten in the year; these were called *κύριαι ἐκκλησίαι*. By degrees the number of these rose to four in each prytany, which, as being *νόμιμοι ἐκκλησίαι*, were probably held on days fixed beforehand, though we are not in a position to discover with any certainty which days these were in the individual prytanies. The name *κυρία ἐκκλησία*, however, remained for a long time confined to the first regular assembly in each prytany, until later on it was transferred to the three others as well (Schömann, *Antiq.* i. 379 f., E. T.). Some discrepancies in the accounts are probably to be explained as referring to different times. Thus Aristotle expressly states that there were four regular assemblies in each *prytany*, only one of which was called *κυρία* (*ap.* Harpocrat. *s. v. κυρία ἐκκλησία*: and so Pollux, viii. 95, 96); while several grammarians declare, not less explicitly, that there were three in each *month*, all called *κύριαι* (Photius, *s. v. κυρία ἐκκλησία*: Schol. Aristoph. *Ach.* 19; Ulpian on Dem. *c. Timocr.* p. 706, § 20). These last-named authorities no doubt had in view the times after B.C. 306, when the number of tribes was raised from ten to twelve, and a prytany and a month became the same thing (BOULÉ, p. 313 *b*; Schömann, *Assemblies*, p. 44); and the extension of the name *κυρία* to all the ordinary assemblies is probably to be referred to the same period ("not many years after Aristotle's time," Schömann, *op. cit.* p. xxxii.). These assemblies would thus be held on an average about once in ten days, whether under the earlier or later system; but the scholiast Ulpian (*ad* Dem. *Timocr.* l. c.), in fixing

them to the eleventh, twentieth, and thirtieth of each month, goes decidedly too far, as Schömann has proved (*Assemblies*, pp. 47–49; cf. Perrot, *Essai*, p. 37). Extraordinary meetings were specially convened upon any sudden emergency, and were called *σύγκλητοι* or *κατάκλητοι ἐκκλησίαι* (*κατακλησίαι*, Poll. viii. 116, Hesych.), because messengers had to be sent round to give notice to the country people; *κατακαλεῖν* being a technical word for summoning non-residents or out-voters. Besides these messengers (*συνεκάλουν τινὲς περιόντες*, Schol. Dem. *F. L.* p. 100 a) we find a trumpeter (*σαλπικτής*, Dem. *de Cor.* p. 284, § 169) summoning to a *σύγκλητος ἐκκλησία*, doubtless the city voters only.

The place in which the assemblies were originally held was the Old Agora (*ἀρχαία ἀγορά*, Apollod. *ap.* Harpocrat. *s. v.* *Πάνδημος Ἀφροδίτη*). This is identified by C. Wachsmuth (*Stadt Athen*, i. 484 ff.) and Gilbert (i. 270) as the spot afterwards occupied by the Odeum of Herodes Atticus, a smaller site than the Agora of later times, lying to the east of it and more under the shelter of the Acropolis. Afterwards they were transferred to the Pnyx, which throughout the great period of Athens in the fifth and fourth centuries B.C. was certainly the usual place of meeting (Thucyd. viii. 97; Aristoph. *Ach.* 20; *Eq.* 42, *Δῆμος πυκνίτης*: *ib.* 750–1; *Vesp.* 31; *Eccles.* 283; Dem. *de Cor.* p. 244, § 55, p. 285, § 169). For more than a century past the site of the Pnyx has been placed on the escarped eastern portion of a low hill to the west of the Areiopagus (*Dict. Geogr.* i. 282, 283, with plan of the hill and view of the Bema; Wordsworth, *Athens and Attica*, ch. x.): but quite recently the traditional view has been called in question, chiefly on the evidence of inscriptions, and the latest authorities declare that no exact determination is at present possible (E. Curtius, *Att. Studien*, i. 23–46; C. Wachsmuth, *Stadt Athen*, i. 368 ff.; Schömann, *Antiq.* i. 380, E. T.; Gilbert, *l. c.*). It was at any rate not far from the Agora (Aristoph. *Ach.* 21), on a height (*ἀναβαίνειν εἰς τὴν ἐκκλησίαν*, [Dem.] *c. Aristog.* i. p. 772, § 9; 775, § 20; *πᾶς ὁ δῆμος ἄνω καθῆτο*, Dem. *de Cor.* p. 285, § 169; cf. Aristoph. *Eq.* 149) commanding an extensive view of the Acropolis, city, and port (*προπύλαια ταῦτα, ὁ Παρθενών, στοαί, νεώσοικοι*, Dem. *c. Androt.* p. 617, § 76, copied by the author of the speech *περὶ Συντάξεων*, p. 174, § 28). The Bema, whether rightly identified or not, was a stone platform with an ascent of steps, cut out of the solid rock, whence it is sometimes called *ὁ λίθος* (Aristoph. *Pax*, 680, *ὅστις κρατεῖ νῦν τοῦ λίθου τοῦ 'ν τῇ Πυκνί*): and the name Pnyx was explained by the ancients *παρὰ τὴν τῶν λίθων πυκνότητα*, which, as Schömann remarks, they would certainly not have done had not the substructions which make the place level led them to the derivation (cf. L. and S. *s. v.* *Πνύξ*). After the great theatre of Dionysus was built the assemblies began to be held in it; and this was the rule for the first meeting after the Dionysia and some other festivals (Dem. *c. Mid.* p. 517, § 9; Aeschin. *F. L.* § 61). For the discussion of naval matters they also met in the Peiraeus, or in the Dionysiac theatre at Munychia (Dem. *F. L.* p. 359, § 60=67; Lys. *c. Agorat.* § 55; Thucyd. viii. 93). They were held in the Agora, *i.e.* the larger Agora of later times, in cases of ostracism and, as Curtius and Gilbert think, all *νόμοι ἐπ' ἀνδρί*, i.e. *privilegia* or laws affecting an individual, such as *ἄδεια*, voting citizenship to foreigners or restoring it to *ἄτιμοι*: all these requiring the votes of 6000 citizens given by ballot (cf. ADEIA; ATIMIA, p. 243 *b*; CIVITAS, p. 443 *b*; and for the phrase *νόμος ἐπ' ἀνδρί*, for which Demosthenes has also *κατ' ἀνδρός*, Dem. *c. Timocr.* p. 719, § 59). In the Macedonian period the theatre superseded the Pnyx, which was retained only for the elections (*ἀρχαιρεσίαι*, Hesych. *s. v.* *Πνύξ*: Poll. viii. 132, 133): in late inscriptions we find traces of alternate meetings in the city and the Peiraeus (*C. I. A.* ii. 401, 417, 459, 466).

The right of convening the people generally vested in the Prytanes [BOULÉ]; but in cases of sudden emergency, and especially during wars, the strategi also had the power of calling extraordinary meetings; that is to say, they had the power of directing the prytanes to do so. That the consent of the senate also was required, rests only on "inserted documents" of little authority (Dem. *de Cor.* p. 238, § 37; p. 250, § 75). The four ordinary meetings of every prytany were always convened by the prytanes, who not only gave a previous notice (*προγράφειν τὴν ἐκκλησίαν*) of the day of assembly, and published a programme of the subjects to be discussed, but also, as it appears, sent a crier round to collect the citizens (*συνάγειν τὸν δῆμον*, Pollux, viii. 95; Harpocrat. *s. v.* *Κυρία Ἐκκλησία*: the *πρόγραμμα*, [Dem.] *c. Aristog.* i. p. 772, § 9). The mode of summons to the *σύγκλητος ἐκκλησία* has been already noticed in explaining its name. The case of Pericles on the first invasion of Attica by Archidamus is peculiar: Thucydides says, *ἐκκλησίαν οὐκ ἐποίει αὐτῶν οὐδὲ ξύλλογον οὐδένα* (ii. 22), *i.e.* he convened no assembly in his capacity of strategus (cf. ii. 59). But to effect his object of stifling discussion he must further have stopped the ordinary assemblies; and it is conjectured that a majority of the strategi, which Pericles doubtless commanded, could restrain the action of the prytanes (Schömann, *Assemblies*, p. 62; Grote, ch. 48, iv. 258). No other instance of the kind is on record; and it may have been merely a piece of unconstitutional dictation on Pericles' part. On the actual day of assembly a flag was probably hoisted as a signal, and struck when business began, as in the case of the senate (BOULÉ, p. 313 *a*; Suid. *s. v.* *σημεῖον*). Six magistrates called *ληξίαρχοι*, with thirty assistants, checked the attendance at the assembly: the words of Pollux, *τοὺς μὴ ἐκκλησιάζοντας ἐζημίουν καὶ τοὺς ἐκκλησιάζοντας ἐξήταζον* (viii. 104), are explained by Schömann (p. 381) and Gilbert (p. 272) to mean that they punished by a fine those who tried to get the pay and shirk the work, while they excluded unqualified persons. The Athenians were apt to linger too long over their marketing in the Agora, and the following measures were resorted to in the time of Aristophanes (*Ach.* 22, *τὸ σχοίνιον φεύγουσι τὸ μεμιλτωμένον*: cf. *Eccles.* 378). While some of the Lexiarchi stood at the entrance of the place of assembly with lists in their hands (the so-called *ἐκκλησιαστικοὶ πίνακες* or *ληξιαρχικὸν γραμματεῖον*, whence probably the name), others

directed the police (*Σκύθαι* or *τοξόται*, cf. DEMOSTH.) to surround the Agora with a rope coloured with red chalk, so that only the road leading to the Pnyx remained open, and into this road they drove the citizens. As a further inducement to attend to business the *τοξόται* were sometimes ordered to shut up the market-stalls (*πρατήρια*, Phot. *s. v. σχοίνιον μεμιλτωμένον*). Those who were "tarred" with the rope counted as late comers, and no doubt forfeited their *σύμβολον*, even if they actually remained in the assembly; hence there was a rush to avoid it. On the view favoured by Gilbert, that the sum paid away each day was limited, the use of the coloured rope becomes unmeaning. Any person who, having been let through and having received the *σύμβολον*, tried to break away, was doubtless liable to a fine several times the amount of the day's pay. This passage of Aristophanes clearly implies that, as already stated, the Pnyx must have been close to the Agora. The Lexiarchi did not themselves draw up the *ληξιαρχικὸν γραμματεῖον*, as stated in L. and S. (ed. 7); this was the duty of the demarchs (DEMUS, p. 616 *b*). The place of assembly was further enclosed with hurdles (*γέρρα*) until the termination of the business to which it was thought advisable not to admit strangers (Dem. *c. Neaer.* p. 1375, § 90). The burning of these *γέρρα* as a fire-beacon rests on a false reading (*ἐνεπίμπρασαν*, Dem. *de Cor.* p. 284, § 169); the Agora being in a hollow, the act would have been both useless and dangerous; and *ἀνεπετάννυσαν* is the most probable correction (*Class. Rev.* ii. 95 b). Here the use of the *γέρρα* seems to have been to exclude the people from the Agora and drive them to the Pnyx. Even when not admitted within the precincts, we (sometimes at least) find foreigners listening and expressing their sentiments (*ἀνεβόησεν ὁ δῆμος καὶ ὅσοι ξένοι περιέστασαν τὴν ἐκκλησίαν*, Aeschin. *c. Ctes.* § 224).

A quite sufficient inducement to attend the assembly, with the poorer classes, was the *μισθὸς ἐκκλησιαστικὸς* or pay which they received for it (Boeckh, *P. E.* p. 228 ff. = *Sth̄.*[3] i. 290 ff.). The originator of this practice was one Callistratus, whom Boeckh proposes to identify with the son of Empedus, who perished in Sicily B.C. 413. It probably dated from the successful early years of the Peloponnesian war, and Pericles, to whom the *δικαστικὸν* is ascribed, had most likely nothing to do with this latest fruit of democracy. Gilbert (p. 273) places it "some years before the archonship of Eucleides" (B.C. 403); but the "some years" can hardly have been fewer than ten or twelve, considering the turn which the war had then taken. The payment itself, at first an obolus, was afterwards raised to three by a popular favourite, Agyrrhius of Collytus (Harpocrat. *s. v.* Ἀγύρριος: cf. Dem. *c. Timocr.* p. 742, § 134). The increase took place but a short time before the *Ecclesiazusae* of Aristophanes (see *vv.* 300 ff.), the representation of which is fixed, within a year either way, at 392 B.C. The money was paid by the Thesmothetae (*Eccles.* 290) at the close of the proceedings, and in exchange for a *σύμβολον* or ticket given to those who arrived in time; the latter may have been of more perishable materials than the dicastic or bouleutic *σύμβολα*, which were of metal, and had to last a year [BOULÉ, p. 313 *a*; DICASTES, p. 627 *b*). This payment, however, was not made to the richer classes, who attended the assemblies gratis, and are therefore called *οἰκόσιτοι ἐκκλησιασταὶ* by Antiphanes (*fr.* 200 Meineke *ap.* Ath. vi. 247 f). The same word *οἰκόσιτος* is applied generally to a person who receives no pay for his services.

The right of attending and voting was enjoyed by all citizens of full age (generally supposed to be twenty, certainly not less than eighteen: Xen. *Mem.* iii. 6, § 1; DOKIMASIA) and not labouring under any atimia or loss of civil rights. They were either (1) natural-born (*φύσει καὶ γένει*) citizens, born in lawful wedlock of parents both Athenians (*ἐξ ἀστῆς καὶ ἐγγυητῆς* is the formula, *c. Neaer.* p. 1365, § 60; 1376, § 92; 1381, § 106: for the question of *νοθεία*, cf. CIVITAS, p. 444 *b*); or (2) *δημοποίητοι*, presented with the freedom of the state, and enrolled in a deme, phratry, and tribe. The latter, however, were not qualified to hold the office of archon or any priesthood until the second generation (*ib.* 1376, § 92; 1380, § 104). Men above sixty may have been excused (*ἀφειμένοι*, Aristot. *Pol.* iii. 1 = p. 1275, 15), but were certainly not excluded. The orator Aristophon of Azenia, who lived 100 years all but a month (Schol. *ad* Aeschin. *c. Timarch.* § 64), was in the thick of the political fight, impeaching and impeached, till long past eighty (Dem. *c. Timocr.* p. 703, § 11; Aeschin. *c. Ctes.* § 194; A. Schaefer, *Demosth. u. seine Zeit*, i. 162).

The commencement of the proceedings was marked by a lustration or purification of the place where the assembly was held. Sucking-pigs (*χοιρίδια*) were sacrificed and carried round, and the limits thus marked were called *κάθαρμα*, "the purified space" (Aristoph. *Ach.* 44). These victims were called *περίστια*, probably from *περὶ τὴν ἑστίαν*: they were preceded by a religious functionary called *περιστίαρχος* (id. *Eccles.* 128), and their blood was sprinkled about the place. We are not required to believe, with the Scholiast on the former passage, that it was sprinkled on the seats as well. Then followed an offering of incense, and a solemn prayer, repeated by a herald at the dictation of an under-secretary (*ὑπογραμματεύς*), and including a curse (*ἀρά*) on the enemies of the state, especially on evil counsellors or those who were bribed to deceive the people (Dem. *F. L.* p. 363, § 70 = 79; cf. *de Cor.* p. 319, § 282; *c. Aristocr.* p. 653, § 97; Aeschin. *c. Timarch.* § 23; a comic parody of the prayer Aristoph. *Thesm.* 331 ff.). To these ceremonies was added, in later times, an announcement by the prytanes that the sacrifices had been duly offered, that the omens were favourable, and that there was no sign of the displeasure of the gods (Theophr. *Char.* 21; *C. I. A.* ii. 417, 459). Business then began; and the first matter taken in hand was said to be *πρῶτον μετὰ τὰ ἱερά* (Decret. *ap.* Dem. *c. Timocr.* p. 706, § 21). So of persons to whom audience was given, *πρώτοις μετὰ τὰ ἱερά* (*C. I. A.* i. 36; ii. 52 c; 164). The presiding officer was, in the earlier times, the Epistates of the Prytanes, afterwards the Epistates of the nine Proedri; but the function called *χρηματίζειν*, "bring a matter forward" (including therefore the order of the different agenda), is

expressly attributed to the proedri and perhaps also to the prytanes (Dem. *c. Mid.* p. 517, § 9 [cf. the "law" in § 8]; Aeschin. *c. Timarch.* l. c.). For the Prytanes, the Proedri, and the Epistatae, see BOULÉ, p. 310 *b*; for the progress of a bill through the senate, until it reached the people in the form of a Probouleuma, pp. 311 *b*, 312 *a*. The date of the innovation by which the Second Epistates was appointed, the powers of the prytanes (*i.e.* of a single tribe) curtailed and those of the proedri (representing the other tribes) enlarged, was placed by Meier between 378 and 369 B.C. (p. 310 *b*). The latest evidence from inscriptions tends to throw it back to the beginning of the period named: the archonship of Nausinicus, B.C. 378–7, already memorable for other important reforms, was not improbably the actual year of this constitutional change (Gilbert, *Staatsalterth.* i. 257 n.). Under this new system the choosing by lot of the proedri, and of the epistates from among them, was also a part of the preliminary business of each sitting.

There was a law of Solon, *μηδὲν ἐᾶν ἀπροβούλευτον εἰς ἐκκλησίαν εἰσφέρεσθαι* (Plut. *Sol.* 12): as regards other matters, the motion could consist only in a demand to the senate to draw up a probouleuma and then refer it to the assembly. Hence the first step in the discussion was the reading of the probouleuma by a herald. It might so happen that the senate had come to no conclusion of its own, but had merely referred the question to the people; and in these cases an explanatory statement might also be made by the prytanes (Dem. *de Cor.* p. 285, § 170). The reading of the probouleuma was immediately followed by the *προχειροτονία*, a show of hands on the previous question, whether the sovereign people desired the proposed measure to be further discussed, or were prepared to accept it at once (BOULÉ, p. 312 *a*).

The privilege of addressing the assembly was not confined to any class or age among those who had the right to be present; all, without any distinction, were invited to do so by the proclamation (*τίς ἀγορεύειν βούλεται*;) which was made by the herald as soon as the *προχειροτονία* had shown that there was to be a debate. According to a law of Solon those persons who were above fifty years of age were called upon to speak first (Aeschin. *c. Ctes.* §§ 2, 4; *c. Timarch.* § 23); but in more democratic times this regulation had become obsolete (Dem. *de Cor.* p. 285, § 170; Aristoph. *Ach.* 45, *Thesm.* 379, *Eccles.* 130). The person "in possession of the House" mounted the bema and put on a wreath of myrtle, as a sign that he was for the moment a representative of the people, like the bouleutae and the archons (Aristoph. *Eccles.* 131, 148). The law of Solon likewise required all speakers to keep to the "question," to discuss one thing at a time, to refrain from abuse and scurrility. Aeschines twice refers to this as the law *περὶ τῆς τῶν ῥητόρων εὐκοσμίας* (*c. Ctes.* § 2; *c. Timarch.* § 34); and what purports to be the text of it is given in § 35 of the latter speech; but he complains (*c. Ctes.* § 4) that nothing could check the *ἀκοσμία* of the orators of his time, and in the companion passage alludes to a recent law of increased stringency on this subject, which had been impeached by Timarchus and others in the interests of disorder. The behaviour of the people does not appear to have been any better than that of the orators, if we may trust the opening speech of the *Acharnians*. The duty of maintaining order devolved on the prytanes (Aeschines adds the proedri, see below), assisted by the *τοξόται* or policemen (Aristoph. *Eq.* 665); in later times by the members of a tribe chosen by lot for this purpose; later still, in the Macedonian period, by the *ἔφηβοι*.

Each of these last two regulations suggests a few further remarks. The selection of a tribe to assist in keeping order is fixed to a date just before the speech against Timarchus, B.C. 345; it was in consequence of a "free fight" in which Timarchus himself had been particularly conspicuous (*προσέθεσθε καινὸν νόμον μετὰ τὸ καλὸν παγκράτιον, ὃ οὗτος ἐπαγκρατίασεν ἐν τῇ ἐκκλησίᾳ*, § 33). The new law was *καθ' ἑκάστην ἐκκλησίαν ἀποκληροῦν φυλὴν ἐπὶ τὸ βῆμα, ἥ τις προεδρεύσει*: impeached by Timarchus as *μὴ ἐπιτήδειον*, § 35; but though not reversed, it failed of its object; *τῆς δὲ τῶν ῥητόρων ἀκοσμίας οὐκέτι κρατεῖν δύνανται οὔθ' οἱ νόμοι οὔθ' οἱ πρυτάνεις οὔθ' οἱ πρόεδροι οὔθ' ἡ προεδρεύουσα φυλή, τὸ δέκατον μέρος τῆς πόλεως* (*c. Ctes.* § 4, fifteen years later). A. Schaefer thought that the tribe thus designated was a tribe of the senate, *i.e.* fifty other senators to assist the prytanes (*Demosth.* ii. 291); but the phrase *τὸ δέκατον μέρος τῆς πόλεως*, and in the Timarchus (*l. c.*) *καθῆσθαι κελεύει τοὺς φυλέτας* (not *βουλευτάς*), makes it tolerably clear that a tribe of the Ecclesia is intended. The correctness of the word *προεδρεύειν* in the two passages of Aeschines has been justly doubted (Gilbert, p. 273 n.); the Ephebi, when they lent their aid, are said *παρεδρεύειν* (*C. I. A.* ii. 466) or *προσεδρεύειν* (*ib.* 470). Either of these words would be more appropriate: for *προσεδρεύειν*, "to be in regular attendance," cf. Dem. *de Cor.* p. 313, § 258, a well-known passage; and there is a further objection not hitherto pointed out. It seems to us very improbable that, at a time when the relative positions of the prytanes and the proedri had lately been altered in favour of the latter by the institution of the Second Epistates, a tribe discharging such humble functions should have been called by the dignified name *ἡ προεδρεύουσα*: whereas if *προσεδρεύουσα* was the word, it was sure to be altered by the copyists. The employment of the *ἔφηβοι* for the same purpose is proved by the inscriptions already referred to, but belongs to a later period. The ephebi, youths between eighteen and twenty, were now perhaps for the first time formally admitted to the assembly, and thus initiated into public business while charged with police duties; and their presence in earlier times, mentioned as exceptional, may really have been intrusive or on sufferance only. Among the "humours" of these turbulent meetings we find the bawling down of obnoxious speakers—against which some, however, were proof (Aeschin. *c. Timarch.* § 33); in extreme cases, they might be dragged down from the bema by authority (Aristoph. *Eq.* 665); on the other hand, the storming of the presidential chair itself is hinted at (Lex *ap.* Aeschin. *l. c.* § 35).

After the speakers had concluded, any one was at liberty to propose a decree (*ψήφισμα*);

though usually the same speaker who had carried the probouleuma through the senate moved the psephisma before the people (expressed by *ὁ δεῖνα εἶπε*). There was, however, no restriction on the moving of amendments or riders; they might be drawn up in the assembly itself with the aid of the secretary (*γραμματεύς*); and were introduced with the formula *ὁ δεῖνα εἶπε· τὰ μὲν ἄλλα καθάπερ τῇ βουλῇ*, or *καθάπερ ὁ δεῖνα*, followed by the words of the amendment (cf. Plat. *Gorg.* 451 B, with Thompson's note; *C. I. A.* i. 38, &c.). As between the original motion and any amendment the order of proceeding does not appear; probably there was a discretionary power in the presiding officers. Before, however, the question could be put, it had to be submitted to the proper authority to determine whether it contained anything unconstitutional. This authority was, in early times, the Areiopagus, which thus exercised a very real check upon the progress of democracy; after Pericles, the *νομοφύλακες* till the time of the Thirty; from the archonship of Eucleides onward, the Areiopagus again, but with its powers greatly curtailed [AREIOPAGUS, pp. 177 *b*, 178 *a*]. If there appeared to be no legal obstacle, the psephisma was next read to the people in order to allow a vote to be taken. Even at this stage the Epistates had the legal right of stopping the voting on his own unsupported authority, a right which, however, might be overborne by threats and clamours (Aeschin. *de F. L.* § 84). But he was of course responsible for his use of this privilege, and might be proceeded against by *ἔνδειξις*, or even the more summary *ἀπαγωγή* (Plat. *Apol.* 32 B). There was one case, on the other hand, in which he was absolutely forbidden to put the question to the vote under penalty of atimia: this was when a debtor asked for the remission of a public debt (Lex *up.* Dem. *c. Timocr.* p. 716, § 50). Any duly qualified citizen might also object to the question being put, by engaging on oath to bring the motion, as illegal, under the cognisance of a court of law, by means of the so-called *γραφὴ παρανόμων*. Such a declaration, when made, necessitated a postponement of the voting; and, like every other oath involving postponement, was called *ὑπωμοσία*. The like declaration might, however, still be made if the vote on the matter had already been taken, and the people had approved it. It had then the effect of suspending the operation of the decree until the court had given its decision. Finally, the mover himself might withdraw his motion before it was put to the vote, if he had in any way become convinced of its unsuitability during the debate (Plut. *Arist.* 3). The form in which the votes were taken was in general *χειροτονία*, or show of hands [CHEIROTONIA]; the ballot (*κρύβδην ψηφίζεσθαι*) was only used where the personal interests of individuals were concerned, *i.e.* in cases *ἐπ' ἀνδρί*, mentioned above as occasions on which the assembly met in the Agora instead of the Pnyx. With respect to the actual mode of voting by ballot in the ecclesia we have no certain information; but it was probably the same as in the courts of law, by means of black and white pebbles put into urns called *καδίσκοι* (Schol. *ad* Aristoph. *Vesp.* 981; PSEPHOS). To "put the question," it should be added, is nearly always *ἐπιψηφίζειν*, even when the *χειροτονία* and not the *ψῆφος* is the mode of voting; but *ἐπιχειροτονεῖν* occurs, though rarely, in this sense (Dem. *c. Timocr.* p. 712, § 39; 727, § 84). In one passage we find the chairman called simply *πρόεδρος*, instead of his proper title *ἐπιστάτης τῶν προέδρων* (*τίς ὁ ταῦτα ἐπιψηφίσας πρόεδρος*, Aeschin. *c. Ctes.* § 75).

The determination or decree of the people was called a Psephisma (*ψήφισμα*), and only remained in force a year, like the resolution of the senate which bore the same name; to become a *νόμος*, it had to pass the ordeal of the *νομοθέται* [NOMOTHETAE]. The form for drawing up the Psephisma varied in different ages; but, apart from unessential differences, two constant normal types may be distinguished. The more ancient dates from the time when the Epistates of the Prytanes (then the sole Epistates) put the question to the people; the latter belongs to the period when this function had passed to the Epistates of the Proedri. An example of the earlier form is as follows: *Ἔδοξεν τῇ βουλῇ καὶ τῷ δήμῳ, Κεκροπὶς ἐπρυτάνευε, Μνησίθεος ἐγραμμάτευε, Εὐπείθης ἐπεστάτει, Καλλίας εἶπεν*: then follows the resolution, in the infinitive dependent on *εἶπεν*: *ἀποδοῦναι τοῖς θεοῖς τὰ χρήματα τὰ ὀφειλόμενα* (*C. I. A.* i. 32 = Boeckh, *Sthh.*[3] ii. 42 ff.). Another, dating from the Peloponnesian war, is *C. I. A.* i. 40 = Boeckh, *Sthh.*[3] ii. 499. Sometimes the date is given more precisely: *ἐπὶ τοῦ δεῖνα ἄρχοντος καὶ ἐπὶ τῆς βουλῆς ᾗ πρῶτος ὁ δεῖνα ἐγραμμάτευε* (on this secretary *κατὰ πρυτανείαν*, cf. BOULÉ, p. 311 *b*). The later form is this: *ἐπὶ Νικοδώρου ἄρχοντος, ἐπὶ τῆς Κεκροπίδος ἕκτης πρυτανείας, Γαμηλιῶνος ἑνδεκάτῃ, ἕκτῃ καὶ εἰκοστῇ τῆς πρυτανείας, ἐκκλησία· τῶν προέδρων ἐπεψήφισεν Ἀριστοκράτης Ἀριστοδήμου Οἰναῖος καὶ συμπρόεδροι, Θρασυκλῆς Ναυσιστράτου Θριάσιος εἶπεν* (Schömann, *Antiq.* i. 386, E. T.).

We now come to the dismissal of the assembly, the order for which was given by the prytanes through a herald (*οἱ γὰρ πρυτάνεις λύουσι τὴν ἐκκλησίαν*, Aristoph. *Ach.* 173). Meetings usually began early in the morning (*ib.* 20), and were not continued after sunset; if the business were then unfinished, there was an adjournment to the next day. But an assembly was broken up by a so-called *διοσημία* or sign from heaven, such as thunder, lightning, rain, storm, eclipse of the sun, or earthquake (Aristoph. *Ach.* 170–1; *Nub.* 579 ff.; Thucyd. v. 45 *extr.*; Suid. *s. v. διοσημία*). Of course it was only in comedy that public business could be interrupted at the caprice of any individual who chose to say that he had felt a drop of rain: in Greece, as at Rome, these signs had their authorised interpreters, who at Athens were the EXEGETAE (*q. v.*).

The four ordinary assemblies of every prytany had each their specially appropriated subjects for discussion, or "order of the day." In the first assembly, the *κυρία ἐκκλησία* properly so called, the *ἐπιχειροτονία τῶν ἀρχῶν* or confirmation of all government officials was held; *i.e.* an inquiry into their conduct, according to the result of which they were either confirmed in office or deposed. On the same occasion the *εἰσαγγελίαι* or extraordinary informations for offences against the state were laid before the

people, as well as matters relating to the corn supply (*περὶ σίτου*) and the defence of the country (*περὶ φυλακῆς τῆς χώρας, Lex. Rhet.* s. v. *κυρία ἐκκλησία*); the lists of confiscated property, and of the claims to succession that had been announced before the courts, were also read out: the former, that the people might see how their balance stood with regard to this branch of the revenue [DEMIOPRATA]; the latter, that state claims might not be overlooked. The second assembly was appointed for the hearing of those who came before the people as suppliants for some favour, such as the rehabilitation of *ἄτιμοι*, the repayment of monies due from the state ("petitions of right" in English law), or the remission of sentences; or in general, for the class of cases involving *ἄδεια*, or exemption from legal penalties [ADEIA]. The third was devoted to foreign affairs, and in it ambassadors and heralds were received: we need not make a difficulty over the *κυρία ἐκκλησία* of the *Acharnians* (*v.* 19), and the reception of the Persian ambassadors (*v.* 61). In the fourth, the people decided *περὶ ἱερῶν καὶ δημοσίων*, on public matters whether religious or secular. These determinations rest mostly upon the authority of Pollux (viii. 95, 96); but when these "standing orders" had been disposed of, other business no doubt might be taken, if previously entered on the programme. (Schömann, p. 385; Gilbert, p. 282 f.)

In judicial matters the people acted only in exceptional cases, chiefly those discussed under EISANGELIA, EPANGELIA, and PROBOLÉ. Closely akin to the *εἰσαγγελία*, or information by a person who thereupon became himself the prosecutor of the accused, yet distinct from it, was the *μήνυσις*, an information by any one either disqualified (as a foreigner, a slave, or an accessory) or disinclined to make a regular impeachment. In both cases the people either itself undertook the inquiry in such a manner that the prosecution and the defence were carried on in the ecclesia, and this body pronounced the final judgment, or (more usually) the assembly, after having satisfied itself by a preliminary inquiry that there was at least a case for a jury, referred it to a court of law. The people might then specify according to what laws it should be decided, and what punishment should be awarded if a conviction ensued; and might appoint *συνήγοροι*, a sort of "advocates holding a government brief," to watch the case on their behalf. Such complaints and indictments were in the first instance brought regularly before the senate, and came before the people only when the case was too serious for the former to deal with; a fine of 500 drachmas being the maximum penalty that the senate was empowered to inflict. Among the judicial acts of the people, we may also reckon the special commissions of inquiry which were sometimes issued; for instance, the periodical overhauling of the finances by the appointment of *ζητηταί* [ZETETAE]. Inquiries into conspiracies or secret crimes might be thus relegated to the Areiopagus or the senate, and the guilty parties, when discovered, indicted before the people: on some occasions, as in that of the mutilation of the Hermae, the senate received full powers to try and sentence the offenders (*ἦν γὰρ αὐτοκράτωρ*, Andoc. *de Myst.* § 15). The proceedings of a revolutionary mob, like that which condemned Phocion, lie outside the ordinary methods of the Athenian constitution.

As regards the elections of magistrates (*ἀρχαιρεσίαι*), from the time that the majority of posts were filled by lot, only a few took place in the popular assembly. These were, naturally, for the offices in which personal or property qualifications were required; such as the Strategi, the chief financial minister (*ταμίας ὁ ἐπὶ τῇ διοικήσει*) and his contoller (*ἀντιγραφεύς*), and others who had the handling of large sums of public money. The election was invariably conducted by show of hands (*χειροτονία*), and not by voting tablets or by ballot. *Ἀρχαὶ κληρωταὶ* might be filled up only a day or two before the end of the outgoing year (Lys. *c. Evand.* § 6); but the assemblies for the choice of *ἀρχαὶ χειροτονηταὶ* must have been held earlier, and they are placed, with great probability, in the first ecclesia of the ninth prytany (Schömann, p. 390 n.). The presidency of these assemblies is stated to have belonged, in the case of the election of generals, to the archons; in other elections it was probably held by the prytanes or proedri; but little is really known as to the details. Besides those who declared themselves candidates, persons might be nominated for office without their own consent; but in this case might refuse it on taking the oath called EXOMOSIA. Ambassadors, who of course were appointed for their fitness, were (though not technically an *ἀρχή*) elected in the same way when occasion arose: Demosthenes, when first chosen to go on the embassy to Philip, renounced by *ἐξωμοσία* (Dem. *F. L.* p. 378, § 122 = 133).

The legislative powers of the people in assembly, so far as they were defined by the laws of Solon still in force in the time of Demosthenes, were very limited. The procedure by which new laws (in the strict sense) were made, is described under NOMOTHETAE; but the practice in later times differed widely from the theory. As democracy developed, the sovereign people became less and less inclined to bind itself strictly to these regulations. The abuse crept in of bringing forward legislative motions in the assembly no less than any other kind of proposals at any time that was found convenient, and without the regular practice of causing a jury of nomothetae, chosen from those who had taken the heliastic oath, to pass a decision upon them. Accordingly, there arose a vast mass of new laws of all kinds, in correspondence with the interest of the popular leaders (*ῥήτορες*) of the period. As early as 406 B.C., at the trial of the six generals, the appeal of the friends of the accused for strict legal procedure was met by the cry that "it was monstrous that the people should not be allowed to do as it pleased" (Xen. *Hell.* i. 7, § 12). Demosthenes complains that the orators were passing new laws almost every month in their own interest (*c. Timocr.* p. 744, § 142). The author of the speech *against Neaera* uses almost the same words as Xenophon in describing the "omnipotence" of the people (p. 1375, § 88). And Aristotle, the shrewd foreign observer, in a passage on the corruptions of democracy, without naming the Athenians mentions "government by *ψηφίσματα*" as a characteristic of the final stage (*Pol.* iv.

4 = p. 1292, 5). It is superfluous to attempt to define the matters of which the Ecclesia took cognisance: it was king and parliament in one, sitting upon its *lit de justice* and registering its own decrees. While clinging tenaciously to these sovereign rights, it was, however, aware of its own fallibility, ready to repent of its hasty impulses, and to punish those by whom it had been led astray; and as has been remarked under AREIOPAGUS, the only real restraint upon its actions during the last century of free Athens was the PARANOMON GRAPHÉ.

(Authorities under BOULÉ; Schömann, *Antiq.* i. 379–400, E. T.; Gilbert, *Staatsalterth.* i. 268–295; Perrot, *Essai sur le Droit Public d'Athènes*, pp. 37 ff., 220 ff.) [R. W.] [W. W.]

ECCLE'TI (ἔκκλητοι) was the name of an assembly at Sparta (only in Xen. *Hell.* ii. 4, § 38; v. 2, § 33; vi. 3, § 3). The same writer mentions, once only, a "Small Ecclesia" (*ἡ μικρὰ καλουμένη ἐκκλησία, Hell.* iii. 3, § 8). That the constitution of these bodies should be involved in much doubt is not surprising, considering how little is known of the popular assembly, whose very name is uncertain. It is usual to call it ἀλία, which was elsewhere the name for assemblies of the governing class in the Dorian states, but is only applied to that of the Spartans in a single passage of Herodotus (vii. 134). The Attic writers do not trouble themselves to give the technical term (*ξύλλογον σφῶν αὐτῶν ποιήσαντες τὸν εἰωθότα*, Thucyd. i. 67; but in ch. 87 and in Xen. *Hell.* v. 2, § 11, it is *ἐκκλησία*, as at Athens). There is reason to think that the native name was ἀπέλλα. In the so-called *ῥήτρα* of Lycurgus (Plut. *Lyc.* 6) we find *ὥρας ἐξ ὥρας ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακιῶνος*: this is explained to mean that the assembly was to be held every month at the time of full moon (so the Schol. on Thucyd. i. 67), between two points on the course of the Eurotas which marked the northern and southern limits of the capital. We have, besides, the glosses in Hesychius: *Ἀπελλάζειν· ἐκκλησιάζειν· Λάκωνες. Ἀπέλλαι· σηκοί, ἐκκλησίαι, ἀρχαιρεσίαι*: and *μεγάλαι ἀπέλλαι* in two late inscriptions found at Gythium (Le Bas, *Voyage Archéologique*, inscrr. 242, 243). Schömann remarks that *ἀπέλλα*, like *ἀλία*, is probably connected with *ἀολλής* (root *Feίλω*); the *F* being hardened into *π*. But Gilbert is hitherto the only writer who has gone so far as to put "The Apella" at the head of a chapter on this branch of the Spartan constitution.

The Small Ecclesia is mentioned only on the occasion of the conspiracy of Cinadon: the ephors, in the alarm of the discovery, "did not even summon the so-called *μικρὰ ἐκκλησία*, but only such stray members of the Gerusia as could be collected" (*τῶν γερόντων ἄλλος ἄλλοθι*). Gilbert holds that it was composed of the kings, ephors, and senators (cf. Grote, ch. 73, vi. 407): but *ἐκκλησία* is hardly the word for a body of official persons only; the distinction between *βουλή, consilium*, and *ἐκκλησία, concilium*, runs all through Greek life. We prefer to regard it, with Schömann, as an assembly either of the *ὅμοιοι* then present in Sparta, or possibly of only some portion of them, as, *e. g.* those most advanced in years. It must clearly have represented the exclusive and conservative elements in the Spartan constitution, not the *ὑπομείονες* or inferior citizens, in whose interest Cinadon was conspiring.

The *ἔκκλητοι* themselves are involved in no less obscurity; we may notice the following opinions. 1. That they were identical with the *ἐκκλησία*, ἀλία or ἀπέλλα (Müller, *Dorians*, iii. 5, § 10; and so Gilbert, who thinks that the word in Xenophon has no technical meaning at all). This seems to us by far the most probable. 2. That they were identical with the Small Ecclesia in the sense here adopted, *i.e.* an assembly of the *ὅμοιοι* only (L. Schmitz, in the former editions of this work). This also is not without plausibility: neither body is mentioned until the period after the Peloponnesian war, when the distinction between the citizens *optimo jure* and the other enfranchised classes had widened into a breach (cf. Thirlwall, iv. 372 ff.). 3. That they were exactly the converse of what the last theory makes them, *i.e.* Spartans *not* belonging to the *ὅμοιοι*, and only entitled to attend the assembly when "specially invited." Schömann advances this view somewhat doubtfully, adding that the word "may also be explained in a different way" (apparently no. 1). But in all the three passages where the name *ἔκκλητοι* occurs the circumstances are such that it is very unlikely that the *ὅμοιοι* would have been passed over and their inferiors consulted; and we must reject this explanation. 4. The rendering in Liddell and Scott's Lexicon, "a committee of citizens chosen to report on certain questions," is quite compatible with Gilbert's view that the word is not really used in a technical sense. (Schömann, *Antiq.* i. 234–236, E. T.; Gilbert, *Staatsalterth.* i. 53–56.) [W. W.]

E'CDICUS (*ἔκδικος*), the name of an officer in many of the towns of Asia Minor under the Roman dominion. The word is translated in the ancient glossaries by *cognitor*, "agent" or "attorney." The ecdicus was the agent of a city in its foreign business and its relations with the central government, and especially in prosecuting its claims against debtors. In Cicero's time the office seems to have been occasional, and something like that of an ambassador; but Cicero says that if ecdici are sent from Mylasa to Rome instead of legati, more business will be done (*ad Fam.* xiii. 56). Under the empire the office was placed on a permanent footing (Plin. *Ep.* x. 111). An inscription at Cibyra is in honour of a man who had gone four times as ambassador to Rome at his own expense, and brought many important public suits to a successful issue (*ἐγδικήσαντα δημοσίας ὑποθέσεις πολλὰς καὶ μεγάλας*, Waddington, No. 1212). The DEFENSOR CIVITATIS of the later empire was also called *ἔκδικος* in Greek. (Marquardt, *Staatsverw.* i. 214.) [W. S.] [W. W.]

E'CDOSIS. [FENUS.]

EKECHEI'RÍA (*ἐκεχειρία*). [HIEROMENIA.]

ECHI'NUS (*ἐχῖνος*), the hedgehog or seaurchin, the name of things having a similar shape. 1. A pot or pitcher (Hesych. *s. v.*; Pollux, vi. 91; Hor. *Sat.* i. 6, 117, ii. 8, 52).

2. The casket, probably of a cylindrical shape, in which documents were sealed up between the *ἀνάκρισις* and the trial [DIKÉ, p. 630 *a*].

3. In Doric architecture, the ovolo or convex part of the capital immediately beneath the abacus (Vitruv. iv. 3 and 7). See illustrations, pp. 3 *a*, 490. [W. W.]

E'CLOGEIS (*ἐκλογεῖς*), Athenian collectors of taxes, were of two kinds. 1. Ordinary, who collected the *εἰσφορὰ* under the *ἡγεμόνες τῶν συμμοριῶν* (Westermann, *ap.* Pauly, *s. v. ἐκλογεῖς*, Harpocrat., Suid.): called also *ἐκλέγοντες*, Dem. *c. Timocr.* p. 713, § 40; 745, § 144. This was an *ἀρχὴ κληρωτή*, for which no property qualification was required (Dem. *c. Androt.* p. 608, § 48) [EISPHORA]. 2. Extraordinary, appointed when the tribute (*φόρος*) of the allies fell into arrears, to supplement the action of the Hellenotamiae, its regular administrators: these were chosen (*χρέθησαν*) from the richer classes only, as an *ἀρχὴ χειροτονητή* (Antiph. *fr.* 52, Blass; Lys. *fr.* 5 Bekk.=9 Scheibe [both these in Harpocration]; Bekk. *Anecd.* 245, 33; *C. I. A.* i. 38). This inscription dates from B.C. 446, and is thought to allude to their first appointment; before that year only slight traces of the enforcement of arrears occur. The Athenian power on land had just been curtailed by the loss of Boeotia (447); and they made up for it by a harsher exercise of their maritime empire. (Boeckh, *P. E.* p. 156=*Sthh.*[3] i. 190; U. Köhler, *Urkunden und Untersuchungen zur Geschichte des delisch-attischen Bundes*, pp. 132–3; Gilbert, *Staatsalterth.* i. 398.) [W. W.]

ECMARTY'RIA (*ἐκμαρτυρία*) signifies the deposition of a witness, who, by reason of absence abroad, or illness (*ὑπερορίου καὶ ἀδυνάτου*, Lex *ap.* Dem. *c. Steph.* i. p. 1131, § 9), was unable to attend in court. His statement was taken down in writing, in the presence of persons expressly appointed to receive it, and afterwards, upon their swearing to its identity, was read as evidence in the cause. They were said *μαρτυρεῖν τὴν ἐκμαρτυρίαν*: the absent witness, *ἐκμαρτυρεῖν*: the party who procured the evidence, *ἐκμαρτυρίαν ποιεῖσθαι*. It was considered as the testimony of the deponent himself, not that of the certifying witnesses, and therefore did not come within the description of hearsay evidence, which (except the declaration of a deceased person) was not admissible at Athens [AKOÈN MARTYREIN, p. 94]. The deponent (like any other witness) was liable to an action for false testimony if the contents of the deposition were untrue, unless he could show that it was incorrectly taken down or forged, in which case the certifying witnesses would be liable. Therefore (Isaeus tells us) it was usual to select persons of good character to receive such evidence, and to have as many of them as possible. An *ἐκμαρτυρία* was allowed to a witness about to start on a journey, if he could not conveniently wait (Isae. *Or.* 3 [*Pyrrhus*], § 20). The form of *ἐκμαρτυρία*, or what purports to be such, occurs Dem. *c. Lacrit.* p. 929, § 20; 934, § 34. (Isae. *Or.* 3 [*Pyrrhus*], §§ 20–27; Dem. *c. Steph.* i. pp. 1130, 1131, §§ 7, 8; Aeschin. *de F. L.* § 19; Harpocrat. *s. v.*; *Att. Process*, p. 670=879 Lips.) [C. R. K.] [W. W.]

E'CPHORA. [FUNUS.]

ECPHYLLOPHO'RIA. [BOULÉ, p. 310 *a*.]

E'CTYPUS (*ἔκτυπος*), properly an adjective, "formed in a mould" (*τύπος, forma*), or "wrought in high relief," thus distinguished from *ἀνάγλυφος*, "in low relief" [ANAGLYPHA]. Hence (1) the subst. *ectypum*, a cast in plaster or terra-cotta, which presents the objects in relief (Plin. *H. N.* xxxv. § 152). The accompanying examples are from a terra-cotta and mould in the British Museum. (2) *Ectypa gemma* (Senec. *de Benef.* iii. 26) or *scalptura* (Plin. *H. N.* xxxvii. § 173), an engraved stone cut in relief, now called a *cameo* (Rich, *s. v.*; Guhl and Koner, ed. 5, p. 233). [W. W.]

Ectypum. (British Museum.)

ECU'LEUS, less correctly EQUULEUS, an instrument of torture commonly used at Rome in extracting evidence from slaves. It was a wooden horse, as the name implies, on which the sufferer was mounted and then stretched or racked with weights or pulleys (*eculeo longior factus*, Sen. *Ep.* 67, § 3, almost the only phrase that tells us anything of its nature). Rich (*s. v.*) thinks that the infliction consisted in being seated on a sharp point, as in impalement; a form of cruelty not unknown in recent times, of which he gives a specimen. Very little is really known about this and all other engines of torture among the Greeks and Romans. It is well remarked by Rich that "their artists never depicted scenes calculated to awaken painful emotions"; and it may be added that their writers allude to this dark side of life only in the most general terms; a striking contrast to the realistic descriptions and ghastly illustrations of many modern works. Cicero says that slaves accused of murder might expect the eculeus at the trial, the *crux* on conviction (*pro Mil.* 21, § 57; 22, § 60). Seneca mentions as the usual modes of torture, *fidiculae*, *talaria* (sc. *flagella*, the *μάστιγες ἀστραγαλωταί* of the Greeks), *eculeus* and *ignis* (*de Ira*, iii. 19, § 1). (Marquardt, *Privatleben*, 180. Compare FIDICULA, FLAGELLUM; the legal aspect under TORMENTUM.) [W. W.]

E'DERE ACTIO'NEM. [ACTIO.]

EDICTUM. The *jus edicendi*, or power of issuing edicts—public and authoritative notices on matters which fell within their jurisdiction, or formed part of their official business—belonged to all the higher magistrates at Rome. The censors published edicts relative to a coming census (Liv. xxxix. 44; cf. Plin. *H. N.* xiv. § 95, xxxvi. § 4): the consuls thus summoned the senate and the comitia. Cicero (*in Verr.* ii. 41) mentions an edict of the tribunes connected with their right of "intercession;" and the edicts of the aediles, which are alluded to by Plautus (*Capt.* iv. 2, v. 43) and Cicero (*de Off.* iii. 17), had an important influence on the law of sale. Gaius tells us (i. 6) that the aedilician

jurisdiction was exercised in provinces of the Roman people by quaestors, but that there were no such quaestors in the provinces of the emperor. Such magisterial edicts, so long as they remained in force, were reckoned an integral part of the law of Rome, among the sources of which they are enumerated (*e.g.* Cic. *Top.* 5; Gaius, i. 2): they are said (Dig. 44, 7, 2) to constitute the *jus honorarium* as distinct from the *jus civile*, because their authors were invested with the *honores* or higher magistracies. But the edicts of which we hear most are those of the praetors ("amplissimum jus est in edictis duorum praetorum," Gaius, i. 6): hence *jus praetorium* and *jus honorarium* are sometimes used as equivalent and interchangeable expressions.

The term *edictum* signifies generally any public notice made by a competent authority (Cic. *in Pison.* 8; Liv. ii. 30, xxviii. 25, xxxi. 6; Tac. *Ann.* i. 7; Gell. xiii. 15; Dig. 1, 16, 4, 3; 49, 16, 4, 13), and in particular, under the republic, rules promulgated by a magistrate by writing them *in albo* and placing them, like the *leges* (Dion. Hal. iii. 36), in a conspicuous place, "unde de plano recte legi potest:" hence the edicts of the magistrates are described by Justinian (*Inst.* i. 2, 3) after Ulpian (Dig. 1, 1, 5, pr.) as part of the *jus scriptum* of Rome. It became usual for the praetor, at the commencement of his year of office, to proclaim by an edict the principles which, apart from the established rules of the *jus civile*, he intended to observe in the administration of justice; and eventually this usage developed into a constitutional obligation. Such edict was called *edictum perpetuum*, because the practice was constant and unbroken, and was contrasted with *edicta repentina* (Cic. *in Verr.* iii. 14), isolated orders which the praetor made during, and not at the commencement of, his year of office, and generally, though not always, relating to some specific case. Not unfrequently, however, a praetor acted contrary to his *edictum perpetuum* (*e.g.* Verres, Cic. *in Verr.* i. 46), or varied the rules therein stated by subsequent *edicta repentina*: but this was made illegal by a Lex Cornelia, B.C. 67 (Asconius *ad* Cic. *pro Cornelio*; Dio Cass. xxxvi. 23).

Technically speaking, no *edictum perpetuum* had validity for a longer period than its author's tenure of the praetorship, for it was upheld only by his *imperium*: hence Cicero (*in Verr.* ii. 1, 42) calls the edict *annua lex*. But it became the rule, at least as early as the time of Cicero (*de Invent.* ii. 22), for each successive praetor to adopt, in substance, the edict of his predecessor, with such additions, abrogations, and changes as he deemed expedient (Cic. *in Verr.* ii. 1, 44), such part as he adopted being called *edictum tralaticium*. In this way the edict gradually grew into a considerable and permanent body of law, the excellence of which was guaranteed by the ease with which obnoxious innovations made by one praetor could be repealed by his next successor. Edicts, formulae, and actions which were of special importance, though remaining part of the permanent edict, were commonly named after their original authors: *e.g.* Edictum Carbonianum; formula Rutiliana, Aquiliana; judicium Cascellianum; interdictum Salvianum; actio Publiciana, Pauliana, Serviana, &c.

Originally there had been but one praetor; but in 247 B.C. a second one, called *praetor peregrinus*, to distinguish him from the *praetor urbanus*, was established for the administration of justice at Rome between aliens or between aliens and Roman citizens. When the state extended her territories beyond the limits of Italy, new praetors were created to act as governors of the new provinces for short terms of years: in the time of Julius Caesar they numbered altogether sixteen. All of these praetors issued annual edicts, and those of the praetors urbanus and peregrinus at any rate were handed on from year to year, and thus were in point of fact permanent and constantly growing bodies of law. The edict of the praetor peregrinus is commonly represented as consisting of rules which he found were practically acknowledged as binding by all the Italian peoples with whom Rome had any dealings, whence the Romans are supposed to have first got the conception of a *jus gentium*: but other writers hold that even at this time the Roman law consisted of two portions—one purely indigenous and peculiar to the race, the other common to the other Italian tribes, and that the latter part was applied by the praetor peregrinus in adjudicating on suits in which at least one party was an alien. The edicts issued by the praetors who governed provinces, and who under the empire got the name of *praesides*, were termed *edicta provincialia*: some parts of them appear to have been handed on from governor to governor (Cic. *ad Fam.* iii. 8; *ad Att.* v. 21), others to have been taken from the *edictum urbanum* (Cic. *in Verr.* ii. 1, 46; 3, 65): in cases not otherwise provided for Cicero proclaimed, when a provincial governor, that he would follow the perpetual edict of Rome (*ad Att.* vi. 1).

It is, however, the urban edict which is of the greatest importance and interest, because it was binding on Roman citizens *inter se*, and therefore alone formed part of the Roman law in the strictest sense of the term. Many of the most considerable rules and legal doctrines which it established had been developed before the time of Cicero (*in Verr.* i. 44): for instance, the doctrine of *bonorum possessio* or praetorian inheritance; the system of bankruptcy execution, known as *venditio* or *emptio bonorum*: and the theory of possession as distinct from ownership (*dominium*) protected by special praetorian remedies of its own [INTERDICTUM]. Indeed, in Cicero's time (*de Legg.* i. 5; ii. 23) the edict was regularly read in the course of legal study, and the jurists who were his contemporaries had begun to comment on it in lieu of the Twelve Tables and other early statutes of the republican period. Under the early empire it continued to receive, year by year, fresh development from the hands of successive praetors, though owing to the practical curtailment of their authority by the imperial power their activity in this direction seems to have diminished; the necessary additions and alterations in the law being made rather by direct legislation, and changes being effected in the edict principally in order to accommodate the system of procedure to the new rights and duties which that legislation created. It may easily be believed that, when neither comitia

nor senate ventured to enact a statute unless it was initiated by the emperor personally or with his assent, a magistrate would have hesitated to repeal, alter, or extend the law with the boldness and independence which had been usual under the free republic.

The year 131 A.D. was a notable one in the history of the *jus praetorium*. The Emperor Hadrian then issued, through Salvius Julianus, praetor designate (Eutrop. viii. 17), a revised edition of the *edictum urbanum*, combining with it the edict of the aedile (Theoph. i. 2, 7: "Const. omnem reipub." § 4), and probably also that of the praetor peregrinus and parts of the *edicta provincialia*. This, which was arranged according to subjects in Titles, was called the "edictum perpetuum" *par excellence*, and was published with the force of law for the whole empire, so that the *jus honorarium* from this time onward had statutory validity, instead of depending on an annual re-enactment. Henceforward, too, though the magistrates in constitutional theory retained their *jus edicendi*, the old practice, according to which each praetor issued an *edictum perpetuum* at the commencement of his year of office, was abandoned. The jurists after Hadrian regard the edict of their own time as something permanent and unalterable except by the action of the emperor: and Hadrian himself evidently directed that any defect which might subsequently be discovered in the law should be supplied by imperial legislation (Justinian in Const. "tanta" de confirm. Digest. § 18). This codification of the edicts seems to have been in some way connected with another reform of Hadrian's, by which he divided the whole of Italy into Rome, with its immediately surrounding territory, and four other districts: Rome and its suburbs remained under the authority of the old magistrates, and among them of the praetor, while the other districts were placed under the administration of a new class of officials, called at first *consulares*, and after M. Aurelius (A.D. 161–180) *juridici*.

The scope of the edict is described by the jurist Papinian as "adjuvandi vel supplendi vel corrigendi juris civilis gratia propter utilitatem publicam" (Dig. 1, 1, 7); its purpose was ancillary to that of the civil law, the voids in which it supplied, and in some cases mitigated its hardships even by the enforcement of a contrary rule. An example of its auxiliary operation may be seen in the cases in which it sanctioned a *lex imperfecta* (*e.g.* by the *exceptio legis Cinciae*), and in the great use made by civil-law heirs of the interdict *Quorum bonorum*, a remedy designed in origin for praetorian successors only. Of its supplementary character no better illustration can be cited than many of the classes of *bonorum possessio*, especially that given to cognates, who under the civil law had no right of intestate inheritance whatever: and in *in integrum restitutio* it is found correcting and even subverting the operation of the *jus civile*.

The precise mode in which the praetor worked through the edict is deserving of notice. Technically speaking, he had no legislative authority: but from the enactment of the Lex Aebutia (of unknown date; see LEX) he had the complete control of the courts and of the system of procedure, and this enabled him to practically alter and extend the substantive law almost as absolutely as any legislator. "If so and so happens," he proclaimed, "*judicium dabo*": and by giving an action he practically gave a substantive legal right which before had not existed. In other cases he assisted a defendant by new forms of defence (*exceptiones*), awarded possession of property under an equitable title, and protected it with interdicts, and cancelled legal rights and duties by restoring parties *in statum quo;* and in fact, by allowing or disallowing actions or other forms of legal process, he was enabled to introduce a large number of new and important legal principles. The characteristic features of the law which he thus created were its liberality and common sense. It has none of the peculiarities of the *jus civile*—formality, exclusiveness, rigidity; the vast majority of its rules are what we should call rules of equity, fitted by their very equitableness and simplicity to endure through all time. It is in fact based on the *jus gentium*, or rather on the natural sense of right, the *naturalis aequitas*, in which the Romans recognised that law's internal and generative principle, and which gave the edict such an honourable prominence among the sources of their positive law.

The juristic commentaries on the edict have been already referred to. The first of them was by Aulus Ofilius, a contemporary of Cicero. Labeo, the founder of the Proculian school of jurists, composed four books on the *edictum urbanum;* and another work of his, in thirty books, on the edict of the praetor peregrinus, is cited by Ulpian in Dig. 4, 3, 9. Gaius wrote commentaries on the edicts of both praetors and of the aedile, and there were numerous treatises on the same subject by other eminent lawyers (*e.g.* Ulpian and Paulus), besides other juristic writings not expressly on the edict, but which followed its arrangement: *e.g.* the epitome of Hermogenianus (Dig. 1, 5, 2). The result of this continuous annotation was that the commentaries obtained more authority than the edict itself, and became the basis of instruction for law students, especially those of Ulpian and Paulus. Some few fragments of the older edicts are found in the Roman writers, but it is chiefly from the works of the great jurists, as preserved in the Digest, that we know anything of the *edictum perpetuum* of Salvius Julianus, and in these the actual words of the praetor are frequently preserved. The arrangement of this great edict was to a considerable extent the basis of that of Justinian's Digest, and it was followed still more closely in the Code.

The *edicta* or *edictales constitutiones* of the emperors are mentioned under CONSTITUTIO.

(The most complete collections of the fragments of the edicts are those of Wieling, *Fragmenta Edicti Perpetui*, Franek. 1733, and of Rudorff: the latest treatise on the subject is by Lenel, *Das Edictum perpetuum*, Leipzig, 1883. Cf. also Walter, *Gesch. des röm. Rechts*, §§ 236, 312, 429, 440; Savigny, *Gesch. des röm. Rechts im Mittelalter*, ch. i. *System*, i. p. 109 ff.; Puchta, *Institutionen*, 8th ed., vol. i. pp. 184–201, 314–322; Böcking, *Institutionen*, § 16.) [J. B. M.]

EDICTUM THEODORI'CI. This is the first collection of law that was made after the downfall of the Roman power in Italy. It was

promulgated by Theodoric, king of the Ostrogoths, *probably* on his visit to Rome in A.D. 500, though some authorities fix the date after 506. (Hodgkin, *Italy and her Invaders*, iii. pp. 306, 342.) It consists of 154 chapters (besides a prologue and epilogue), parts of which may be traced to the Code and Novellae of Theodosius II., to the Codices Gregorianus and Hermogenianus, and to the *Sententiae* of Paulus; and though it was doubtless drawn up by Roman writers, the original sources are more disfigured and altered than in any other compilation. Though the Ostrogothic kingdom was in point of fact quite independent of the Eastern Roman Empire, in constitutional theory it was considered part of it, the king representing the Caesar, and his army being reckoned a portion of the emperor's forces; consequently the Roman law was still held binding in Italy, for the barbarian invaders no less than for the old inhabitants. Hence the Edict of Theodoric, so far as it went, was intended as law for both nationalities: but where it had made no change in the Gothic rules, the latter were still applied to the barbarians, while the Roman law was to prevail for the Romans in those cases to which the Edictum was not applicable. Athalaric, Theodoric's grandson, who was a minor, completed his grandfather's edict by a new one: but after Narses had again united Italy to the empire of Justinian, the latter's legislation was established in Italy (A.D. 554), and the Edict of Theodoric had no longer any authority.

(This edict was first printed in the edition of Cassiodorus by Nivellius, Paris, 1579, and there is an edition by G. F. Rhon, Halle, 1816. Cf. also Von Glöden, *Das römische Recht im ostgothischen Reich*, 1843; Hänel, *Lex Rom. Visig.* 1847; Savigny, *Gesch. des röm. Rechts im Mittelalter*, ii., chap. 11; Böcking, *Institutionen*, p. 89; Puchta, *Institutionen*, 8th ed., i. pp. 386, 387. Hodgkin, *Italy and her Invaders*, iii. p. 342, gives the prologue and epilogue and an analysis of the contents of the Edict.) [J. B. M.]

EEDNA. [Dos.]

EFFRACTOR (*τοιχωρύχος*: *effractarius*, Senec. *Ep.* 68, § 4), a burglar.

As the name *τοιχωρύχος* implies, the Greek burglar sought to effect an entrance through the wall of a house rather than through the doors or windows [Domus, p. 660 *a*]. In Attic law he reckoned among the *κακοῦργοι* whose crimes were capital (Dem. *c. Lacrit.* p. 940, § 47; Antiph. *de Caed. Herod.* § 9; Plat. *Rep.* i. 344 B. ix. 575 B); the summary processes called *ἀπαγωγὴ* and *ἐφήγησις* were available against him; he is often coupled with the *λωποδύτης* (*e.g.* Aristoph. *Plut.* 165; Diphil. *fr.* 32, 14 M.), both offences being hedged in with special penalties because they were so easy to commit. The midnight terrors of a rich miser behind his flimsy walls are amusingly depicted by Lucian (*Gall.* p. 748, Reitz.). (*Att. Process*, ed. Lipsius, p. 86, n. 130, and p. 456; Thalheim, *Rechtsalterth.* p. 40; cf. Klopes Diké.)

The Romans did not shrink from capital punishments, at least under the Empire; and we may be surprised to find that the crime of *effractio* was not visited with death, as among the Greeks, and till quite lately in England. Their houses were better built than those of the Greeks, and thus they did not legislate under the influence of panic. The penalty was hard labour for life (*opus perpetuum*), and, for burglary by night, in the mines (*poena metalli*). The trial was before the Praefectus Vigilum (Sidon. Apoll. *Ep.* ix. 7; Dig. 1, 15, 1; 47, 17, 16, 5; 47, 18; 48, 19; Rein, *Criminalrecht*, p. 319, and *ap.* Pauly, *s. v.*). [W. W.]

EICO'STE (*εἰκοστή*), a custom duty of one-twentieth (five per cent.) upon all commodities exported or imported by sea in the states of the allies subject to Athens. This tax was first imposed Ol. 91, 4, B.C. 413–2, in the place of the direct tribute (*φόρος*) which had up to this time been paid by the subject allies; and the change was made with the hope of raising a greater revenue (Thucyd. vii. 28). The date 415, given by Boeckh in his first edition from which Lewis' translation is taken, was subsequently corrected by him; it was after the occupation of Decelea in the spring of 413. This tax, like so many others, was farmed, and the farmers of it were called *εἰκοστολόγοι*. It must have been more difficult to collect than the *φόρος*, and this at a time when the hold of Athens over the payers was much enfeebled; and there is good reason to think with Grote (ch. 61 *init.*, v. 312) that the change was never fully carried out. It is certain that some states continued to pay *φόρος* after 413 (Xen. *Hell.* i. 3, § 9; *C. I. A.* iv. 51). The text of Thucydides contains the unusual expression *τὴν εἰκοστὴν ἐποίησαν*, for which Badham conjectures *ἐπέθεσαν*, and Classen with more probability *ἐπέταξαν*: and Müller-Strübing regards the passage as an interpolation (*Thukyd. Forschungen*, p. 30 ff., quoted by Gilbert and Fränkel). The *εἰκοστή*, however, does not rest upon the evidence of Thucydides alone (Bekk. *Anecd.* 185, 21: *δεκάτη καὶ εἰκοστὴ· οἱ Ἀθηναῖοι ἐκ τῶν νησιωτῶν ταῦτα ἐλάμβανον*); and the probable conclusion is that the new arrangement took effect in some of the subject states and not in others. The *εἰκοστολόγος* at Aegina mentioned by Aristophanes (*Ran.* 363) was, in Boeckh's later view, the collector of some special tax and not of the *εἰκοστὴ* in lieu of *φόρος* (*Sth.*[2] i. 396, ii. 351): Fränkel further points out, in confirmation of this, that the island had been occupied by Athenian *cleruchi* from the beginning of the war, and could not therefore have paid *φόρος* at all. With the fall of Athens both forms of taxation of course came to an end; but both were afterwards revived, the *φόρος* under the less invidious name of *σύνταξις* [Syntaxis]. Within a few years of the battle of Cnidus Athenian commanders were again levying the *δεκάτη* on the Hellespont (Xen. *Hell.* iv. 8, § 27; Diod. xiii. 64), and, as we know from inscriptions very recently discovered, the *εἰκοστὴ* among their subject allies (*e.g.* Clazomenae, *Mittheilungen d. archäol. Institutes*, vii. 174 ff.; Thasos, *ib.* 313 ff.). On an *εἰκοστὴ* attributed to the sons of Pisistratus, see Decumae, p. 603 *a*. (Boeckh, *P. E.* pp. 325, 401 = *Sth.*[2] i. 395 ff., 475; Fränkel, n. 537; Gilbert, *Staatsalterth.* i. 332.) [W. S.] [W. W.]

EIREN (*εἴρην*, *ἴρην*), the third class of Spartan youth with regard to age; the series being: *παῖδες* (aged 7–18), *μελλίρανες* (18–20), *ἴρανες* (20–30). The last were distinguished again as *πρωτίρανες* or *σφαιρεῖς*, according as they were near the lower or upper limit. (Plut.

Lyc. 17; *πρωτ.*=*οἱ περὶ εἴκοσι ἔτη παρὰ λάκωσι*, Phot., Hesych. ed. Schmidt, *s. v.*; *σφ.*=*οἱ ἐκ τῶν ἐφήβων εἰς ἄνδρας ἀρχόμενοι συντελεῖν*, Paus. iii. 14, 6, and *C. I. G.* 1386, 1432, &c.) The boys and youths forming a *βοῦα* or *ἴλα* chose as their leader (*βουαγόρ*) the wisest and bravest of the *ἴρανες* (Plut. *ib.*; Xen. *Rep. Lac.* ii. 11). These leaders excepted, the *ἴρανες* partook with their elders of the common meal (*ἀνδρεῖα*). The *ἰρένες* mentioned as buried in a separate tomb at Plataea (Herod. iv. 85) must have been the officers of all ranks, not young men: Amompharetus, who was one of them, was in command of a *λόχος* (Stein *ad loc.*). (Müller, *Dorians*, ii. 315; Gilbert, *Staatsalterth.* i. pp. 68, 71; on the form of the word, see Kuhn's *Zeitschr.* viii. 53; *Philol.* x. 431; Curt. *Stud.* iv. 1, 116.) [W. S.] [J. M.]

EIRESIO'NE (*εἰρεσιώνη*). [PYANEPSIA.]

EISAGO'GEIS (*εἰσαγωγεῖς*), as an Attic law-term, denotes two classes of persons. 1. In a wider sense the name was given to the ordinary magistrates when application was made to them for the purpose of bringing a cause (*εἰσάγειν*) into the proper court [DIAETETAE; DIKÉ]. The cause itself was tried according to its nature before arbitrators or dicasts respectively; but all the preliminary proceedings, such as receiving the accusation, getting up the case (*instruction* in the French sense), bringing into court the *ἐχῖνος* with the evidence taken at the *ἀνάκρισις*, and presiding at the actual trial, all included in the so-called *ἡγεμονία δικαστηρίου*, were conducted by the magistrate regularly assigned to that class of cases. Various public officers, the strategi, the logistae, &c., had the *ἡγεμονία δικαστηρίου* in cases specially relating to their own department: in general it belonged to one or another of the archons, or in some cases to the Eleven [HENDEKA, HOI]. Of all these magistrates the thesmothetae seem to have had the widest jurisdiction; yet there were cases which they could not take up (*περὶ ὧν οὐκ εἰσὶν εἰσαγωγεῖς*), and a charge brought in the wrong court might be met by an *ἀντίληξις* or *παραγραφή* (Dem. *c. Pantaen.* p. 976, §§ 33, 34; *Att. Process*, p. 30 = 45 Lips.). 2. Οἱ *εἰσαγωγεῖς* was also the name of particular magistrates, probably ten in number, chosen by lot to try (*εἰσάγειν*, see above) some sorts of *ἔμμηνοι δίκαι*: the *δίκαι προικός*, *ἐρανικαὶ* and *ἐμπορικαὶ* are specially mentioned (Pollux, viii. 93 and 101). In the words *οὗτοι δὲ τὰς δίκας εἰσήγαγον πρὸς τοὺς διαιτητάς* (c. 93) they are confused with the *εἰσαγωγεῖς* in the more general sense; as also in a gloss of Hesychius: *εἰσαγωγή· ἀρχὴ Ἀθήνησιν τῶν τὰ ἐγκλήματα εἰσαγόντων.* While no better evidence than this was forthcoming, it was possible, with Meier in the first edition of *Att. Process*, to doubt the existence of these special *εἰσαγωγεῖς* (not noticed in L. and S., ed. 7); but it is now proved by inscriptions (*C. I. A.* i. 37, 38). The former of these inscriptions is a decree of the senate, by which the *εἰσαγωγεῖς* are entrusted with the conduct of actions to enforce the payment of the tribute by the allies (B.C. 425–4, Stratocles archon): in the latter, *ἐπιμεληταί* are associated with them for the same purpose. [EMMENOI DIKAI.] The name *εἰσαγωγεῖς* must have been somewhat widely diffused, as it appears at Ephesus in Roman times; see an inscription of the year 83 B.C., published by Wood, *Discoveries at Ephesus*, 1877, App. viii. 1. (Gilbert, *Staatsalterth.* i. 358; Lipsius, *Att. Process*,[2] p. 94; Thalheim, *Rechtsalterth.* pp. 97, 137.) [W. S.] [W. W.]

EISANGE'LIA (*εἰσαγγελία*) signifies, in its primary and most general sense, a denunciation of any kind (Schömann, *Assemblies*, p. 181), as in Lys. *c. Agorat.* 50, 56, etc. The word *εἰσαγγέλλειν* first occurs in the psephisma about the *ἀπαρχαί* (soon after the year 446), published by Foucart, *Bull. de Corresp. hellén.* 1880, p. 225 ff., and Sauppe, *Attica et Eleusinia*. In the language of the Attic courts, however, it has been peculiarly applied to three classes of causes (Harpocr. *s. v. εἰσαγγελία*), which we shall discuss one after another. Of the first of these (*ἐπὶ δημοσίοις ἀδικήμασι μεγίστοις καὶ ἀναβολὴν μὴ ἐπιδεχομένοις*), two definitions are given in the *Lex. Rhet. Cantabr.* p. 667, 12 ff., side by side, ascribed to Caecilius and Theophrastus (cf. *Journ. of Philol.* vi. p. 2) respectively, which in Pollux, viii. 51, and Harpocr. *s. v.*, are somewhat mixed up. According to Caecilius, it was directed *κατὰ καινῶν καὶ ἀγράφων ἀδικημάτων*: according to Theophrastus, against certain specified crimes, practically the same which Hypereides (*pro Eux.* 22) quotes from the *νόμος εἰσαγγελτικός*. These two definitions refer in Fränkel's opinion (*Att. Geschworenger.* p. 77) to two periods, viz. that of Caecilius to the time before Eucleides and that of Theophrastus to the time following, so that under this archonship the crimes were specified by law which could be proceeded against by eisangelia, and the form of procedure was regulated; but when in the trial of Antiphon etc., he points out (p. 86) as an essential deviation from the later procedure the fact that the senate referred the case at once to a court, without first submitting it to the popular assembly, he must have overlooked [Dem.] *c. Euerg.* p. 1152, § 43, and *c. Frumentar.*, the case against the corn-dealers in Lys. *Or.* xxii.

Hypereides quotes three classes of crimes as specified in the *νόμος εἰσαγγελτικός*, without giving always the exact wording of the section of the law: 1st, *ἐάν τις τὸν δῆμον τὸν Ἀθηναίων καταλύῃ ἢ συνίῃ ποι ἐπὶ καταλύσει τοῦ δήμου ἢ ἑταιρικὸν συναγάγῃ* (cf. Isocr. *de Big.* 6; Dinarch. *c. Dem.* 94). 2nd, *ἢ ἐάν τις πόλιν τινὰ προδῷ ἢ ναῦς ἢ πεζὴν ἢ ναυτικὴν στρατιάν* (cf. Hyper. *pro Eux.* 18; Schol. Aeschin. *c. Tim.* 56). To this add from Theophr. and Pollux: *ἢ ἐάν τις εἰς τοὺς πολεμίους ἄνευ τοῦ πεμφθῆναι παρὰ τοῦ δήμου ἀφικνῆται ἢ μετοικῇ παρ' αὐτοῖς ἢ στρατεύηται μετ' αὐτῶν ἢ δῶρα λαμβάνῃ παρ' αὐτῶν* (cf. Ps. Plut. *Vitt. X. Orat.* p. 833 E; Lyc. *c. Leocr.* § 59; Hyp. *pro Lyc.* fr. 2 (p. 23 Bl.), *ἢ νεωρίων προδοσίαν ἢ ἀρχείων ἐμπυρισμὸν ἢ κατάληψιν ἄκρας* (*εἰσαγγέλλειν χρή*, Meier) and Alciphr. i. 32). 3rd, *ἢ ῥήτωρ ὢν μὴ λέγῃ τὰ ἄριστα τῷ δήμῳ τῷ Ἀθηναίων χρήματα λαμβάνων.* To this add from Hyp. *pro Eux.* c. 39, *καὶ δωρεὰς παρὰ τῶν τἀναντία πραττόντων τῷ δήμῳ τῷ Ἀθηναίων* (cf. 18). Lipsius concludes from the wording of Hypereides (23, *τὰ μὲν ἄνω τοῦ νόμου—τὸ δὲ τελευταῖον τοῦ νόμου*), that none of the sections of the law was altogether omitted by him, although each may not be given in its complete form, whilst others are of opinion that Hypereides only quoted the law as far as the passage applying to the case in hand. Certain it is that other crimes

besides those given above could be proceeded against by eisangelia, not only by taking terms like *κατάλυσις* etc. loosely, as when the adulterer Lycophron was proceeded against by an *εἰσαγγελία καταλύσεως*,—bitterly does Hypereides complain of the gross abuse made of eisangelia in this way (*pro Eux.* 19)—but we learn from an inscription (from the year 324–3, Boeckh, *Seeurkunden*, p. 540) that eisangelia could be resorted to *ἐάν τις ἀδικῇ περὶ τὰ ἐν τοῖς νεωρίοις* (this section of the law is applied by a decree of the senate to a particular case; see also [Dem.] *c. Euerg.* p. 1151, § 41); and from Dem. *c. Phorm.* p. 922, § 50, and Lys. *c. Frumentar.*, it is very probable that it was also directed against offences committed against the commercial laws (cf. the eisangelia against Pytheas, *περὶ τῶν κατὰ τὸ ἐμπόριον*, Dinarch. vi.); besides, the law which speaks of eisangelia as applying to *ἐάν τις τὸν δῆμον ὑποσχόμενος ἐξαπατήσῃ* (Dem. *de fals. Leg.* p. 374, § 103, and *c. Timoth.* p. 1204, § 67) is mentioned as *ἀρχαῖος νόμος* (Dem. *c. Lept.* p. 498, § 135); or may this clause, as well as the one directing eisangelia against sycophants (Isocr. *Antid.* § 314; *Lex. Rh. C.* s. v.), be taken as belonging to the third section of the *νόμος* as above quoted? See also Antiph. *de Choreut.* § 35 (*κλοπῆς δημοσίων χρημάτων*); Lys. *c. Nicom.*; Aeschin. *c. Ctes.* § 3; Dem. *de Reb. in Chers.* p. 96, § 28; and *C. I. A.* ii. 65.

Eisangeliae could be laid before the senate or the popular assembly. In the former case the accuser laid his information in writing (also called *εἰσαγγελία*, Lyc. *c. Leocr.* 34, 137; Hyp. *pro Lyc.* 3, 4; *pro Eux.* 39 ff.; cf. Plut. *Alcib.* 22) before the prytanes, who reported to the senate on the case (Lys. *c. Frum.* 2, *ἐπειδὴ οἱ πρυτάνεις ἀπέδοσαν εἰς τὴν βούλην περὶ αὐτῶν*). No summons was issued to the person accused (Lycophron was abroad when information was laid against him, Hyp. *pro Lyc.* 3). The senate had a discretionary power to accept or reject (Lys. *c. Nicom.* 22); if they accepted the information, the accused was arrested if necessary (but see Hyp. *pro Eux.* 19, *ἢν σπάνιον ἰδεῖν ἀπ' εἰσαγγελίας τινὰ κρινόμενον ὑπακούσαντα εἰς τὸ δικαστήριον*, and *Journ. of Philol.* iv. p. 108), and in case of a charge of high treason not released, even if he offered to find sureties (in the oath of the senators was the phrase: *οὐδὲ δήσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελοῦντας, πλὴν ἐάν τις ἐπὶ προδοσίᾳ τῆς πόλεως ᾖ ἐπὶ καταλύσει τοῦ δήμου συνιὼν ἁλῷ*, Dem. *c. Timocr.* p. 745, § 144; cf. Schol. Aristoph. *Eccl.* 1089, *κατεχόμενον ἐκατέρωθεν ἀπολογεῖσθαι τὸν κατ' εἰσαγγελίαν κρινόμενον*).

The next step is described in [Dem.] *c. Euerg.* p. 1151, § 41, as *τοὺς πρυτάνεις προγράφειν τὴν κρίσιν ἐπὶ δύο ἡμέρας*: i.e. on the first day, after both parties had been heard, the senate gave their verdict by secret ballot, whether the defendant was guilty or not; and, if he was found guilty, the senate voted on a second day by show of hands (*διαχειροτονεῖν*) on the question whether they should sentence him to a fine of 500 drachmas which it was competent for them to impose, or hand him over to a court. In the latter case the secretary of the prytanes had to deliver the sentence (*ἡ κατάγνωσις*) of the senate to the thesmothetae, who possessed the *ἡγεμονία τοῦ δικαστηρίου* on such occasions (Pollux, viii. 87; Ps. Plut. p. 833 E), and had to bring the case for trial as soon as possible: if that was not done within thirty days after the arrest, it fell to the Eleven to bring the case before the court, according to the *νόμος* in Dem. *c. Timocr.* p. 720, § 63. The number of dicasts was 1000 (*κατὰ Σόλωνα*, Poll. viii. 53), and later on 1500 (*κατὰ τὸν Φαληρέα*: cf. *Lex. Rhet. Cant.* s. v. *εἰσαγγελία*); in the trial of Pistias, 2,500 (Dinarch. *c. Dem.* § 52). Schömann (*Assemblies*, p. 203) concluded from the fact of there being no mention of a *praejudicium* in the decree regarding the trial of Antiphon etc., that when the alleged offence was of such a nature as obviously to be beyond the competency of the senate, a decree was drawn up immediately. Lipsius, on the other hand, suggests that the senate was authorised by the popular assembly to direct this trial, as in *C. I. A.* i. 59, l. 39 ff. In some instances belonging to the time before Eucleides, the senate referred eisangeliae to the popular assembly (Xen. *Hell.* i. 7, 3; Isocr. *de Big.* 6). Eisangeliae might also be laid directly before the people at the first assembly of every prytany, which was called *κυρία* (Pollux, viii. 95, etc.), but not, as he says (viii. 87), through the thesmothetae (cf. Boeckh, *Kl. Schriften*, v. p. 163); and after the accuser and the defendant had spoken, the people voted on the question whether the information should be accepted or rejected. If it was accepted, the senate was commissioned to make a *προβούλευμα* for the trial (Xen. *Hell.* i. 7, 7, *τὴν βουλὴν προβουλεύσασαν εἰσενεγκεῖν ὅτῳ τρόπῳ οἱ ἄνδρες κρίνοιντο*: *C. I. A.* ii. 65); the popular assembly could either sit in judgment on the case itself (as happened frequently in the time before Eucleides, and only in isolated instances after that year), or refer it to a Heliastic court (as in the case of Lycophron, *Hyp.* 3; cf. Dem. *c. Phorm.* p. 922, § 50, and Aristoph. *Vesp.* 590 ff., *ἔτι δ' ἡ βουλὴ χὠ δῆμος ὅταν κρῖναι μέγα πρᾶγμ' ἀπορήσῃ, ἐψήφισται τοὺς ἀδικοῦντας τοῖσι δικασταῖς παραδοῦναι*). If the popular assembly undertook the trial itself, the proceedings were probably the same as those described by Xenophon (*Hell.* i. 7, 9) on the occasion of the trial of the generals: a psephisma prescribed the form of the trial and the penalty upon conviction (*θανάτῳ ζημιῶσαι καὶ τοῖς ἔνδεκα παραδοῦναι καὶ τὰ χρήματα δημοσιεῦσαι, τὸ δ' ἐπιδέκατον τῆς θεοῦ εἶναι*). On that particular occasion the people gave their verdict by ballot, two urns being assigned to each tribe for that purpose; but from the use of *καταχειροτονεῖν* in other passages (*e.g.* Lys. *c. Philocr.* 2; Dem. *de fals. Leg.* p. 350, § 31, etc.) it seems probable that this was not invariably the rule. What happened when the popular assembly decided to refer the trial to a Heliastic court, may be learnt from the cases of Archeptolemus, Onomacles, and Antiphon. The senate authorised by the people passed a decree which directed that the accused should be arrested, that the thesmothetae should summon them on the day following the issue of the decree, and bring the cases into court on the day fixed in the summons; that the generals, assisted by such *συνήγοροι*, not more than ten in number, as they might choose from the senate, and by any other person that might wish to

join them, should prosecute them for treason, and that the court should deal with those found guilty κατὰ τὸν νόμον ὃς κεῖται περὶ τῶν προδόντων. Ps. Plut. p. 834 A quotes also the judgment of the court. Since Onomacles is not included in it, nor mentioned by Lys. *c. Eratosth.* 67 (the author of the life (2) of Thucydides deserves no credit in the face of such evidence), he was probably acquitted; if he had fled, as Grote (vii. p. 326) suggests, he would have been condemned to death, etc., along with the others (cf. Dion. Halic. *de Dinarch.* 3, τῶν δὲ εἰσαγγελθέντων τοὺς μὲν οὐχ ὑπομείναντας τὴν κρίσιν ἀνεθανάτωσαν τῇ ψήφῳ). No direction as to penalty was needed, when that was fixed by law (probably from the middle of the 4th century: see the trial of Cephisodotus in 359 B.C., πέντε ταλάντοις δ' ἐζημιώσατε, τρεῖς δὲ μόναι ψῆφοι διήνεγκαν τὸ μὴ θανάτου τιμῆσαι, Dem. *c. Aristocr.* p. 676, § 167; Schol. Aeschin. *c. Ctes.* 51, 52), viz. death and refusal of burial in Attic territory (*Journ. of Philol.* iv. p. 105, and viii. 1 ff.): nor are *συνήγοροι* as representatives of the people before the court ever mentioned in the 4th century; for those in the speeches of Hypereides are clearly selected by the accusers themselves (*pro Lyc.* 15, and *pro Eux.* 46). As to the penalty in the event of the accuser not obtaining the votes of as many as a fifth of the dicasts, the grammarians disagree: Harpocration speaks of a fine of 1000 drachmas, and adds, τὸ δὲ παλαιὸν καὶ οὗτοι μειζόνως ἐκολάζοντο: the *Lex. Cant.* (p. 677, 12) has simply οἱ δικασταὶ τιμῶσιν; Pollux quotes Hypereides to show that the accuser was ἀκίνδυνος, and adds Theophrastus' statement (περὶ νόμων, fr. 8; *Journ. of Philol.* vi. p. 2 and 14 ff.) that a fine of 1000 drachmas was imposed. The facts of the case are that the accuser was at one time ἀκίνδυνος (Hyp. *pro Lyc.* 7 and 10), but that this impunity was discontinued (probably διὰ τοὺς ῥᾳδίως εἰσαγγέλλοντας, Pollux, *l. l.*); and the prominent mention by Demosthenes (*de Cor.* p. 310, § 250) of the fact of his accusers (in the period following the disaster of Chaeroneia) having not received τὸ μέρος τῶν ψήφων, *i.e.* τὸ πέμπτον μέρος, clearly shows that it had become a matter of importance to obtain the fifth part, that otherwise the accusers subjected themselves to a penalty, viz. 1000 drachmas; cf. Lycurg. *c. Leocr.* 3 (*Att. Process*, ed. Lipsius, pp. 312–329).

Of the two other classes of causes which equally bore the name of eisangelia, the former consists of cases of alleged κάκωσις, *i.e.* wrong done to orphans (Isae. *Hagn.* 15), heiresses (Isae. *Pyrrh.* 46; Dem. *c. Pantaen.* p. 980, 46, and fr. 5 = Poll. viii. 53), and widows ὅσαι μένουσιν ἐν τοῖς οἴκοις τῶν ἀνδρῶν τῶν τεθνηκότων φάσκουσαι κυεῖν, Lex *ap.* [Dem.] *c. Macart.* p. 1076, § 75: not to parents, as Schömann (*Assemblies*, 181) supposed, Harpocration's definition ἐπὶ ταῖς κακώσεσιν being too wide (cf. *Att. Proc.* ed. Lipsius, p. 358, n. 443). Upon such occasions the informer (any Athenian citizen might undertake the accusation, Harpocr. *s. v.* κακώσεως) laid his indictment before the archon, if the aggrieved persons were of a free Attic family; or before the polemarch, if they were resident aliens. The peculiarities of this kind of cause were, that the informer and the defendant were not limited as to time in their speeches before the court (ἄνευ ὕδατος), and that the informer incurred no penalty whatever upon failing to obtain a verdict (οὔτε γὰρ ἐπιτίμιον ταῖς πρὸς τὸν ἄρχοντα εἰσαγγελίαις ἔπεστιν, οὐδ' ἐὰν μηδεμίαν τῶν ψήφων οἱ εἰσαγγείλαντες μεταλάβωσιν, οὔτε πρυτανεῖα οὔτε παράστασις οὐδεμία τίθεται τῶν εἰσαγγελιῶν· ἀλλὰ τοῖς μὲν διώκουσιν ἀκινδύνως εἰσαγγέλλειν ἔξεστι, τῷ βουλομένῳ, Isae. *de Pyrrh. her.* § 47: cf. Dem. *c. Pantaen.* p. 980, § 46; *Att. Proc.* p. 332 f.). With respect to the accused it is obvious that the cause must have been τιμητός, *i.e.* that the court would have the power of fixing the amount of penalty upon conviction: ἔσχαται τιμωρίαι, Isae. *de Pyrrh. her.* § 47, ἐκινδύνευεν ἂν περὶ τοῦ σώματος (*i.e.* περὶ τῆς ἐπιτιμίας, Meier, *de Bon. Damn.* p. 143, n. 468) καὶ τῆς οὐσίας ἁπάσης, 62, cf. *de Hagn. her.* 35, and Dem. *c. Pantaen.* p. 981, § 49. (*Att. Process*, p. 359, n. 449; Schömann on Isaeus, *de Pyrrh. her.* p. 62.)

The third kind of eisangelia was available against διαιτηταί. Our information on this subject is very limited: Harp. εἰ γάρ τις ὑπὸ διαιτητοῦ ἀδικηθείη, ἐξῆν τοῦτον εἰσαγγέλλειν πρὸς τοὺς δικαστὰς καὶ ἁλοὺς ἠτιμοῦτο (cf. Schol. Plat. *Legg.* xi. p. 926 D; Bekk. *Anecd.* 235; and Pollux, viii. 126, καὶ ἀτιμία ἀφώριστο τῷ μὴ δικαίως (Meier, *d. Privatschiedrichter*, etc., p. 15, διαιτήσαντι) and Dem. *c. Mid.* p. 542, § 86 ff.). In Hudtwalcker's opinion (*ü. d. Diäteten*, p. 24 ff.) the διαιτηταὶ had to meet annually in the last month but one, probably in the market-place in front of the senate-house, to be at hand in case a person wished to complain of a verdict given by any one of them (a kind of εὔθυναι, but see *Att. Process*, p. 260, n. 159); such a complaint was called eisangelia. To this class belonged the complaint of Midias, which was laid before the senate (πρυτανεύοντα H. explains president of the senate). Against this interpretation Lipsius urges that the words τὴν τελευταίαν ἡμέραν τῶν διαιτητῶν and ἐκβάλλει point to Straton as still in office. The correct explanation of the passage is given by Bergk (*Zeitschrift. f. Alterth.* 1849, p. 273 ff.); he shows that the διαιτηταὶ were a properly constituted body under the presidency of prytanes, and had the power of expelling a member for misconduct (as the senate of 500 and the Areiopagus possessed over their respective members). This happened in Straton's case: Midias laid an information against him before the διαιτηταὶ at their last meeting (B. alters rather needlessly in Harp. πρὸς τοὺς διαιτητὰς to πρὸς τοὺς δικαστὰς, and interprets ἡμέραν εἰς ἣν, etc. "meeting"), which was not numerously attended, without having informed Straton of his intention, and induced the chairman (of the διαιτηταί), in the absence of Straton, to have the case decided by the vote of those present; the result was that Straton was expelled (ἐκβάλλει) and became ἄτιμος, and this verdict was confirmed by the dicasts on appeal (p. 543, § 91). (Fränkel, p. 73 n.; *Att. Process*, ed. Lipsius, pp. 333 and 1013.) [H. H.]

EISITERIA (εἰσιτήρια), sc. ἱερά, sacrifices offered upon entrance into office; according to Suidas (*s. v.*) upon the first day of the new year, which accordingly was kept as a holiday. Besides the higher magistrates, the senate offered εἰσιτήρια through one of its members chosen for the purpose (Dem. *c. Mid.* p. 552, § 114): the scholiast Ulpian on this passage appears to have

confounded the more solemn sacrifice on entering office with the daily prayer and sacrifice at the beginning of each sitting [BOULÉ, p. 313 *a*]. When an embassy set out, at least on the most important occasions, the senate and principal magistrates offered *εἰσιτήρια* for its success, and dined together (Dem. *F. L.* p. 400, § 190 = 210). The latter passage, which has been quoted in favour of the identity of the *εἰσιτήρια* and the daily prayers, is in reality decisive against it: it is quite certain that the senate did not dine every day at a common table, though the prytanes did. This argument appears to us conclusive in favour of Schömann's view. The *ἐξιτήρια* on going out of office (Hesych.) are less well attested. (Schömann, *Assemblies*, p. 306; *Antig.* i. 379, 409, E. T.) [W. W.]

EISPHORA (*εἰσφορά*), literally a contribution or tribute, was an extraordinary tax on property raised at Athens in war-time only, paid both by citizens and metoeci, and voted by the people on each occasion when it was required. The grammarians do not always clearly distinguish between the Eisphora and the liturgies (*λειτουργίαι*), and Ulpian on Demosthenes (*Olynth.* ii. p. 33 *e*) entirely confounds them. The Eisphora was not a liturgy, though the *προεισφορά* (see below) was one. The property of orphans during minority was exempt from the liturgies, but not from the Eisphora; and a trierarch, choregus, or any one otherwise discharging a liturgy had to pay the Eisphora as well. It is not certain when this property-tax was introduced, but it seems that it was at least unfrequent in early times when personal service was the rule, whereas with the increasing employment of mercenaries (*ξένοι*) the necessity for it became continually greater. In the last years of Athenian independence it was the constant complaint of Demosthenes that the citizens would neither fight their own battles nor pay others to fight for them.

The first Eisphora of which we have any information was imposed in B.C. 428. The words of Thucydides (*ἐσενεγκόντες τότε πρῶτον ἐσφορὰν διακόσια τάλαντα*, iii. 19) have led to the inference that this was the first of all (Boeckh, *P. E.* p. 470 = *Sthh.*[3] i. 556); but two other explanations have been offered, (1) that this was the first on which so large a sum as 200 talents was voted (rejected by Boeckh, perhaps too summarily); (2) that it was simply the first in the Peloponnesian War (Kirchhoff's view, see Fränkel on Boeckh, n. 780; preferred also by Gilbert, p. 346). Schömann leaves the point undecided (*Antiq.* i. 457, E. T.); but the language of Antiphon (*Tetral.* i. b, § 12) and Aristophanes (*Eq.* 924 ff.) seems to indicate that in the early years of the Peloponnesian War it was no new invention (compare Thucyd. i. 141, § 4; Tittmann, *Darstellung d. Griech. Staatsverfassungen*, p. 41, n. 31, quoted in the English version of Boeckh, p. 471). However this may be, the Athenians, even under the stress of a desperate war, had an instinctive aversion to direct taxes; and at this period no Eisphora could be moved without a preliminary vote of *ἄδεια* to the proposer (*C. I. A.* i. 32; Gilbert, *l. c.*). The psephisma which decreed the tax also named the amount to be raised: 200 talents, Thucyd. iii. 19; 60 talents, Dem. *Olynth.* iii. p. 29, § 4; 500 talents, a comic exaggeration in Aristoph. *Eccles.* 824, gravely pronounced impossible by Dem. *de Symmor.* p. 185, § 27. Before the institution of the symmoriae, which acted as intermediaries, the people collected the Eisphora directly through their own agents, with confiscation as the penalty for default. At the head of the collection were the generals, who had under their orders the *ἐκλογεῖς* and other subordinate tax-gatherers; it is evidently as a strategus that Cleon has the power of punishing his enemies by high rating (Aristoph. *Eq.* l. c.); just as later the same officers made out the lists of the symmoriae, and selected the richer men for the *προεισφορά* (Dem. *c. Boeot.* i. p. 997, § 8; Wolf, *Proleg. in Lept.* p. xciv. = 49 tr. Beatson; Boeckh, *P. E.* p. 472 = *Sthh.*[3] i. 557). For the rate of this taxation in proportion to the taxable capital, the statement most to be relied on is that of Demosthenes in a passage already cited (*Olynth.* iii. p. 29, § 4). Taking 6000 talents as the amount of taxable capital (*τίμημα*), he speaks of a hundredth or, if the people were willing to make sacrifices, a fiftieth as a possible rate, a twelfth as a preposterous amount which no one would venture to propose. Figures resting only on comedy, such as the five-hundredth part (*πεντακοσιοστή*, Aristoph. *Eccles.* 1007), must be received with more caution than Boeckh has shown in admitting this species of evidence. We have, however, proof that quite small sums might be raised by Eisphora; 10 talents annually from 347 to 323 B.C. for the building of the arsenal (*C. I. A.* ii. 270). The tax of a fortieth, proposed by one Euripides, who may have been a son or nephew of the great dramatist, about B.C. 394 (Aristoph. *Eccles.* 824), may be accepted as historical; but the notion that it was "calculated to produce" 500 talents, implying a taxable capital of 20,000 talents, is justly styled by Grote "a comic exaggeration of that which foolish people at first fancied" (ch. 75, vi. 525 n.). This common-sense remark is quoted approvingly against Boeckh by his editor Fränkel (n. 803). A tax of a twentieth has been inferred from Dem. *c. Androt.* p. 617, § 77, where *δεκατεύοντες* is balanced by *διπλᾶς πράττοντες τὰς εἰσφοράς*: but *δεκατεύειν*, as already observed under DECUMAE, is a phrase for high taxation in general, and we should judge from the language of Demosthenes just quoted that an *εἰκοστὴ* was more than the Athenians would bear.

There can be no doubt that until the archonship of Nausinicus the standard according to which the Eisphora was levied was based upon the four Solonian classes, the continued existence of which can be traced by inscriptions to within a few years of that date (B.C. 387–6, *C. I. A.* ii. 14). We must assume that this census, which under the law of Solon had reference to landed or real property only, had been extended with the growth of Athenian commerce and empire to include moveable or personal property as well. The threat of Cleon implies that moveables were taxed (Aristoph. *Eq.* 924); slaves were included in the *ἀπογραφή* or return (Isocr. *Trapez.* § 49); corporate property was taxed as well as individual (*C. I. G.* 93, 103; *C. I. A.* ii. 600).

In the archonship of Nausinicus, B.C. 378–7, a new census was instituted, in which the

people, for the purposes of the property-tax, were divided into a number of symmoriae (*συμμορίαι*), or groups similar to those which were some years afterwards (B.C. 364–3) made for the trierarchy (Philoch. *ap.* Harpocrat. *s. v. συμμορία*). The question of these symmoriae has lately been cleared of some of the difficulties which surrounded it in consequence of the confused statements of the scholiast Ulpian (*l. c.*). The property-tax was certainly paid by all (Dem. *Olynth.* i. p. 15, § 20; ii. *extr.*); not even the descendants of Harmodius and Aristogeiton were exempt (*c. Mid.* p. 462, § 18); and the 1200 whom Ulpian absurdly supposed to have been the sole payers of it are now proved to have formed the quite different trierarchic symmoriae, and to have had nothing to do with the Eisphora at all (Lipsius, *Jahrb. für class. Philol.* 1878, p. 289 ff.; Gilbert, p. 349 n.; Fränkel, n. 834; SYMMORIAE). The number of the trierarchic symmoriae was twenty (Dem. *de Symm.* p. 182, § 17); that of the others uncertain, perhaps even variable; and it is by far the most probable conclusion that all the citizens were enrolled in them, though Boeckh leaves the point open (*P. E.* p. 527 ff. = *Sthh.*[3] i. 614 ff.). The 300 richest men formed the first class of contributors; the richest individual in each symmoria was called *ἡγεμὼν συμμορίας*, an office which at first must have been purely honorary, since it could be filled by a minor, and involved no extra burdens. Demosthenes (aet. 7) probably lost his father in the year of Nausinicus, and the ten years of his minority during which he contributed through his guardians a first-class Eisphora and was a *ἡγεμὼν συμμορίας* were seemingly the ten first years of the new system (Dem. *c. Aphob.* i. p. 815, § 7; ii. p. 836, § 4). Through this period, as has been already mentioned, the state prosecuted its claims against the individual taxpayer, whether rich or poor. About the year 362–1 the *προεισφορὰ* was introduced: the 300 richest men (or those named as such by the strategi) were now called upon to advance the money required from their symmoria to the state, which thus reaped the benefit of dealing only with capitalists, of prompt payment and no arrears secured in the case of other taxes by the system of farming. The *προεισφέροντες*, as they were called, had to recover from the poorer contributors in the courts of law as best they might: the hardships in which they were now involved are described in the speech *against Polycles* (p. 1209, § 9). The *προεισφορὰ* counted as a liturgy; and as no man was compelled to serve two liturgies at the same time, it could not lawfully be imposed on those who were already trierarchs. The speaker complains that, having landed property *en évidence* (*φανερὰ οὐσία*) in three demes, he had been put on the list for each; he did not stand upon his rights as a trierarch, but accepted the burden and made the required advances; on his return from foreign service he found that all the solvent properties (*τὰ εὔπορα*) had been pounced upon by others in his absence, and he was left to recover what he could from those which were "not worth powder and shot" (*τὰ ἄπορα*). The *προεισφορὰ* marks a period when an empty exchequer had increased the tendency of the democracy to prey upon the rich; according to Boeckh, the revenue suffered the greatest falling off in the 105th and 106th Olympiads, B.C. 360–353 (*P. E.* p. 435 = *Sthh.*[3] i. 511). It seems to have succeeded in its object of avoiding arrears; in B.C. 355 Demosthenes reckons the outstanding claims of the whole period since Nausinicus at only 14 talents out of 300, a small amount when the extreme slipperiness of the Athenian tax-payer is considered. The explanation of the phrase *τὰς εἰσφορὰς τὰς ἀπὸ Ναυσινίκου* (Dem. *c. Androt.* p. 606, § 44) adopted by the present writer is now confirmed by Fränkel in an elaborate note as the only admissible rendering: but the sum of 300 talents for all the Eisphorae of 23 years is too small, and the word *τριακόσια* is justly suspected (n. 821; cf. *Class. Rev.* i. 78, 150). The resident aliens, whether *μέτοικοι* or *ἰσοτελεῖς*, as they were liable to other liturgies, were doubtless also included in the *προεισφορά* (Boeckh, *P. E.* p. 538 f. = *Sthh.*[3] i. 624 f.); and they were grouped in symmoriae of their own apart from the citizens (*αἵ τε τῶν μετοίκων λειτουργίαι καὶ αἱ πολιτικαί*, Dem. *c. Lept.* p. 462, § 18; *μετοικικῆς συμμορίας ταμίας*, Hyperid. *ap.* Poll. viii. 144). For the collection of the Eisphora, besides the ECLOGEIS (*q. v.*), other officers called *διαγραφεῖς* and *ἐπιγραφεῖς* are mentioned, but the duties of each are nowhere clearly defined (Boeckh, *P. E.* p. 533 = *Sthh.*[3] i. 619). The list or register of each symmoria, analogous to our rate-books, was called *διάγραμμα* (Dem. *de Symm.* p. 183, § 21), and the *διαγραφεῖς* were probably the keepers of it; the *ἐπιγραφεῖς* seem to have had similar duties among the resident aliens, by whom they were chosen (Isocr. *Trapez.* § 41; Harpocrat. *s. v.*).

The relation of the *τίμημα* to the total wealth of the Athenian people, and the incidence of the Eisphora regarded as an income-tax, have been made out by Boeckh with great probability. In the Solonian classes the principle of graduation was already recognised, though only to a slight extent; thus the first class, the Pentacosiomedimni, were entered on the register with their whole productive landed property, the Knights with five-sixths, the Zeugitae with five-ninths, while the Thetes were altogether exempt (Boeckh, *P. E.* p. 505 = *Sthh.*[3] i. 588). In the succeeding period, while personal property was brought into the schedule for taxation, the custom must have arisen of allowing a comparatively small proportion of the whole to rank as *τίμημα* or "taxable capital"; it cannot be thought that the state of things which we find under the law of B.C. 378, when the *τίμημα* of the largest properties was only one-fifth (Dem. *c. Aphob.* i. p. 815, § 7), was the result of a sudden change; or that the taxable capital can have stood in 393 B.C. at 20,000 talents, and fifteen years later have been reduced to 5750 talents. The latter figure rests upon the precise testimony of Polybius (ii. 62, § 7), Demosthenes giving in round numbers 6000 at the same date (*de Symm.* p. 183, § 19); the former is based, as has been seen, upon the facile arithmetic of comedy. To Boeckh, however, is due the discovery of the true sense of *τίμημα*, the "taxable capital," as distinguished either from the yearly revenue or the whole property: for recent criticism see Thumser, *de Civ. Athen. Muneribus*,

p. 32 ff.; Gilbert, pp. 347–8; Fränkel, n. 823. The details, it is admitted, rest partly upon conjecture; that the highest class were rated upon a fifth of their property is the only fact definitely stated (Dem. *c. Aphob.* I. c.); that there were three other classes taxed in a diminishing ratio is the natural conclusion from what we know of the earlier arrangement under Solon. The following table gives Boeckh's latest scheme of the valuation in the archonship of Nausinicus (*Sthh.*[3] i. 603), differing slightly from his earlier view (*P. E.* p. 519):—

First Class, from twelve talents upwards.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
500 tal.	. .	100 tal. . .	5 tal.
100 „	. 20 .	20 „ . .	1 „
50 „	. per .	10 „ . .	30 min.
15 „	. cent. .	3 „ . .	9 „
12 „	. .	2 tal. 24 min.	720 dr.

Second Class, from six talents and upwards, but under twelve.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
11 tal..	.	1 tal. 45 min. 60 dr.	528 dr.
10 „ .	16 . 1	„ 36 „ . .	480 „
8 „ .	per . 1	„ 16 „ 80 „	384 „
7 „ .	cent. . 1	„ 7 „ 20 „	336 „
6 „ .	. .	57 „ 60 „	288 „

Third Class, from two talents upwards, but under six.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
5 tal.	. .	36 min. . .	180 dr.
4 „	. 12 .	28 „ 80 dr.	144 „
3 „	.. per .	21 „ 60 „	108 „
2½ „	. cent..	18 „ . .	90 „
2 „	. .	14 „ 40 „	72 „

Fourth Class, from twenty-five minas upwards, but under two talents.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
1½ tal..	.	7 min. 20 dr. .	36 dr.
1 „ .	8 .	4 „ 80 „ .	24 „
45 min..	per .	3 „ 60 „ .	18 „
30 „ .	cent. .	2 „ 40 „ .	12 „
25 „ .	.	2 „ . .	10 „

Every one had to pay his tax in the deme or demes where his landed property lay (Dem. *c. Polycl.* p. 1209, § 9). It is expressly stated that κτήματα, not σώματα, were responsible for the Eisphora, *i.e.* a man could be sold up but not imprisoned or punished in person (Dem. *c. Androt.* p. 609, § 54; *c. Timocr.* p. 752, § 166). The practice, however, was not quite on a level with the theory: even citizens were sometimes dragged to prison who had not the means of paying unjust demands; and the metoeci might be oppressed with still greater impunity (*c. Androt.* pp. 609, 610, §§ 54, 56). This, however, was not under the ordinary law, but under an extraordinary commission to inquire into arrears to which Androtion had got himself appointed. Among his acts of oppression is mentioned his disputing the status of citizens in order to make them τὸ ἕκτον μέρος εἰσφέρειν μετὰ τῶν μετοίκων (p. 612, § 61); and this is the only passage bearing on the amount of Eisphora paid by the metoeci. Boeckh thinks that they paid uniformly, whatever their means, on a second-class rating of 16 or 16⅔ per cent.: this may have been the minimum rate for the poorer aliens, but it is not likely that any who possessed a first-class property were let off more cheaply than citizens of equal fortune (cf. Gilbert, *Staatsalterth.* i. 172). Another explanation of τὸ ἕκτον μέρος seems possible: the metoeci may have paid the same quotas as the citizens, with a προσκατάβλημα or additional charge of one-sixth. As they could not hold landed property, the facilities for concealment must have been much greater in their case. After the institution of the προεισφορὰ the friction in collecting this particular tax was no doubt greatly diminished. The state had direct dealings only with the 300 selected rich men; and, as we have seen, did not trouble itself with the question how they were to recover from the poorer contributors; but any one who thought himself unjustly included in this class might claim an antidosis with any one who was left out of it [ANTIDOSIS]. Boeckh's language on this subject (bk. iv. ch. 16 *init.*) seems to us rather unguarded, as though any tax-payer might dispute his rating in this way; the speech *against Phaenippus* mentions only the case of the 300 (see the Argument, and especially p. 1046, § 25, τοὺς λειτουργοῦντας καὶ ἐν τοῖς τριακοσίοις ὄντας ἀναπαύειν: again ἄγειν εἰς τοὺς προεισφέροντας).

The Eisphora was not much like a modern income-tax, though Schömann calls it "a tax on property, or more properly on income" (*Antiq.* i. 455, E. T.). It was much more like the "benevolences" and "fifteenths" levied by English kings in former times, an extraordinary contribution demanded at irregular intervals; and moreover it was based on the capital itself, not on the varying produce of capital. It was not at all oppressive in amount, though the Athenian people required so much persuasion to induce them to vote it. Demosthenes during his minority, out of a first-class fortune of fifteen talents and a τίμημα of three, in ten years only paid eighteen minas (*c. Aphob.* i. p. 825, § 37), the tenth part of his taxable capital, or the fiftieth part of his property (about £72 out of £3600). The income must have been at least 10 per cent. of the full capital, or £360 a year (Boeckh, *P. E.* p. 522 = *Sthh.*[3] i. 607).

The greater part of Boeckh's fourth book (chaps. i.–x., xvi.) is devoted to the Eisphora. Cf. Hermann, *Staatsalterth.* § 162; Schömann, *Antiq.* i. 455–457, E. T.; Gilbert, *Staatsalterth.* i. 345–350. [L. S.] [W. W.]

EKECHEI'RIA (ἐκεχειρία). [HIEROMENIA.]

ELAEOTHE'SIUM. [BALNEAE, p. 272.]

ELAPHEBO'LIA (ἐλαφηβόλια), the greatest festival in the town of Hyampolis, in Phocis, which was celebrated in honour of Artemis, in commemoration, it is said, of a victory which its inhabitants had gained over the Thessalians, who had ravaged the country and reduced the Phocians in the neighbourhood of the town nearly to the last extremity. (Plut. *de Mul. Virt.* p. 244 B, *Quaest. Symp.* p. 660 D; Paus. x. 35, § 4.) The only particular which we know of its celebration is, that a peculiar kind of cake (ἔλαφος) was made on the occasion. (Athen. xv. p. 646 e.) These cakes were, as their name indicates, probably made in the

shape of a stag or deer, and offered to the goddess. The festival of the elaphebolia was also celebrated in many other parts of Greece, but no particulars are known. (*Etym. M.*, s. v. 'Ελαφηβολιών.) [L. S.]

ELAPHEBO'LION. [CALENDARIUM.]

ELECTRUM, ἤλεκτρος or ἤλεκτρον. Lepsius has maintained (*Ueber die Metalle in den Aegypt. Inschriften*, Appendix) that the early Greek usage was to employ the masculine form when the mixture of gold and silver was intended; the neuter form when the mineral which we call amber was meant. It is likely that the Greeks were acquainted in very early times with the use of amber, trade in this mineral having taken place in pre-historic days between North and South Europe. They must also have been early acquainted with the compounded metal, since gold alike in Asia and Europe is commonly found mixed with silver. Which of the two substances therefore was first called electrum is a matter quite open to dispute. We will speak of them in turn.

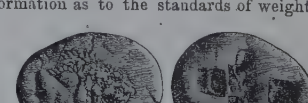
(1) Amber. Beads of amber were found in the royal tombs at Mycenae; and chemical analysis (Schliemann, *Tiryns*, p. 370) has proved that this amber came from the Baltic, and not from elsewhere. Similar beads have also been found in the very early Greek (?) tombs at Ialysus in Rhodes. At a later period amber is mentioned in the Odyssey (xv. 460; xviii. 295) as a material of necklaces, which are said to be held together ἠλέκτροισι, by beads of amber. In one of these passages the necklace is spoken of as an import from Phoenicia. It is also stated (iv. 73) that the walls of the palace of Menelaus were adorned with amber, as well as gold, silver, and ivory. The author of the Shield of Herakles, ascribed to Hesiod, speaks of that shield (141) as adorned with electrum, in which case, however, the metal may be meant. In South Italy amber was in the archaic period used as a material for statuettes and reliefs; many specimens of this kind of work are in the British Museum. But the amber used in Italy seems to differ in many respects from that of the Baltic, and is more like the amber still found in small quantities in Sicily.

Many writers have maintained that there was a regularly used trade-route across Europe from the banks of the Baltic to the shores of the Euxine or Adriatic, by which amber was brought to the south in exchange for other wares, and that this route was used without intermission from prehistoric days onwards. But the only facts on which this view is based are the occasional discovery in Central Europe of the coins and art-products of Greece and Etruria, and the above-mentioned presence of pieces of amber in early Greek tombs. These facts are, as Furtwängler remarks (*Goldfund von Vettersfelde*, p. 49) not conclusive. It is more probable that the amber of early Greece was imported by the Phoenicians who sailed round the coast to the north of Europe, especially in view of the fact that after the Homeric age amber disappears from Greek tombs, and does not again figure until Roman times, when a regular trade with the Baltic coast had sprung up.

(2) Mixed gold and silver. The earliest certain mention of this mixed metal as electrum (rather ἤλεκτρος) is in Sophocles' *Antigone*, 1037, where the substance is said to come from Sardes: for Sardes by the Pactolus was noted in antiquity as the place whence came the river-gold, mixed when found with a considerable percentage of silver. Herodotus, however, speaking of this same Sardian metal in connexion with the donaria of Croesus to Delphi (i. 50), calls it white gold, λευκὸν χρυσόν. Pliny remarks (*H. N.* xxxiii. § 80) that gold is invariably found mixed with silver (which is true), and that when the proportion of silver reaches a fifth, the metal is called electrum. He adds that electrum was made by art as well as found.

This white gold or electrum is used on the sword-blades found at Mycenae for purposes of inlaying. In later times it was used, as being a harder material than gold, for objects in which hardness was desirable. By far the most important use to which it was put was as a material for coins.

In the 7th century B.C., or possibly late in the 8th, the kings of Lydia began to issue stamped money of electrum, using probably the metal in its natural state, and the maritime cities of the Asiatic coast and of Euboea adopted the idea. Information as to the standards of weight used

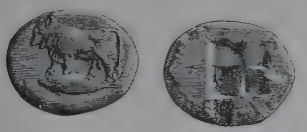


Early electrum Stater, probably struck at Miletus before B.C. 623. (British Museum.)

in these issues is given under PONDERA. For some time, until silver was first minted at Aegina, all the coinage of the world consisted of stamped pellets of electrum, though no doubt unstamped bars of gold and silver circulated with them. It is observed by Mr. Head (*Numismatic Chronicle*, 1875, p. 254), in his excellent account of early electrum coins, which is mainly based on the researches of Brandis (*Münz-Mass- und Gewichtswesen*), that the mixed metal had two advantages over pure gold in circulation: (1) it was more durable; (2) the proportionate value of gold to silver being $13\frac{1}{3}$ to 1 (Herodotus says 13), and electrum being of three-fourths the value of gold, each coin of electrum would pass as the equivalent of ten silver bars of equal weight. It is considered that this proportion is shown to have actually held by the fact that everywhere electrum was minted on the standards of weight in use for silver, and not on the (different) standards in use for gold, which seems to show that the proportionate values of electrum and silver were very simple. It must, however, be cited as an objection to the views of Brandis and Head, that in the cases in which the proportion of gold to silver in electrum coins has been determined by chemical analysis or specific gravity, a far less proportion of gold than three to one has been discovered, a proportion indeed sometimes less than one to one, so that it is difficult to see how electrum can have been considered as of three-fourths of the value of gold. On this subject further investigations are necessary.

It is believed that Croesus first introduced in Asia, in place of the coinage of electrum, money

of gold and of silver. The conquering Persian kings adopted the Lydian currency and imitated it, and coins of electrum went rapidly out of use. But at a somewhat later time, about B.C. 500, electrum was again issued by a few cities, more especially Cyzicus, Phocaea, and Lampsacus.



Electrum Stater of Cyzicus. (British Museum.)

The staters and hectae (sixths) of those cities were current in the Euxine, Asia Minor, and Greece. They are mentioned in Attic inscriptions from B.C. 434 onwards. Cyrus the younger paid his Greek mercenaries a Cyzicene stater a month (Xenoph. *Anab.* vii. 3, 10), and Demosthenes states in his speech against Phormio (B.C. 333) that in Pontus Cyzicene staters passed as equivalent to 28 Attic drachms of silver. [See STATER.]

We possess the text of a curious commercial treaty concluded between Phocaea and Mytilene, for the issue in common by the two states of hectae or sixths of electrum. For the details, see Newton in *Trans. Roy. Soc. Lit.* viii. p. 549. Each of the cities was in turn for the space of a year to mint these coins, which were to be in both a legal tender, and provisions were made for punishing any person who debased the currency below the normal standard. But the paleness of these hectae, which still exist in large numbers, proves that they did not contain a high proportion of gold. In the fourth century, electrum coins were largely used at Carthage, and in the time of Timoleon at Syracuse. [P. G.]

ELENCHUS (ἔλεγχος). [INAURIS.]

E'LEPHAS (*ἐλέφας, ebur; elephantus*, poet., Verg. *Georg.* iii. 26; *Aen.* iii. 464, vi. 896). African ivory was known to the ancients, through Phoenician trade, long before the elephant (from Libya in the time of Pheidias: *Hermipp. fr.* 61 M.; Pausan. i. 12, 4). Accordingly, early writers—Homer, Hesiod, Pindar—speak of the material only. Herodotus, indeed, was aware of its origin (iv. 191; Plin. *H. N.* viii. § 7), but the Greeks generally only became acquainted with the animal from the Macedonian expeditions into Asia, the Romans with the arrival of Pyrrhus in Italy. Both words *ἐλέφας, ebur*, probably contain the Egyptian *âb* (ivory, elephant). (O. Schrader, *Linguist. histor. Forsch. zur Handelsgesch.* i. 71.)

The use of ivory in the manufacture of small objects of use or ornament, and for purposes of decoration, is earliest in Egypt and Assyria. There have been found, for instance, castanets, stick-handles, hilts and hefts, combs, flutes, sceptres, caskets, statuettes, made of the tusk, and many different articles of furniture inlaid with it. In Homer, besides its employment when carved in mass, it is referred to in connexion with walls, doors, harness, &c., and was then probably attached in plates by nails to a metal or wooden ground. The chest of Kypselos, which was of cedar embellished with ivory reliefs, was probably an example of the latter method; so also perhaps the bedstead of Hippodameia (Paus. v. 17, 2; v. 20, 1). In later times, true *inlaying* was resorted to, and almost every kind of furniture, as beds, sofas, thrones, carriages even, enriched with the precious material. It is probable that at the time of the Empire the use of ivory in the arts was much more extensive than at the present day, and the supply abundant.

Among objects not enumerated above may be mentioned masks and writing-tablets. The latter (*δέλτοι, libri elephantini*), with two, three, or more leaves (*diptycha, triptycha, pentaptycha*, &c.), were either entirely, or had their covers only, of ivory. Those extant are chiefly of later Roman age. They are of two classes, *consularia* and *ecclesiastica*, distinguished by the subjects of the carvings on their covers, the former being figures of consuls at the *pompa circensis, missiones*, &c., while the latter are of a biblical nature (Müller, *Arch. d. Kunst*, § 312, n. 3). They were presented to officers and dignitaries to commemorate their appointment. [DIPTYCHA.]

For further information, see H. Blümner, *Kunstgew. im Alterth.* i. 113, &c., ii. 64; id. *Technol. u. Terminol. d. Gewerbe*, &c. ii. 361–375, where there is a full bibliography. Compare CHRYSELEPHANTINA. [J. M.]

ELEUSI'NIA (Ἐλευσίνια). This title was chiefly applied to a festival held by the Athenians in autumn, in honour of Demeter, Persephone, and Iacchus, consisting of sacrifices, processions, and certain mystical ceremonies. It was one of the most important festivals of Greece, dated from the earliest times, and continued to maintain its high position long after living Greece was no more, and everything else in that country had either perished or become mean and contemptible (cf. Aristides, *Or. Eleusinia*, vol. i. p. 259, ed. Jebb).

1. *The Origin of the Eleusinia.*—The mythical origin is contained in the Homeric hymn to Demeter, which tells how Persephone, while gathering flowers, was, with the connivance of Zeus, carried off by the god of the lower world, Hades or Polydegmon (the great receiver); and how her mother Demeter, daughter of Rhea, searching distractedly for her child, is advised by Hecate to consult Helios, who sees all things; and how Helios in pity tells her that Zeus has granted to Hades to carry off her daughter to be his wife. Forthwith Demeter changes herself into an old woman; and as she wanders forth disconsolate through the world, she comes to Eleusis, and sits down on the cheerless stone by a well. Anon the daughters of Celeus, the king of Eleusis, come to the well to draw water. They bring her to their home, where Metanira, wife of Celeus, gives her the latest born child, Demophoon, to nurse. But Demeter is still bowed down with grief: she sits dignified but silent in her room, till the jests and raillery of Iambe, the servant-maid, at last make her smile. She consents to take food and drink, but will have no wine, only a mixture (*κυκεών*) of water with barley-meal and mint. Days go on, and the child Demophoon thrives beyond what mortal child was wont, for a goddess was his nurse: she used to anoint him daily with ambrosia, and place him in the fire by night. But a little more time and the child would have been immortal, when one night Metanira saw the nurse

place him in the fire and cried aloud with terror. Then did the anger of Demeter burn forth. Of a sudden the aged nurse transformed herself into the goddess, told who she was, what she had intended to do, and how that the little faith of the mother had robbed the child of immortality, and finally bade the people of Eleusis be told to erect a temple for her on the hill above the fountain, when she herself would prescribe the services they must perform in order to gain her favour. They did so, and Demeter dwelt there, shunning all association with the other gods who had been parties to the carrying off of her daughter. For a year Demeter dwelt there —an awful and desperate year. Nothing grew. The human race would have perished, had not Zeus agreed that Persephone should return. Right joyfully did Persephone obey the summons of Hermes: but Hades persuaded her to eat a pomegranate seed before she left, and that prevented her staying away from him for a whole year. So Persephone returns, and great is the joy of mother and daughter, in which the faithful Hecate sympathises. Rhea is then sent down by Zeus to her daughter, and effects the reconciliation. The corn comes up in abundance in the Rarian plain, and Demeter returns to Olympus to dwell with the gods: but before she goes she prescribes to Celeus, and to his sons Triptolemus, Diocles, and Eumolpus, the solemnities and divine services that were in future time to be paid her: and so the famous Eleusinian mysteries were a direct appointment of the great goddess Demeter herself.

This was the story of the origin of the mysteries: but how the mysteries came to be mysteries of the Athenians depends on another story, which concerns the union of Eleusis with Athens. Erechtheus warred with the Eleusinians (Paus. i. 38, 3; Lobeck, *Aglaoph.* 206 ff.), who are helped by one Eumolpus, a Thracian, son of Poseidon (Apoll. iii. 14, 4), and founder of the mysteries (Lucian, *Demon*, 34). The difficulties connected with the exact birthplace and genealogical position of Eumolpus (see Lobeck, *op. cit.* 212; Roscher, *Lexikon der Mythol.* s.v. *Eumolpus*) —even Pausanias (i. 38, 7) is perplexed with Eleusinian genealogies—we may pass over, remembering that he is, according to this legend, a foreigner (Plut. *de Exsilio*, p. 607, 10). The many beautiful stories which are connected with Erechtheus and his family we may also forget for the present, and proceed at once to the result, which was, that Eleusis was conquered, and to the Athenians fell the political headship, but to the family of Eumolpus and the daughters of the Eleusinian king Celeus was assigned the high-priesthood (ἱεροφαντία) of the Eleusinian worship. The other family which held a priesthood in the mysteries, the Kerykes, were said to have been descended from Keryx, the son of Eumolpus; though the family itself considered its ancestors to have been Hermes and Aglauros, daughter of Erechtheus, and so genuine Athenians (Paus. i. 38, 3).

So ran the legends of Eleusis, "grouping together, in the same scene and story, the goddess and the heroic fathers of the town; legends which did not take their start from realities of the past, but from realities of the present, combined with retrospective feeling and fancy, which filled up the blank of the aforetime in a manner at once plausible and impressive" (Grote, i. 42). But yet something perhaps of the realities of the past may be learned from them. We can clearly see that it is in connexion with the lower world that the goddesses are honoured. They are Chthonian divinities (Preller, *Griech. Myth.* i. 643), who presided over the production of the fruits of the earth; and it is reasonable to suppose that this most primitive kind of worship was a relic of the Pelasgian past, which continued on into historical times, in the form of mystical and secret worship (cf. Hermann, *Gottesd. Alterth.* § 32; K. O. Müller in Ersch and Grüber, s. v. *Eleusinia*). The religions of previous inhabitants sometimes continued in this form: *e. g.* the Thesmophoria in the Peloponnesus, after its conquest by the Dorians (Herod. ii. 171). The worship, too, was confined to certain families, which we shall see took an important part in the ceremonies during historical times, when the festival had become a state one. Curtius (*Hist. of Greece*, i. 304) indeed holds the view that the worship of the Great Goddesses was brought into Attica and domesticated there by a number of illustrious Messenian families who had fled from the Dorian invaders,—a view Schömann (*Griech. Alt.* ii. 381) approves of, but suggests a more remote origin by pointing out that the Homeric hymn (*v.* 123) seems to hint at Crete being the original home of the mysteries; and that a worship of Demeter, similar to that of Eleusis except that it was not secret, was held at Cnosus is stated by Diodorus (v. 77). Phrygian and Lydian influences may be seen in the appearance of Rhea and Hecate in the hymn, but the influence of Thrace and Crete (where Bacchus was a great god)—unless we are to suppose, with K. O. Müller, that Demophoon of the hymn is to be taken as a representative of Iacchus—had not yet been felt, though it appears in the second legend. That influence came with the elaborate Orphic theology and mythology [ORPHICA], about the 7th and 6th centuries B.C. One of their tales related (Lobeck, *op. cit.* 547 ff.) that Zagreus was son of Zeus and his own daughter Persephone, a noble child, destined to be Zeus's successor. Hera, in jealousy, urged the Titans to destroy him. They cut him up and boiled him in a caldron, all except his heart, which Athena picked up and carried to Zeus, who, after striking down the Titans, gave the heart to Semele, and Zagreus was born again from her under the name of Dionysus, or Iacchus, as he is called in the Eleusinian worship. This tale is a good specimen of the Orphic mythology; according to which the clear and definite Hellenic gods disappear into vague kinds of half-allegorical or symbolical forms, the divinities blend into one another according to stories which are of a coarse and extravagant as well as tragical and terror-striking nature, but which, from the very first, were in all probability intended for the initiates, and meant to be taken as symbolical representations of cosmogony, rather than as actual dogmatic facts (cf. Euseb. *Praepar. Evang.* iii. 1). Along with the Orphic theology came also the Orphic life (Plat. *Leg.* vi. 782), and the need it inculcated of religious purifications and various kinds of asceticism, *e.g.* abstinence from animal food (Herod. ii. 81; Eur. *Hipp.* 967; *Cretes, fragm.* 20). Lenormant (*Contemporary Review*, xxxvii. 859) thinks that

Orphism, though introduced in a measure at this time, did not get any permanent hold on the Eleusinian worship till 380 B.C., when the family of the Lycomidae, who were specially devoted to Orphic rites, obtained the office of daduchus (see below, § 5), his reason being that there is no allusion to Zagreus in Aristophanes or the other Attic writers, while he appears quite established by the time of Callimachus. And then, again, there was the influence of Egypt, which became fully open to the Greeks about 660 B.C. This influence was most marked. Dionysus and Demeter became identified with Osiris and Isis (Herod. ii. 42, 59, 144); and with this adoption of the Egyptian divinities came the peculiarities of the Egyptian priesthood, with their minute and scrupulous ceremonies, separate mode of life, elaboration of "sacred tales" (ἱεροὶ λόγοι), and the secrecy and silence they required. This secrecy is a cardinal feature of the Eastern religions and the Eastern hierarchies; and it was doubtless owing to Eastern influences, superadded to the national privacy of separate family cults, that this secret and mystic character came to be attached so especially to the worship of Demeter at Eleusis, the more so as we find many striking Oriental characteristics in other mystic worships in Greece, such as that of the Cabeiri in Samothrace. [CABEIRIA.] This influx of new and peculiar religious rites is a marked feature in the history of Greek thought in the 6th century B.C., producing as it did not only oracles such as those of Bakis and the Sibyls, purificatory and tranquillising rites such as those of Epimenides, but also the great Pythagorean philosophy and the mystic brotherhood who held it.

It is just at this point that we are to fix the adoption of the Eleusinian mysteries by the Athenians, consequent on the incorporation of Eleusis into the Athenian state. Grote (iii. 71) has proved that this incorporation took place much later than is generally supposed, as it occurred only a short time before Solon (cf. Herod. i. 30, about Tellus the Athenian), and the list of Athenian-Eleusinian priests does not reach higher (A. Mommsen, *Heortologie der Athener*, 63). The fact is, this introduction of the Eleusinian worship, with its foreign teaching concerning the death and re-birth of Iacchus, was brought about by Epimenides, who was called in from Crete to assuage the religious terrors of the Athenians after the murder of Cylon, and the feeling of guilt which took hold of the state in consequence of that crime of the Alcmaeonidae. That was a time which in an eminent degree called for the introduction of new forms of religious service; and to this earnest and holy priest the Athenians were indebted for the development of the gracious worship of Apollo (Curtius, *Hist.* i. 323), and for the introduction of the Eleusinian worship of Demeter and Iacchus, with the religious hope and consolation they brought to the afflicted; and in gratitude a statue of Epimenides was set up before the temple of the goddess in Agrae (Mommsen, *op. cit.* 52 ff., 62 ff.).

2. *Eleusinia elsewhere than in Attica.*—Not to mention the wide-spread worship of Demeter, Persephone, and Dionysus throughout Asia Minor, evinced by such ceremonies as were held at the Carian Nysa (Strabo, xiv. p. 649), the Pherrephattia at Cyzicus (Plut. *Lucull.* 10; Appian, *Bell. Mithr.* 75), and the Dionysiac symbols which so constantly occur on Asiatic coins; nor the Eleusis on Lake Mareotis in Egypt, where there were initiations which were ἀρχὴ τοῦ Κανωβισμοῦ (Strabo, xvii. p. 800), accompanied indeed with much debauchery; nor the worship of these goddesses in Sicily, both at Gela, where Telines used their sacred symbols with such effect as to restore his political faction and to get himself established as their high-priest (Herod. vii. 153; Grote, v. 62), and elsewhere (Diod. v. 77)—we find special evidence that the Eleusinian Demeter was worshipped in Boeotia, at Plataea where she had a temple (Herod. ix. 62, 65, 101), at Celeae near Phlius (Paus. ii. 14, 1), and in many places in Arcadia, Pheneus (*ib.* viii. 15, 1), Thelpusa (25, 2, 3), Basilis (29, 5), Megalopolis (31, 7). The mysteries at Pheneus are interesting not only for the writings on the stone (πέτρωμα) read each year to the mystae, but also from its clearly being a worship of the dead, as may be seen from the ceremony of the priest striking the ground with rods and calling on those that are beneath the earth (τοὺς ὑποχθονίους, Paus. *l. c.*). For further, see Mr. Andrew Lang (*Nineteenth Century*, April 1887, p. 565). In Messenia there were ancient solemn mysteries to these goddesses and to the Great Gods—*i.e.* the Cabeiri—at Andania in Messenia, which were put down by the Spartans after the Second Messenian War, but restored to their old splendour by Epaminondas (Paus. iv. 1, 5; 2, 6;—Curtius, *Hist.* iv. 433). At this place was found a most important inscription of 91 B.C. relating to the mysteries (see Sauppe, *Die Mysterieninschrift von Andania*). But even this worship was inferior in solemnity and importance to the Attic Eleusinia (Paus. iv. 33, 5), which may be considered to have consisted of two parts, viz. the Lesser Mysteries at Agrae and the Greater Mysteries at Eleusis.

3. *The Mysteries at Agrae* (τὰ ἐν Ἄγραις).—These were held in the spring at Agrae, a place on the Ilissus, S.E. of the Acropolis. There is no doubt they were held in Anthesterion, when there were the first signs of returning vegetation just after field-work began (*C. I. G.* 103, l. 20). The exact date cannot be fixed, but Mommsen's suggestion is most probable (*op. cit.* 374), that the chief day was the 20th, the same day of the month as the Greater Mysteries were held on in Boedromion—to which the Lesser Mysteries had many points of similarity, even in matters connected with the calendar, *e.g.* the same length of the mystery truce (*C. I. G.* 71). Mommsen supposes that the 19th was a day of preparation, and the 20th and 21st the special mystery days. These Lesser Mysteries were considered as a prelude to the Greater (Schol. Aristoph. *Plut.* 845, ἔστι τὰ μικρὰ ὥσπερ προκάθαρσις καὶ προάγνευσις τῶν μεγάλων), being on a much smaller scale, but initiation in the Lesser was generally required before the candidate could present himself for initiation into the Greater (Plat. *Gorg.* 497 C; Plut. *Dem.* 26). At Eleusis there were temples to Artemis Propylaea, to Triptolemus and to Poseidon, as well as to Demeter; similarly at Agrae there was a temple to Demeter, and altars to Artemis and Poseidon, and a statue of Triptolemus (Mommsen, p. 377). The mysteries at Agrae

consisted probably to a large extent of purifications, for which the water of the Ilissus was much used (Polyaen. v. 17). They were held more especially in honour of Persephone, called Pherrephatta here, than of Demeter (Schol. on Aristoph. *Plut.* 845, yet cf. Bekk. *Anecd.* 326). It appears that the carrying off of Persephone was the most important representation in these mysteries. Again we hear that at Agrae the fate of Dionysus was pourtrayed (*μίμημα τῶν περὶ τὸν Διόνυσον*, Steph. Byz. *s. v.* *Ἄγραι*). The death of Dionysus-Zagreus took place on the 13th of Anthesterion, the day on which the festival of the Chytrae was held [DIONYSIA]: so perhaps on the ninth day after, the 21st (for funeral rites on the ninth day after death, the *ἔνατα*, see Aeschin. *Ctesiph.* § 225), the funeral ceremony may have been held and his violent death related in a drama (Mommsen, p. 378). A great many, especially strangers, were initiated into these mysteries who did not proceed to initiation into the regular Eleusinia: the legend, too, said it was for the purpose of initiating Heracles, who was a stranger and according to the primitive regulations could not be initiated into the Eleusinia, that these Lesser Mysteries were established (Schol. on Aristoph. *Plut.* 845, 1013). A representation of the initiation of Heracles on a vase found at Panticapaeum is given in Baumeister's *Denkmäler*, p. 475. For the appearance of Aphrodite, cf. Themist. *Or.* xx. p. 288, Dind. There is a very similar one on a Pourtalès vase in the British Museum, which Baumeister also alludes to (cf. Wieseler, ii. 112).

4. *The Course of the Festival at Eleusis.*—Two days are fixed by definite evidence; viz. the 16th Boedromion for the *Ἄλαδε μύσται* (Polyaen. iii. 11, 11; *de Glor. Ath.* 349 *fin.*), and the 20th for the Iacchus day (Plut. *Cam.* 19, *Phoc.* 28). The fixing of other days depends on conjecture, but can be determined with a considerable degree of certainty. A month before the middle of Boedromion, *i.e.* the middle of Metagitnion, the *σπονδοφόροι* (see below) used to announce the mystery truce to the neighbouring states (*C. I. G.* 71; Aeschin. *Fals. Leg.* § 133), so as to give the strangers time to make all arrangements necessary for a visit to Athens. During the latter portion of this month the votary who intended to be initiated used to betake himself to some private man who had gone through all the grades of initiation, was examined by him as to his freedom from sin, received instruction as to what purifications and offerings were necessary to gain the favour of the goddesses, and submit the actual offerings for his inspection and approval. This instructor was the *μυσταγωγός* (see below). He notified to the hierophant the fitness of the applicant and introduced him, this proceeding being apparently called *σύστασις*. A not uncommon form of purification was the *Διὸς κώδιον* (Suidas, *s. v.*), which the daduchus used to cover the sinner's feet with (see Lenormant, *Contemp. Rev.* xxxviii. 137). Sincere devotees appear to have fasted for nine days (cf. [Hom.] *Hymn. Dem.* 47), from the 13th to the 21st, *i.e.* ate nothing during the day, taking whatever food they did take between sunset and sunrise, like the Mahomedans during Ramadan (cf. Ov. *Fast.* iv. 535; Preller in Pauly, iii. 99); and votaries generally appear to have abstained from domestic birds, fish, pomegranates, apples, and beans (Porphyr. *Abst.* iv. 16). Ramsay (*Encycl. Britannica*, s. v. *Mysteries*) notices the effect of the long fasts as tending to enfeeble the body, already weak enough after the heat of summer, and as a consequence the predisposition of the votaries to religious enthusiasm; but perhaps he exaggerates too much these fasts. On the 15th of Boedromion the formal assemblage (*ἀγυρμός*, Hesych. *s. v.*) took place of those citizens and strangers who intended to take part in the mysteries—though this assemblage does not appear to have been absolutely essential, at least in late times (*C. I. G.* 523). At the beginning of the 16th, in the evening (the day is reckoned from sunset to sunset), Chabrias's distribution of wine to the people in honour of his victory at Naxos used to take place (Plut. *Phoc.* 6); and the next morning began the first formal act of the festival, viz. the *πρόρρησις* or *Ἄλαδε μύσται*. These are to be identified in point of time, else Philostratus (*Vit. Apoll.* iv. 18) in an important passage would omit the striking ceremony of *Ἄλαδε μύσται*. The passage is this: *τὰ δὲ Ἐπιδαύρια μετὰ πρόρρησίν τε καὶ ἱερεῖα δεῦρο μενεῖν Ἀθηναίοις πάτριον ἐπὶ θυσίᾳ δευτέρᾳ* ("as a secondary sacrifice"), *τοντὶ δ' ἐνόμισαν Ἀσκληπιοῦ ἕνεκα, ὅτι δὴ ἐμύησαν αὐτὸν ἥκοντα Ἐπιδαυρόθεν ὀψὲ μυστηρίων*. A proclamation was made by the Archon Basileus (Poll. viii. 90) and by the Hierophant and Daduchus in the Stoa Poecile (Schol. Aristoph. *Ran.* 369), for the departure of all strangers and all murderers: and then the order for purification given, "Ye mystae to the sea." The "sea" was sometimes the Piraeus (Plut. *Phoc.* 28), though probably only in time of Attica being occupied by enemies; but generally the *Ῥειτοί*, two salt streams on the Sacred Road, one dedicated to Demeter, the other to Cora, which contained fish that the priests alone were allowed to eat (Paus. i. 38, 1; Hesych. *s. v.*; cf. *Etym. M.* s. v.: *ἱερὰ ὁδός· ἡ εἰς Ἐλευσῖνα ἄγουσα ἣν ἀπίασιν οἱ μύσται ἅλαδε*). The next day, the 17th, sacrifices (*ἱερεῖα*) were offered for the safety of the state (Rangabé, *Inscr.* 795) by the Archon Basileus and the *ἐπιμεληταί* (see § 6) in the Eleusinium at Athens ([Lys.] *in Andoc.* § 4; Mommsen, p. 249); and at all these sacrifices the *θεωροὶ* of foreign states seem to have taken part (Eur. *Suppl.* 173). The night of the 18th may have been spent by the very devout in sleeping (Mommsen, p. 253) in the temple of Aesculapius, S.W. of the Acropolis, or in the Iaccheum (Boeckh on *C. I. G.* 481), also called the temple of Demeter. It was just where the road from Piraeus entered Athens (Paus. i. 2, 4). The early morning of that day till about 9 A.M. was devoted to ordinary business, as we find decrees issued bearing that date (Mommsen, pp. 95, 225, 226). After this hour the Epidauria was celebrated in the temple of Demeter or Iacchus and in the temple of Aesculapius. It was, as we have seen, a supplementary sacrifice for those who came late, and legend said it was instituted for the sake of Aesculapius, who himself came late for the mysteries. Doubtless, however, the thought really lay in this, that Aesculapius was supposed by his wondrous skill to have raised again Iacchus from the dead, and the festival probably was incorporated in the Eleusinia when the worship of Epidaurus got connected with that of Athens (Herod. v. 82). Meanwhile there were

being brought from Eleusis certain religious objects,—playthings, it was said, of the child Iacchus,—bone (ἀστράγαλος), top (στρόβιλος), ball (σφαῖρα), apples (μῆλα), tambourine (ῥόμβος), looking-glass (ἔσοπτρον), woolly fleece (πόκος), fan (λίκνον), and such like, as we learn from Clement of Alexandria (*Protrept.* p. 15, ed. Potter; cf. Lobeck, *Aglaoph.* 701, 702). Phalli were perhaps also carried among these mystical objects (Lyd. *de Mensibus*, iv. 38, p. 82); but we must remember that the statue of Iacchus, as we shall see, which was carried in procession to Eleusis on the 19th, was not kept at Eleusis during the year, but at Athens, having been brought back some day shortly after the conclusion of the mysteries; for there was no Iaccheum at Eleusis (Mommsen, p. 253). The Athenian Ephebi met this convoy at the temple of Echo (evidence from inscriptions in Mommsen, p. 252), which was probably the same as the ἱερὰ συκῆ, where the story ran that Phytalus met the wandering Demeter (Brunck, *Anal.* iii. p. 187, No. 183; Athen. 74 d: Philostr. *Vit. Soph.* ii. 20 *fin.*), and the bridge over the Cephissus, and was so called from the cymbals (ἠχεῖα) used in the Eleusinian ceremony (Schol. Theocr. ii. 36), and conveyed them to Athens by nightfall. This is Mommsen's view as to the date: but Lenormant (*Contemp. Rev.* xxxviii. p. 138) thinks this convoy took place on the 16th; for the convocation of the Ephebi is on the 14th, according to the inscription given by Mommsen (p. 227), and it is highly probable that it should have been thus arranged so that additional splendour might be given to the procession by the mystae who went to the Ῥειτοὶ joining it on their return home. In the early morning of the 19th, there were occasionally decrees passed (Mommsen, p. 225). In the forenoon (Plut. *Alcib.* 34; cf. Herod. viii. 65) the Iacchus procession started from the Eleusinium and proceeded to the Iaccheum, where they got the statue of Iacchus; perhaps then definitely organised the procession in the building assigned for that purpose (Paus. i. 2, 4); and then passing through the Ceramicus (Schol. Aristoph. *Ran.* 399) left Athens by the Sacred Gate (Plut. *Sull.* 14), priests and people crowned with myrtle and ivy, the rich ladies till the time of the orator Lycurgus (Plut. *Vit. X. Orat.* 842–4) riding in carriages (Schol. Aristoph. *Plut.* 1014). The statue of Iacchus was probably that of a fair child crowned with myrtle and holding a torch, hence called φωσφόρος ἀστὴρ in Aristophanes (*Ran.* 342). There were many ceremonies to be performed as the procession passed along the Sacred Way to Eleusis—ceremonies which had to be given up during the Peloponnesian War, while Attica was invaded by the Peloponnesians (Plut. *Alcib.* 34). One section of the procession repaired to the Cephissus and took baths therein, another to the bath by Anemocritus's statue near the tomb of Scirus the soothsayer, who came from Dodona to Eleusis to assist the Eleusinians in the war against Erechtheus and was slain. The Phytalidae sacrificed to Phytalus in Laciadae, where lay a temple to the Mourning (Ἀχέα) Demeter, and to Cora, with whose worship that of Athena and Poseidon was joined (Paus. i. 37, 2). Here according to Preller (*Diss. de via sacra*, p. 125, ed. Köhler) lay the *sacra gentilitia* of the Gephyraei (cf. Herod. v. 61) at the sacred fig-tree (cf. Lenormant, *Voie Sacrée Éleusinienne*, pp. 245, 254 ff.). At the palace of Crocon, the Crocónidae perhaps bound small bands of saffron thread round the right wrist and right foot of each mystes (cf. Phot. *s. v.* κροκοῦν), which was considered as a protection from the evil eye. The other priestly families had probably particular ceremonies to perform at particular places. For a further account of the Sacred Way, see Fr. Lenormant, *op. cit.* Occasionally during the procession the majority of those who took part in it indulged in flouts and gibes at one another, a proceeding called γεφυρισμός, the origin of which title is unknown, but is generally associated with the bridge over the Cephissus (Strabo, ix. 400). It was similar to the τὰ ἐξ ἀμαξῶν of the Dionysia, or the στήνια of the Thesmophoria. We must remember, however, that Lenormant (*Voie Sacrée*, p. 282; *Contemp. Rev.* xxxviii. 141) supposes this γεφυρισμὸς to have occurred during the procession, as it *returned to* Athens after the ceremonial at Eleusis was finished. Chants in honour of Iacchus (*e.g.* Aristoph. *Ran.* 325 ff.) were sung constantly during the procession, which swelled louder as when, near midnight, Iacchus arrived at Eleusis amid the blaze of torches (Soph. *Oed. Col.* 1045). That the procession did not arrive till late at night is plain from the splendid chorus in the *Ion* (1076 ff.), which sings of the torches of the 20th and of the moon and stars dancing in heaven at the sight. The journey from Athens to Eleusis is really only four hours long; but the various ceremonies performed during the course of the procession extended it to three or four times its normal length. On the next morning certain sacrifices were performed (Rangabé, 813, 4), consisting probably in part of swine, to Demeter (Schol. to Aristoph. *Pax*, 374). An inscription in Mommsen, p. 257, orders sacrifices to be made by the ἱεροποιοὶ to Hermes Enagonius, the Graces, Artemis, and certain heroes, Telesidromus and Triptolemus. We do not know what these sacrifices were at Eleusis: at Andania they were (Inscr. l. 70), besides others, a sheep to Proserpina and a sow to Demeter. (For the offering of swine to the Earth Goddess, which offering was of a magical import, and how it was believed that to mix the flesh of swine with the seed-corn added to its fertility, see the Scholion on Lucian, *Dial. Meretr.* ii., quoted by Mr. Andrew Lang, "Demeter and the Pig," in the *Nineteenth Century*, April 1887, p. 562, and his references to analogous practices among the Khonds and Pawnees.) In later times the Ephebi made supplementary sacrifices of oxen. The bulls were brought unbound to the altar, and the Ephebi struggled with them to hold them as they were being sacrificed: compare the rites to Demeter Chthonia at Hermione (Paus. ii. 35, 5); hence perhaps the origin of the bull-fights alluded to by Artemidorus (*Oneirocr.* i. 8) as occurring at the Eleusinia.

The 22nd and 23rd were the μυστηριώτιδες ἡμέραι (Rang. 813, 9), and the ceremonies celebrated thereon were πανυχίδες. During the evening of the 22nd was probably what was called λαμπάδων ἡμέρα (cf. Fulg. i. 10), which consisted in a symbolical search after Cora with torches (Lactant. *Inst.* i. 21: cf. Stat. *Silv.* iv. 8, 50; Juv. xv. 149), performed principally by and for the less highly initiated,

who conducted the search crowned with myrtle, wearing a fawn-skin, and holding a wand, the mystagogues of the several initiates taking part in the search—the whole proceeding being perhaps an interlude in the story of Demeter and Cora, which appears to have been represented in the temple on this night. After this came with much ceremonial the partaking of the κυκεών, a mixture of mint, barley-meal, and water. This was a cardinal feature in the ceremony, being, if we may so say, a participation in the Eleusinian sacrament. It was in remembrance of Demeter being refreshed after her long wandering and fruitless search. Thereafter followed what was called the παράδοσις τῶν ἱερῶν (Suidas, *s. v.*): certain relics and amulets were given to the votary to touch or kiss or even taste (Maury, *Rel. des Grecs*, ii. p. 335), the votary repeating, as the priest tendered him the objects with a regular question ("quae rogati in sacrorum acceptionibus respondeant," Arnob. *Adv. Gentes*, v. 26), this formula (σύνθημα), as given by Clement of Alexandria (*Protrept.* p. 18): ἐνήστευσα, ἔπιον τὸν κυκεῶνα, ἔλαβον ἐκ κίστης ἐγγευσάμενος, ἀπεθέμην εἰς κάλαθον καὶ ἐκ καλάθου εἰς κίστην. It appears that some kind of memento of this ceremony was given by the priest to the votaries, which a sincere believer used to keep in a linen cloth (Apul. *Apol.* p. 140). The actual ἱερὰ themselves were kept in a chest (τελέτης ἐγκύμονα μυστίδα κίστην, Nonnus, *Dionys.* ix. 127) bound with purple ribands, and consisted among others of sesame cakes of particular shapes, pomegranates, salt, ferules, ivy, poppy-seeds, quinces, &c. (Clem. Alex. *Protrept.* p. 19): the uninitiated were not allowed to see these "even from the housetop" (Callim. *Hymn to Ceres*, 4): cf. Grote, v. 63, and Lenormant on the *Cista Mystica* in D. and S. Not very different appear to have been the ceremonies of the 23rd. There were many wand-bearers but few bacchants, as the superintendents of the mysteries used to say (Plat. *Phaed.* 69 C), and it was for these latter, the more highly initiated mystae of at least a year's standing, generally called ἐπόπται, that the ceremonies of the 23rd were held, and they were the highest and greatest (see below, § 7). Here, too, was probably a παράδοσις τῶν ἱερῶν, the sacramental words used in receiving which being ἐκ τυμπάνου ἔφαγον, ἐκ κυμβάλου ἔπιον, ἐκερνοφόρησα, ὑπὸ τὸν παστὸν ὑπέδυον. All this undoubtedly points to the Phrygian worship of Sabazius (cf. Jul. Firm. Maternus, *De error. profan. relig.* 18, ed. Halm), which was introduced by the Orphics into the Eleusinian mysteries. On the afternoon of the 23rd was held that portion of the feast which was called πλημοχόαι (Ath. x. p. 496) or πλημοχόη (Poll. x. 74), a sacrifice to the dead. The πλημοχόη was a broad-bottomed earthen jar, and two such were used in the ceremony, one filled with wine and the other with water, the contents of the one thrown to the east and of the other to the west, while mystic words (ὖε κύε) were spoken. This sacrifice formed a fitting conclusion to the mysteries in the special sense, the μυστηριώτιδες ἡμέραι: for that is the way we are to understand Athenaeus (*l. c.*), not that it was the end of the whole festival. It was like the ζημία of the Thesmophoria: and it ended with a χαίρετε to the dead, which conclusion was called προχαιρητήρια (Harpocr. 161, 9; cf. Mommsen, p. 230). It must be noticed, however, that Lenormant (*Contemp. Rev.* xxxviii. 149) supposes the πλημοχόη to have taken place just outside the Dipylon gate of Athens, on the return of the procession from Eleusis; and that this is proved from the mystic words ὖε κύε ὑπερκύε found engraved on the kerbstone of a well near that spot. The next morning, 24th, occurred perhaps the βαλλητύς (Athen. 406; Hesych. *s. v.*), also called τύπται (Hesych. *s. v.*), a sort of sham fight, enjoined, it seems, in the Homeric hymn (*v.* 267 ff.). There was a similar contest, called λιθοβολία, at the festival of Damia and Auxesia at Troezen (cf. Paus. ii. 32, 2). Lenormant in D. and S., s. v. *Balletys*, sees a connexion with the herb *balis*, symbol of resurrection and immortality (*Etym. M.* s. v.; Plin. *H. N.* xxv. § 14). On this same morning and afternoon were the ἀγῶνες σταδιακοί, alluded to in Rangabé, 813. They were called Eleusinia or Demetria, and the prize was some barley grown on the Rarian plain (Schol. on Pind. *Ol.* ix. 150, 166). Euripides was crowned at these Eleusinian games (Gell. xv. 20, 3). There is no reason to suppose that these games were not annual (see Hermann, *Gottesd. Alterth.* § 55, 39); for the Eleusinian πεντετηρὶς referred to by Pollux, viii. 107, is a different and second-rate festival, as may be seen from its being mentioned last in the list (Mommsen, p. 243). In early times these games probably lasted two days; but in later times on the 25th the theatrical representations of the Διονύσου τεχνῖται were held, and we have some inscriptions referring to the sacrifices offered by this guild (*ib.* 266–7). As time went on, the 26th and 27th appear to have been devoted to such theatrical exhibitions (Rangabé, 813, 6), held perhaps for the purpose of keeping the visitors in the country. According to a decree in Mommsen, p. 232, dated 28th, the people were assembled at Eleusis and had not yet returned to Athens: but in the time of Andocides (*de Myst.* § 111) the 26th was the day after the mysteries (Mommsen, p. 231); and that there were some business days in Boedromion free after the mysteries is proved by Demosthenes (*Ol.* iii. § 5). The people do not appear to have returned to Athens in a regular procession, though Lenormant, as we have seen, thinks they did, and that the γεφυρισμὸς and the πλημοχόη were incidents in that return journey. The mystery-truce lasted till the middle of Pyanepsion (*C. I. G.* 71).

5. *The Priests and Priestesses.*—(*a.*) The most important priest was the *Hierophant* (Ἱεροφάντης). In lists of the Eleusinian priests he is put first (Dio Chrys. xxxi. p. 386, ed. Dind.; *C. I. G.* 184, 190). He was nominated for life (Paus. ii. 14, 1) from the Eleusinian family of the Eumolpidae, and was generally an elderly man and bound to a life of strict chastity. There was only one hierophant at a time, and his name was never mentioned (Lucian, *Lexiph.* 10), though in late inscriptions we find the Roman gentile name but not the praenomen or the cognomen given (*C. I. G.* 187). His principal duty was, clothed in an Oriental style with a long robe (στολή) and a turban (στρόφιον), as his name indicates, to show and explain the sacred symbols and figures—perhaps in a kind of chant or recitative, as he was required to have a good voice (cf.

Plut. *Alcib.* 22; Epictet. iii. 21, § 16; *C. I. G.* 401). (*b.*) The *Daduchus* (δᾳδοῦχος) or torch-bearer was inferior to the Hierophant, and of the same rank with the Keryx (*C. I. G.* 185, compared with 188). Originally he was descended from the Eleusinian Triptolemus (Xen. *Hell.* vi. 3, 6); but about 380 B.C. this family died out, and the Lycomidae, the family to which Themistocles belonged, which celebrated a local worship of Demeter at Phlyae full of Orphic doctrines and ceremonies, succeeded to the daduchia (see Boeckh on *C. I. G.* i. p. 441 f.). We have seen above, p. 717 *a*, how important Lenormant thinks the introduction of this family into the Eleusinian priesthood was, in that it brought with it into the Eleusinian ceremonies in a large measure the Orphic rites it was accustomed to practise. It is uncertain whether the name of the daduchus was sacred (Lucian, *l. c.*) or not (*C. I. G.* 403, 423). His head-dress was Oriental, as we may infer from a Persian soldier mistaking a daduchus for a king (Plut. *Arist.* 5). His main duty was to hold the torch at the sacrifices, as his name indicates; but he shared with the hierophant several functions, reciting portions of the ritual (Paus. ix. 31, 6, compared with Philostr. *Vit. Soph.* ii. 20), taking part in certain purifications (Suid. *s. v.* **Διὸς κῴδιον**), in the **πρόρρησις** (Schol. Aristoph. *Ran.* 369), and even in the exhibition of the mysteries (Suid. *s. v.* **δαδουχεῖ**). For these two priests, the Hierophant and the Daduchus, who had to be men of tried sanctity (**νόμος τὸν μέλλοντα δᾳδουχεῖν δοκιμάζεσθαι**, quoted by Mayor on Juv. xv. 140), there was a regular consecration on their entering office. It was the **τέλος τῆς ἐποπτείας**, and was called **ἀνάδεσις καὶ στεμμάτων ἐπίθεσις**, because the sign of it consisted in placing on the head of the new priest the diadem of purple and the wreath of myrtle which they wore permanently (Lenormant, *Contemp. Rev.* xxxviii. 414). (*c.*) The *Keryx* or *Hierokeryx* (κῆρυξ, ἱεροκῆρυξ). According to Eleusinian tradition, the Kerykes traced their origin back to Keryx, a younger son of Eumolpus; but they themselves considered their ancestors to be Hermes and one of the daughters of Cecrops, Aglauros according to Pausanias (i. 38, 3), Pandrosos according to Pollux (viii. 103). Mommsen (p. 234) supposes they were an Athenian family which ousted or absorbed an Eleusinian family, perhaps the Eudanemi (Hesych. *s. v.*). His duties were chiefly to proclaim silence at the sacrifices (Poll. iv. 91). (*d.*) The *Epibomios* (**ὁ ἐπὶ βωμῷ**). In early times he was certainly a priest (**τὸν ἐπὶ τῷ βωμῷ ἱερέα**, *C. I. G.* 71 *a*, 39); he is generally mentioned in connexion with the other three priests, but not always (*e.g.* Plut. *Alc.* 22; Epictet. iii. 21, 13; *C. I. G.* 188, 190, 191). No family laid especial claim to this priesthood. His name, as well as that of the Keryx, was probably not sacred. The four Eleusinian priests were among those who were maintained in the prytaneum—were **ἀείσιτοι**, as they were called (*C. I. G.* 183 ff.). (*e.*) The Hierophantis (**ἱερόφαντις**). There was originally only one at a time; she belonged to Demeter (*C. I. G.* 434, 2), and her name was sacred: but a new one was added when Hadrian's wife Sabina was deified as the younger Demeter (*ib.* 435, 1073). Perhaps at this time or afterwards the priestesses came to be multiplied; see the Schol. on Soph. *Oed. Col.* 683, **καὶ τὸν ἱεροφάντην δὲ καὶ τὰς ἱεροφάντιδας καὶ τὸν δᾳδοῦχον καὶ τὰς ἄλλας ἱερείας μυρρίνης ἔχειν στέφανον.** They lived a life of perfect chastity during their tenure of office, though they might have been married previously (Mommsen, p. 237). It is uncertain to what family the original hierophantis of Demeter belonged; that of the younger belonged to a branch of the Lycomidae (*ib.*). The duties of the hierophantis corresponded to those of the hierophant. Pollux (i. 14) appears to call these priestesses **προφάντιδες**, and perhaps they were also called **μέλισσαι** (Hesych. *s. v.*). (*f.*) *Female torch-bearer*, **δᾳδουχήσασα** (*C. I. G.* 1535; cf. Lucian, *Cataplus*, 22). (*g.*) *Priestess* (**ἱέρεια**). She was not hieronymous, but eponymous (cf. *C. I. G.* 386, **ἐπὶ ἱερείας Φλαουΐας Λαοδαμίας**). These priestesses belonged to the family of the Phillidae (Suid. and Phot. *s. v.*). Her duties corresponded in all probability with those of the Epibomios. (*h.*) The *Spondophori* (**σπονδοφόροι**) were sent out to the adjoining country a month before the ceremony to announce the truce for the mysteries (Aeschin. *Fals. Leg.* § 133). They belonged to the families of the Eudanemi and Kerykes (Hesych. *s. v.* **Εὐδάνεμος**). Mommsen (p. 244) thinks that a Eudanemos went from Eleusis and a Keryx from Athens at the same time. (*i.*) *Minor offices*: (1.) **φαιδρύντης τοῖν θεοῖν** (Inscr. *ap.* Mommsen, p. 227), perhaps belonging to the Eleusinium of the city. (2.) **ὑδρανός**, whom Hesych. describes as **ἀγνίστης τῶν Ἐλευσινίων**. He probably superintended the **ἅλαδε μύσται**. (3.) **ἰακχαγωγὸς** and **κουροτρόφος**, female nurses attending on the child Iacchus (Poll. i. 35; *C. I. G.* 481, 9). (4.) Perhaps the same may be said of the **δαειρῖτις**; but it is very uncertain. We know that Proserpina was originally called Daeira in the Eleusinian worship. (5.) **ἱεραύλης** (*ib.* 184, c. 18) was probably the head of the **ὑμνῳδοὶ** and **ὑμνητρίδες** (Poll. i. 35), a sort of choir. (6.) Who the **παναγεῖς** and the **πυρφόροι** were beyond what can be inferred from their names cannot be determined. Lenormant (p. 867) says the **παναγεῖς** were intermediate between the ministers and the initiates. Though not strictly a priest, yet as exercising an important function in the mysteries, (*j*) the *mystagogi* (**μυσταγωγοί**) may be mentioned here. They had to be men who had passed through all the grades of initiation. They were probably under the cognisance of the state, in a manner licensed (Sauppe, *Mysterieninschrift*, p. 37). Prior to presenting himself for initiation, each votary had to place himself under the guidance of one of these mystagogues, and got instruction from him as to the various purifications and ceremonies he was to perform. It was only by the unconscientiousness of mystagogues that unworthy applicants ever got admission to the mysteries. After due examination, if the mystagogue was satisfied, he presented the applicant or returned his name to the Archon Basileus or his assistants. This was called *σύστασις* (Lenormant, *Cont. Rev.* xxxviii. p. 135). If a mystagogue could not say what purificatory sacrifices were required for a special candidate, recourse was had to (*k*) an *Exegetes* (**ἐξηγήτης**), who appears to have been elected by the people from the Eumolpidae or Kerykes

(cf. *C. I. G.* 392) and whose business it was to decide such difficult cases and generally to give *responsa* on Eleusinian ecclesiastical law. There were many books of the mysteries (cf. Lenormant, *Cont. Rev.* xxxvii. 871) which were intended to have been strictly kept from the uninitiated and which appear to have contained not only what ritual was to be performed in various cases—such perhaps was the Eumolpidarum *πάτρια* which Cicero asks Atticus (i. 9, 2) for—but also perhaps the allegorical and symbolical interpretations of some of the myths: cf. Galen, viii. 181, ed. Kuhn; Lobeck, *Aglaoph.* 194.

The priests of the mysteries, especially the Eumolpidae, appear to have had a special ecclesiastical court (*ἱερὰ γερουσία, C. I. G.* 392, 399) for trying offences of impiety (a very vague and elastic term) in connexion with the festival, which court they conducted according to unwritten laws of immemorial antiquity (Lys. *in Andoc.* § 10). To prosecute before this court was called *δικάζεσθαι πρὸς Εὐμολπίδας*. Their punishments, according to Caillemer (D. and S., s. v. *Asebeia*), were strictly religious, exclusion from the mysteries, deprivation of title of initiate, and such like. The curse and excommunication were most solemn; priests and priestesses, turning to the west, uttered the words of imprecation and shook their garments ([Lys.] *in Andoc.* § 51). It may be that this court was the only tribunal for cases of what we may call heterodoxy, impiety consisting in the performance of rites contrary to the traditional one and to that held by the priests; while other kinds of procedure, superadded to the religious investigation and condemnation, were adopted in accordance with ordinary criminal law (such as *ἀπαγωγή, ἀσεβείαι γραφή, ἔνδειξις, προβολή, εἰσαγγελία*: see Wayte's note on Dem. *Androt.* p. 601, § 27) in cases of impiety, which consisted in disorder and vulgar profanity. These charges were brought before the Senate of Five Hundred sitting in the Eleusinium of the city on the day after the mysteries (Andoc. *de Myst.* § 111). The penalty was death (Thuc. vi. 61 *fin.*) or banishment (Andoc. § 15), with confiscation of goods (*C. I. A.* i. 277), for profanation of the mysteries. The accuser, if he did not get the fifth part of the votes, suffered a kind of *ἀτιμία* (Andoc. § 33), *i.e.* was deprived of the right to enter the temples and fined the usual 1000 drachmas (Caillemer, *l. c.*). Many shrank from themselves bringing the accusation, and used to inform the Archon Basileus of the profanation they had observed, and if he thought it serious he made the accusation officially. This information laid before the archon was called *φράζειν πρὸς τὸν βασιλέα* (Dem. *Androt.* l. c.).

A vase representation from a hydria of Cumae of the Eleusinian goddesses and their priests is given by Baumeister, *Denkmäler*, p. 474, with full explanations. The pictures are instructive as regards the dress of the priests.

6. *The Civil Functionaries connected with the Festival.*—The chief civil superintendence of the festival was entrusted to the Archon Basileus, who was assisted by four *ἐπιμεληταί*, elected by the people, two from the people generally and one each from the families of the Eumolpidae and Kerykes (Aristot. *ap.* Harpocr. p. 118). The Archon generally appears to have appointed an assistant (*πάρεδρος*), who was probably as a rule his relation—at least for the Dionysia in one case the Archon appointed his father-in-law ([Dem.] *c. Neaer.* p. 1372, § 81). The duties of the Archon and his assistant were to sacrifice and pray for the prosperity of the people, both at Athens and Eleusis, and to have general police supervision over the whole solemnity (Lys. *c. Andoc.* § 4). The *ἐπιμεληταὶ* had also such duties as looking after the sacrifices, testing the offerings of the votaries, classifying and marshalling the different grades of initiates, managing certain monies, &c., if we may infer from the similar duties attaching to the officials of this name at Andania. As to the finances of the festival generally, according to *C. I. G.* 71 a, 29, *ἱεροποιοὶ* had the administration of them. Midias was elected one of these. They were three in number (Dem. *Mid.* p. 522, § 115), though *Etym. M.* (s. v.) says they were ten.

7. *The Initiates.*—Originally only Athenians were admitted: legend said that Hercules and the Dioscuri (Plut. *Thes.* 33) had to be adopted prior to initiation; but later (cf. Herod. viii. 65) all Greek-speaking people who were not murderers were admissible to be initiated (Isocr. *Panegyr.* § 42). Barbarians were excluded: so Anacharsis had to be naturalised (Lucian, *Scyth.* 8); but it was not at all necessary to be an Athenian citizen, as the Emperor Julian (*Or.* vii. 238) implies. This Lobeck (*Aglaoph.* 17–20) proves elaborately. Women (Aristid. *Eleus.* vol. i. p. 257, Jebb), and even perhaps slaves (Theophilus, *Fr.* i., vol. ii. p. 473, Kock), were admissible. Children were admitted to the first grade only; but among the children brought to Eleusis one was picked out for special initiation, and "to appease the divinity by a more exact performance" of the ceremonies required (Porphyr. *Abst.* iv. 5). That boy or girl (for boys, see *C. I. G.* 393, 400; for girls, 443–445, 448) was said *μυηθῆναι ἀφ' ἑστίας*, and was called *ὁ* (or *ἡ*) *ἀφ' ἑστίας*. He or she had to be an Athenian of high birth (Bekk. *Anecd.* 204), perhaps of the special family of the Lycomidae, Eumolpidae, or the like; and was probably initiated standing on the steps of the altar, while the rest stood afar off. (Cf. Themist. xiii. p. 165, *ἀλλ' ἐχρῆν ὡς ἔοικε τὸν μυσταγωγόν μοι γενέσθαι τῆς ἐρωτικῆς τελετῆς οὐ πόρρωθεν τῶν παιδικῶν οὐδὲ ὄθνειον ἀλλ' ἐγγύθεν καὶ ἀφ' ἑστίας.*) The parents of the child had to make extensive offerings and pay a large fee. For more concerning initiation *ἀφ' ἑστίας*, see Boeckh on *C. I. G.* 393. Originally admission was free for all initiates; but by virtue of a law passed by the orator Aristogiton, each initiate had to pay a fee to the public treasury (Lenormant, *Contemp. Rev.* xxxviii. p. 123).

The ordinary proceeding was for the initiate to receive his first introduction as a child and afterwards the higher grades as a man—*παῖς μύστης καὶ ἐπόπτης ἀνήρ*, as Himerius says (*Or.* xxii. 1; cf. *C. I. G.* i. p. 445). This falls in admirably with what Tertullian says (*contra Valentin.* 1): "Idcirco et aditum prius cruciant, diutius initiant antequam consignant, cum epoptas *ante quinquennium* instituunt,"—a statement not contradicted by the fact that the *shortest possible* interval between the two grades of initiation is stated at one year (Plut. *Demetr.*

26; cf. Schol. on Aristoph. *Ran.* 745). The whole cycle of the mysteries was a *trieteris*, and could be gone through in two years: even the Homeric hymn extends the whole legend beyond a year, and when the Orphic theology blended Iacchus-Zagreus into the story, the regular course of two years came to be adopted. There is a high probability, as we shall see (§ 8), that the first-year votaries at Eleusis were shown a drama representing the usual story of Demeter and Cora, while the second-year votaries were shown the whole legend of Zagreus: and as to the whole course of the actual mysteries, there is a possibility that the following arrangement was that adopted, though it must be remembered that it is little more than conjecture, and given for what it is worth.

(1.) First Spring at Agrae—the votaries mourn for Cora ravished by Hades.

(2.) First Autumn at Eleusis—mourning with Demeter for the loss of her daughter, and exhibition of the ordinary legend.

(3.) Second Spring at Agrae—the murder of Zagreus and his heart being given to Cora (who here seems to take the place of Semele), and conception of Iacchus.

(4.) Second Autumn at Eleusis—rebirth of Iacchus, who is carried in procession to Demeter at Eleusis, and there the votaries sympathise in the joy of the earth-goddess, who once more has about her her child and grandchild.

That there were different grades of initiates hardly needs proof: the *μύσται* were those who had received any degree of initiation, the *ἐπόπται* or *ἔφοροι* the second-year votaries. Suidas (*s. v.* *ἐπόπται*) says so explicitly—cf. Harpocr. *s. v.* *ἐποπτευκότων*, and Plut. *Demetr.* 26; not to mention such passages as Plut. *de Iside et Osiride*, c. 78, where the different grades of proficiency in philosophy are compared to those of the initiates into the mysteries. There were mystic ceremonies for both these classes of initiates, one on each of the two days, 22nd and 23rd. While anyone introduced by a mystagogue could get admission to the ceremonies of the first year, the *μύησις*, the *ἐπόπτεια* or *ἐποψία* could only be seen by those who got a ticket from the *δαδοῦχος*. A ticket of that kind has been discovered marked ΔΑΔ and ΕΠΟΨ, with the symbols of an ear of corn and a poppy (see Lenormant, xxxviii. 145). What those ceremonies were is the most important and interesting point in our subject; but the seal of silence which was laid on the votaries has not been broken. This secrecy was most strenuously enjoined and most rigorously enforced, as we have seen. The prosecution of Alcibiades for holding a travesty of the mysteries in his own house, and Andocides's speech on the subject, are well known. Aeschylus is said to have divulged the mysteries in styling Artemis a daughter of Demeter (Herod. ii. 156; Paus. viii. 37, 6), and in other matters (Arist. *Nic. Eth.* iii. 1, 17; and Lobeck's discussion, *Aglaoph.* pp. 77 ff.), and to have only barely escaped death. Diagoras of Melos (Diod. xiii. 6; [Lys.] *in Andoc.* § 17) was banished from Athens and a price set on his head for having divulged the mysteries. It was the prevailing belief of antiquity that he who was guilty of divulging the mysteries was thought sure to bring down divine vengeance on himself and those associated with him (Hor. *Carm.* iii. 2, 26). We are accordingly left to conjectures more or less probable as to what the chief mystic ceremonies were.

8. *The Mystic Ceremonies in the Temple.*—They were performed in the temple of the two goddesses at Eleusis, a building reckoned one of the greatest masterpieces of the Periclean age. Ictinus superintended the whole. Coroebus built the lower story, with four rows of columns which divided the interior space. On his death Metagenes took up the work and added an upper story, and Xenocles built a cupola roof with an opening (*ὄπαιον*) in the middle for the light (Plut. *Pericl.* 13; Vitruv. vii. Pref. §§ 16, 17). The dimensions of the whole building were 223 feet by 179, the measurement of the cella being 175 feet by 179. The temple had no pillars in the façade till the architect Philon, in the time of Demetrius of Phalerum, built a pronaos with twelve pillars (Vitruv. *l. c.*). The temple stood inside a large enclosure, which was approached by a propylaea, there being yet another propylaea leading to the temple. Inside this enclosure Lenormant has fixed the position of the *ἀγέλαστος πέτρα*, where Demeter was said to have rested in her wanderings, as the rock where the great statue of Demeter Achea, now at Cambridge, stood, *i.e.* on the axis of the first propylaea close to a well, which he also identifies as Callichorum. (See his elaborate description, *Contemp. Rev.* xxxviii. 125 ff.; and Baumeister's *Denkmäler*, art. *Eleusis*, with the plan he gives. For fuller details, compare the Πρακτικὰ τῆς Ἀρχαιολογικῆς ἑταιρίας for 1883, and M. Blavette in *Bulletin de Correspondance hellénique*, viii. (1884), pp. 254 ff.) The temple of Ictinus, though built on the site of an older and smaller one, must be distinguished from the most ancient temple which stood more to the north, occupying a platform which overlooked the well Callichorum and the *ἀγέλαστος πέτρα*, exactly on the spot where the Homeric hymn (v. 273) orders it to be built. The great temple of Ictinus was called by the ancients *μυστικὸς σηκός* (Strabo, ix. 395), and the inner portion *τελεστήριον* or *ἀνάκτορον* or *μέγαρον* (cf. Lobeck, *Aglaoph.* 59).

The ceremony was doubtless dramatic. "Deo and Cora," says Clement of Alexandria (*Protrept.* p. 12), "have become a mystic drama. Eleusis illustrates by the light of the torches of the daduchus the carrying off of Cora, the wandering journeys and grief of Deo" (cf. Minuc. Felix, *Octav.* c. 21), a view to which the terms *ἱεροφάντης* and *ἐπόπτης* also lead us, and which is consistent with the whole tenor of the ancient Greek religion, which was materialist and naturalist in its doctrines, and used for its inculcation visible symbols, but did not rise through the hearts and the consciences of its votaries to a conception of the Divinity whom eye hath not seen nor ear heard. "Above these two conditions," says Preller (*Gr. Myth.* i. 653), "Nature as object and the sensible as its formal expression, the religions of the ancients have never arisen." The ceremony, then, was dramatic. Aelius Aristides (*Eleus.* i. 256) asks, "Where else do the recitals of the narratives chant forth greater marvels, or does the ceremonial (*τὰ δρώμενα*) involve a greater affrightment (*ἔκπληξιν*), or does the spectacle match more fully what the ear hears?" The

drama consisted of δρώμενα and λεγόμενα, the former being much the more important, for the ancient religious worship addressed itself, as Grote points out (v. 63), more to the eye than to the ear. There were hymns and chants (Paus. ix. 27, 2: the name Eumolpus pointing to such, *C. I. G.* 401, and the hierophant, as we saw, was required to have a good voice), speeches and exhortations (ῥήσεις, παραγγέλματα), recitals of myths (μύθων φῆμαι. Aristid. *l. c.*), wailings for the loss of Persephone (Proclus on Plat. *Politic.* p. 384). There were kinds of dancing or rhythmical movements by those performing the ceremony (Lucian, *de Salt.* 15), clashing of cymbals (Schol. on Theocr. ii. 36; Vell. i. 4, 1), sudden changes from light to darkness (σκότους τε καὶ φωτὸς ἐναλλὰξ γενομένων, Dio Chrys. xii. 387), "toilsome wanderings and dangerous passages through the gloom, but the end is not yet, and then before the end all kinds of terror, shivering and quaking, sweating and amazement, when suddenly a wondrous light flashes forth to the worshipper, and pure regions and meadows receive him: there are chants, voices, and dances, solemn words and holy images; and amongst these the votary now perfected is freed at last and is released, he wanders to and fro with a crown on his head, joining in the worship and in the company of pure and holy men; and he sees the uninitiated and unpurified crowd of the living in the thick mire and mist, trampling one another down, and huddled together, abiding ever in evils through fear of death and disbelief in the good things yonder" (Themist. in Stob. *Serm.* cxx. 26). For somewhat similar descriptions of the mingled terror and comfort in the spectacle, see Dio Chrys. xii. 202; Plut. *Frag. de Anim.* vi. 2, p. 270; *de Facie lunae*, c. 28; *de Profect. Virt.* p. 81; Proclus on Plut. *Alc.* p. 142. Lucian (*Catapl.* 22) represents a man having entered Hades and got into the dark asking his companion if what was represented at Eleusis was not like this. Claudian's description (*de Rapt. Proserp.* init.) is sufficiently terrible; and amidst that rhetoric Lenormant (*Contemp. Rev.* xxxviii. 421) fancies he can infer that the votaries, waiting anxiously outside the building, saw the glimmer of the lighted interior through the ὄπαιον ("et claram dispergere culmina lucem," v. 8); then was heard the noise of the preparations for the play, the doors were thrown open, and the daduchus appeared with torches in his hands, and the statue of Demeter was seen in gorgeous vestments and brilliantly lit up. It is more probable that the whole performance took place inside the temple. But that figures of the gods were introduced is certain—εὐδαίμονα φάσματα, as Plato (*Phaedr.* p. 250 C) calls them, which flitted noiselessly (ἀψοφητί, Themist. *Or.* xvi. 224, ed. Dind.) across the stage; but the images were incomplete, not simple but overcharged with strange attributes, they were ever in motion and represented in a dim and murky light—they were neither ὁλόκληρα, ἁπλᾶ, ἀτρεμῆ, nor ἐν αὐγῇ καθαρᾷ, like the Platonic Ideas—as we may infer with Lenormant (p. 417) from Plato (*l. c.*). Galen, too (see Lobeck, p. 64), says the representations were αυυδρά. At Andania, too (*Inscr.* l. 24), provision is made for ὅσα δεῖ διασκευάζεσθαι εἰς θεῶν διάθεσιν. To be more precise, the mystic drama of Demeter and Cora was unfolded to the mystae, the first-year initiates; but the epoptae were shown a representation of what Clement calls "the mysteries of the dragon," which is the story of Zeus uniting himself with Persephone (called Brimo: cf. *Philosophumena*, viii. p. 115, ed. Miller) in the form of a serpent, and the whole tale of Iacchus-Zagreus was probably told (Clem. Alex. *Protrept.* pp. 13–15; Tatian, *Or. ad Graecos*, 13 (9 ed. Migne); and Lenormant, p. 426). There was shown to the epoptae a representation, symbolical probably of creation, in which we hear (Euseb. *Praep. Evang.* iii. 12) that the hierophant used to assume the part of the Creator, the daduchus that of the sun, the altar-priest that of the moon, and the hierokeryx that of Hermes. Again, "the last, the most solemn, and the most wonderful act of the ἐποψία" was shown, the ear of corn cut in perfect stillness: the blade of corn symbolised, we are told, the great and perfect ray of light issuing from the Inexpressible One (ὁ παρὰ τοῦ ἀχαρακτηρίστου φωστὴρ τέλειος μέγας, *Philosophumena*, p. 115), whatever that means, or rather perhaps it was the symbol of life, the cutting down being death. Lenormant (p. 428) points to the Barone vase, which on one side has Zeus striking down the Titans, signifying death, and on the other side the ear of corn springing up and offerings being brought to it, which signifies life. In describing these vase-paintings he points out that it was allowable to represent the scenes from the mystic ceremonies, for they had no meaning without the explanatory words, which were only known to the initiated. The general form under which the initiations are represented on the vases is that of a marriage of the votary with Eudaimonia in the other world—in one of which the votary, a youth cut off by death in his prime, is represented as deserting Ὑγίεια, Health, and passing to the arms of Εὐδαιμονία, Bliss (Lenormant, pp. 431–433).

This picture may lead us to what is to be said in conclusion on the moral and religious import of the mysteries. If we choose to regard them in a cold unimpassioned un-religious way, we can say that they were a somewhat melodramatic performance, splendid no doubt, full of what Lobeck (p. 107) calls fireworks (*pyrotechnia*), but a mere theatrical display. That there were connexions between the mysteries and the theatre (the hierophants are said to have borrowed costume from the dramas of Aeschylus, Athen. i. p. 22, if the reverse is not rather the case) need not surprise us; and that modern archaeologists profess to find in the temple of Eleusis evidences of machinery by which the spectacle was worked (Preller in Pauly, iii. 89; Lenormant, p. 415) is only natural; for there undoubtedly was a spectacle, a religious spectacle. But that man is not to be envied who thinks to evince his superior wisdom by laughing at and depreciating the ceremonies, as Lobeck does throughout his learned work, or talking of them as "the great and illustrious humbug of ancient history," as De Quincey does (*On Secret Societies*, vi. 255). Anything moral or religious may be made ridiculous if one chooses to regard it from the lower plane of the intellect alone, and does not take into account the subjective condition of the moral worker

or the religious worshipper. The universal voice of the great names of pagan antiquity, from the Homeric hymn down to the writers of the late Roman Empire, attest to the wonderfully soothing effect the mysteries had on the religious emotions, and what glad hopes they inspired of good fortune in the world to come ([Hom.] *Hymn. Dem.* 483 ff.; Pind. *Fragm.* 137, Bergk; Soph. *Fragm.* 719, Dind.; Isocr. *Panegyr.* § 28; Cic. *Leg.* ii. 14, 36; Crinagoras in Jacobs' *Anthol.* ii. p. 332, No. 42; Paus. v. 10, 1, x. 31, 11); and "as a consequence of this clearer light, this higher faith, the votaries became better men and better citizens" (Mahaffy, *Rambles and Studies in Greece*, p. 184). "Neque solum," says Cicero *l. c.*, "cum laetitia vivendi rationem accepimus, sed etiam cum spe meliore moriendi." For the object aimed at was rather, as Aristotle pointed out (*ap.* Synesius, *Orat.* p. 48), not that the initiate should be taught anything, that would appeal merely to his intellect (cf. Plut. *de Defect. Orac.* 23 *fin.*), but should be moved and have his higher impulses stirred (*οὐ μαθεῖν τι δεῖν ἀλλὰ παθεῖν καὶ διατεθῆναι*). "The light of the sun is bright for the initiated alone," sing the chorus of mystae in the *Ranae* (454). Not but that there were many scenes and symbols of a somewhat coarse nature, *φαλλαγωγίαι*, *ἱεροὶ γάμοι*, such as those represented by the hierophant and hierophantis, which pourtrayed perhaps the unions of Zeus and Demeter, Zeus and Persephone, and which entered into the higher worship (cf. *ὑπὸ τὸν παστὸν ὑπέδυον*), but which are probably grossly exaggerated by the Christian writers (cf. Hermann, *Gottesd. Alterth.* § 55, 28; Lobeck, 196 ff.; Lenormant, p. 427), who did not take into consideration their symbolical meaning (cf. Lenormant, *Voie Sacrée*, p. 89). The truths, however, which these and other symbolical performances contained was known only to the Hierophant, and explained by him to those whom he thought fit to hear them; cf. Theodoretus (*Therap.* p. 49, Gaisf.): *τὸν ἱεροφαντικὸν λόγον οὐχ ἅπαντες ἴσασιν· ἀλλ' ὁ μὲν πολὺς ὅμιλος τὰ δρώμενα θεωρεῖ, οἱ δέ γε προσαγορευόμενοι ἱερεῖς τὸν τῶν ὀργίων ἐπιτελοῦσι θεσμόν, ὁ δὲ ἱεροφάντης μόνος οἶδε τῶν γιγνομένων τὸν λόγον καὶ οἷς ἂν δοκίμασῃ μηνύει.* Even the *ἐπόπται* only knew part of the mystic secrets, *γνῶναί τι τῶν ἀπορρήτων* (Sopatros, *Distinct. Quaest.* p. 121, quoted by Lenormant, p. 414). The multitude of worshippers took it all on faith, but, as Mr. Mahaffy (*op. cit.* p. 184) finely remarks, "even the coarsest features were hallowed and ennobled by the spirit of the celebrants, whose reverence blinded their eyes while it lifted up their hearts."

The Eleusinian mysteries lasted for more than five centuries after Greece became a Roman province. As late as the time of the Emperor Julian they still enjoyed a considerable portion of their primeval sanctity (Gibbon, iii. p. 132, ed. Smith), and were held in the highest esteem by the Neo-Platonic philosophers. The edict of Valentinian and Valens against secret worships did not extend to the Eleusinia, the praefect of Achaea, Pretextatus, having represented that the life of the Greeks would be barren and comfortless without the mysteries (*ib.* iii. p. 249). The hierophant who initiated Maximus and Eunapius in the 4th century was the last Eumolpid. Subsequently Mithraic worship got blended with the Eleusinian; but the mysteries did not finally perish till the destruction of Eleusis by Alaric in his invasion of Greece, A.D. 396 (Gibbon, *l. c.* with Dr. Smith's note; Lenormant, *Contemp. Rev.* xxxvii. 862).

For further discussion on the mysteries, see MYSTERIA. The principal books to consult on the Eleusinia are: St. Croix, *Récherches sur les Mystères;* Creuzer, *Symbolik*, iv. 33 ff.; Lobeck, *Aglaophamus*, especially pp. 3–228; K. O. Müller, *Kleine Schriften*, ii. 242–311 (a reprint of his article *Eleusinia* in Ersch and Gruber); Petersen in Ersch and Grüber, xxviii. 219 ff., especially 252–269, in the second volume of the article *Griechenland;* Guigniaut, *Mémoires sur les Mystères de Ceres et de Proserpine* in the *Mémoires de l'Académie des Inscr.* xxi.; Preller in Pauly, art. *Eleusinia*, and *Griechische Mythologie*, i. 643–653; Hermann, *Gottesdienstliche Alterthümer*, §§ 35, 55; Maury, *Religions de la Grèce*, ii. pp. 297–381; Schömann, *Griechische Alterthümer*, ii. 380–402; August Mommsen, *Heortologie der Athener*, 62–75, 222–269; Baumeister, *Denkmäler*, s. vv. *Eleusinia* and *Eleusis;* Lenormant, *Monographie de la Voie Sacrée Éleusinienne*, 1864, and *The Eleusinian Mysteries* in the *Contemporary Review*, xxxvii. and xxxviii. May, July, and September 1880; Ramsay in the *Encyclopaedia Britannica*, s. v. *Mysteries.* [L. C. P.]

ELEUTHE'RIA (*ἐλευθέρια*), the feast of liberty, a festival which the Greeks, after the battle of Plataea (479 B.C.), instituted in honour of Zeus Eleutherios (the deliverer). It was intended not merely to be a token of their gratitude to the god to whom they believed themselves to be indebted for their victory over the barbarians, but also as a bond of union among themselves; for, in an assembly of all the Greeks, Aristides carried a decree that delegates (*πρόβουλοι καὶ θεωροί*) from all the Greek states should assemble every year at Plataea for the celebration of the Eleutheria. The town itself was at the same time declared sacred and inviolable, as long as its citizens offered the annual sacrifices which were then instituted on behalf of Greece. Every fifth year these solemnities were celebrated with contests (*ἀγὼν τῶν Ἐλευθερίων*) in which the victors were rewarded with chaplets (*ἀγὼν γυμνικὸς στεφανίτης*, Strab. ix. p. 412). The annual solemnity at Plataea, which continued to be observed down to the time of Plutarch (*Arist.* 19 and 21; Paus. ix. 2, § 6), was as follows:—On the sixteenth of the month of Maimacterion, a procession, led by a trumpeter, who blew the signal for battle, marched at daybreak through the middle of the town. It was followed by waggons loaded with myrtle boughs and chaplets, by a black bull, and by free youths who carried the vessels containing the libations for the dead. No slave was permitted to minister on this occasion. At the end of this procession followed the archon of Plataea, who was not allowed at any other time during his office to touch a weapon, or to wear any other but white garments, now wearing a purple tunic, and with a sword in his hand, and also bearing an urn, kept for this solemnity in the public archives (*γραμματοφυλά-*

κιον). When the procession came to the place where the Greeks, who had fallen at Plataea, were buried, the archon first washed and anointed the tombstones, and then led the bull to a pyre and sacrificed it, praying to Zeus and Hermes Chthonios, and inviting the brave men who had fallen in the defence of their country to take part in the banquet prepared for them. This account of Plutarch (*Arist.* 19 and 21) agrees with that of Thucydides (iii. 58). The latter, however, expressly states that dresses formed a part of the offerings, which were probably consumed on the pyre with the victim. This part of the ceremony seems to have no longer existed in the days of Plutarch, who does not mention it; and if so, the Plataeans had probably been compelled by poverty to drop it. (See Thirlwall's *Hist. of Greece*, ii. p. 353, &c.; Boeckh, *Expl. Pind.* p. 208, and *ad Corp. Inscript.* i. p. 904.)

Eleutheria was also the name of a festival celebrated in Samos, in honour of Eros. (Athen. xiii. p. 562 a.) [L. S.]

ELLIME'NION (ἐλλιμένιον), a harbour-duty collected at the Peiraeus, the nature of which is not exactly determined. Some have identified it with the PENTECOSTÉ or 2 per cent. duty on imports; against this, however, is the mention of ἐλλιμενισταί (Dem. *c. Phorm.* p. 917, § 34; Bekk. *Anecd.* 251, 30), as if distinct from the better known πεντηκοστολόγοι. Boeckh's conjecture is very generally received, that it may have been the same as the ἑκατοστὴ mentioned by Xenophon (*Rep. Ath.* 1, § 17) as levied on foreign ships entering the Peiraeus; a duty paid for the use of the harbour, whether goods were unladen or not. But in an enumeration of the revenues by Aristophanes we find λιμένας (*Vesp.* 659), seemingly different from the ἑκατοστὰς of *v.* 658. A line of Eupolis, ἐλλιμένιον δοῦναι πρὶν εἰσβῆναί σε δεῖ (*fr.* 42 M.), looks as though it were a tax on passengers, not on goods (Boeckh, *P. E.* p. 322 = *Sthh.*[2] i. 393; Gilbert, *Staatsalterth.* i. 332; Sandys on Dem. *c. Phorm.* p. 909, § 7). [W. W.]

ELLO'TIA or HELLOTIA (ἑλλώτια or ἑλλώτια), a festival with a torch race celebrated at Corinth in honour of Athena as a goddess of fire. (Schol. *Pind. Ol.* xiii. 56; Athen. xv. p. 678 a, b; *Etym. M.* s. v. Ἑλλωτίς.)

A festival of the same name was celebrated in Crete, in honour of Europa. The word ἑλλωτίς, from which the festival derived its name, was, according to Seleucus (*ap.* Athen. *l. c.*), a myrtle garland twenty cubits in circumference, which was carried about in the procession at the festival of the Ellotia. (Compare Hesych. and *Etym. M.* s. v. Ἑλλώτια.) [L. S.]

ELLY'CHNIUM. [LUCERNA.]

EMANCIPA'TIO was an act by which the *potestas* of a paterfamilias over a person in his power was voluntarily dissolved by him, and it was so called because it was effected in the guise of a sale with all the ancient solemnities of the *aes et libra* (*mancipatio*). One of the rights of a paterfamilias under the archaic law of Rome was that of making money out of his children by selling them, and originally he might sell the same child as often as he pleased, and as opportunity occurred through the rights of the last purchaser being extinguished; but soon this came to be thought inhuman, and the Twelve Tables enacted that if a father sold his son three times, the latter should be free from his *potestas* ("si pater filium ter venumdabit, filius a patre liber esto," Gaius, i. 132; cf. Dion. Halic. *Antiq.* iv. 27). This rule was laid hold of as providing a means of voluntarily releasing children from *patria potestas*, which before seems not to have been possible; for the *pater* was never able to barely abdicate his rights (Dion. Halic. ii. 26, § 6; Cod. viii. 47, 6), and a person in *potestas* could not be made free by an ordinary manumission, like a slave, because the *potestas* itself was not a right of property, but in the nature of *imperium*. The process of emancipating a son, which is fully described by Gaius (i. 132), was as follows. The *pater* sold him by *mancipatio* to a third person, who then, in accordance with an agreement to that effect, express or implied, manumitted him by *vindicta* (Lactantius, *Div. Inst.* iv. 3, 17). This simply restored him to the *patria potestas*, owing to the rule of the Twelve Tables. The operation was repeated, with the same result. By being mancipated a third time, however, the son was released from *potestas*, but he did not become free, being *in mancipio* (quasi-slave) to the purchaser; but the latter had usually bound himself by agreement (*fiducia*) to re-mancipate him to the *pater*, which being done the father simply manumitted him by *vindicta* (being no longer his paterfamilias), whereby the son became free, and the father his quasi-patron and also his *tutor legitimus* if the child was *impubes* (Gaius, *Epit.* i. 6, 3). If the final act of manumission was performed by the purchaser, and not by the father, these rights and functions devolved on the former. For the emancipation of a daughter or any other descendant, only one sale was required, the Twelve Tables having spoken of these only in the case of a *filius* (Ulpian, *Reg.* 10, 1).

The legal effects of emancipation were two. Firstly, the emancipated person became *sui* instead of *alieni juris*; thereby, if a male, he acquired capacity to exercise himself *patria potestas*, and in any case became able to bring actions in his own name, make a will, and own property. As a general rule he was entitled to retain his *peculium* absolutely, unless expressly denied him (*Fragm. Vat.* 255, 261), and the *peculium* known as *adventicium* became his originally in any case: Constantine, however, enacted that the *pater* should have the right of retaining a third of it, for which Justinian substituted a usufruct or life interest in a half, "quasi pro praemio emancipationis" (Cod. 6, 61, 6, 3). Secondly, he underwent *capitis deminutio* (*minima*), the agnatic tie between him and his family being broken; so that neither had he any claim, by the civil law, to succeed those who belonged to it if they died intestate, nor had they any title to inherit from him. In fact, by the old *jus civile*, the only point in which an emancipated child was held to have any connexion with his old family was that, if the final act of manumission had been performed by the paterfamilias and not by the person to whom he had been mancipated, the *pater* became *quasi* patron (and possibly tutor), and succeeded the child if the latter died intestate leaving no *sui heredes*. When, however, the law of intestacy came to be modified by the

praetorian *bonorum possessio* introduced through the Edict, emancipated children and those who were in the *pater's* power at his death (*sui heredes*) were placed on the same footing, under the title of *liberi*, in respect of succession to the father's property on his dying intestate; and by enactments of Anastasius and Justinian, an *emancipatus* acquired a similar right of succeeding in his due place to other non-agnatic relatives, among whom might be even brothers, sisters, uncles and aunts. A further recognition (of far earlier origin) of the actual relationship existing between father and child, even after emancipation, is to be found in the rules as to *testamentum inofficiosum* (*Inst.* ii. 18: see TESTAMENTUM).

The Emperor Anastasius (A.D. 491–518) introduced a new and alternative mode of emancipation by imperial rescript, in reply to a petition from the paterfamilias, which was chiefly employed where the father and child resided in different places, so that the old form *per aes et libram* was inapplicable (Cod. 8, 49, 5). Justinian, having abolished the old distinction between *res mancipi* and *nec mancipi*, and with it mancipation, the form of conveyance appropriate to the former, introduced a new mode of emancipation in lieu of the old one, viz. a declaration made by the *pater* before a magistrate, of which a record was preserved in the official *acta* of the court (Cod. 8, 49, 5, 6; *Inst.* i. 12, 6); but the child's consent was necessary (unless he was under seven years of age, or had come into *potestas* by adrogation, Cod. 8, 48, 9; *Inst.* i. 11, 3), a rule which was as least as old as Paulus (*Sent. rec.* ii. 25, 5). The *pater* might not bargain for any services to be rendered by the child in consideration of the emancipation (Dig. 37, 12, 4; 37, 15, 10): but he might emancipate grandchildren, retaining their father in his power, or *vice versâ* (*Inst.* i. 12, 7). As a general rule a child in power, whatever his age, could not compel the *pater* to emancipate him against his will (Dig. 1, 7, 31); the only exceptions being where he had been adrogated while *impubes* and found the adrogation prejudicial to him (Dig. 1, 7, 32), and where property had been left to and accepted by the *pater* on the express condition of emancipating him. (Dig. 1, 7; Cod. 8, 49; Gaius, i. 132 *sq.*; Ulpian, *Reg.* x. 1; Paulus, *Sent. rec.* ii. 25, 2 *sq.*) [J. B. M.]

EMANSOR. [DESERTOR.]

EMBAS (*ἐμβάς*). This is sometimes used as a generic term for a closed boot, so called because one's foot "got into" (*ἐμβαίνειν*) it, and it was not merely fastened to the foot like a sandal. Thus, when Herodotus (i. 195) says that the Persian *ὑποδήματα* were similar to Boeotian *ἐμβάδες*, the latter term is as general as the former. Again, in Lucian (*Rhet. Praec.* § 15, *ἡ ἐμβὰς Σικυωνία*) the word *ἐμβὰς* is quite general; the Latins used *Sicyonia* without any substantive to describe this kind of boot (Lucr. iv. 1125). But at Athens *ἐμβὰς* had a special signification; it was a cheap sort of boot first manufactured in Thrace, and in kind (*ἰδέαν*) like low *κόθορνοι* (Poll. vii. 85). (The latter, as we have seen [COTHURNUS], were closed-in boots with rectangular soles, often wooden.) These *ἐμβάδες* were worn by men (Suidas, *s. v. ἐμβάς*; Aristoph. *Eccl.* 47, 314, 633, 848, &c.) and by the poorer classes (cf. Aristoph. *Vesp.* 1157): thus, in Isaeus (*de Dicaeog. her.* § 11) a man who has impoverished another reproaches him with wearing *ἐμβάδες καὶ τριβώνια*. The contradictory distinctions already alluded to [COTHURNUS] which have been drawn between *ἐμβάδες* and *ἐμβάται*, as applied to the stage boot, are for the most part reconciled by Reimar on Dio Cass. lxiii. 8, who shows that *ἐμβάται* is *universally* applied to the tragic boot, while *ἐμβάδες* is *properly* applied to the boot of comedy; but as it is also sometimes used for boots in general, it can be applied to the tragic buskin, as it is by Lucian (*Gall.* § 26; cf. *Pseudol.* § 19). [L. C. P.]

EMBATEIA (*ἐμβατεία*). In Attic law this word (like the corresponding English one, *entry*) was used to denote a formal taking possession of real property. Thus, when a son entered upon the land left him by his father, he was said *ἐμβατεύειν*, or *βαδίζειν εἰς τὰ πατρῷα, πορεύεσθαι εἰς τὰ κτήματα* (Dem. *c. Leoch.* p. 1090, § 32), and thereupon he became *seised* or possessed of his inheritance. This right of taking formal possession by entry was confined to sons and other male descendants (Isae. *Pyrrh.* § 59; *Ciron.* § 34), and to sons adopted during the testator's lifetime ([Dem.] *c. Leoch.* p. 1086, § 19); hence *οἱ εἰσποίητοι* in Isae. *Pyrrh.* § 61 (*τὰς ἐπιδικασίας οἱ εἰσποίητοι πάντες ποιοῦνται*) must be taken to mean "adopted by will" (cf. § 60). (Schömann on Isae. *Astyph.* § 3.) If anyone prevented him from taking possession [EXAGOGE], he might maintain an action of ejectment, *ἐξούλης δίκη* [EXOULES DIKE]; if an heir under age or an *ἐπίκληρος* was ejected from the estate, the law gave a criminal prosecution against the offender, called *κακώσεως εἰσαγγελία* (Isae. *Pyrrh.* §§ 46, 62, etc.). *Ἐμβατεύειν* is also used of creditors who took possession of mortgaged property when the time of payment had expired (Dem. *c. Apat.* p. 894, § 6, *ὀφείλων ἐπὶ τῇ νηὶ τῇ ἑαυτοῦ ... οἱ χρῆσται ἐνεβάτευον εἰς τὴν ναῦν*: cf. Bekk. *Anecd.* 249, and Dittenberger, *S. I. G.* 344, 75 ff.), and of plaintiffs who, having been awarded heavy damages, proceeded to satisfy themselves by seizure of the defendants' property, or who had been awarded a certain piece of land or a house: cf. Dem. *c. Onet.* i., the *ἐξαγωγὴ* in p. 864, § 4, *ὑβριστικῶς ὑπ' αὐτοῦ πάνυ ἐξεβλήθην*, presupposes *ἐμβατεία*: [Dem.] *c. Euerg.* p. 1155, § 52 ff.; Suid. and *Etym. M.*: *οἱ δίκην νικήσαντες, ὥστε λαβεῖν χωρίον ἢ οἰκίαν, ἔπειτα ἐμβατεύειν κωλυόμενοι*, etc. (*Att. Process*, ed. Lipsius, pp. 603, 606, 696, 966 f.)

Ἔμβασις (on the part of a buyer) means the formal entering upon ownership of real property. (Le Bas et Waddington, *Voyages*, etc. iii. 1, 415; inscr. of Mylasa, *ἔσονται κατὰ ταὐτὰ ἐμβεβατευμένοι κυρίως κατὰ τήνδε τὴν ἔμβασιν· ἐνεβίβασεν δὲ αὐτοὺς ἐναντίον μαρτύρων*, etc.: cf. *Bull. de Corr. hell.* v. (1881), p. 112.) [C. R. K.] [H. H.]

E'MBATES. [CALCEUS; COTHURNUS; EMBAS.]

EMBLE'MA (*ἔμβλημα*), EMBLE'MATA. 1. *Emblemata* were metal ornaments, such as masks, busts, medallions, figures of men and animals, wrought in relief and artificially attached (*illigare, includere, injicere, infigere, in-*

serere) by soldering or rivetting to the interior or exterior of metal bowls, vases, cups, &c. (Cic. *in Verr.* iv. 22, "Pocula cum emblematis;" *ib.* iv. 17, "Scaphia cum emblematis;" Juv. i. 76, "Argentum vetus et stantem extra pocula caprum," called by the scholiast "emblematicum opus;" Plin. *H. N.* xxxiii. § 55, "Ulixes et Diomedes erant in phialae emblemate Palladium subripientes," &c.) Such ornaments were sometimes made of gold and silver (Dig. 34, 2, 19, §§ 4, 6; Dig. 34, 2, 32, § 1; Senec. *Ep.* v. 3, "Non habemus argentum in quod solidi auri caelatura descenderit"), and had an artistic and pecuniary value even when detached from the objects to which they belonged. Thus, the plunderer Verres took especial care to wrench off *emblemata* from vases and cups. (Cic. *in Verr.* iv. 22, "Apposuit patellam, in qua sigilla erant egregia. Iste ... sigillis avulsis reliquum argentum sine ulla avaritia reddidit;" *ib.* iv. 24, "Tantam multitudinem collegerat emblematum.") *Emblemata* must be distinguished from metal ornaments in relief (such as those produced in repoussé), which formed an integral part of the vase itself: the essence of the *emblema* was that it could be detached, if necessary, from the vase which it ornamented. Many of the metal masks, figures, dishes, &c. in our museums are doubtless *emblemata* which have been broken off from vases (*e.g.* in *Ant. di Ercol.*, v. 267; *Annali*, 1839, p. 78; *Monum. d. Inst.*, iii. pl. 4; Arneth, *Gold- und Silberornamente*, pl. v. 5; cp. Saglio, *Dict. des Ant.*, s. v. "Caelatura," note 235).

Crustae were metal vase-ornaments similar to *emblemata* (*e.g.* Dig. 34, 2, 32, 1: "Cymbia argentea crustis aureis illigata," &c.). In some authors a distinction is made between the two terms (Cic. *in Verr.* iv. 23, "Iis crustae aut emblemata detrahebantur;" cf. Saglio, *Dict. des Ant.*, p. 801, note 229). Some modern writers have thought that the distinction lay in *emblemata* being ornaments in high relief, and *crustae* ornaments in low relief. So far as the natural signification of the words can help us, *emblemata* (ἔμβλημα, ἐμβάλλω) would mean ornaments *inserted* in a vase or bowl (as a gem is in its setting), while *crustae* (cf. Forcellini, *Lexicon*, s. v. "Crusta") would be thin leaves or plates of metal applied to the surface of a vase. Practically, however, the terms *emblemata* and *crustae* seem to have been generally used as synonymous (Saglio, *Dict. des Ant.*, s. v. "Caelatura," § vii.). The *crustae* were made by artisans called *crustarii*. (Plin. *H. N.* xxxiii. § 55, "habuit et Teucer crustarius famam;" Festus, *s. v.*, "Crustariae tabernae a vasis potoriis crustatio dictae.")

2. The word *emblema* is also used to signify *inlaid work* (Varro, *R. R.* iii. 2, 4; Lucil. *ap.* Cic. *de Or.* iii. 43, 44; Cic. *Brut.* 79). This usage is, however, rare; and as a general rule when the words *emblema*, *emblemata* occur in the ancient authors and in modern archaeological treatises, the metal ornaments described in § 1 are intended.

[References to other authorities not cited above may be found in Saglio, *Dict. des Ant.* art. "Caelatura," § vii., and in Mommsen-Marquardt, vol. vii. [*Privatl.*] p. 663. Compare also CAELATURA in this dictionary.] [W——K W——H.]

E'MBOLUM. [NAVIS.]

EME'RITI. [EXERCITUS.]

EMISSA'RIUM (*ὑπόνομος*), an artificial channel by which an outlet is formed to carry off any stagnant body of water. (Plin. *H. N.* xxxiii. § 75; Cic. *ad Fam.* xvi. 18.) Such channels may be either open or underground; but the most remarkable works of the kind are of the latter description, as they carry off the waters of lakes surrounded by hills. The skill of the ancients in tunnelling has been already noticed under CRYPTA; but long before the art was applied to road-making, drainage-works on an immense scale were employed to regulate the overflow of land-locked waters and to prevent inundations. Thus in Greece, in the early times of the Minyae of Orchomenus, we find the natural channels (katavóthra, as they are now called) which carry off the waters of the Boeotian Cephisus through Lake Copais to the sea, supplemented by two artificial emissaria or tunnels (Müller, *Orchomenos*², 49 ff.). These are described, with a map of the surrounding country, in *Dict. Geogr.* i. 411: the longer of the two, connecting the lake with the lower course of the Cephisus, is nearly four miles in length according to Forchhammer (other accounts make it considerably less, cf. Grote, pt. i. ch. 6, i. 114) and with about twenty perpendicular shafts sunk into it, some of which are from 100 to 150 feet in depth. The second tunnel, much shorter, unites the lakes Copais and Hylica, running under the Acraephian plain at no great depth, and is likewise provided with shafts. Both tunnels and shafts are now choked up, but can still be traced. The natural katavóthra being insufficient to carry off the waters of the Cephisus, much of what was once fertile alluvial land is now turned to a swamp, and awaits the efforts of modern enterprise. An abortive attempt to clear out these tunnels was made by an engineer named Crates under the orders of Alexander the Great (Strabo, ix. p. 407): it is announced (1888) that the reclamation of Lake Copais is now to be again attempted.

Herodotus describes with marked interest the tunnel of Eupalinus at Samos, by which a supply of fresh water was introduced into the city; and gives it the first place among the "three greatest works of the Greeks," the others being the mole in the harbour of Samos and the Heraeon or temple of Hera (iii. 60). These works unquestionably date from the tyranny of Polycrates, the most flourishing period of Samos, which ended about B.C. 522; they are mentioned by Herodotus in connexion with his reign, and Aristotle likewise refers to *περὶ Σάμον ἔργα Πολυκράτεια* (*Pol.* v. 11 = p. 1313 b, 24). The mole still exists, intact or at least restored; the Heraeon is represented by a single column. This tunnel (*ὄρυγμα ἀμφίστομον*, Herod. *l. c.*) had disappeared for centuries, and good observers like Tournefort and Ross sought for it in vain. Within the last few years it has been re-discovered by the Greek clergy on the spot, and to a great extent cleared out at the expense of the principality; an account of the excavations by G. Dennis appeared in the *Academy* of Nov. 4, 1882, a much fuller one by E. Fabricius in the *Mittheilungen d. deutsch. archäol. Inst.* ix. 165–191 (1884). The length of the tunnel, given by Herodotus at seven stadia, probably does not exceed 1000 metres or

scarcely more than five stadia; it is much choked by stalactites, and is not yet practicable throughout, but has been explored for the length of 100 metres from the northern, 500 from the southern extremity. The height and width are correctly estimated by Herodotus at eight feet each; seven would be nearer the mark, though near the ends it is wider. A deep and narrow channel (ἄλλο ὄρυγμα) runs along it, three feet wide according to Herodotus (really a little less), and thirty feet in depth: this applies only to the southern end nearest the town, which was probably all that the historian saw of it; elsewhere the depth is not so great. Along this the water was conveyed; not however in the channel itself, but in earthenware pipes, large numbers of which have been found in it; unless we are to suppose that these are of later date. For the greater part of its course the tunnel is hewn out of a hard limestone rock, on which the marks of the chisel are still visible; towards the extremities the strata are softer, and a lining of masonry was required. Niches occur at intervals, in some of which lamps were found; and it is ventilated by about twenty shafts. An interesting circumstance, as bearing upon the engineering skill of Eupalinus, is that the tunnel was certainly pierced from both ends. The two galleries did not, however, meet with the precision attained in modern times; the floor of the upper one missed the roof of the lower by the space of about a metre, and a cavern some twelve feet high had to be excavated, marking the point of junction. The slope is easy and suitable for an aqueduct, but the deep channel is probably an after-thought in consequence of the right gradient not having been attained at once. This remarkable work must have continued in use for many centuries, as traces of Roman and even, it is said, of Byzantine constructions are found within it: full details on these and other points will be found in the essay of Fabricius. On the other hand, there is a second aqueduct, dating from Roman times, which follows the outer circuit of the mountain; this would seem to show that the work of Eupalinus was at one period abandoned.*

A little later, probably, in date than the Samian aqueduct (about 480) were the subterraneous channels constructed by Phaeax at Agrigentum in Sicily, to drain the city; they were well worth seeing, says Diodorus (xi. 25), for their magnitude, although in general but little noticed. They are still called the *Condotti di Feace*, and adjoin the well-marked site of the huge reservoir (κολυμβήθρα, *piscina*; not here, we think, a "swimming-bath"; it was full of fish and swans) mentioned in the same passage by Diodorus, with which they were doubtless connected: they are not yet excavated, but from their massiveness are probably in a good state of preservation.

In Italy the Etruscans were the first great masters in the art of tunnelling, and the Romans learnt it from them. They had an ample field for their operations, as Central Italy abounds with intractable rivers, and crater-lakes with no natural outlet. The Cloaca Maxima itself is quite as much an emissary as a sewer, draining the Forum and Velabrum which previously were swamps; the period to which it belongs, that of the last kings, marks the culminating point of Etruscan civilisation at Rome. (On the disputed question respecting the date, see CLOACA.) The celebrated emissary of the Alban Lake is still in working order; it is probably of Etruscan origin, and older than the Veientine war with which tradition connects it. The length is about 6,000 feet; for further details see *Dict. Geogr.* s. v. *Albanus Lacus*. The neighbouring volcanic lake of Nemi is drained in a similar manner: and remains exist to show that the system was likewise applied to Trasimenus, a lake of quite different geological formation, broad and shallow.

The greatest Roman work of this description is the emissary of lake Fucino, rendered further

Emissarium of lake Fucino.

interesting by the mention of it in ancient authors and the complete drainage of the lake in recent years. The *vitrea Fucinus unda* of Virgil (*Aen.* vii. 759) is now altogether a thing of the past. Julius Caesar is said to have first conceived the idea of this stupendous undertaking (Suet. *Jul.* 44), which was carried into effect by the Emperor Claudius (Tac. *Ann.* xii. 57). The length of the emissary, which lies nearly in a direct line from the lake to the river Liris (Garigliano), is 15,600 English feet, or three miles all but 80 yards. The number of workmen employed was 30,000, and the time occupied in the work eleven years. (Suet. *Claud.* 20; compare Plin. *H. N.* xxxvi. § 124.) For more than a mile the tunnel is carried under a mountain, of which the highest part is 1000 feet above the level of the lake, and through a stratum of rocky formation (carnelian), so hard that every inch required to be worked by the chisel. The remaining portion runs through a softer soil, not much below the level of the

* Some of Fabricius' statements have been corrected from notes kindly communicated by Mr. J. Theodore Bent, who visited Samos in 1886.

earth, and is vaulted with brick. Perpendicular shafts (*putei*) are sunk at various distances into the tunnel; and a number of lateral openings or adits (*cuniculi*), some of which separate themselves into two branches, one above the other, are likewise directed into it, the lowest at an elevation of five feet from the bottom. Through these the materials excavated were carried out. The immediate mouth of the tunnel was at some distance from the margin of the lake, which space was occupied by two ample reservoirs, intended to break the rush of water before it entered the emissary, connected by a narrow passage, in which were placed the sluices. The upper end of the tunnel itself consists of a splendid archway of the Doric order, nineteen feet high and nine wide, formed out of large blocks of stone, resembling in construction the works of the Claudian aqueduct. The mouth through which the waters discharged themselves into the Liris was more simple, and is represented in the preceding woodcut. The river lies in a ravine between the arch and foreground, at a depth of 60 feet below, and consequently cannot be seen in the cut. The small aperture above the embouchure is one of the *cuniculi* above mentioned. It appears that the actual drainage was relinquished soon after the death of Claudius, either from the perversity of Nero, as the words of Pliny (*l. c.*) seem to imply, or by neglect; for it was re-opened by Hadrian. (Spart. *Hadr.* 22.) For further information see Hirt, who gives a series of plans and sections of the works connected with the Lacus Fucinus (*Gebäude d. Griech. u. Röm.* pp. 371–375, pl. xxxi. figs. 14–21). The modern work of Prince Torlonia (1862–75) is an extension and enlargement of the tunnel of Claudius. [A. R.] [W. W.]

EMMELEIA. [CHORUS, p. 422 *a*.]

EMME'NOI DIKAI (ἔμμηνοι δίκαι), suits in the Athenian courts, which were not allowed to be pending above a month. The first mention of this regulation is made in *C. I. A.* i. No. 38: any attempt made by citizens of the tributary states to evade the decree respecting the tribute (of the year 425–4) is to be brought before the ἐπιμεληταί, *o*[ἱ δὲ ἐπιμεληταὶ ἐσαγό]ντων ἔμμηνα ἐς τὸ δ[ικαστήριον], etc. It was confined to those matters which required a speedy decision; and of these the most important were disputes respecting commerce (ἐμπορικαὶ δίκαι, Pollux, viii. 63, 101; Harpocrat and Suid. *s. v.* Ἔμμηνοι Δίκαι), which were heard during the six winter months from Boëdromion to Munychion, so that the merchants might quickly obtain their rights and sail away (Dem. *c. Apat.* p. 900, § 23; cf. Lys. *de Pecun. publ.* § 5); by which we are not to understand, as some have done, that a suit could be protracted through this whole time, but it was necessary that it should be decided within a month. (Boeckh, *P. E.* p. 50 = *Sthh.*[3] i. 64 f.)

All causes relating to mines (μεταλλικαὶ δίκαι) were also ἔμμηνοι δίκαι (Dem. *c. Pantaen.* p. 966, § 2); the object, as Boeckh remarks (*P. E.* p. 667 = *Kl. Schriften*, v. p. 54), being no doubt that the mine proprietor might not be detained too long from his business. The same was the case with causes relating to ἔρανοι (Pollux, viii. 101; Harpocrat. and Suid. *l. c.*) [ERANI]; and Pollux (*l. c.*) includes in the list suits respecting dowry, which are omitted by Harpocration and Suidas. K. F. Hermann adds the γραφὴ ὕβρεως (*Symb. ad doctrinam juris Att. de injuriarum act.* p. 21). Pollux' statement (viii. 101) as to the existence of distinct magistrates called εἰσαγωγεῖς οἱ τὰς ἐμμήνους δίκας εἰσάγοντες (cf. 93) ἦσαν δὲ προικός, ἐρανικαί, ἐμπορικαί, is confirmed by *C. I. A.* i. No. 37, where they are twice mentioned (see Köhler, *Urkunden u. Untersuchungen z. Gesch. d. delisch-att. Bundes*, p. 68); at a later period they were replaced by the thesmothetae (so with regard to the μεταλλικαὶ δίκαι, Pollux, viii. 88). When the suits relating to trade were made ἔμμηνοι, which happened probably not till after the date of Xenophon's treatise on the Revenue (3, 3; [Dem.] *de Halonn.* p. 79, § 12), the ἡγεμονία was transferred from the ναυτοδίκαι to the thesmothetae (Dem. *c. Apatur.* p. 892, § 1). (*Att. Process*, ed. Lipsius, pp. 94, 97, 525, 907.) [W. S.] [H. H.]

EMPHRU'RI (ἔμφρουροι), from φρουρά, the name given to the Spartan citizens and Perioeci during the period in which they were liable to military service. (Xen. *Rep. Lac.* 5, § 7.) This period lasted to the fortieth year from manhood (ἀφ' ἥβης), that is to say, to the sixtieth year from birth; and during this time a man could not go out of the country without permission from the authorities. (Isocr. *Busir.* § 18, where μάχιμος, according to Müller, *Dor.* iii. 12, § 1, is evidently put for ἔμφρουρος.)

The only exemption was for the father of three sons, who became ἄφρουροι (Aristot. *Pol.* ii. 9 = p. 1270 b, 3; Aelian, *V. H.* vi. 6). For the rule of superannuation at sixty, cf. Xen. *Hell.* v. 4, § 13; Plut. *Ages.* 24. The word φρουρά, as Schömann observes, is characteristic of Spartan modes of thought; all Laconia was a camp, the Spartiatae a garrison (Schömann, *Antiq.* i. 279, E. T.; Gilbert, *Staatsalterth.* i. 77). [W. S.] [W. W.]

EMPHYTEUSIS (ἐμφύτευσις, lit. "an implanting") is a perpetual and "real" right in (agricultural) land which belongs to another person, entitling the *emphyteuta* to cultivate it practically as though it were its own, on condition of paying a fixed rent (*pensio*, *canon*) to the *dominus* or owner: the nearest analogy to it to be found in England is supplied by those lands which are let at what is called a "fee-farm" rent ("feodifirma," *Magna Carta*, c. 37).

The origin of emphyteusis is traceable to the *agri vectigales*, first distinctly mentioned about the time of Hadrian; large tracts of grazing land in Italy, belonging to the state, religious corporations (*e.g.* the Vestal Virgins), or the smaller civitates and municipia, but held and enjoyed by private persons subject to the payment of a perpetual rent (*vectigal*), or let out upon very long leases. The rights of such occupiers, at first purely contractual, acquired a "real" character, analogous to that of genuine ownership, from the praetor, who protected their possession (Dig. 2, 8, 15, 1) by interdicts and by a *utilis actio in rem* (*actio vectigalis*, Dig. 39, 2, 15, 26), availing even against the lessor when non-payment of rent was not alleged (Dig. 6, 3, 1, 2). An addition had thus been made to the *jura in re aliena* of Roman law: the right was alienable both *inter vivos* and by will, and descended to the tenant's heirs on his intestacy, though apparently it had not yet acquired a specific name, and the rules

relating to it were as yet somewhat unsettled. Gaius says (iii. 145) that in his day it was a question whether the tenant's interest did not so closely resemble *dominium* as to make the transaction a sale rather than a contract of hiring and letting, but the better opinion was in the negative. After the third century the practice of letting agricultural lands of all kinds on these terms was very largely adopted, especially in the Eastern Empire, by private persons no less than by the emperor and corporations of all kinds: in the imperial enactments after Constantine the terminology is changed, lands so let being termed *praedia emphyteuticaria*, and the rent called *pensio* or *canon* more often than *vectigal*. The precise nature of these perpetual leases and of the *emphyteuta's* right was determined by the Emperor Zeno (*Inst.* iii. 24, 3), who enacted that the transaction should be governed by the rules neither of sale nor of hire, but be a special contract by itself: and his settlement of the law passed with little or no alteration into the Corpus Juris of Justinian.

The *emphyteuta* is opposed to the *dominus*, or owner, of the land over which his right extends; that is to say, his interest is merely a *jus in re aliena*: he has, however, possession, though whether a "representative" possession of the land itself (as Savigny holds) or merely a *juris quasi-possessio*, the notion of possession being analogically extended from a thing to a mere right (as Arndts and other civilians maintain), is uncertain; but whatever the quality of the possession, it is protected by the ordinary possessory interdicts. He may, moreover, do almost anything with the land that a judicious owner would do, unless there are special restrictive covenants. He may cultivate it in what way he pleases, turning pasture into meadow or plough lands at his discretion (herein being clearly distinguishable from the usufructuary), provided he does not permanently depreciate it: otherwise he is liable to eviction by legal process. Its fruits are his so soon as they are separated from the soil (Dig. 22, 1, 25, 1); his rights are heritable, and alienable both *inter vivos* and by will. If he proposed to transfer his interest, he had (under penalty of eviction) to give notice to the *dominus*, who had during two months a right of pre-emption at the price agreed on: and even if he did not avail himself of this right, the person of the proposed alienee had to be approved by him in writing, though he could refuse such approval only on reasonable grounds; and he was entitled to a commission of 2 per cent. on the purchase-money in consideration of his acceptance of a new tenant: the latter succeeded to all his predecessor's liabilities in respect of the land. The *emphyteuta* also had the right of letting the land on lease to a third person, and he could pledge or mortgage it and create servitudes which bound it so long as his own interest endured: finally, in the form of *utiles actiones* he enjoyed all the remedies of a full *dominus*. His duties were to keep the land in good tenantable condition, though being under no obligation to increase its value he had apparently no claim to compensation for unexhausted improvements; to pay all taxes assessed upon it (*Nov.* 7, 3, 2; 120, 8) and his rent with regularity. So long as this was in arrear he could not enforce his rights over the land against either the *dominus* or his representatives (*e.g.* his mortgagee, Dig. 13, 7, 16, 2); and if it was in arrear three years (or two if the *dominus* was a spiritual person), the owner could evict him by legal process.

Emphyteusis might arise from contract, legacy, judicial decree, and possibly prescription. If the land belonged to the church or a spiritual person, the contract must be in writing, which was also necessary in all cases where the parties desired in any way to vary the ordinary legal rules as to this species of interest in land (Cod. 4, 66, 1; *Nov.* 120, 6, 2): but it does not seem that the contract ever required *traditio* or livery for the perfect constitution of the right. The right of the *emphyteuta* might be extinguished in the same ways as any other *jus in re aliena* (e.g. destruction of the land, *confusio*, &c.); besides these, renunciation or surrender, forfeiture, and prescription seem to have been common. Renunciation had no effect unless accepted by the *dominus:* the chief cases of forfeiture have been noticed above under the head of eviction. (Dig. 6, 3; 39, 4; Cod. 4, 66; A. Vuy, *de originibus et natura juris emphyteutici Romanorum*, 1838; Gesterding, *Eigenthum*, p. 378 ff.; Von Buchholtz, *Jurist. Abhandl.* No. 25, "Über die Unterschiede zwischen der Emphyteusis und Superficies;" Arndts, *Zur Lehre von der Emphyteuse;* Giess, *Zeitschr.* iii. pp. 245 ff., 367 ff.; Holtzendorff, *Rechtslexicon*, s. v. "Emphyteusis.") [J. B. M.]

EMPLECTON (*ἔμπλεκτον*). [MURUS.]

EMPO'RIKAI DIKAI. [EMMENOI DIKAI.]

EMPO'RIUM (*τὸ ἐμπόριον*), a place for wholesale trade in commodities carried by sea. The name is sometimes applied to a seaport town, but it properly signifies only a particular place in such a town. Thus Amphitryo says (Plaut. *Amph.* iv. 1, 4) that he looked for a person.

> "*Apud emporium*, atque in macello, in palaestra atque in foro,
> In medicinis, in tonstrinis, apud omnis aedis sacras."

(Compare Liv. xxxv. 10, xli. 27.) The word is derived from *ἔμπορος*, which signifies in Homer a person who sails as a passenger in a ship belonging to another person (*Od.* ii. 319, xxiv. 300); but in later writers it signifies the merchant who carries on commerce with foreign countries, and differs from *κάπηλος*, the retail dealer, who purchases his goods from the *ἔμπορος* and retails them in the market-place. (Plat. *Rep.* ii. p. 371 D; *Protag.* p. 313 C).

At Athens, it is said (*Lex. Seg.* p. 208) that there were two kinds of emporia, one for foreigners and the other for natives (*ξενικὸν* and *ἀστικόν*); but this appears doubtful. (Boeckh, *P. E.* p. 313 = *Sthh.*[2] i. 382.) The emporium at Athens was under the inspection of certain officers, who were elected annually (*ἐπιμεληταὶ τοῦ ἐμπορίου*). [EPIMELETAE.] (Hermann-Blümner, *Privatalterth.* p. 425.) [W. S.] [W. W.]

EMPTI ET VE'NDITI A'CTIO. The seller has an *actio venditi*, and the buyer an *actio empti*, to recover damages for breach of the duties imposed by the contract of sale upon the other party. Both are *actiones directae*, and belong to the class of remedies known as *bonae fidei judicia*. (Gaius, iv. 62; *Inst.* iv. 6, 28.) [J. B. M.]

E'MPTIO VENDI'TIO. The contract of

buying and selling is one of those in which the Romans said the obligation was imposed *consensu*, because no form (as in verbal and literal contract) or delivery on one side (as in real contract) was required to give it binding force (Gaius, iii. 135; *Inst.* iii. 22, pr.): as soon as the parties were agreed on the thing to be sold by the one, and the price to be paid by the other, they were bound, and neither could withdraw without paying damages (Gaius, iii. 139). Writing was unnecessary unless it was a term in the contract that its provisions should be expressed in a note or memorandum (*Inst.* iii. 23, pr.; Dig. 44, 7, 2). The vendor was under no obligation to deliver the *res vendita* until he had been paid the price, unless he chose to give credit (*Inst.* ii. 1, 41); and until it was delivered no property in it passed to the purchaser: but it was at the latter's risk from the moment the contract was concluded, so that if, even before delivery, it was lost, stolen, or accidentally destroyed, the loss fell on the purchaser, unless he could show that the vendor had failed in his legal duty of *diligentia* [CULPA] in the charge of it. As a set-off to this the vendor was bound to deliver with the thing itself all its fruits, accessions, increase, &c. from the date of the contract. If the purchase-money was not paid, it carried interest (Dig. 19, 1, 13, 20). As regards the fairness or adequacy of the price, the general rule was, in the absence of fraud, not to interfere with the freedom of contract (Dig. 19, 2, 22, 3); but by two rescripts of Diocletian (Cod. 4, 44, 4 and 8), if a thing were sold for less than half its real value (which was called *laesio enormis*) the vendor might rescind the sale unless the purchaser would pay as much in addition as would make the price a fair one. The vendor was not bound to make the purchaser owner of the thing sold: in other words, the *contract* of sale would be good even though the thing did not belong to the vendor: he was bound, however, to give free and undisturbed possession; and if the property was recovered from the purchaser by process of law by a third person who proved a better title, the vendor was bound to indemnify him [EVICTIO] (Dig. 21, 2). Every sale contained an implied warranty of quality, and the vendor was answerable for substantial defects which were unknown to the purchaser at the date of the contract (except through his own carelessness). Where the vendor had expressly warranted the quality of the thing, or had deliberately concealed defects, he could be sued by *actio empti* at any time within thirty years of the making of the contract: but the *implied* warranty was enforceable only by two special actions of aedilician origin (Dig. 21, 1) [EDICTUM]; *i.e.* by the *actio redhibitoria* (which lay only within six months) the purchaser could rescind the sale and recover his purchase-money with interest: by the *actio aestimatoria seu quanti minoris* (lying within twelve months) he could, without rescinding, recover a part of his purchase-money proportionate to the defects discovered. Horace in his Satires (ii. 3, 286; cf. *Ep.* ii. 2 *ad init.*) alludes to the precautions to be taken by the buyer and seller of a slave. (Gaius, iii. 139–141; *Epit.* ii. 9, 14; Paul. *Sent. rec.* ii. 17; *fragm. Vat.* 1–40; *Inst.* iii. 23; Dig. 18, 1; 19, 1; Cod. 4, 38 and 49; Vangerow, *Lehrbuch der Pandekten*, §§ 604, 611, 632 *sq.*; Bechmann, *Der Kauf nach gemeinem Recht*, vol. i., 1876; Muirhead, *Roman Law*, pp. 279–286.) [J. B. M.]

ENCAU'STICA. [PICTURA.]

ENCLE'MA (ἔγκλημα). [DIKÉ.]

ENCOMBO'MA (ἐγκόμβωμα), an upper garment tied round the body in a knot (κόμβος), and worn like a bib or apron to keep the tunic clean. The regular dress of slaves in comedy was the ἐξωμὶς with an ἐγκόμβωμα over it (Pollux, iv. 119; Alb. Müller, *Bühnenalterth.* p. 262: cf. Longus, *Past.* ii. 33; Varr. *ap.* Non. p. 542). According to Müller, it was probably a slave's pallium stitched to the chiton behind, so as to leave both hands free and the movements of the body unimpeded. [W. W.]

ENCTE'SIS (ἔγκτησις, Doric ἔμπασις, Boeot. ἔππασις, Boeckh, *C. I. G.* i. p. 725 b), the right of possessing landed property and houses (ἔγκτησις γῆς καὶ οἰκίας) in a foreign country, which was frequently granted by one Greek state to another (Dem. *de Cor.* p. 265, § 91; *C. I. G.* ii. No. 2352; Xen. *Hell.* v. 2, 19) or to separate individuals of another state.* In Boeckh's opinion (*P. E.* p. 140=*Sthh.*[3] i. 177) ἰσοτελεία and probably also προξενία included this right. Meier (*de prox.* p. 21) dissents from this, and Schubert (*de prox. Att.* p. 40 ff.) quotes inscriptions from which we learn that ἔγκτησις was granted in addition to προξενία (*C. I. A.* ii. Nos. 41, 131, 186), whilst in other cases (No. 139) ἔγκτησις alone is conferred. This privilege meant the right of possessing either a house, or a house and land (*C. I. A.* ii. Nos. 42, 70, 121, etc.—i. No. 59; ii. No. 41, etc.); in *C. I. A.* ii. No. 380 the right of possessing land to the amount of two talents is granted, and in Nos. 121 and 222 the time is specified ἕως ἂν κατέλθωσιν). The privilege was not hereditary, since in some decrees it is specially stated αὐτῷ καὶ ἐκγόνοις (*C. I. A.* ii. 186, etc.). Ἐγκτήματα were such possessions in a foreign country, and are opposed (by [Dem.] *de Halonn.* p. 87, § 42) to κτήματα, possessions in one's own country. (Valcken. *ad* Herod. v. 23.) Since, except in special instances, only citizens enjoyed the right of possessing land and houses at Athens, it was not safe for aliens to advance money on such property (Dem. *pro Phorm.* p. 946, § 6; Xen. *de Vect.* 2, 6). In the psephisma which formed the basis of the second confederacy the Athenians gave up their ἐγκτήματα in the territories of the allies, and renounced the right of acquiring such henceforward (Diod. xv. 29, 7; *C. I. A.* ii. No. 17); those who disregarded this arrangement were to be proceeded against by φάσις πρὸς τοὺς συνέδρους τῶν συμμάχων. The term ἐγκτήματα was also applied to the landed property or houses which an Athenian possessed in a different δῆμος from that to which he belonged by birth, and with respect to such property he was called ἐγκεκτημένος: whence we find De-

* Rangabé, *Antiq. hellén.* ii. No. 678 (Oropus), No. 696 (Megara, γᾶς καὶ οἰκίας ἐπαρχά), No. 705 (Thespiae, γᾶς καὶ ξυκίας ἔμπασις), No. 705b (Orchomenus, γᾶς κὴ ξυκίας ἔππασις), No. 739 (Ambrysa), No. 741 (Lamia, γᾶς καὶ οἰκίας ἔγκτησις καὶ ἐπινομία); cf. Boeckh, *C. I. Gr.*, No. 1793 (Arcanania, γᾶς καὶ οἰκίας ἔνκτησιν), No. 2556 and 2558 (Crete, γᾶς καὶ οἰκίας ἔγκτησις), No. 2267 (Delos), Nos. 1334 and 1335 (Lacedaemon), No. 1771 (Thessaly), No. 2056 (Thrace, ἐγγείων ἐγκτησις), etc.

mosthenes (*c. Polycl.* p. 1208, § 8) speaking of *οἱ δημόται καὶ οἱ ἐγκεκτημένοι*. For the right of holding property in a *δῆμος* to which he did not belong, he (as well as a foreigner who enjoyed the privilege of *ἔγκτησις*) had to pay such *δῆμος* a tax, which is mentioned in inscriptions under the name of *ἐγκτητικόν*. The remission of this tax is mentioned in inscriptions (*C. I. A.* ii. Nos. 589, 582, 574); it was sometimes accompanied by other privileges, as *προεδρία* and a limited share in the sacrifices of the deme as in the case of Callidamas (*C. I. A.* ii. No. 589; Boeckh, i. p. 408 a; O. Müller, *de demis Att.* p. 20 ff.; *Att. Process*, ed. Lipsius, p. 671 ff.). It is a special case of *ἔγκτησις* when land is granted to foreigners for the erection of a sanctuary (see *C. I. A.* ii. No. 168 *sub fin.*: *δεδόχθαι τῷ δήμῳ, δοῦναι τοῖς ἐμπόροις τῶν Κιτιέων ἔνκτησιν χωρίου ἐν ᾧ ἱδρύσονται τὸ ἱερὸν τῆς Ἀφροδίτης καθάπερ καὶ οἱ Αἰγύπτιοι τὸ τῆς Ἴσιδος ἱερὸν ἵδρυνται*). [H. H.]

ENDEIXIS (*ἔνδειξις*). Endeixis, apagoge, and ephegesis have a great deal in common, both as regards the cases to which they were applicable and the mode of procedure and punishment, so that they are frequently mentioned side by side (Andoc. *de Myst.* § 91; Dem. *c. Lept.* p. 504, § 156; *c. Timocr.* p. 745, § 146; [Dem.] *c. Theocr.* p. 1325, § 11); and sometimes the same case is now called *ἀπαγωγή*, now *ἔνδειξις*. Thus Antiphon's Or. *de caed. Herod.* is the speech of defence in an *ἀπαγωγὴ φόνου* (§ 9, 85), yet in § 9 we find *ἐνδεδειγμένος*. This, however, should not have misled Jebb (*Att. Orat.* i. p. 57) into saying that "*ἔνδειξις* and *ἀπαγωγὴ* do not denote two different processes, but two parts of the same process. Endeixis was the laying of information against a person not yet apprehended; apagoge was the act of apprehending him." Nor can Lysias's Or. *c. Agor.* be quoted as an instance in which apagoge followed endeixis. Dionysius proceeded against Agoratus by apagoge, and the title which the grammarians give to the speech *κατ' Ἀγοράτου ἐνδείξεως* is wrong (Blass, *d. Att. Bereds.* i. p. 552). The similarity of procedure shows itself in this, that there was no *πρόσκλησις*; and that when the magistrate accepted the charge (called *ἀπαγωγή*, Lys. *c. Agor.* § 85, or *ἔνδειξις*, [Dem.] *c. Theocr.* p. 1322, § 1, respectively), the defendant was kept in prison, unless he could find three sureties (Dem. *c. Timocr.* p. 746, § 146; *c. Nicostr.* p. 1251, § 14; Dinarch. *c. Aristog.* § 9; see, however, Andoc. *de Myst.* § 2, *οὔτ' ἐγγυητὰς καταστήσας, οὔθ' ὑπὸ δεσμῶν ἀναγκασθείς*). From Antiph. *de caed. Herod.* § 13 we learn that the defendant in that case, probably because of his not being a citizen, was imprisoned, although he offered to find the three sureties required by law, and that in the majority of cases capital punishment awaited him on conviction.

Apagoge (*ἀπαγωγή*) was a summary process in which the prosecutor led the culprit caught *flagrante delicto* (*ἐπ' αὐτοφώρῳ*, Isae. *Dicaeog.* § 28; Dem. *c. Steph.* i. p. 1126, § 81; Xen. *Mem.* i. 2, 62, *φανερός*: cf. Photius, *s. v.* *ἔνδεκα*) either directly into prison, if the charge belonged to the jurisdiction of the Eleven, who had first to decide whether a *primâ facie* case had been made out by the informant (*ἀπαγωγῆς ἄξια ποιεῖ· ἀρχὴ τῶν ἕνδεκα*, Hyperid. *pro Eux.* col. 22; *ἀπάγειν τοῖς ἕνδεκα*, Dem. *c. Timocr.* p. 736, § 113; *εἰς τὸ δεσμωτήριον*, *c. Aristocr.* p. 647, § 80, etc.; *ἀποδέχεσθαι*, *παραδέχεσθαι* is said of the Eleven, Lys. *c. Theomn.* i. § 10, *c. Agor.* § 86), or before the proper authority, who sent the culprit to prison. It was not in every case when a culprit was caught in the act that apagoge was allowed; and in those cases where it was allowed, the culprit might be apprehended not only when literally caught in the act, but also when his guilt was notorious, *ἐπ' αὐτοφώρῳ* being formally essential for establishing the charge, but meaning practically no more than *ὁμολογουμένως* or *φανερῶς* (Rauchenstein, *Philol.* v. p. 514; cf. Lys. *c. Agor.* § 86 f.). Thus when Ariston had recovered after a protracted illness from the assault committed upon him by Conon and his companions, his friends said that Conon was liable *τῇ τῶν λωποδυτῶν ἀπαγωγῇ* (they had stripped Ariston of his cloak and carried it off, Dem. *c. Con.* p. 1259, § 8; p. 1260, § 10). In spite of the lapse of time, an apagoge was still possible, Ariston being able to establish the guilt of Conon clearly by eye-witnesses, etc. Sandys and Paley (*ad loc.*) say, "The plaintiff's friends meant that Conon might have been captured *flagrante delicto*, and carried off to prison as a *λωποδύτης*;" but bearing in mind the case of Agoratus, it seems not to have been a question of what "might have been," but what "might be still." It is true that in Antiphon's Or. *de caed. Herod.* the absence of *ἐπ' αὐτοφώρῳ* in the charge is not pointed out as a flaw by the defendant; but this does not show, as Sorof suggests (*Jahrb. f. cl. Phil.* 1883, p. 110), that *ἐπ' αὐτοφώρῳ* was not at that time insisted upon and only became essential after Eucleides: the defendant protests against the prosecution by *ἀπαγωγὴ* altogether, on the ground that a murderer does not come under the meaning of the term *κακοῦργος* as defined by the law. The proceeding by apagoge was most frequently adopted against those whom the law designated as *κακοῦργοι* (*ὁ τῶν κακούργων νόμος*, Antiph. *de caed. Herod.* § 9, with two additions, cf. Athen. vi. p. 226 a, and *C. I. A.* ii. No. 476, l. 56), such as thieves (Antiph. *de caed. Herod.* § 9), clothes-stealers (*λωποδύται*, Lys. *c. Theomn.* i. § 10; *c. Agor.* § 68), burglars (*τοιχωρύχοι*, Dem. *c. Lacr.* p. 940, § 47), kidnappers (*ἀνδραποδισταί*, Isocr. *de Permut.* § 90), cutpurses (*βαλαντιστόμοι*, Xen. *Mem.* i. 2, 62), and persons who contravened the market-regulations (Athen. vi. p. 226 a, and *C. I. A.* ii. 476, l. 56 f.). The term was extended to similar classes of criminals, such as murderers and adulterers (Aeschin. *c. Tim.* § 90), temple-robbers (*argum.* [Dem.] *c. Aristog.* i. p. 767; Xen. *Mem.* l. c., but see Antiph. *de caed. Herod.* § 10), sorcerers (Plat. *Men.* p. 80 B and schol.), pirates (Luc. *Navig.* c. 14). The same proceeding was extended also to those charged with impiety (Dem. *c. Androt.* p. 601, § 27), ill-usage of orphans (Aeschin. *c. Tim.* § 158, cf. 40), and against metoecs who had not paid the *μετοίκιον* (in that case the *πωληταί* had jurisdiction, [Dem.] *c. Aristog.* i. p. 788, § 58). As regards the *ἀπαγωγὴ τῶν κλεπτῶν*, it could be adopted only in the aggravated cases of stealing by night, or stealing in day-time property of greater amount than 50 drachmas, or from a gymnasium or the ports or public baths anything worth 10 drachmas (Dem. *c.*

Timocr. p. 735, § 113 f.; Theophr. *Char.* ed. Jebb, p. 230).

From a different point of view the law (Dem. *c. Aristocr.* p. 646, § 80) directs arrest against a murderer *περιιόντα ἐν τοῖς ἱεροῖς καὶ κατὰ τὴν ἀγοράν*, viz. because of his exercising the rights and privileges of an *ἐπίτιμος*, although disfranchised (Plat. *Legg.* ix. p. 871 A: cf. the law in Dem. *c. Timocr.* p. 733, § 105; *c. Lept.* p. 504, § 156; and *c. Theocr.* p. 1324, § 10); the same applies to the arrest of exiles who ventured to return home without having procured a revocation of their sentence (Dem. *c. Aristocr.* p. 629, § 28; p. 630, § 31; Dinarch. *c. Demosth.* § 44; cf. Lycurg. *c. Leocr.* § 121). Pollux (viii. 49) states, that *ἔνδειξις* was adopted *περὶ τῶν οὐ παρόντων, ἀπαγωγὴ* however, *ὅταν τις ὃν ἔστιν ἐνδείξασθαι μὴ παρόντα, τοῦτον παρόντα ἐπ' αὐτοφώρῳ λαβὼν ἀπαγάγῃ, i.e.* an *ἄτιμος* who exercised the rights of an *ἐπίτιμος* could be arrested only whilst actually exercising such rights; when that moment had passed, he could only be proceeded against by *ἔνδειξις*. Meuss (*de ἀπαγ. act. ap. Athen.*) limits *ἀπαγωγὴ* to the classes of criminals specified in the *νόμος κακούργων* with its additions, and to the *ἄτιμοι* (to which class he reckons the *ἀσεβεῖς*); in all other cases *ἀπάγειν* is, in his opinion, not used in its technical sense to denote a distinct process, but means simply "to throw into prison," as when exiles returned without their sentence having been revoked, or when the culprits were not Athenians (the murderers Euxitheus and Agoratus; metoecs who had not paid the *μετοίκιον*, see Plat. *Men.* p. 80 B, and Aeschin. *c. Tim.* § 69, 158, *ξένοι*); but surely in the case of Euxitheus and Agoratus *ἀπαγωγὴ* means a distinct process.

Generally the Eleven presided; in a trial for *κάκωσις ὀρφανῶν*, the archon; for *ἀσέβεια*, the basileus; when exiles returned without permission, the thesmothetae (Dem. *c Aristocr.* p. 630, § 31). The punishment was generally fixed by law; so in a case of *ἀπαγωγὴ κακούργων* the Eleven, if the accused confessed, could put him to death at once; the same penalty was inflicted on those who returned from exile without permission (Dem. *c. Aristocr.* p. 630, § 31; Lyc. *c. Leocr.* § 121) and on those *ἄτιμοι* who held office (Dem. *c. Lept.* p. 504, § 156), and on murderers who visited places from which they were excluded (Dem. *c. Aristocr.* p. 647, § 80). Metoecs who had not paid the *μετοίκιον*, were sold as slaves ([Dem.] *c. Aristog.* i. p. 787, §§ 57, 58; Harp. *s. v. μετοίκιον*; Pollux, viii. 99; [Plut.] *Vitt. X. Oratt.* p. 842 B).

A person who did not feel himself strong enough to effect an *ἀπαγωγὴ* had recourse to *ἐφήγησις, i.e.* he applied to the magistrate and conducted him and his officers to the spot where the capture was to be effected (Dem. *c. Androt.* p. 601, § 26; Pollux, viii. 50). Ephegesis was also resorted to instead of apagoge, when the culprit was hiding in a house (for no private person was allowed to enter a house *ἄνευ ψηφίσματος*, Dem. *de Cor.* p. 271, § 132; *c. Androt.* p. 609, § 52 = *c. Timocr.* p. 751, § 164; see, however, Lys. *c. Eratosth.* § 30, and Xen. *Hellen.* ii. 4, 14). The grammarians particularly mention that it was adopted against persons who harboured those who had returned from exile without permission (*Etym. M.* 403, 23, etc.).

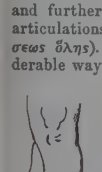
Instead of taking the law into his own hands, as in the *ἀπαγωγή*, the prosecutor might simply put the law in motion by applying to the proper authority, who, upon receiving the charge in writing (*ἔνδειξις*), was bound to arrest or hold to bail the person criminated. This proceeding was instituted against such persons as were alleged to have visited places or exercised rights while labouring under a peculiar disqualification (Harp. *s. v.*). The Attic lawgiver did not define all the cases when endeixis could be adopted; he starts from one particular case, *e.g.* against state debtors (Dem. *c. Androt.* p. 603, § 33; *c. Nicostr.* p. 1251, §, 14), and adds analogous instances: hence we find such phrases as *καθάπερ ἐάν τις ἄρχῃ ὀφείλων τῷ δημοσίῳ* (Dem. *c. Timocr.* p. 707, § 22). Thus the proceeding by endeixis was allowable against any one who petitioned for relief from a fine or a judgment-debt, because, being a state-debtor, he was not allowed to appear in the popular assembly (Dem. *c. Timocr.* p. 716, § 50; see also *c. Lept.* p. 504, § 156); in the same way Pyrrhus was prosecuted by endeixis for acting as dicast (Dem. *c. Mid.* p. 573, § 182), and Aristogiton and Theocrines for commencing actions (Dem. *Or.* xxv. and lviii.), before they had paid their debts to the state. Cephisius laid an *ἔνδειξις ἀσεβείας* against Andocides for attending the Mysteries and entering the Eleusinian temple, thereby violating the decree of Isotimides by which he was excluded from all temples (Andoc. *de Myst.* § 111). As regards exiles, the law in Dem. *c. Aristocr.* p. 636, § 51, has: a person shall not be liable to any legal proceedings for homicide who informs against exiles (*ἀνδραφόνους* in § 52; cf. [Lys.] *c. Andoc.* § 15), *ἐάν τις κατίῃ ὅποι μὴ ἔξεστιν*; probably endeixis could be adopted also against those who harboured such (Dem. *c. Polycl.* p. 1222, § 50, *ἐν τοῖς αὐτοῖς ἐνέχεσθαι τὸν ὑποδεχόμενον τοὺς φεύγοντας*). The endeixis, with which Socrates was threatened for refusing as *ἐπιστάτης* to take the votes of the people in the assembly, must be looked upon as quite an unusual proceeding (Plat. *Apol. Socr.* 32 B). In some instances, *φάσις* would have been the more usual form of proceeding, as against persons who sold state property (Schol. Aristoph. *Vesp.* 1103); who furnished supplies to the enemy in war-time (Aristoph. *Eq.* 278; Andoc. *de Red.* § 14); who offended against the laws of export and import (*C. I. A.* ii. No. 546). Sometimes *ἐνδεικνύναι* seems to be used in a general sense, as in Isocr. *c. Callim.* § 22, against ambassadors for *παραπρεσβεία*.

Endeixis was generally laid before the Thesmothetae (Dem. *c. Timocr.* p. 707, § 22), and in some cases probably before the Eleven (*Lex. Seguer.* 250, 11; Schol. Aristoph. *Vesp.* 1102); the endeixis against Andocides was, from the nature of the charge, laid before the basileus, who reported it to the prytanes, and they commissioned him to summon Cephisius and Andocides before the senate (Andoc. *de Myst.* § 111; cf. the passage inserted in the oath of the members of the Boulé after the amnesty of 403: *οὐ δέξομαι ἔνδειξιν οὐδὲ ἀπαγωγὴν ἕνεκα τῶν πρότερον γεγενημένων πλὴν τῶν φευγόντων*, Andoc. *de Myst.* § 91).

As to the result of condemnation in a prosecution of this kind, the law ordained that

he who held an office whilst a debtor to the state should be put to death (Dem. *c. Lept.* p. 504, § 156), while it was left to the court to impose the penalty, in case such a person spoke in the popular assembly or acted as dicast (Dem. *c. Mid.* p. 573, § 182; [Dem.] *c. Aristog.* i. p. 797, § 92). The murderer who returned home clandestinely was put to death ([Lys.] *c. Andoc.* § 15; see also § 55 and Andoc. *de Myst.* § 146). The accuser, if he did not receive the fifth part of the votes, had to pay a thousand drachmas and became ἄτιμος (Andoc. *de Myst.* § 33; cf. Dem. *c. Aristocr.* p. 647, § 80; [Andoc.] *c. Alcib.* § 18). (*Att. Process*, ed. Lipsius, pp. 85–88, 138, 270–294, 779.) [J. S. M.] [H. H.]

ENDROMIS (ἐνδρομίς). **1.** A kind of top-boot worn by Cretan huntsmen and by Artemis (Nonn. *Dionys.* v. 237: cf. Schol. on Callimach. *Del.* 238, *Dian.* 16; Poll. vii. 93; *Anthol. Planud.* 253); "they would also," says Pollux (iii. 155), "suit athletes, and this is the name they give the boots of runners." From people "running in" them (cf. οὐδὲ ταχείας ἐνδρομίδας, Call. *Del.* 238), they got their name, and similarly we find the adjective ἐνδρομίδες applied to shields in a Delphic Inscription *ap.* Curtius, 40. Rich says they left the toes exposed, on the basis of the illustrations in *Mus. Borb.* viii. pl. 23 and 25, and he considers this exposure of the toes the chief difference between the ἐνδρομὶς and the κόθορνος. But this does not appear at all certain: for the boot of the Cretan huntsmen described by Galen (xviii. 1, 682, ed. Kuhn), which is doubtless the ἐνδρομὶς, is constructed, he says, for the rough and uneven nature of that country; and surely exposure of the toes can be no advantage under such circumstances; and further the boot fits, Galen says, all the articulations of the foot (τῆς κατὰ φύσιν διαρθρώσεως ὅλης). The ἐνδρομίδες reached a considerable way above the ankle, and the top of the leg of the boot turned over and hung down in a flap, as may be seen from the annexed cut of an ἐνδρομὶς taken from *Museo Borbonico*, x. pl. 20. They were generally open down the front, with eyes on each side leather, for running the fastenings through, like our laced boots. However, there is a vase-painting given by Millin (*Peint. des Vases*, ii. pl. 69) which shows, from the way the man on the right is drawing on his boot, that the apparent lacing was sometimes mere ornament. (See cut in next column.) The Romans translated the ἐνδρομὶς of Artemis by *cothurnus* (Verg. *Ecl.* vii. 32; *Aen.* i. 337). (For further information, see Spanheim on Call. *Dian.* 16.)



Endromis. (From a Pompeian painting.)

2. In Roman times *endromis* was used for a thick woollen rug (Tert. *Pall.* 4, "endromidis solocem aliqua multicia synthesi extrusit"), sometimes in the palaestra thrown over the body after violent exercise (Juv. vi. 246), but also used by the humbler classes as a protection against cold and rain (Mart. iv. 19, xiv. 126; cf. Juv. iii. 102). We hear that such rugs came from the woollen manufactories of the Sequani in Gaul (Mart. iv. 19, 1) and from Tyre (Juv. vi. 246). [L. C. P.]

Endromis. (From a vase-painting.)

ENECHYRA (ἐνέχυρα) meant properly goods, usually movables, handed over to a creditor as security, *e.g.* bronze ([Dem.] *c. Timoth.* p. 1190, § 21), cups and a golden crown (Dem. *c. Nicostr.* p. 1249, § 9), slaves (*c. Aphob.* i. p. 820, § 24), a horse (Lys. *Obtrect. adv. Fam.* § 10, etc.: it was forbidden to pledge weapons and agricultural implements, Aristoph. *Plut.* 450, and Diod. i. 79; likewise ἐπὶ σώματι δανείζειν, Plut. *Sol.* 15); whilst ὑποθήκη meant usually real property (also ships, [Dem.] *c. Lacrit.* p. 933, § 32; Dem. *c. Dionys.* p. 1283, § 3: or slaves, *c. Pantaen.* p. 967, § 4) mortgaged to the creditor. If the money advanced was not paid back by the time specified, the security passed into the possession of the creditor (Dem. *c. Aphob.* ii. p. 841, § 18). (Boeckh, *Sthh.*[2] i. p. 161 ff.; *Att. Process*, ed. Lipsius, pp. 689–696.)

In private suits at Athens, whether tried by a court of law or before an arbitrator (Dem. *c. Callipp.* p. 1240, § 15 f.), whenever judgment was given against a defendant, a certain period was at the same time fixed (ἡ προθεσμία: the plaintiff could agree to a prolongation, [Dem.] *c. Euerg. et Mnesib.* p. 1154, § 49 f.), before the expiration of which it was incumbent upon him to comply with the verdict. In default of doing so, he became ὑπερήμερος or over the day, as it was called, and the plaintiff was privileged to take steps against him for non-compliance. Several ways were open to the plaintiff. He could seize upon the goods and chattels of the defendant as a security or compensation (ἐνεχυρασία, ἐνεχυράζειν, ἐνέχυρα λαμβάνειν or φέρειν, ἅπτεσθαι τῶν χρημάτων). This "taking in execution" was probably left to the party who had gained the suit, and it is doubtful whether he had the assistance of a public officer (like the sheriff). On one occasion, indeed, we read of a ὑπηρέτης παρὰ τῆς ἀρχῆς (i.e. ἀποστολεὶς, [Dem.] *c. Euerg.* p. 1149, § 33, p. 1150, § 37), being taken to assist in, or perhaps to be a witness of, a seizure; but that was in a case where public interests were concerned ([Dem.] *c. Euerg.* p. 1149, § 35; see Hudtwalcker, *Diaet.* p. 132);

from Schol. Aristoph. *Nub.* 37 (cf. Harp. *s. v.* δήμαρχος, etc.), however, it would appear that usually, though not necessarily, the demarch accompanied the plaintiff when levying execution to the defendant's house (cf. Bekker, *Anecd.* 242, 16; see B. W. Leist, *Graeco-Ital. Rechtsgesch.* p. 493). [Dem.] *c. Euerg.* p. 1155, §§ 52 ff., gives an amusing account of what Englishmen would consider a case of "assault and trespass," committed by some plaintiffs in a defendant's house: the amount of damages which had been awarded (ἡ καταδίκη) was lying in the bank; of this Theophemus had been informed, but instead of going there he seized fifty sheep, together with the shepherd and a boy; then, assisted by the defendants (who had no right to touch anything), he broke into the farm, tried to seize the slaves, who managed to escape, entered the dwelling-house, carried off all the furniture in spite of the remonstrance of the plaintiff's wife (λεγούσης ὅτι αὐτῆς εἴη ἐν τῇ προικὶ τετιμημένα), and ill-treated the old nurse to get from her a cup which she was concealing about her person. It seems probable, though we are not aware of its being expressly so stated, that goods thus seized, if not redeemed, were publicly sold or valued (*C. I. A.* ii. No. 814 *a*), and that the party from whom they were taken could sue his opponent for any surplus which might remain after all legal demands were satisfied. If the damages awarded to the plaintiff were heavy, so that they could not be covered by goods taken in execution, he might proceed to satisfy himself by seizure of the defendant's land. This was what occurred in the case of Demosthenes; having recovered a judgment of ten talents against Aphobus, he made entry upon a farm. Onetor, claiming it as mortgagee, turned him off and thereby subjected himself to an action of ejectment (*Att. Process*, ed. Lipsius, pp. 962–966).

The right of taking property in pledge is stipulated in some inscriptions for breach of contract (*C. I. A.* ii. Nos. 565, 11; 600, 36, ἐνεχυράζειν πρὸ δίκης: *C. I. G.* No. 2448=Cauer, *Del. Inscr. Gr.*[2] No. 148 E, l. 20, ἐνεχύραστος: Thalheim, *Rechtsalterth.* p. 116, n. 1). No seizure of this sort could take place during several of the religious festivals of the Athenians, such as the Dionysia, the Lenaea, the Thargelia, etc. (Dem. *c. Mid.* p. 517, § 10; *Att. Process*, ed. Lipsius, p. 338, n. 393). [R. W.] [H. H.]

ENGYE (ἐγγύη), bail or sureties, were in very frequent requisition, both in the private and public affairs of the Athenians. Private agreements, as, for instance, to abide by the decision of arbitrators (Dem. *c. Apatur.* p. 897, § 15), or that the evidence resulting from the application of torture to a slave should be conclusive (Dem. *c. Pantaen.* p. 978, § 40; see also [Dem.] *c. Neaer.* p. 1367, § 65 f.), were corroborated by the parties reciprocally giving each other such sureties; and the same took place generally in all money-lending or mercantile transactions (Dem. *c. Apat.* p. 894, § 7, p. 895, § 10); and was invariably necessary when persons undertook to farm tolls, taxes, or other public property (Dem. *c. Timocr.* p. 713, § 40; p. 745, § 144; Boeckh, *Sth.*[3] i. p. 187), or undertook public works (*C. I. A.* i. No. 324; *fr.* a, l. 48; *fr.* c, ii. l. 19). Xenophon (*de Vect.* 4, 20) suggests that sureties should also be required from those who hired the public slaves whose purchase he proposed.

In judicial matters bail or sureties were provided upon two occasions: first, when it was requisite that it should be guaranteed that the accused should be forthcoming at the trial; and secondly, when security was demanded for the satisfaction of the award of the court. In the first case, bail was very generally required when the accused was other than an Athenian citizen, whether the action were public or private; the alternative was prison (Dem. *c. Zenoth.* p. 890, § 29). Pasion the banker dragged a subject of Satyrus, king of Bosporus, before the polemarch, and compelled him to find sureties for six talents (Isocr. *Trapez.* § 12); although the defendant in Antiph. *de caed. Herod.* § 17 offered the three sureties required by law (ἐγγυητὰς τρεῖς καθιστάναι κατὰ τὸν νόμον), he was imprisoned. Athenians, on the other hand, could not be arrested or forced to find sureties except when proceeded against by way of apagoge, endeixis (yet see Andoc. *de Myst.* § 2, where Andocides, against whom Cephisius had laid an ἔνδειξις ἀσεβείας, insists on the fact of his having remained to stand his trial οὔτ' ἐγγυητὰς καταστήσας οὔθ' ὑπὸ δεσμῶν ἀναγκασθείς as a proof of good conscience), ephegesis, and eisangelia, the senators being bound by their oath not to put in prison any Athenian who offers three sureties of the same class (τὸ αὐτὸ τέλος τελοῦντες), unless where a man was charged with προδοσία τῆς πόλεως or κατάλυσις τοῦ δήμου, or where a farmer of taxes or a surety or a collector committed default (Dem. *c. Timocr.* p. 745, § 144; Andoc. *de Myst.* § 93; [Andoc.] *c. Alcib.* § 3; cf. Dem. *c. Timocr.* p. 720, § 63 *lex*, and Schol. Aristoph. *Eccl.* 1089). Instances of bail accepted by the senate we find recorded in Andoc. *de Myst.* §§ 17, 44; Lys. *c. Agor.* §§ 23, 27; cf. Xen. *Hell.* i. 7, 7; from § 35 we learn that sureties were demanded in a Probole, which from the peculiar circumstances of the case must be looked upon as an extraordinary measure. Being at large was considered essential for preparing the defence (Dem. *c. Timocr.* p. 745, § 145); even the murderer was at large and could leave the country after the first day's trial, and it is doubtful whether an exception was made in the case of one who had murdered a parent (Pollux, viii. 117; Schöm. *Antiq.* 292, n. 8), for the existence of such a special law may with good reason be called into question (Diog. L. i. 59; Cic. *pro Rosc. Am.* 23, 70); only a person convicted in a γραφὴ ξενίας, who proceeded against the witnesses by a δίκη ψευδομαρτυριῶν, was compelled to remain in prison until the determination of his suit (Dem. *c. Timocr.* p. 741, § 131). Surety of the other kind was demanded at the beginning of a suit upon two occasions only: first, when a citizen asserted the freedom of a person detained in slavery by another (Lys. *c. Pancl.* § 9 ff.); and secondly, when a litigant, who had suffered judgment to go by default, had recommenced his action within the given time (μὴ οὖσα δίκη); see Pollux, viii. 60. After the judgment, security of this kind was required in all mercantile and some other private causes (Dem. *c. Onet.* i. p. 873; Isae. *Dicaeog.* § 18); Timocrates proposed a law (Dem. *c. Timocr.* p. 712, §§ 39, 40; cf. also Plat. *Apol. Socr.*

p. 38 B) that a debtor of the state, who had been sentenced to imprisonment (*προστιμᾶσθαι*, *i.e.* in addition to making good the debt), should be allowed (either himself or others on his behalf) to put in such bail for the debt as the people should approve, to be security for payment of the sum which he was adjudged to pay within the ninth prytany (cf. Wayte on Dem. *c. Timocr.* p. 704, § 15), this law to apply to all except the farmer of taxes, etc. and their sureties (cf. Boeckh, *Sth.*[3] i. p. 409 f.). As to the number of sureties, three were required of the same census in the oath of the senators (cf. Antiph. *de caed. Herod.* § 17); Socrates speaks of four (Plat. *Apol.* p. 38 B); Lysias (*c. Agor.* § 23) has **Νικίας καὶ Νικομένης καὶ ἄλλοι τινές** (cf. Plat. *Legg.* xii. p. 953 E). If the principal in a contract made default, the surety was bound to make it good, or, if he refused to do so, might be attacked by an *ἐγγύης δίκη*, if such action were brought within a twelvemonth after the obligation was undertaken (Dem. *c. Apat.* p. 901, § 27). So in Isae. *Dicaeog.*: Dicaeogenes had stipulated that he was to keep his original one-third of the estate and leave his adversaries the other two-thirds (*ἀναμφισβήτητα*, § 18, i.e. *ἀνέπαφα*, argum.). Leochares and Mnesiptolemus became his sureties for the performance of the engagement. When Dicaeogenes sold these two-thirds to other persons, Leochares was sued by an *ἐγγύης δίκη* to discharge his liability as surety. Such a charge could be brought against the surety without any attempt being first made to recover from the principal in the contract; hence the proverb *ἐγγύα, πάρα δ' ἄτα*, Plat. *Charm.* p. 165 A; cf. Epicharmus in Clem. Alex. *Strom.* vi. p. 626.

As to the punishment of the bail, in case a person accused in a public action failed to appear to take his trial, our information is very scanty. Andoc. (*de Myst.* § 44) says, *τοὺς ἐγγυητὰς τοῖς αὐτοῖς ἐνέχεσθαι ἐν οἱσπερ οὺς ἐγγυήσαντο*: but Caillemer (*Études s. l. antiquit. jurid. d'Ath.*, No. 6) doubts if this held good in case of capital punishment; however, the sureties of Agoratus made preparations to escape from Athens together with him. From a passage in Xenophon (*Hell.* i. 7, 39) it appears that the law allowed the bail to secure the person of the accused by private confinement.

The technical term for becoming surety is *ἐγγυᾶσθαί τινα, ἀναδέχεσθαι ἐγγύην*, or simply *ἀναδέχεσθαι* (hence *ἀνάδοχος* from the 3rd century = *ἐγγυητής, ἔγγυος*); *ἐξεγγυᾶσθαι* (also *διεγγυᾶσθαι*) means to free one by giving bail; and *ἐξεγγυᾶσθαι* is said of a person thus set free: *κατεγγυᾶν* means to require bail of an accused person, and *κατεγγυᾶσθαι* to give bail. (*Att. Process*, ed. Lipsius, pp. 703–710.) [J. S. M.] [H. H.]

ENGYE'SIS (*ἐγγύησις*). [MATRIMONIUM.]

E'NNATA (*ἔννατα*). [FUNUS.]

ENOI'KIOU DIKE (*ἐνοικίου δίκη*). According to Hudtwalcker (*Ueber d. öffentl. u. Privat-Schiedsrichter*, p. 141 f.), this was an action brought to recover the rents withheld from the owner during the period of his being kept out of possession. If the property recovered were not a house, but land (in the more confined sense of the word), the action for the rents and profits was called *καρποῦ δίκη*. If the defendant, after a judgment in one of these actions, still refused to give satisfaction, an *οὐσίας δίκη* might be commenced against him, with the result that the defendant obtained a right to indemnify himself out of the whole property of the defendant, and as the ultimate remedy an *ἐξούλης δίκη*, the consequence of which to the defendant, if he failed, was that, besides his liability to the plaintiff, he was condemned to pay to the treasury a sum equal to the damages or to the value of the property recovered in the first action (*προστιμᾶν*, Dem. *c. Mid.* p. 528, § 44). Schömann points out that the *δίκαι ἐνοικίου* and *καρποῦ* could be instituted, not only when an estate had been adjudged, but also when the title to an estate was tried: see especially Lys. *fr.* 72 S. He also explains how a plaintiff came to resort to an *οὐσίας δίκη*, when he might take immediate steps to execution by means of entry and ejectment, by suggesting that the plaintiff was thus given the choice between a milder and a more stringent remedy, or that at one time real property could not in the first instance be taken in execution. In Lipsius' opinion these actions could only be brought to try the title to an estate. Thus the case in [Dem.] *c. Olymp.* p. 1179, § 45, was not an *actio locati* (Hudtwalcker, p. 143, n.), not an action for the rent of the house, but for the house itself, as the parallel action (*δίκη ἀργυρίου*) shows, *ἀργύριον* being the principal, not the interest (Thalheim, *Rechtsalterth.* p. 84, n. 2).* Thalheim (*l. c.* p. 114, n.), following Heffter (*Athen. Gerichtsverf.* p. 266, n.), explains the *οὐσίας δίκη* to be an action for ownership, but the only instance which might be quoted for this meaning of *οὐσία* (Harpocr. *s. v. διαμαρτυρία*) is corrupt, and Photius gives a different definition of the action (*ὡς δέον ἀπολαμβάνειν ἐξ ὅλης τῆς οὐσίας ἃ κατεδικάσαντο*). (Meier and Schömann, *Att. Process*, ed. Lipsius, p. 967 ff.) [H. H.]

ENOMO'TIA (*ἐνωμοτία*). [EXERCITUS.]

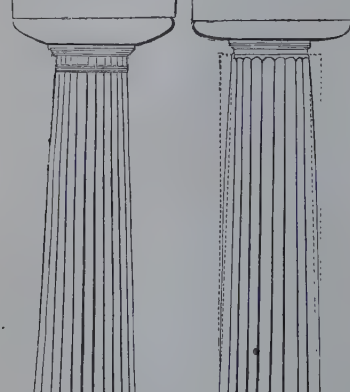
ENSIS. [GLADIUS.]

E'NTASIS (*ἔντασις, adjectio*, Vitruv. ed. M.-Strübing, 75, 7) in a column is a swelling ("adjectio quae adjicitur in mediis columnis," Vitruv. *l. c.*) from the lower end to a certain point, after which a diminution takes place to the hypotrachelium which forms part of the capital. Overlooked by Stuart and Revett, its discovery was due to Allason (1814), and confirmed by the measurements of Cockerell and Haller (W. Jenkins, *Supplem. vol.* to Stuart). In the Parthenon, the lower diameter of the column being 1·9 metre, the entasis is $\frac{1}{120}$ (or ·016 m.), the diminution $\frac{2}{9}$ (or ·425 m.) of this dimension. In some ancient columns, as at Assos, entasis is very exaggerated; while in others, as at Corinth, it is absent. Vitruvius (iii. 2, iv. 3) would make the width of the fillets of the flutings ("crassitudines striarum") equal to the *adjectio* in the middle of the column; such a deviation is imperceptible. As to the profile, Penrose has shown that in the Parthenon and Propylaea it is an hyperbola,

* It is, however, very probable that *ἐνοικίου δίκη* was originally intended to recover house-rent, and *καρποῦ δίκη* to recover the rent from land; the latter might also be instituted to recover profits, after the plaintiff had succeeded in an action for ownership (Suid., Phot. *s.v.*), and according to Hesychius (*s.v.*) was also directed against damage to crops (*τῷ βλάψαντι καρπόν*).

with 1 (Attic) foot for principal axis and 30 feet from centre to focus. Several theories have been advanced to account for the entasis of the column. Winckelmann's principle of *Unbezeichnung*, derived from the lines of the human body, has been adopted by some. Adamy (p. 159 *seq.*) holds that it expresses the sense of a living *organic* form due to the plastic tendency of Hellenism, and adduces, in confirmation, the freedom shown in small differences of form and proportion (not to be accounted for by carelessness) visible throughout the Parthenon, as, for example, the want of correspondence of the drops to the triglyphs, the inequality in height of the columns. The most generally accepted view (Gwilt, *Dict. of Arch.* x. 46), that entasis is a *correction* of an optical illusion produced by an extended line, is even accepted by Penrose, who thinks it removes the "attenuated appearance" or concavity of columns with straight sides (*Investig.* p. 39). The exaggeration at Assos, however, seems to indicate that the convexity was intended to be seen, and that apparent straightness was not aimed at. Originally imitated from nature, the effect was afterwards reduced and controlled by the necessities of art.

Examples of the absence and presence of entasis are represented in the woodcut: from the great temple at Paestum (to left), from a later building in the same city (to right).



Entasis. (From Doric columns at Paestum.)

There is another kind of entasis (Vitruv., ed. M.-S., 80, 7; 123, 10; 77, 1; 75, 7) which, as affecting horizontal lines, has been called *horizontal curvature* or *entasis*. Vitruvius says that the capitals were not on a level ("non ad libellam sed ad aequalem modulum conlocatis"), and seems to imply that both stylobate and superior members were curved ("ut quae adjectio in stylobatis facta fuerit, in superioribus membris respondeat"). Further on (*ib.* 123, 10) he refers to the method by which this adjustment was effected ("per scamillos impares"); and, again (*ib.* 77, 1), "stylobatam ita oportet exaequari uti habeat *per medium* adiectionem per scamillos impares." The reason assigned is that a level line looks hollow (*ib.*): "si enim ad libellam dirigetur, alveolatus oculo videbitur." Unfortunately the figure ("in extremo libro forma et demonstratio erit descripta," *ib.* 77, 1) is not extant, and therefore the meaning of Vitruvius remains somewhat obscure. The archaeological evidence of this species of *adjectio* is hardly more explicit. Horizontal entasis was first noticed in the Parthenon, by Pennethorne (1837) and Hoffer (1838), and subsequently investigated with extraordinary care by Penrose (v. *opp. cit.* inf.). He gives (*2nd Letter*) drawings showing the curvature in the pavement (3 ins. in centre of East front) and entablature of the Parthenon, which, he argues, was actual, from the care bestowed on the steps, the accurate levelling instruments employed (*teste* Vitruv.), and the exact levelling of the sub-basement belonging to the older temple. The joints of the steps are normals to the curve, so that the stylobate *forms an arch*. The entablature is not quite so much or so perfectly curved as the steps, so that the angle-columns are higher than the rest—in fact, the line is more polygonal, to fit which the abaci are cut into a nail-headed figure. There is no curve in the ground-line of the Propylaea, but it exists in the upper members. The inclined lines of the pediment of the Theseium are slightly convex. As to the criticism of Penrose's view, it may be stated that Lohde and Thiersch accept it, while Adamy rejects horizontal curvature, arguing from aesthetic requirements and its absence at Aegina and Corinth. Ziller extended the theory to individual stones, and even to the vertical joints! Blümner (*op. cit.* p. 8) holds the question still moot—other buildings must be examined; moreover, departures from horizontality, only detected micrometrically, can scarcely have been intended to correct optical defects. Finally, the whole matter has been excellently summed up by Reber (*op. cit.* pp. 265–270), with the same result.

(F. C. Penrose, *Two Letters from F. C. P. ... on certain Anomalies in the Constr. of the Parthenon*, 1848; id. *Investig.*, &c.; H. Blümner in Virchow and Holtzendorff's *Samml.*; Bötticher, *Bericht üb. d. Untersuch. a. d. Akrop.*; id. *Tektonik*; Reber, *Gesch. d. Baukunst im Alterthum*; Thiersch, *Optische Täuschungen*; Ziller, *Ueber d. urspr. Existenz d. Curvaturen d. Parth.*, in Erbkam's *Zeitschr.*, 1865; G. Oehmichen, *Griech. Tempelbau n. Vitruv*, &c.) [A. R.] [J. M.]

EO'RA. [AEORA.]

EPANGE'LIA (ἐπαγγελία). If a citizen of Athens had incurred ἀτιμία, the privilege of taking part or speaking in the public assembly was forfeited [ATIMIA]. But as it sometimes might happen that a person, though not formally declared ἄτιμος, had committed such crimes as would, on accusation, draw upon him this punishment, it was of course desirable that such individuals, like real ἄτιμοι, should be excluded from the exercise of the rights of citizens. Whenever, therefore, such a person ventured to speak in the assembly, any Athenian citizen had the right to come forward in the assembly itself, and demand of him to establish his right to speak by a trial or examination of his conduct (Aeschin. *c. Tim.* § 32, δοκιμασίαν ἐπαγγειλάτω Ἀθηναίων ὁ βουλόμενος οἷς ἔξεστιν: §§ 64, 81, ἐπαγγελίαν ἐπαγγέλλειν): but it is not probable that the impeached indi-

vidual was thereby compelled to desist from speaking until his case was decided. The accuser had to lay his charge in writing (Aeschin. *c. Tim.* §§ 119, 154; Dem. *c. Androt.* p. 600, § 23) before the thesmothetae, who brought such cases to trial in the courts of law (Aeschin. *ib.* § 45, etc.); and if the defendant was convicted, a formal declaration of ἀτιμία followed (Dem. *de Fals. Leg.* p. 432, § 284; p. 423, § 257; Aeschin. *ib.* 134, etc.).

Some writers have confounded the ἐπαγγελία with δοκιμασία, and considered the two words as synonyms; but from the above it is evident that the δοκιμασία is the actual trial, while the ἐπαγγελία is only the threat to subject a man to the δοκιμασία (Schömann, *Assemblies*, p. 241, n. 36). Harpocration and Suidas do not sufficiently distinguish between ἐπαγγελία and ἔνδειξις: the latter is an accusation against persons who, though they had been declared ἄτιμοι, or had become ἄτιμοι *ipso jure*, nevertheless ventured to assume the rights of citizens in the public assembly; whereas ἐπαγγελία applied only to those who had not yet been convicted of the crime laid to their charge, which would draw upon them ἀτιμία as punishment: *e. g.* if a man convicted of κάκωσις γονέων, and therefore *ipso jure* ἄτιμος, took part or spoke in the popular assembly, he was proceeded against by way of ἔνδειξις: whilst he who had committed a crime which laid him open to a γραφὴ κακώσεως γονέων, but for which he was not yet convicted, had to be proceeded against by way of ἐπαγγελία δοκιμασίας. Aeschines (*c. Tim.* § 28 ff.) mentions four classes of crimes which justified "denunciation:" κάκωσις γονέων, ἀστρατεία or throwing away the shield, ἕταίρησις, and wasting one's patrimony; Pollux (viii. 45) omits the 2nd class, but adds ἢ ἄλλως κακῶς βεβιωκότες, whilst some of the grammarians confine it to those guilty of ἑταίρησις. (*Att. Process*, ed. Lipsius, pp. 248–253.) Wachsmuth (*Hell. Alterth.* ii. p. 294) seems to be inclined to consider the ῥητορικὴ γραφὴ as connected or identical with the ἐπαγγελία. [L. S.] [H. H.]

EPA'RITI (ἐπάριτοι), the name of a corps of picked troops in Arcadia, which was formed to preserve the independence of the Arcadian towns, when they became united as one state after the defeat of the Spartans at Leuctra. They were 5,000 in number, and were paid by the state. (In Xen. *Hell.* vii. 4, §§ 22, 33, 36; vii. 5, § 3, the name occurs without explanation, but it was probably of Arcadian origin. In Diod. xv. 62, 67 they are οἱ καλούμενοι ἐπίλεκτοι ὄντες πεντακισχίλιοι. Cf. Hesych. *s. v.* ἐπαρότητοι: Thirlwall, v. 90; Grote, ch. 78, vii. 203; Gilbert, *Staatsalterth.* ii. 134, 352.) [W. S.] [W. W.]

EPAU'LIA (ἐπαύλια). [MATRIMONIUM.]

EPEUNACTI or -AE (ἐπευνακτοῖ, ἐπευνακταί), a class of citizens at Sparta who are said to have been the offspring of slaves and the widows of Spartan citizens. Theopompus tells us (*ap.* Ath. vi. p. 271 c) that in the Messenian war, in consequence of the great losses which the Spartans sustained, they married the widows of those who were slain to helots, and that these helots were admitted to the citizenship under the name of ἐπεύνακτοι. Diodorus (viii. *fr.* 21) also calls the partisans of Phalanthus ἐπευνακταί [PARTHENIAE]. (Thirlwall, i. 353; Grote, ch. 22, ii. 544; Müller, *Dor.* iii. 3, § 5; Gilbert, *Staatsalterth.* i. 18.) [W. S.] [W. W.]

EPHEBE'UM. [GYMNASIUM.]

EPHE'BUS (ἔφηβος), the name applied to Athenian youths between the ages of eighteen and twenty. The word ἥβη, as Blümner points out, is used in two senses, physical ἥβη or puberty at the age of sixteen, and legal or civil ἥβη two years later (Hermann-Blümner, *Privatalterth.* p. 322). The phrase ἐπὶ διετὲς ἡβῆσαι was consequently applied to the age of eighteen, at which the young Athenian attained his majority as regarded private legal relations. (For the margin allowed in cases of bodily immaturity, the nature of the examination (δοκιμασία), and the full discussion of the words ἐπὶ διετὲς ἡβῆσαι, see DOKIMASIA.) He was now entered on the ληξιαρχικὸν γραμματεῖον or register of his deme (Lycurg. *c. Leocr.* § 76); the notion of Pollux (viii. 105) and Harpocration that this was not done till the completion of the twentieth year is sufficiently accounted for by their not knowing the true meaning of ἐπὶ διετὲς ἡβῆσαι, and is now universally rejected. He was likewise admitted, at least on sufferance, to the Ecclesia, where in later times the ἔφηβοι were charged with police duties [ECCLESIA, p. 700 *b*]. The marriage of a youth of eighteen is mentioned as being nothing unusual (Dem. *c. Boeot. de Dot.* p. 1011, § 12); and in the well-known instance of Demosthenes himself, we see the orator at that age claiming his patrimony, bringing an action against his guardians and pleading his own cause: at this time he calls himself an ἔφηβος (*c. Onet.* i. p. 868, § 15).

Military training, likewise, began with the ἐφηβεία, which may be considered as a kind of apprenticeship in arms. The δοκιμασία seems to have taken place at the time of the elections (ἀρχαιρεσίαι, Isae. *Or.* 7 [*Apollod.*], § 28; Dem. *c. Leoch.* p. 1092, § 39), *i.e.* in the early part of the ninth prytany [ECCLESIA, p. 702 *b*]. After this the ephebi were solemnly introduced before the people assembled in the theatre, and received publicly a shield and a lance (Aristot. *ap.* Harpocrat. *s. v.* δοκιμασία); while those whose fathers had fallen in the defence of their country, and who had consequently been brought up at the public expense, received a complete suit of armour (Aeschin. *Ctes.* § 154; Plat. *Menex.* 249 A). Thus equipped, they were led to the temple of Aglauros, and there took an oath by which they pledged themselves never to disgrace their arms or to desert their comrades; to fight to the last in defence of their country, its altars and hearths; to leave their country not in a worse but in a better state than they found it; to obey the magistrates and the laws; to resist all attempts to subvert the institutions of Attica, and finally to respect the religion of their forefathers. This oath is alluded to, Dem. *F. L.* p. 438, § 303 = 346; partly quoted, Lycurg. *l. c.*; more fully, but with slight variations, Stob. *Flor.* xliii. 48, Poll. viii. 105. A curious touch of aggressive patriotism, omitted by these authors, is preserved in Plut. *Alcib.* 15 and Cic. *de Rep.* iii. 9: "that they would regard every country as Attic soil where wheat and barley, vines and olives could grow." Modern criticism, however, doubts the genuineness of

this oath so far as it rests only upon the testimony of grammarians (Cobet, *Nov. Lect.* p. 223; Schömann, *Antiq.* i. 359, E. T.; Gilbert, *Staatsalterth.* i. 296, n.).

As commonly stated, the ephebi served as *περίπολοι, i.e.* on patrol (Xen. *de Vect.* 4, § 47; Aristoph. *Av.* 1177) and garrison duty (Eupolis, *fr.* 357 M.), in Attica, during the whole two years of their *ἐφηβεία* (Plat. *Legg.* vi. 760 C; Aeschin. *F. L.* § 167; Pollux, viii. 106; Photius, *s. v.* *περίπολος*). Another view is that the first year was spent in military exercises, and only the second in the capacity of *περίπολοι*: a passage of Aristotle (*ap.* Harpocrat. *s. v.* *περίπολος*) refers the appearance in the theatre and the presentation of arms to the second year, after an examination in tactics (Dittenberger, *de Epheb. Att.* p. 12; Gilbert, *l. c.*). The two years of *περιπολία*, however, are supported by a greater weight, both of ancient authorities and modern critics (Schömann, p. 360; Philippi, in *N. Rhein. Mus.* xxxiv. 613). The military training of the ephebi was under the direction of the strategi, one of whom seems to have been specially charged with it (Dinarch. *c. Philocl.* § 15); other instructors were of course employed. The duty of superintending their morals and manners was entrusted to a board of *σωφρονισταί*, whom we find likewise in the gymnasium, and who were themselves controlled and perhaps chosen by the Areiopagus (Phot., *Etym. M.*, s. v.; Bekk. *Anecd.* 301, 7; [Plat.] *Axioch.* 367 A). At the age of twenty they ceased to be ephebi, were under no special restraint, and were liable to foreign service.

The distinguishing costume of the ephebi was the *χλαμύς*, their head-dress the *πέτασος* (*ἐγγραφῆναι καὶ λαβεῖν τὸ χλαμύδιον = εἰς ἐφήβους γίγνεσθαι*, Antidot. *ap.* Ath. vi. 240 b; Pollux, x. 163, 164; Hermann-Blümner, *Privatalterth.* p. 180).

(Besides Schömann, Gilbert, and Hermann-Blümner, the following monographs may be consulted: W. Dittenberger, *de Ephebis Atticis*, Götting. 1863; A. Dumont, *Essai sur l'Ephébie Attique*, Paris, 1876; Portelette, *L'Ephébie en Grèce*, in *L'Instruction Publique* for Dec. 1878; Grasberger, *Erziehung und Unterricht*, iii. 1 ff. Compare also A. Schaefer, *Dem. u. seine Zeit*, iii. pt. 2, 19 ff.) [L. S.] [W. W.]

EPHEGE'SIS. [ENDEIXIS.]

EPHE'MERIS (*ἐφημερίς*). [COMMENTARIUS.]

EPHE'SIA (*ἐφέσια*), a great panegyris of the Ionians at Ephesus, the ancient capital of the Ionians in Asia. It was held every year, and had, like all panegyreis, a twofold character, that of a bond of political union among the Greeks of the Ionian race, and that of a common worship of the Ephesian Artemis. Thucydides compares it (iii. 104) to the ancient panegyris of Delos [DELIA], where a great number of the Ionians assembled with their wives and children. Respecting the particulars of its celebration, we only know that it took place at night and was accompanied with much mirth and feasting, and that mystical sacrifices were offered to the Ephesian goddess. (Thucyd. *l. c.*; Dionys. Hal. *Antiq. Rom.* iv. 25, who closely follows Thucydides; Strabo, xiv. p. 640.) That games and contests formed likewise a chief part of the solemnities is clear from Hesychius (*s. v.*), who calls the Ephesia an *ἀγὼν ἐπιφανής*. The drunken revelry described in the love-tale of Achilles Tatius (books vi.–viii.) is not mentioned by these authors. (Compare Paus. iv. 31, § 6; vii. 2, § 4; Müller, *Dor.* ii. 9, § 8; Boeckh, *Corp. Inscript.* ii. n. 2909.)

From the manner in which Thucydides and Strabo speak of the Ephesia, it seems that it was only a panegyris of a part of the Ionians, perhaps of those who lived in Ephesus itself and its vicinity. Thucydides seems to indicate this by comparing it with the Delian panegyris, which consisted only of the Ionians of the islands near Delos; and Strabo, who calls the great national panegyris of all the Ionians in the Panionium the *κοινὴ πανήγυρις τῶν Ἰώνων* (p. 639), applies to the Ephesia the name *πανήγυρις* (p. 640). It may, however, have existed since the time when Ephesus was the head of the Ionian colonies in Asia. [L. S.] [W. W.]

EPHE'SIAE LI'TTERAE (*Ἐφέσια γράμματα*) were mystic words engraved on the crown, the girdle, and the feet of the Ephesian Artemis (Eustath. *ad* Hom. *Od.* p. 1864). When pronounced, they were regarded as a charm (Menand. *ap.* Suid. *s. v.* *ἀλεξιφάρμακα = fr.* 360 M.); written copies, apparently on strips of parchment like the Jewish phylacteries, were worn as amulets (*ἐν σκυταρίοις ῥαπτοῖσι φέρων Ἐφεσίῃσι γράμματα καλά*, Anaxilas *ap.* Ath. xii. 548 c = *fr.* 15 M.). They cured diseases, charmed away evil spirits, and gave victory in contests of various kinds (Eustath. *ad* Hom. *Od.* xix. 247; Phot., *Etym. M.*, Hesych., *s. v.*). They are among the *περίεργα* or "curious arts" of Acts xix. 19, where see the commentators, and cf. Conybeare and Howson, *St. Paul*, ii. 13 (original edition). The charms and amulets of Alexander of Tralles, a physician of the sixth century, seem to have been a survival of the *Ἐφέσια γράμματα*, though he was almost certainly a Christian, and employs Hebrew as well as Greek mystical expressions; see specimens in *Dict. Biogr.* i. 127 a. (Becker-Göll, *Charikles*, i. 291; Hermann, *Gottesd. Alterth.* § 42, n.17.) [W. W.]

E'PHESIS (*ἔφεσις*). [APPELLATIO (Greek).]

EPHESTRIS (*ἐφεστρίς*). [AMICTUS.]

E'PHETAE (*ἐφέται*), the name of certain judges at Athens, invested with jurisdiction in cases of homicide. They were fifty-one in number (hence sometimes called simply *οἱ πεντήκοντα καὶ εἷς*, Lex *ap.* Dem. *c. Macart.* p. 1069, § 57), selected from noble families (*ἀριστίνδην αἱρεθέντες*), and more than fifty years of age (Pollux, viii. 125).

Their early history and the origin of their name are involved in much obscurity. The latter is usually derived from *ἐφίημι*, either (1) in the sense "judges of appeal" (*ἔφεσις*), now generally rejected; or (2) as letting slip the avenger of blood upon his victim (*οἱ ἐφιᾶσι τῷ ἀνδροφόνῳ τὸν ἀνδρηλάτην*: O. Müller, *Diss. on Eumenid.* § 65); or (3) as "directors" of the trial (Schömann, *Antiq.* i. 553, E. T.; Lipsius, *Att. Process*, p. 18). This last is the simplest, and decidedly preferable; cf. *ἐφετμή*, "command." Two other conjectures may be noticed: (*a*) from root *ἑδ*, "to sit" (Forchhammer in *Philol.* xxxvi. 465 ff.); the improbability of this is pointed out by Schömann, *l. c.*, and Gilbert, p. 121 n.: (*b*) from *ἔται, cives optimo jure*, as if *οἱ ἐπὶ τοῖς ἔταις ὄντες* (Lange,

Die Epheten u. d. Areopag, p. 13 f.). This is approved by Gilbert; but Lipsius (*l. c.* p. 19 n.) very justly doubts the Attic usage of ἔτης in this sense; and besides, why should judges of homicide be in any special sense ἐπὶ τοῖς ἔταις? The institution of the Ephetae is ascribed to Draco (Poll. *l. c.*); and this view was upheld until quite lately, as by Grote (pt. ii. ch. 10, ii. 286) and Schömann in his latest work (*Antiq.* i. 324, E. T.). According to Schömann, the appointment of a tribunal distinct from the Areiopagus, for the trial of cases of bloodshed, was a concession to the popular discontent; but as the new judges were still chosen from the Eupatrids only, the discontent was not allayed. The best recent criticism (Lange, Philippi, Gilbert) regards the Ephetae, no less than the Areiopagus, as among the primitive institutions of Attica; and Lange suggests that the nine archons and the fifty-one Ephetae may together have formed an aristocratic state-council of sixty members, divisible by four, the number of the old-Ionic tribes; and that this may have been, in fact, the pre-Solonian Areiopagus, charged, among its other duties, with trials for murder. This is highly ingenious, and is the only attempt yet made to explain the number of fifty-one Ephetae. The early existence of a senate or council at Athens, analogous to the Gerusia at Sparta and possessing jurisdiction in cases of homicide, had been already inferred (Müller, *l. c.*; Thirlwall, ii. 41). But there is still a difficulty. It seems to be admitted that Draco enlarged the powers of the Ephetae, and made them, whether pre-existing or not, the sole tribunal in cases of homicide: on the other hand, that legislator is not regarded as the author of sweeping constitutional changes; and if he separated the Ephetae from the Areiopagus, he must have denuded the latter body of more than five-sixths of its members, unless he also re-organised the Areiopagus to an extent which is nowhere attested. We may agree with Plutarch (*Sol.* 19) that both Areiopagus and Ephetae existed before Solon, and probably also before Draco; but the reconstruction of the early constitution of Athens is so purely conjectural, that we must content ourselves with the cautious statement of Grote (*l. c.*), "Whether the Ephetae and the Areiopagites were the same persons, wholly or partially, our information is not sufficient to discover." The number fifty-one may perhaps be accounted for by the preference for odd numbers, in order to prevent an equality of votes, shown in later times by the juries of 201, 501, &c. dicasts [DICASTES, p. 628 *a*]. For a fuller discussion of these questions we refer to Gilbert, *Staatsalterth.* ii. 120 ff.; Lange, *Die Epheten und der Areopag vor Solon*; Philippi, *Der Areopag und die Epheten.*

The thirty years between Draco and Solon (about B.C. 624–594) mark the limits of the plenary authority of the Ephetae. To this period must be referred the statement of Pollux (*l. c.*) that they sat in the five courts in which bloodshed was tried, *i.e.* in the Areiopagus and the four courts named below. The φονικοὶ νόμοι, indeed, of Draco were retained by Solon, and still subsisted in the time of Demosthenes (*c. Aristocr.* p. 636, § 51; *c. Everg. et Mnes.* p. 1161, § 71); but the φονικαὶ δίκαι, including trials for crimes allied to murder, such as malicious wounding, arson, and poisoning (Dem. *c. Aristocr.* p. 628, § 24; the "law" in § 22 is compiled from the orator's own words), were restored by Solon's legislation to the Areiopagus, now at all events a distinct body from the Ephetae. Henceforward they sat in four courts only, and these of minor importance,—that by the Palladium (τὸ ἐπὶ Παλλαδίῳ), by the Delphinium (τὸ ἐπὶ Δελφινίῳ), by the Prytaneum (τὸ ἐπὶ Πρυτανείῳ), and the court at Phreatto or Zea (τὸ ἐν Φρεαττοῖ). For the curious regulations of these courts, see DICASTERION, p. 626 *b*; PHONOU DIKÉ, near the beginning. Such ceremonial distinctions can only date from a very early period, and themselves furnish an almost conclusive proof of the high antiquity of the Ephetae. The four courts, it has been seen, dealt with bloodshed mainly from the religious point of view, and not as a crime against society. When, as in the lesser cases of homicide, the punishment was not death or perpetual banishment (ἀειφυγία), the perpetrator had still to undergo a temporary exile (the so-called ἀπενιαυτισμός, not necessarily for one year only; EXSILIUM). Such ceremonial matters as the atonement for blood, the purification of the shedder of it, and his reconciliation (αἰδεῖσθαι) with the relatives of the slain, came under the sacred law of Athens, the knowledge of which was confined to the old nobility, even after they had lost their political power [EUPATRIDAE; EXEGETAE]. The Ephetae accordingly retained the right of decision in actions for manslaughter, in which a temporary flight was followed by expiation, and also in cases of justifiable homicide, whether from the similarity of the latter (as regards the guilt of the perpetrator) to acts of accidental homicide, or as requiring a like expiation. The actual laws of Athens are here closely followed by Plato (*Legg.* ix. 864 E–867 E; cf. 874 E).

A further case is recorded by Demosthenes (*c. Aristocr.* p. 632, § 38); the banished manslayer, as long as he kept outside the country, was entitled to the same protection as any other Athenian, and any one who slew him out of revenge committed an offence against the sacred law. Here the Ephetae are said διαγιγνώσκειν, to determine the question whether the sacred law had been violated or not; it does not follow that they conducted the actual trial. Again, in the amnesty carried on the motion of Patrocleides, after the government of the Four Hundred had been put down, those are excepted who had been condemned by the Areiopagus, the Ephetae, the Prytaneum, the Delphinium or the king archon (*ap.* Andoc. *de Myst.* § 78). For acts of wilful murder, on the other hand, the punishment was death or ἀειφυγία, and therefore no expiation (κάθαρσις) was connected with the administration of justice in such cases; so that there could be no objection to its being tried by the Areiopagus, or by a heliastic court, though its members did not of necessity belong to the old aristocracy.

A trial for murder in the Palladium is recorded as having come off before an ordinary jury of 700 (*i.e.* 701) dicasts (Isocr. *c. Callim.* §§ 52, 54). We need not infer (with Gilbert, p. 360 n.) that the Ephetae had lost the right

to sit in that court; when not wanted by them it was doubtless utilised for other purposes [DICASTERION, p. 627 *a*]. The comparatively unimportant and antiquated duties of the Ephetae in democratic times sufficiently explain the statement in Pollux (*l. c.*) that their court gradually lost all respect, and became at last an object of ridicule. This holds good for the 4th century at least, probably earlier; and the attempt of Forchhammer to explain it away, reading *κατηγελάσθη* for *κατεγελάσθη*, is not deserving of serious consideration (Gilbert, *l. c.*). (Cf. *Att. Process*, ed. Lipsius, pp. 11–13, 17–22.) [R. W.] [W. W.]

EPHI'PPIUM (*ἐφίππιον, -ειον στρῶμα, strata*, perhaps *ἀστράβη*), a saddle-cloth or pad. The saddle with a "tree" was unknown till the 4th century, although the pack-saddle (figs. in Ginzrot, *Gesch. d. Fahrw.*) seems to be of much earlier occurrence. (Cf. Ed. Diocl. x. 3, "parammas mulares cum flagello;" xi. 4, 5, 6, "sagma burdonis, s. asini, s. camelli.") Among Greeks and Romans alike there were two methods of riding, bare-backed and with a saddle-cloth; or, in the language of Xenophon, *ἐπὶ ψιλοῦ, ἐπὶ τοῦ ἐφιππίου*. But neither the Greek writer nor any other ancient author hints at a true saddle (*de Re Equ.* vii. 5; *Hipparch.* viii. 4: cf. Varro, *R. R.* ii. 7; Caes. *B. G.* iv. 2; Hor. *Epist.* i. 14, 43). The meaning of *ἀστράβη* is difficult to determine: in Demosthenes (*in Mid.* p. 558, § 133; cf. Lys. *pro Inval.* § 11) it probably signifies a *mule* (so Harpocr. *s. v.*, Hellad. in Phot., Suid., &c.), whence *ἀστραβηλάτης*; although the Schol., with a corrupt reading, explains it as *εἶδος καθέδρας*. Becker-Göll (i. p. 200) thinks there was a kind of saddle (*ἀστράβη*) which, like the *φορεῖον*, was used by women and invalids. Another meaning of the word was a piece of wood fastened to the saddle-cloth, grasped in mounting (*τὸ ἐπὶ τῶν ἐφίππων ξύλον, ᾧ κρατοῦσιν οἱ καθεζόμενοι*, Suid. *s. v.*), or a step to support the feet (Isidor., "astraba, tabella in qua pedes requiescunt;" and vase from Daphne, in British Museum, representing a person riding sideways on a dromedary with feet resting on a board).

In the absence of stirrups (later *staffae, stapides*, &c.), which are not mentioned till the Emperor Maurice (602 A.D.), there were several ways of mounting, as jumping with or without the aid of a lance-shaft, with the assistance of others (*ἀναβολεῖς*), or from steps (*ἀνάβαθρα*). The last were set up, according to Plutarch, along the main roads by C. Gracchus. Or, the horse was taught to kneel at the word of command, as in the illustration below from a lamp found at Herculaneum (cf. Strab. iii. p. 163; Sil. Ital. x. 465).

In the more ancient art the horse is represented ridden bare-backed; so in numerous vase-paintings, bas reliefs, and equestrian statues. Later, saddle-cloths, often double or with pads beneath, and fastened with one to three girths, appear with increasing frequency (cf. sarcophagus from Clazomenae, in British Museum). The most elaborate trappings of this kind are seen on Scythian antiquities of the 4th century B.C.: Amazon, as usual, astride on a skin fastened by girths, *Compte Rendu de la Comm. Imp. Arch. St. Pétersb.*, 1862, pl. iv. 4; *ib.* 1864, pl. iii. 1, on Nikopolis vase, pad-saddle, double bordered housings; *ib.* 1866, pl. iv. 1, ditto; *ib.* 1868, pl. ii. 4, star-spangled cloth; *ib.* 1874, p. 184,

Ephippium, saddle. (From an ancient lamp.)

housings with scales square or fish-like; *ib.* 1872, Scythians (oblong cloths), Getae (none), Sarmatians (none), Parthians (chabraques), Panticapaeans (round, with hanging ornaments). The pad and pendent cloths are seen in the annexed coin of Labienus.

Ephippium, saddle. (Coin of Labienus.)

The use of trappings was originally regarded as effeminate by the Romans (Varro in Cato, *de Lib. educ.*; cf. Caes. *l. c.*), but they were used in pomps. Their development may be seen by a comparison of the examples appearing on the columns of Trajan, Antonine, and Theodosius (*v.* reff. under COLUMNA), the arch of Constantine, &c. On the first and second, and in the equestrian statue of M. Aurelius, are to be seen cloths alone, and pads filling up the hollow of the horse's back with and without cloths. It is only on the Theodosian Column (*e.g.* the figures of Theodosius and Gratian) that the true saddle, with bow behind and before, appears for the first time. The innovation is still more apparent from the fact that the saddle is placed *over* the most elaborate triple housings of the old type, ornamented with metal scales, bells, and borders. (Cf. Scythian examples above; and, on same column, the scale-housings of the Scythian leader. For Persian origin of saddle: *sella*, *s. equestris*, cf. Veget. 4, Veterin. 6, Sidonius 3, Ep. 3.) Moreover, a new word (*sella*) seems to emphasize the new fashion. ("Lx libras sella cum frenis, xxxv vero averta non transeat," Cod. 12, 51, 12; Cod. Theod. 8, 5, 47; "s. equitatoria," Jornandes; "sedile," Nazarius; of doubtful meaning, "scordiscus militaris," ed. Diocl. x. 2; "sc. malacum," *C. I. L.* viii. 4508; cf.

Zonaras' account of Constans dragging his brother's body *out of* his saddle, A.D. 340: "sella deturbavit.")

The above view, although agreeable to older opinion (*e.g.* Pancirolus, *Rer. Memorab.* ii. tit. 16), was opposed by Ginzrot (*Gesch. d. Fahrw.* vol. ii. c. 26). But the evidence he cites from Egyptian and Oriental usage is irrelevant, and his pictures from Herculaneum and criticism of classical authors misleading.

In the *Compte Rendu* (1863, v. 3) is a representation of Dionysos reclining and Ariadne seated *sideways* (as with women generally, with the exception of Amazons) on a sofa with turned legs, placed on the back of a mule. [J. M.]

EPHORI (Ἔφοροι). Magistrates called *Ephori* or "overseers" were an ancient Lacedaemonian institution; we find them also in some Lacedaemonian colonies, as in Thera, colonised in early times (*C. I. G.* No. 2448 = Cauer, *Del. Inscr. Gr.*[2] No. 148: Α ἐπὶ ἐφόρων τῶν σὺν Φοιβοτέλει, D ἐπὶ ἐφόρων τῶν σὺν Ἰμέρτῳ: see also Boeckh, *Kleine Schriften*, vi. p. 42), and in the Theraean colony Cyrene (Heracl. Pont. *Polit.* 4 = Müller, *Fragm. Hist. Gr.* ii. p. 212), in Heracleia (*C. I. G.* 5774, 5775 = Cauer, 40, 41), and, by inference, in its metropolis Tarentum: see also Polyb. iv. 4, 2; 31, 2, for Messene. This shows that the ephoralty had early become a firmly-established magistracy in Sparta, whence it passed into the colonies, but scarcely proves, as O. Müller (*Dorians*, ii. p. 116 f.) supposes, that it was a peculiarly ancient Dorian institution. The ephoralty at Sparta is classed by Herodotus (i. 65) among the institutions of Lycurgus (cf. Xen. *de Rep. Lac.* 8, 3; [Plat.] *Epist.* 8, p. 354 B; Diog. Laert. i. 68. Plut. *Agesil.* 5, ascribes it to the Λακωνικὸς νομοθέτης, etc.). Aristotle (*Polit.* viii. 9, 1 S. = v. 11, 1 Bk.; cf. Plut. *Lyc.* 7; Plat. *Legg.* iii. p. 692 Δ; Cic. *de Rep.* ii. 59, *de Legg.* iii. 16) refers the institution of the ephoralty to king Theopompus, who is said to have founded this office with a view to limiting the authority of the king, and to have justified the innovation by remarking that "he handed down the royal power to his descendants more durable, because he had diminished it;" and the Alexandrine chronographi date its institution from 757–6 B.C., probably because the official lists of ephors began with that year (Busolt, *Griech. Gesch.* i. p. 146, n. 6). These two accounts are not necessarily inconsistent with one another; the ephors may have existed before king Theopompus, but it was in his reign that the lists of ephors were first begun, and probably at the same time some change in their position was effected. It is certain that the ephoralty was not founded with a view of limiting the power of the kings: as late as the second Messenian war the management of the state was entirely in the hands of the kings and the γέροντες (Tyrtaeus, fr. 4 Bergk), and it was many generations after the great Messenian war, as king Cleomenes III. states (Plut. *Cleomen.* 10), that the ephor Asteropus raised and expanded the power of the ephors (τὸν πρῶτον ἐπισφοδρύναντα τὴν ἀρχὴν καὶ ἀνατεινάμενον), whilst according to Diog. Laert. i. 68 Chilon brought about this change. Their number, five, appears to have been always the same (Xen. *Ages.* i. 36; Roehl, *Inscr. gr. antiq. praeter Atticas in Att. Rep.* No. 91, ἐβασίλευον Ἄγις, Παυσάνιας. ἔφοροι ἦσαν Θυιωνίδας, Ἀριστογενίδας, Ἀρχίστας, Σολόγας, Φεδίλας. Timaeus, *Lex. Platon.* s.v., speaks of five μείζους and five ἐλάττους ἔφοροι: and the *Etym. M.* = Bekk. *Anecd.* 257, 28, gives nine as their number). Originally, as Cleomenes is represented as saying, the ephors were appointed by the kings (τοὺς βασιλεῖς ... αἱρεῖσθαί τινας ἐκ τῶν φίλων, cf. Plut. *Apophth. Lacon.* p. 217 C); at a later period they were elected from the people (ἐκ τοῦ δήμου παντός, Arist. *Polit.* ii. 6 (9 Bk.), 14, cf. ii. 3 (6 Bk.), 10; vi. 7, 5 = iv. 9 b Bk.) without any qualification of age or property, and without undergoing any scrutiny (οἱ τυχόντες), so that the δῆμος enjoyed through them a participation in the highest magistracy of the state. The mode of election Aristotle calls very childish (*Polit.* ii. 6 (9 Bk.), 16), and Plato (*Legg.* iii. p. 692 A) describes their office as ἐγγὺς τῆς κληρωτῆς δυνάμεως: cf. also the expression in Plut. *Agis*, 8, διαπραξάμενος ὁ Ἄγις ἔφορον γενέσθαι τὸν Λύσανδρον. They entered upon office at the autumnal equinox (Thuc. v. 19, 36), the beginning of the Lacedaemonian year, and the first in rank (προεστὼς τῶν ἐφόρων, Plut. *Lyc.* 30) gave his name to the year, which was called after him in all civil transactions (Thucyd. ii. 2, v. 25; Röhl, 83, 84, 86, 88, 91). They held their meetings in a public building called ἀρχεῖον, in which they also ate together (Pausan. iii. 11, 2; Plut. *Cleom.* 8, *Agis* 16; ἐφορεῖον, Xen. *Ages.* 1, 36): majority of votes decided (Xen. *Hellen.* ii. 3, 34). On the expiration of their term of office they had to render an account, probably to their successors (Arist. *Rhet.* iii. 18, § 6; Plut. *Agis*, 12).

From want of information scholars have had recourse to various hypotheses as to the original functions and power of the ephors. Thus O. Müller (*Dorians*, ii. p. 119 ff.) supposes that their original duty was the superintendence over sales and over the market (cf. Curtius, *Griech. Gesch.*[5] i. p. 187); A. Schäfer (*de Ephor. Laced.* p. 7) and Oncken (*Staatslehre d. Arist.* i. p. 276) see in them the rulers (*spartanische Landvögte*) of the five towns of the perioeci after the deposition of the local kings; and Grote (ii. p. 351) a board of specially popular origin in contradistinction to the kings and the senate, etc. Cleomenes III. is represented as saying that the ephors were originally nominated by the kings to act for them in a judicial capacity (πρὸς τὸ κρίνειν) during their absence from Sparta in the first Messenian war (Plut. *Cleom.* 10; cf. *Apophth. Lacon. Anaxilas*, p. 217 C), probably one for each of the five divisions of the town of Sparta, viz. the πόλις itself and the four κῶμαι around it (*Philol. Mus.* ii. p. 50 f.). We learn from Herodotus (viii. 57) that the judicial authority of the kings was limited to certain special cases, adoptions, etc.; and Aristotle (*Polit.* iii. 1, 7) distinctly says that the ephors decided in civil suits (τὰς τῶν συμβολαίων δικάζει τῶν ἐφόρων ἄλλος ἄλλας) and generally in actions of great importance (κρισέων μεγάλων εἰσὶ κύριοι, ii. 6 (9 Bk.), 16). However, it is very unlikely that civil jurisdiction was the starting-point of their power. The very name ἔφοροι points to their having had originally a controlling authority; the edict which they issued on entering upon their office, ordering the citizens to clip their

moustaches and to obey the laws (Aristotle in Plut. *Cleom.* 9; Plut. *de Ser. Num. Vind.* p. 550 B; yet see Becker-Göll, *Charikles*, iii. p. 296), is evidently of early date, as is also the custom of openly declaring war on the Helots (Aristotle in Plut. *Lyc.* 28). Such censorial power in the simpler conditions of society carried with it the right of inflicting punishment: owing to this, and especially to the discord of the kings, the ephors encroached upon the royal authority and gained ultimately complete control over the kings. Towards the end of the 6th century the kings, as long as they acted in unity, had exclusively the active management and direction of foreign affairs, subject however to trial and punishment by the ephors in case of misbehaviour (Herod. vi. 82). Thus Cleomenes I. transacted business with foreign ambassadors: with Maeandrius of Samos (Herod. iii. 148), with the Scythian ambassadors (Herod. vi. 84), with Aristagoras of Miletus (Herod. v. 49–51, 97); the ephors were only called upon to act as magistrates of police in sending Macandrius out of the country (Herod. iii. 148). "The kings could levy war against any state they chose, and no Spartan could impede them on pain of committing sacrilege" (Herod. vi. 56; cf. v. 14, 48 f.). The meaning of this passage cannot be that the kings had only the right of determining the general course and character of each campaign, the right of declaring war resting exclusively with the popular assembly, as has been asserted. The assembly undoubtedly possessed this privilege (Herod. v. 63, 91, etc.), but so did the kings. Cleomenes obeyed the summons of Isagoras and went to Athens with a small force (Herod. v. 70); and when driven back, he invaded Attica again with an army which he had drawn together from all parts of the Peloponnese, "without informing anyone of his object" (74); and Demaratus would certainly not have ventured to leave Cleomenes with a portion of the army, thereby forcing Cleomenes to return also, if the popular assembly had declared war (Herod. vi. 64). But as soon as there was a rupture between the kings, the ephors acquired, by a law, as Dum (*Entstehung u. Entwickl. d. spart. Ephorats*, p. 62) supposes, supreme power in the state. To this points Lysander's remark (Plut. *Agis*, 12), that the power of the ephors was only grounded on the dissensions of the kings, the ephors adding their suffrage to whichever they judged to have given the better advice. Hence, the ephors, acting on behalf of the state (*ὑπὲρ τῆς πόλεως*), received from the kings every month an oath by which the latter bound themselves to rule according to the laws; and in return for this, the state engaged, through the ephors, to maintain unshaken the authority of the kings, if they adhered to their oath (Xen. *de Republ. Lac.* 15, 7). These laws no doubt insisted on agreement between the kings; since, however, discord was the rule (Herod. vi. 52; cf. Xen. *Hellen.* v. 3, 20), the ephors encroached more and more on the royal authority, until finally the kings came entirely under their control. Dum (p. 107) distinguishes roughly three periods in the development of the power of the ephoralty,—the first extending to the death of Cleomenes I. (*c.* 488 B.C.), when the ephors had power only in time of dissensions between the kings; the second to *c.* 362 B.C., during which their power became more firmly established, they taking to themselves by degrees the prerogatives of the kings; and the third to the abolition of their office by Cleomenes III., *c.* 226 B.C., the period of unlimited rule on the part of the ephors, when they had raised themselves to a position above the council and the popular assembly.

What Plutarch (*Agesil.* 4) says of the time of Agesilaus holds good of this second period, viz. that the ephors and the gerontes enjoyed the greatest power (*τῶν ἐφόρων ἦν τότε καὶ τῶν γερόντων τὸ μέγιστον ἐν τῇ πολιτείᾳ κράτος*). The ephors acquired the right, originally vested in the kings (cf. Herod. vi. 57), of convening and presiding over the council (Herod. v. 40), and thereby gained a share in the privilege of initiating laws (Plut. *Agis*, 11), since the council had to discuss and vote on all proposed laws, before they were submitted to the popular assembly; until, in the third period, they usurped the exclusive right of initiating laws (Plut. *Lys.* 17; *Agis*, 5; King Agis III. had his proposals for a new division of land and the cancelling of debts submitted to the council by the ephor Lysander: Plut. *Agis*, 8). All capital crimes belonged to the jurisdiction of the council (Arist. *Polit.* iii. 1, 7; cf. vi. 7, 5 = iv. 9b Bk., *κύριοι θανάτου καὶ φυγῆς*); as presidents the ephors acquired a share in this privilege likewise, — for such cases were laid before them in the first instance,—and they had the power of throwing the accused into prison, even if he were a king (*e.g.* Pausanias, Thuc. i. 131; cf. Plut. *Agis*, 19). The authority of the ephors was further increased by their putting themselves in connexion with the popular assembly, convening its meetings (Plut. *Agis*, 9), and laying measures before it (Thuc. i. 85): the presiding ephor put the question to the assembly (Thuc. i. 87). Acting as representatives of the public assembly—being, in fact, the executive of the state—they transacted business with foreign ambassadors (Herod. ix. 8; Xen. *Hellen.* iii. 1, 1; v. 2, 11), or, if they thought fit, forbade them to enter the Lacedaemonian territory (Xen. *Hellen.* ii. 2, 13); they sent ambassadors abroad (Thuc. vi. 88; Xen. *Hellen.* iii. 2, 23), conducted negotiations with foreign states (Thuc. v. 36), and the first ephor subscribed treaties of peace or alliance (Thuc. v. 19, 24). It is true the names of the kings stood first and continued to do so, until their dignity was finally abolished, but it was a prerogative devoid of all significance. The ephors kept their seats when the kings passed (Xen. *de Republ. Lac.* 15, 6); nay, Agesilaus is said to have shown them his respect by rising (Plut. *Agesil.* 4). The kings continued also to discharge priestly functions for the state (Herod. vi. 56, 57; Xen. *Hellen.* iii. 3, 4), and to consult the oracles either in person (Xen. *Hellen.* iii. 3; iv. 7, etc.) or through special messengers [Pythii]; but the ephors encroached upon this prerogative too. They consulted the dream-oracle of Pasiphae (Plut. *Agis*, 9; *Cleomen.* 7); and once in eight years they chose a clear and moonless night to observe the heavens, and, if a shooting star was observed falling in a certain direction, it was believed to be a sign that the gods were displeased with the kings, who were accordingly suspended from their functions until an oracle allowed of their restoration (Plut. *Agis*, 11). The kings never lost the prerogative of leading the Spartan army (Xen. *de Republ. Lac.* 15, 2; Arist. *Polit.* iii. 9 (14 Bk.), 2); but they

were deprived of the power of declaring war, the popular assembly claiming this as their exclusive right, and declaring war even against the advice of the king (Thuc. i. 80): the ephors, as representatives of the popular assembly, called out the troops (Xen. *Hellen.* iii. 2, 23; 5, 6, etc.) and fixed the strength of the army (Xen. *de Republ. Lac.* 11, 2)—unless the popular assembly had settled that point (Xen. *Hellen.* v. 2, 20)—and the time of starting (Xen. *Hellen.* v. 4, 47); and in the third period the ephors seem to have taken the initiative (Plut. *Cleom.* 6; *Agis*, 13, 14. The account in Plut. *Lys.* 28, *παρώξυνε τοὺς ἐφόρους καὶ συνέπεισε πεμφθῆναι φρουράν*, is contradicted by Xen. *Hellen.* iii. 5, 5, 6), and to have decided which king should lead the army (Plut. *Agis*, 4). In the exercise of their general controlling power—and the vague nature of this office facilitated greatly encroachments and usurpations—they had the right to institute scrutinies (*εὔθυναι*) into the conduct of all the magistrates, which, as Aristotle (*Polit.* ii. 6 (9 Bk.), 18) observes, was a very great gift to the ephoralty. Nor were they obliged to wait till a magistrate had completed his term of office, since, even before its termination, they might exercise the privilege of deposition (Xen. *de Republ. Lac.* 8, 4). Even the kings themselves could be brought before their tribunal, though they were not obliged to answer a summons to appear there, till it had been repeated three times (Plut. *Cleomen.* 10). In extreme cases the ephors were also competent to lay an accusation against the kings as well as the other magistrates, and bring them to a capital trial before the council (Xen. *Hellen.* v. 4, 24; Plut. *Lys.* 19), or they could fine them, as *e.g.* king Agesilaus (Plut. *Agesil.* 5); in the third period they condemned men to death without trial, *e.g.* Agis III. (Plut. *Agis*, 19, 20: cf. Plut. *Apophth.* p. 216 D; and as regards the perioeci, Isocr. *Panath.* § 181) and Thectamenes (Plut. *Apophth.* p. 221 F). Their censorial authority seems to have been unlimited. Two ephors accompanied the king when he took the field (*ὁρῶντες δὲ ὅτι ποιεῖ ἕκαστος πάντας σωφρονίζουσιν*, Xen. *de Repub. Lac.* 13, 5; Herod. ix. 76; Xen. *Hellen.* ii. 4, 36). The ephors sent instructions to the commanders abroad, and were in direct communication with them (Thuc. viii. 11; Xen. *Hellen.* iii. 1, 1, 7; 2, 6, 12; *σκυτάλαι*, Plut. *Lys.* 12; Thuc. i. 131; Schol. Aristoph. *Av.* 1283, etc.). The booty was no longer divided amongst the victors (Herod. ix. 81), the king receiving a fixed share, but sent to Sparta to the ephors (Plut. *Lys.* 16), who had charge of the treasury (Plut. *Agis*, 16). They inspected the youths every tenth day to see whether they led a healthy life (Aelian, *V. H.* xiv. 7; Athen. xii. p. 550 c ff.), and superintended the choric performances (Xen. *Hellen.* vi. 4, 16) and the gymnastic games (Xen. *de Republ. Lac.* 8, 4). It was the ephors who chastised disobedient boys brought before them by the paedonomus (Xen. *de Republ. Lac.* 4, 6); who punished the suitor of Lysander's daughter, who, on finding that Lysander had left no money, had deserted her (Aelian, *V. H.* vi. 4); who cut two of the nine strings from the instruments of musicians (Plut. *Agis*, 10; *Instit. Lacon.* p. 238 C); who brought a charge against king Leonidas for having married a foreign woman (Plut. *Agis*, 11; Plat. *Alcib.* i. p. 121 C), etc.

The ephorality was abolished by Cleomenes; but although re-established soon afterwards, it did not recover its former authority, the first *πατρονόμος* being henceforth the *ἐπώνυμος* of the state (*C. I. G.* i. p. 605 ff.). According to Koenig (*τὰ τέλη* et *οἱ ἐν τέλει*, p. 12) by *τὰ τέλη* (Thuc. iv. 15, 1), or *τὰ τέλη τῶν Λακεδαιμονίων* (Thuc. i. 58, etc.), or *τὰ οἴκοι τέλη* (Xen. *Hellen.* iii. 2, 6, etc.), the ephors were meant, whilst *οἱ ἐν τέλει* had a wider sense. [R. W.] [H. H.]

EPI'BATAE (*ἐπιβάται*), soldiers or marines appointed to defend the vessels in the Athenian navy, were entirely distinct from the rowers, and also from the land soldiers, such as hoplitae, peltasts, and cavalry. (Xen. *Hell.* i. 2, § 7, v. 1, § 11; Harpocrat. and Hesych. *s. v.*) It appears that the ordinary number of epibatae on board a trireme was ten. Dr. Arnold (*ad* Thuc. iii. 95) remarks that by comparing Thuc. iii. 95 with cc. 91, 94, we find 300 epibatae as the complement of thirty ships, and also by comparing ii. 92 with c. 102, we find 400 as the complement of forty ships; and the same proportion results from a comparison of iv. 76 with c. 101. In Thucydides vi. 42, we find 700 epibatae for a fleet of 100 ships, sixty of which were equipped in the ordinary way and forty had troops on board. In consequence of the number of heavy-armed men *ἐκ τοῦ καταλόγου* on the expedition, the Athenians appear to have reduced the number of regular epibatae from ten to seven. The number of forty epibatae to a ship mentioned by Herodotus (vi. 15), Dr. Arnold justly remarks (*l. c.*), "belongs to the earlier state of Greek naval tactics, when victory depended more on the number and prowess of the soldiers on board than on the manœuvres of the seamen (Thuc. i. 49); and it was in this very point that the Athenians improved the system, by decreasing the number of *ἐπιβάται*, and relying on the more skilful management of their vessels."

The epibatae were usually taken from the Thetes, or fourth class of Athenian citizens (Thuc. vi. 42); but on one occasion, in a season of extraordinary danger, the citizens of the higher classes (*ἐκ καταλόγου*) were compelled to serve as epibatae. (Thuc. viii. 24.)

The term is sometimes also applied by the Roman writers to the marines (Hirt. *de Bell. Alex.* 11, *de Bell. Afric.* 63); but they are more usually called *classiarii milites*. The latter term, however, is also applied to the rowers or sailors as well as the marines ("classiariorum remigio vehi," Tac. *Ann.* xiv. 4).

(Compare Boeckh, *P. E.* p. 279 = *Sth.*[2] i. 349; Gilbert, *Staatsalterth.* i. 310.) [W. S.]

EPIBLE'MA (*ἐπίβλημα*). [AMICTUS.]

EPI'BOLE (*ἐπιβολή*), a fine imposed by a magistrate, or other official person or body (the Areiopagus, Aeschin. *F. L.* § 93; the senate of Five Hundred, Pollux, viii. 51; Boeckh, *Scurk.* xiv. b, p. 64), for a misdemeanour; cf. *Lex. Rhet. Cantabr.* p. 669, 14, *ἔξεστι τοῖς ἄρχουσιν* (Aeschin. *c. Ctes.* § 27) *ἀργυρίῳ ζημιοῦν τοὺς ἁμαρτάνοντας*. The various magistrates at Athens had (each in his own department) a summary penal jurisdiction: *i.e.* for certain offences they might inflict a pecuniary mulct or fine, not exceeding a fixed amount; if the offender deserved further punishment, it was their duty to bring him before a judicial tribunal, the magistrate proposing the penalty.

Thus, in case of injury done to orphans and heiresses, etc. ([Dem.] *c. Macart.* p. 1076, § 75), or of misconduct at the great Dionysia (Dem. *c. Mid.* p. 572, § 179), the archon might fine the parties; Archedemus (probably as one of the Hellenotamiae) inflicted a fine on Erasinides (Xen. *Hell.* i. 7, 2); the generals could fine a phylarch for disobedience ([Lys.] *c. Alcib.* ii. § 5); Nicomachus incurred a fine for not discharging his task within the prescribed term (Lys. *c. Nicom.* § 3); the same power belonged to the *τειχοποιοί* (Aeschin. *c. Ctes.* § 27): cf. [Lys.] *pro Polystr.* § 14; Dem. *c. Nicostr.* p. 1251, § 14, etc. There was need of such power being given to magistrates at Athens (Xen. *Mem.* iii. 5, 16). If the person fined would not submit to it, the magistrate had to lay the case before a court (Lys. *pro Milit.* § 11; [Lys.] *c. Andoc.* § 21); that was always required when a demarch imposed a fine (*C. I. A.* ii. No. 573 b). The amount of the fine (*τὸ τέλος*) which the individual magistrate might inflict, we do not know; the senate of Five Hundred was competent to fine to the extent of 500 drachmas. ([Dem.] *c. Euerg.* p. 1151, § 43; Pollux, viii. 51; EISANGELIA); the priests, the *πρόεδροι* of the public assembly, to the amount of 50 drachmas. (*C. I. A.* ii. No. 841, l. 15; *Lex* in Aeschin. *c. Tim.* § 35; cf. Plat. *Legg.* p. 764, B, C.)

The magistrate who imposed the fine (*ἐπιβολὴν ἐπέβαλε*) had not the charge of levying it, but was obliged to make a return thereof to the treasury officers (*ἐπιγράφειν εἰς τοὺς πράκτορας*, or *ἐγγράφειν τοῖς πράκτορσιν*, or *ἐγγράφειν τῷ δημοσίῳ*), whereupon, like all other penalties and amerciaments, it became (as we should say) a debt of record, to be demanded or recovered by the collectors (Aeschin. *c. Tim.* l. c.).

If the fine was not paid within the prescribed time (*ἢ μὲν ἔκτισις ἦν ἐπὶ τῆς ἐνάτης πρυτανείας*, Andoc. *de Myst.* § 73), a return of it was made to the *ταμίαι* of the goddess (Lys. *pro Milit.* § 6). At their own risk the *ταμίαι* could rescind a fine imposed (Lys. *pro Milit.* § 7; Pollux, viii. 97). (Siegfried, *de multa quae ἐπιβολὴ dicitur; Att. Process*, ed. Lipsius, pp. 49, 50, 54, 757–8, 1016–19.)

These *epibolae* are to be distinguished from the penalties awarded by a jury or court of law (*τιμήματα*) upon a formal prosecution, and from the fine of a thousand drachmas, which the accuser in a public action incurred when he dropped his accusation or failed to obtain a fifth part of the votes (cf. SYCOPHANTES), or when a citizen refused to obey the summons to appear as a witness in court without being able to take the *ἐξωμοσία*: in all these cases the magistrates had no discretionary power. [C. R. K.] [H. H.]

EPICHEIROTO'NIA. [CHEIROTONIA.]

EPI'CHYSIS (*ἐπίχυσις*), a wine-jug with a narrow neck and small lip and with a handle (Menand. *fr.* 490 M.); usually of metal, *i.e.* silver among the luxurious, bronze where simplicity was studied (cf. Aristoph. *fr.* 12; Phylarch. *ap.* Ath. iv. 142 d, of Cleomenes king of Sparta). Among the Romans it took the place of the earlier *guttus*, a narrow-necked cruet without a handle (Varr. *L. L.* v. 124; Plaut. *Rud.* v. 2, 32); and glass became the favourite material. It was not unlike a modern claret-jug: the illustration to COTYLA, the figure of the Nereid under PERISCELIS, and the coin under URCEUS, will give a sufficient idea of its shape, which moreover could be considerably varied. See also Guhl and Koner, p. 190, fig. 200, Nos. 26–31. (Rich, *s. v.*; Guhl and Koner[5], p. 193 f.) [W. W.]

EPICLE'RUS (*ἐπίκληρος*, *ἐπικληρῖτις* in Solon and Isaeus: cf. Harpocr. *s. v. ἐπίδικος*, and Pollux, iii. 33; *ἔγκληρος*, Eur. *Iph. T.* 682; *Hippol.* 1011), the name given to the daughter or daughters (*γνήσιαι*, Isae. *Pyrrh.* § 67, etc.) of an Athenian citizen who had no son (*γνήσιος*: cf. Arist. *Av.* 1649 f.) to inherit his estate, or whose sons had died without leaving male issue (Thalheim, *Rechtsalterth.* p. 8, n. 2). When there was but one daughter, she was called *ἐπίκληρος ἐπὶ παντὶ τῷ οἴκῳ* (Isae. *Aristarch.* § 4); if there were more, they inherited equally, like our co-parceners (Isae. *Philoct.* § 47; *Ciron.* § 40 f.). The *ἐπίκληρος* was never, in our sense, an heiress; she was, strictly speaking, a person who went with the estate ("qui est à côté de l'héritage," Fustel de Coulanges, *La Cité Antique*, p. 82, n. 4). The heir was either the person to whom her father had devised the property on condition of marrying her, or her son or sons. It was deemed an object of importance at Athens to preserve the *οἶκος*. This was effected, where a man had no child, by adoption (*εἰσποίησις*); if he had no sons or grandsons, but a daughter, he might bequeath his property to any person, but the devisee was obliged to marry her (Isae. *Pyrrh.* § 68; [Dem.] *c. Macart.* p. 1067, § 51); on the other hand, if he died intestate, her nearest relative in order of *ἀγχιστεία* might claim her in marriage, and the inheritance was transmitted through her to a grandson, who was, when of full age, adopted into the maternal grandfather's family (Isae. *Pyrrh.* § 73; [Dem.] *c. Macart.* p. 1053, § 12). Such an epiclerus might be claimed in marriage by her father's brothers, or in default of such by their sons or by the sons of her father's sisters (Isae. *Aristarch.* § 5; *Pyrrh.* § 72), or by her father's uncles (Isae. *Pyrrh.* §§ 63, 74; see also Plat. *Legg.* xi. 924 E–925 A). If the daughter was poor (*θῆσσα*), the nearest of kin was bound by law (Isae. *Cleon.* § 39; *Lex* in [Dem.] *c. Macart.* p. 1067, § 54; Aristoph. Byz. in Miller's *Mélanges*, p. 432, *ἀναγκάζει δὲ τοὺς συγγενεῖς ὁ Σόλωνος νόμος πέντε μνᾶς*, etc.) either to marry her himself or to portion her, the law fixing a sliding scale for the different classes of the census: *e.g.* 500 drachmas, if he be of the highest class, etc. It is true, Harpocration (*s. v. ἐπίδικος*, *θῆτες*) mentions five minas as the fixed amount to be given in any case, but he probably does so because that sum happened to occur in the speech from which he quoted, and this passage does not in any way serve to show that the above law is spurious, as Caillemer (*Le Droit de Succession Légitime*, p. 58) supposes. According to Aristophanes Byz., *l. c.*, the sum was at a later period raised from five to ten minas. If there were several in the same degree of consanguinity, each of them had to contribute their share (*πρὸς μέρος*). The passage of the law referring to the case when there were several *θῆσσαι*, is difficult of explanation. K. Fr. Hermann (*Zeitschr. f. Alterthumsw.* 1840, p. 23) reading *μὴ ἐπάναγκες εἶναι πλέον ἢ μίαν ἐκδοῦναι τῷ γ' ἑνί* instead of *τῷ γένει*, and removing as a

gloss to τῷ γένει the words ἀλλὰ τὸν ἐγγύτατα ...ἔχειν, suggests that in case of their being several θῆσαι and only one next of kin, it was incumbent upon him to portion only one of them. Perhaps the state came to the help of the others (Plut. *Arist.* 27). Caillemer, on the other hand, retaining the reading of the MSS., explains the passage to mean that the family (γένος) had to portion not more than one of them, and that the nearest relations had either to marry or to portion the rest. Upon the nearest relative making his claim (λῆξις, ἐπιδικασία) before the archon (ἐπικλήρων καὶ ὀρφανῶν κύριος, Lys. *de Evandr. Prob.* § 12; *Lex* in [Dem.] *c. Macart.* p. 1076, § 75, etc.) in case of metoecs before the polemarch ([Dem.] *c. Steph.* ii. p. 1135, § 22), public notice was given of the claim: it was written on the σανίς, and read out in the following assembly (Pollux, viii. 95), and at a later day, fixed either by law or arrangement, the herald put the question εἴ τις ἀμφισβητεῖν ἢ παρακαταβάλλειν βούλεται ([Dem.] *c. Macart.* p. 1051, § 5, cf. HERES, iv.). If no one appeared to dispute the claim, the archon (or polemarch) adjudged the heiress to him (ἐπεδίκασεν αὐτῷ τὴν ἐπίκληρον); if other claimants appeared (ἀμφισβητεῖν τῆς ἐπικλήρου), the archon instituted an anakrisis, and a court was held for the decision of the right (διαδικασία τῆς ἐπικλήρου), which was determined according to the Athenian law of consanguinity. We are not informed what happened when several in the same degree of consanguinity claimed an heiress; was she adjudged to the eldest or were the claims decided by lot? (Platner, *Proc. u. Klagen*, ii. p. 255; cf. Aristoph. *Vesp.* 586, and Andoc. *de Myst.* § 117 f., ἐπεδικασάμεθα ἄμφω κατὰ τὴν πρὸς ἡμᾶς ὁμολογίαν.) Even when a woman was already married, her husband was obliged to give her up to a man with a better title; and men sometimes put away their former wives in order to marry heiresses (Isae. *Pyrrh.* § 64; Dem. *c. Eubul.* p. 1311, § 41, *c. Onet.* i. p. 866, § 7). In Isae. *Aristarch.* § 19 the speaker's father was deterred from taking proceedings by the fear of losing his wife, whom the next of kin threatened to claim at law, if he claimed the estate. And even after the decision of the court had been given in favour of one claimant, any other person who could show a better title might bring an action against the husband and claim the heiress ([Dem.] *c. Macart.* p. 1054, § 16). The limit of time for making such a claim we do not know; Caillemer suggests that an heiress could not be claimed after having given birth to a son (*l. c.* p. 42 f.). The estate never passed into the possession of the husband of the heiress (Isae. *Ciron.* § 31; *Aristarch.* § 12, etc.); their son when of full age (ἐπὶ διετὲς ἡβήσας) was adopted into his maternal grandfather's family (Isae. *Pyrrh.* § 73; [Dem.] *c. Macart.* p. 1053, § 12), and took possession of the estate. He then became his mother's legal protector (κύριος), and was bound to find her maintenance (σῖτος). If there were more sons, they shared the property equally ([Dem.] *c. Steph.* ii. p. 1135, § 20; Hyperid. *fr.* 194 Bl.). An heiress was under the special protection of the archon [(Dem. *c. Macart.* p. 1076, § 75), and the law gave anyone the right to bring a criminal prosecution called κακώσεως εἰσαγγελία in certain cases, viz. if an adopted son refused to marry her (Isae. *Pyrrh.* § 45 f.) or in case she was poor, if the next of kin did not marry her himself or portion her, or if she was injured or neglected by her husband (Plut. *Sol.* 20), or if she was injured by strangers ejecting her from her estate (Dem. *c. Pantaen.* p. 979, § 45). (*Att. Process*, ed. Lipsius, pp. 357 f., 575–577, 614–617; Maine, *Early Law and Custom*, p. 104 f.)

The Gortyn Code gives detailed directions as to heiresses (πατρφῶχοι). It defines (viii. 40) "one shall be heiress, if there be no father or brother from the same father," but the father's estate passed into her possession and remained with her to her death, and had not to be given up, as at Athens, to her son or sons when of full age; her father's surviving brothers in order of age, or in default of such their sons, might claim her in marriage, but by handing over to the nearest applicant a portion of her estate, she might set herself free and marry whomsoever of the tribe she pleased. If the heiress and the rightful claimant (ὁ ἐπιβάλλων) were too young to marry, the heiress was to have her father's house and he half the income of all the property (vii. 29–35); but he lost his share, if when both were grown up (ἥβλων, ἡβίουσα) he refused to marry her. A girl was marriageable at twelve years of age (xii. 31 f.). When the claimant reached a further age and was admitted to the public athletic exercises (δρόμοι), then, if he still refused to marry her, the kinsmen of the heiress were to bring an action and the judge was to order him to marry her within two months; and if he did not do so, he forfeited his claims altogether, and the next of kin succeeded to them (vii. 40–50). If, on the other hand, the heiress refused to wait till the claimant was grown up, or refused to marry him at all, she retained the house and its contents and half of the other property, but was bound to marry some one of the tribe, whom she chose; but if no one was willing, then some one else. The other half of her property went to the rightful claimant (vii. 52–viii. 5). If a married woman became heiress (*e.g.* by the death of her brother), it would seem that her marriage was regarded as dissolved; if children had been born, it rested with her either to re-marry, as it were, her husband, or on surrendering to him half the property to marry anyone else of the tribe; in any case where there were children, the relations had no right to claim the heiress. On the other hand, if no children had been born, the nearest relative might claim her in marriage (viii. 20–30), and she could only release herself from this claim by yielding to him half the property. In case her husband died, the nearest of kin could claim her only if there were no children. There is no mention in this code of an institution corresponding to the enforced portioning of a θῆσσα on the part of her next of kin, as Solon's and Charondas' laws enjoined (Diod. Sic. xii. 18).

The information we possess as to heiresses in Sparta (πατροῦχοι, Herod. vi. 57; Pollux, iii. 33; Timaeus, *s. v.*: Cobet reads παμοῦχοι, *Mnemosyn.* xii. p. 157; or ἐπιπαματίδες, Suid.; ἐμπάμονες, αὐτοπάμονες, Hesych.) is very scanty and contradictory. Besides Herodotus' remark, that it was one of the privileges of the kings to decide to whom among the various claimants for marriage with the heiress the best legal title

belonged, we have Aristotle's statement (*Polit.* ii. 6 (9 Bk.), 10, 11 S.): "Although the legislator rightly holds up to shame the sale or purchase of an inheritance, he allows anybody who likes to give and bequeath it. Yet both practices lead to the same result, and nearly two-fifths of the whole country are held by women; and this is owing to the number of heiresses and to the large dowries which are customary. It would surely have been better to have given no dowries at all; or if any, but small or moderate ones. [Here Susemihl supposes a *lacuna*: moreover, it would have been necessary for him to define who was entitled and obliged to marry the heiress.] As the law now stands, a man may bestow his heiress on anyone whom he pleases; and if he die intestate, the privilege of giving her away descends to his heir" (Jowett). We read also in Plut. *Agis*, 5, of a certain ephor Epitadeus (in the first decades of the 4th century, Duncker, *Monatsb. d. Berl. Akad.* 1881, p. 150), who on account of some quarrel with his son proposed a law, that any person should have liberty to give away his house and lot during his lifetime, and also to leave it as he chose by will. O. Müller (*Dorians*, ii. p. 206) suggests that Aristotle confounds the state of things as it existed in his time (in consequence of Epitadeus' law) with the ancient legislation of Lycurgus; Göttling (on Arist. *l. c.*), to free Aristotle from this charge, supposes that the subject of *ἐποίησεν οὐ καλὸν* is not Lycurgus (as Susemihl supplies from § 8), but in general "the lawgiver," and that under this term Aristotle comprises the later innovators of the constitution; Schulin (*d. griech. Testam. vergl. m. d. röm.* p. 39 f.) tries to reconcile the two statements by saying, that Lycurgus' legislation gave the father a limited testamentary power, *e.g.* if he had a son, the *κλῆρος* went with him, and that the law of Epitadeus removed this restriction; Grote (ii. p. 411, n. f.) and Susemihl (n. 299) uphold Aristotle's authority and discredit Plutarch's story. Jannet (*Les Institutions Sociales et le Droit Civil à Sparte*, pp. 90 f., 134 f.) thinks that originally the father had to choose a husband for the heiress from amongst the *ἀγχιστεῖς*; if he died without having done so, the heiress was claimed as of right by the next of kin, and it was one of the privileges of the kings to decide which of various claimants had the best title (Herod. viii. 57. Leonidas compelled Agiatis, the widow of Agis, to marry his son Cleomenes, though at that time too young for a wife, because he was unwilling that anyone else should have her, being heiress to her father Gylippus's great estate: Plut. *Cleom.* 1). Thus uncles marry their nieces (Leonidas married Gorgo, his brother's only child, Herod. v. 48; vii. 205, 239), nephews marry their aunts (Archidamus the grandson of Leotychides married Lampito, his grandfather's only child by a second wife, Herod. vi. 71). It was one of the provisions of Epitadeus's law, that a father might bestow his heiress on anyone whom he pleased. O. Müller concludes from Heracl. Pont. 2 that the Spartan lot of land was indivisible in respect of inheritance: this necessarily required that there should be only one heir, probably always the eldest son, and that the daughters should marry without receiving any dowry; in case there was no son, but only daughters, probably the eldest of these became heiress, and was given in marriage to some person who had no lot of his own, such as the descendant of a younger brother, those nearest of kin having the first claim. This assertion that the Spartan lot of land was indivisible in respect of inheritance is based on a wrong reading in Heracl. Pont. *τῆς ἀρχαίας μοίρας ἀνανέμεσθαι οὐδὲν ἔξεστι*: Schneidewin has restored from MSS. the passage to *πωλεῖν δὲ γῆν Λακεδαιμονίοις αἰσχρὸν νενόμισται τῆς δὲ ἀρχαίας μοίρας οὐδὲ ἔξεστιν*, and shown that the passage relates to sale of land and not to division.

Aristotle speaks of *ἐπίκληροι* in Mitylene and Phocis (*Polit.* viii. 3, 3 S.=v. 4 B). In a Theraean inscr. (*C. I. G.* No. 2448, C. 30 f.=Cauer[2] 148) the *ἐπίκληροι* are mentioned as having privileges over other married daughters. In Heracl. Pont. *Polit.* 32 Schneidewin accepts the conjecture *ἐπίκληρος* for the MS. reading *ἐπικλέως* or *ἐπὶ κλέος*, without giving any explanation of this peculiar case. In an inscr. of the 5th century (Achaian according to Fick, Bezzenberger's *Beitr.* v. p. 324; Laconian according to Kirchhoff, *Monatsb. d. Berl. Akad.* 1870, p. 51 f., and Roehl, *I. G. A.* No. 68) it is directed that the legitimate daughters could take from the temple, which served as a bank, their father's property after the legitimate sons had died. With the Lycians the daughters alone could inherit (*τάς τε κληρονομίας ταῖς θυγατράσι λείπουσιν οὐ τοῖς υἱοῖς*, Nicol. Damasc. in Müller, *Fragm. Hist. Gr.* iii. 461; cf. *C. I. G.* No. 4244). See also Nymph. Heracl. in Müller, *l. c.*, p. 15; Herod. i. 173. [H. H.]

EPIDAU'RIA. [Eleusinia.]

EPIDEIPNIS. [Cena, p. 397 *b*.]

EPIDEMIURGI. [Demiurgi.]

EPIDICA'SIA (*ἐπιδικασία*). [Heres.]

EPI'DICUS. [Epiclerus.]

EPI'DOSEIS (*ἐπιδόσεις*) were voluntary contributions, either in money, arms, or ships, which were made by the Athenian citizens in order to meet the extraordinary demands of the state. When the expenses of the state were greater than its revenue, it was usual for the prytanes to summon an assembly of the people, and after explaining the necessities of the state, to call upon the citizens to contribute according to their means. Those who were willing to contribute then rose and mentioned what they would give; while those who were unwilling to give anything, remained silent or retired privately from the assembly. (Plut. *Alcib.* 10, *Phoc.* 9; Dem. *c. Mid.* p. 567, § 162; Theophrast. *Char.* 22; Athen. iv. p. 168 f.) The names of those who had promised to contribute, together with the amount of their contributions, were written on tablets, which were placed before the statues of the Eponymi, where they remained till the amount was paid. (Isae. *Or.* 5 [*Dicaeog.*], §§ 37, 38.)

These *epidoseis*, or voluntary contributions, were frequently very large. Sometimes the more wealthy citizens voluntarily undertook a trierarchy, or the expenses of equipping a trireme. (Dem. *c. Mid.* p. 566, § 161.) We read that Pasion furnished 1000 shields, together with five triremes, which he equipped at his own expense. (Dem. *c. Steph.* i. p. 1127, § 85.)

Chrysippus presented a talent to the state, when Alexander moved against Thebes (Dem. *c. Phorm.* p. 918, § 38); Aristophanes, the son of Nicophemus, gave 30,000 drachmas for an expedition against Cyprus (Lysias, *pro Aristoph. bonis*, § 43); Charidemus and Diotimus, two commanders, made a free gift of 800 shields (Dem. *de Cor.* p. 265, § 115). The liberality of Demosthenes himself was especially noteworthy: besides other liturgies, he gave on different occasions three triremes, and also at one time eight talents, to which he afterwards added three more for the building of the walls, one talent after the battle of Chaeroneia, and another for the purchase of corn. These acts of munificence were recorded in the decree by which a crown was voted to him. When in Macedonia on the embassy, he also spent large sums in ransoming Athenian prisoners (Dem. *F. L.* p. 394, §§ 169–70 = 186–7; Aeschin. *F. L.* § 100). (Boeckh, *P. E.* pp. 586–7 = *Sthh.*[3] i. 686; Schömann, *Assemblies*, p. 292.) [W. S.] [W. W.]

EPIGAMIA (ἐπιγαμία). [CIVITAS (Greek).]

EPIGRAPHEIS (ἐπιγραφεῖς). [EISPHORA.]

EPIMELETAE (ἐπιμεληταί), curators, the name of various officials at Athens, charged with the care of different public objects. Besides those previously known from the orators and grammarians, several new titles of ἐπιμεληταί have been recovered from inscriptions; some, however, are only vaguely mentioned. The most important appear to be the following:—

1. Ἐπιμελητὴς τῆς κοινῆς προσόδου, more usually called ταμίας, or ὁ ἐπὶ τῇ διοικήσει, the chief finance minister or "Chancellor of the Exchequer" [TAMIAS].

2. Ἐπιμεληταὶ τῶν μοριῶν ἐλαιῶν, persons chosen from among the Areiopagites to take care of the sacred olive-trees (Boeckh, *P. E.* p. 305 = *Sthh.*[3] i. 374). The name ἐπιμεληταὶ does not occur in the speech of Lysias περὶ τοῦ σηκοῦ: in § 25 they are called γνώμονες or ἐπιγνώμονες (cf. L. and S. *s. v.*); in §§ 7, 29 the entire Areiopagus seems charged with this function. Cf. Gilbert, *Staatsalterth.* i. 266.

3. Ἐπιμεληταὶ τοῦ ἐμπορίου were the overseers of the EMPORIUM, and a sort of harbour-masters in the Peiraeus. They were ten in number, and were elected yearly by lot (Harpocrat. *s. v.*; Dinarch. *c. Aristog.* § 10). They had jurisdiction in all breaches of the commercial laws, among which the singular Athenian corn-laws are specially mentioned. It was part of their duty to compel the merchants to bring into the city two-thirds of all corn which had come by sea into the Attic emporium (Aristot. *ap.* Harpocr. *s. v.*); and to enforce the rule which forbade shipment of corn to any other port than Athens (Lex *ap.* Dem. *c. Lacr.* p. 941, § 15; *c. Theocr.* p. 1324, §§ 8, 9). In late inscriptions we find an ἐπιμελητὴς ἐπὶ τὸν Λιμένα (*C. I. A.* ii. 475) and an ἐπιμελητὴς ἐπὶ τὸν Πειραιᾶ (*ib.* ii. 476, iii. 458); probably identical with one another, but different from the ἐπιμεληταὶ τοῦ ἐμπορίου. (Boeckh, *P. E.* pp. 48, 81 = *Sthh.*[3] i. 62, 104; Schömann, *Antiq.* i. 416, E. T.; Gilbert, p. 158; Lipsius, *Att. Process*, p. 98.)

4. Ἐπιμεληταὶ τῶν μυστηρίων were, in conjunction with the king archon, the managers of the Eleusinian mysteries. They were elected by open vote, and were four in number; two chosen from the general body of citizens, one from the Eumolpidae, and one from the Kerykes. (Harpocrat., Suid., *s. v.*; Pollux, viii. 90; Bekk. *Anecd.* 219, 15; 279, 20; Dem. *c. Mid.* p. 570, § 171.) Decrees in honour of ἐπιμ. τῶν μυστ., *C. I. A.* ii. 315, 376; the Κήρυκες at the mysteries, *C. I. A.* ii. 597 (Gilbert, p. 241).

5. Ἐπιμεληταὶ τῆς πομπῆς τῷ Διονύσῳ assisted the first archon (eponymus) in the management of the Greater Dionysia. They were chosen by χειροτονία (Dem. *c. Mid.* p. 519, § 15), and were ten in number, one apparently from each tribe (Inscr. in Ἀθήναιον, vii. 480); twenty-four in a late inscription, dating from the time when the number of tribes had been raised to twelve (*Ephem. Archaeol.* No. 180; Gilbert, p. 240, n. 6; Schömann, *Antiq.* i. 413, E. T.).

6. Ἐπιμεληταὶ τῶν νεωρίων, the inspectors of the dockyards, formed a regular ἀρχή, and were not an extraordinary commission, as appears from the speech *c. Everg. et Mnes.* (p. 1145, § 22), Aeschines (*c. Ctes.* § 25), and the inscriptions published by Boeckh (*Urkunden über das Seewesen*), in which they are sometimes called *οἱ ἄρχοντες ἐν τοῖς νεωρίοις*, and their office designated an ἀρχή. (No. xvi. b. 104, &c.; No. x. c. 125; No. xiv. c. 122, 138.) We learn from the same inscriptions that their office was yearly, and that they were ten in number. It also appears that they were elected by lot from those persons who possessed a knowledge of shipping.

The principal duty of the inspectors of the dockyards was to take care of the ships, and all the rigging, tools, &c. (σκεύη) belonging to them. They also had to see that the ships were seaworthy; and for this purpose they employed a surveyor (δοκιμαστής), who was well skilled in such matters. (Boeckh, *ibid.* No. ii. 56.) They had at one time the charge of various kinds of military σκεύη, which did not necessarily belong to ships, such as engines of war (No. xi. m), which were afterwards, however, entrusted to the generals by a decree of the senate and people. (No. xvi. a. 195.) They had to make out a list of all those persons who owed anything to the docks ([Dem.] *c. Everg. et Mnes.* p. 1145, §§ 20–22), and also to get in what was due. (Id. *c. Androt.* p. 612, § 63.) We also find that they sold the rigging, &c., of the ships and purchased new, under the direction of the senate, but not on their own responsibility. (No. xiv. b. 190, &c., compared with Nos. xiv. xvi. u.) They had ἡγεμονία δικαστηρίου in conjunction with the ἀποστολεῖς in all matters connected with their own department. ([Dem.] *c. Everg. et Mnes.* p. 1147, § 26.) To assist them in discharging their duties they had a secretary (γραμματεύς, No. xvi. b. 165), and a public servant (δημόσιος ἐν τοῖς νεωρίοις, No. xvi. b. 135). For a further account of these inspectors, see Boeckh, *Urkunden*, &c., pp. 48–64.

7. Ἐπιμεληταὶ τῶν φυλῶν, the inspectors of the φυλαί or tribes, managed the financial affairs of the tribes, and were themselves responsible to the tribesmen: there were at least two for each φυλή ([Dem.] *c. Theocrin.* p. 1326, § 15; Inscrr. in Ἀθήναιον, v. 339–40; in *C. I. A.* ii. 554, 557–9, 564–5; Gilbert, p. 191 f.).

8. Ἐπιμεληταὶ τῶν συμμοριῶν, or *οἱ ἐν ταῖς συμμορίαις*, assisted the ἡγεμόνες of the trierarchic symmoriae, and were probably twenty in

number ([Dem.] *c. Everg. et Mnes.* p. 1145, §§ 21, 22; 1146, § 24; Gilbert, p. 352, n. 4).

The *ἐπιμεληταὶ τῶν κακούργων* of Antiphon (*de Caed. Her.* § 17) are usually explained as a loose phrase for the Eleven [HENDECA, HOI]; Gilbert thinks, however (p. 404), that special *ἐπιμεληταὶ* presided over the trials of subject allies, to which this case belonged. Four annual *ἐπιμεληταὶ τῶν δικαστηρίων* are mentioned in quite late inscriptions of Roman times (*C. I. A.* iii. 1017, 1018; Gilbert, p. 162); an *ἐπιμ. τῆς πόλεως* (*C. I. A.* iii. 68, 556, 721); an *ἐπιμ. Λυκείου* (*ib.* 89); an *ἐπιμ. πρυτανείου* (*ib.* 90; Gilbert, p. 158; cf. pp. 27, 244). [W. S.] [W. W.]

EPIRRE'DIUM. [REDA.]

EPISCEPSIS. [MARTYRIA.]

EPI'SCOPI (*ἐπίσκοποι*), inspectors or commissioners, who were sometimes sent by the Athenians to interfere in the affairs of subject states. Harpocration compares them to the Lacedaemonian harmosts, and says that they were also called *φύλακες*: but the harmosts were military commandants, and there can be little doubt that this grammarian has confused *ἐπίσκοποι* with *φρούραρχοι*, the commanders of Athenian garrisons. Both a *φρούραρχος* and *ἐπίσκοποι* are mentioned as sent to Erythrae, with full details of their powers of interference (*C. I. A.* i. 9, 10). The episcopi exercised civil authority, and perhaps judged on the spot small causes where Athenians were concerned (as, *e.g.* in places to which cleruchi had been sent), not of sufficient importance to be referred to the Athenian tribunals: the episcopus in Aristophanes carries two ballot-boxes (*κάδω, vv.* 1032, 1053). From the same source we learn that these episcopi received a salary at the cost of the state to which they were sent, and, what is more strange, that they were appointed by lot. Any Athenian, it seems, was good enough for such a post. (Aristoph. *Av.* 1022 ff., with Schol.; Harpocrat., Suid., *s. v.*; Bekk. *Anecd.* 254, 15; Boeckh, *P. E.* pp. 156, 238 = *Sthh.*[3] i. 190, 304; Schömann, *Antiq. Jur. Publ.* p. 432, 18, and *Antiq.* i. 436, E. T.; Gilbert, *Staatsalterth.* i. 400 f., 427.) [W. S.] [W. W.]

EPI'STATES (*ἐπιστάτης*), which means a person placed over anything, was the name of two distinct classes of functionaries in the Athenian state; namely, of the chairmen of the Prytanes and Proedri (for whom see BOULÉ, pp. 310 *b*, 311 *a*); and also of the directors of public works (*ἐπιστάται τῶν δημοσίων ἔργων*). These directors had different names, as *τειχοποιοί*, the repairers of the walls; *τριηροποιοί*, the builders of the triremes; *ταφροποιοί*, the repairers of the trenches, &c.; all of whom were elected by the tribes, one from each; but the most distinguished of these were the *τειχοποιοί* (Aeschin. *c. Ctes.* §§ 14, 27, 29, 31). Other public buildings, such as temples, belonged to the department of the chief finance minister (*ὁ ἐπὶ τῇ διοικήσει*); and it was in this capacity that Pericles, and subsequently Lycurgus, undertook so many works of architecture. Sometimes two, three, or five *ἐπιστάται* were specially commissioned to superintend a particular work. Thus the inscription relating to the building of the Erechtheium (temple of Athena Polias), dating from B.C. 409–8 and now in the British Museum, mentions two *ἐπιστάται*, an architect named Philocles and a *γραμματεὺς* or secretary (*C. I. G.* 160 = *C. I. A.* i. 322; cf. *Dict. Geogr.* i. 276 a; Boeckh, *P. E.* p. 203 = *Sthh.*[3] i. 257). Other inscriptions discussed by Boeckh contain portions of the accounts of similar *ἐπιστάται* of public buildings, one of them the Propylaea; in each case a *γραμματεὺς* is mentioned, and there appears to have been always an expert, like Philocles, to advise professionally (*C. I. A.* i. 314, 315 b; 300 to 302 a; 299; Boeckh, *Sthh.*[3] ii. 300–310).

Among the *ἐπιστάται τῶν δημοσίων ἔργων* were reckoned also the road-surveyors (*ὁδοποιοί*, Aeschin. *c. Ctes.* § 25), and those charged with the water supply (*ἐπιστάται τῶν ὑδάτων*, Plut. *Themist.* 31). The directors received the money which was necessary for all these works from the public treasury (*ἐκ τῆς διοικήσεως*, Aeschin. *c. Ctes.* § 31). (Schömann, *Antiq. Jur. Publ.* p. 247, and *Antiq.* pp. 415, 427, E. T.; Gilbert, *Staatsalterth.* i. 249 f.) [W. S.] [W. W.]

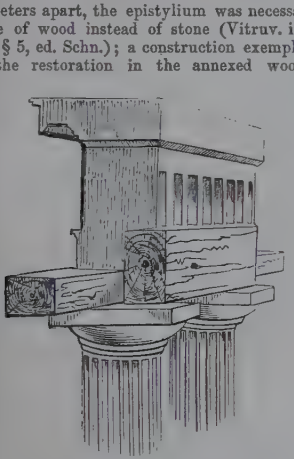
EPI'STOLA. [CONSTITUTIO.]

EPI'STOLEUS (*ἐπιστολεύς*) was the officer second in rank in the Spartan fleet, and succeeded to the command if anything happened to the *ναύαρχος*, or admiral (Pollux, i. 96; Xen. *Hell.* i. 1, § 23, iv. 8, § 11, v. 1, §§ 5, 6; once *ἐπιστολιάφορος*, vi. 2, § 25). When the Chians and other allies of Sparta on the Asiatic coast sent to request that Lysander might be reappointed to the command in the Aegaean, he was sent with the title of *ἐπιστολεύς*, because the laws of Sparta did not permit the same person to hold the office of *ναύαρχος* twice (Xen. *Hell.* ii. 1, § 7; Plut. *Lysand.* 7). (Cf. Schömann, *Antiq.* i. 248, 287, E. T.; Gilbert, *Staatsalterth.* i. 64; NAVARCHUS.) [W. S.] [W. W.]

EPISTO'MIUM (*ἐπιστόμιον*). [FISTULA.]

EPISTY'LIUM (*ἐπιστύλιον*) is properly, as the name implies, the architrave, or lower member of an entablature, consisting of one or several beams (in Parthenon, three), resting upon the capitals. Its function is to bind the columns of the peripteron into a whole, and to distribute the weight of the superstructure (Plut. *Pericl.* 13; Paus. *pass.*; Varr. *R. R.* iii. 2; Festus, *s. v.* For epistylium applied where there are only half-columns: Choisy, *Études épigr. sur l'Archit. grecque*; cf. COLUMNA). The component blocks were fastened together and to the capitals by iron clamps; in the Parthenon, further, at the corners (Adamy, *Architekt.* iii. 126; figs. 37, 38). Rules for the height of the epistylium are given by Vitruvius (iii. 3, s. 5, ed. Schn.). In the best examples of the Doric order the front of the architrave was a plain flat surface without carving, but sometimes ornamented with metal shields affixed above each column, as in the Parthenon, where there are also inscriptions between the shields (*v.* Lucas' model). In the Ionic order, where the epistylium scarcely differs from the frieze, it was cut up into two or usually three slightly overlapping surfaces (*fasciae*), and finished off above with astragal, cymatium, and, in Asia, lysis; in Attica, a simple abacus (Adamy, pp. 253, 275; see woodcuts under COLUMNA, p. 492). In Asia, the underside of the epistylium exhibits a hollow containing a cymatium (Adamy, fig. 117A); in Attica perhaps the same was *painted*. In the Ionic style, the frieze might be wanting, and the *γεῖσον* rest directly on the epistylium (so in the south prostasis of the Pandrosos Cella, and the temple of Athene

at Priene, according to Böttticher). In the Corinthian style the arrangement was similar to that in the Ionic, only the triple division was marked by pearl-beading or a cymatium. Originally the architrave was the main beam, laid along the top of the columns to support the roof. When stone was used, a natural limit was set to the length of the blocks, and consequently the distance of the columns, by the impossibility of obtaining pieces of stone or marble beyond a certain size. In the temple of Artemis at Ephesus the blocks were so large that it was a wonder how they could have been raised to their places; Pliny describes the process (*H. N.* xxxvi. § 96). When an intercolumniation was of the kind called "araeostyle," that is, when the columns were more than three diameters apart, the epistylium was necessarily made of wood instead of stone (Vitruv. iii. 2, s. 3, § 5, ed. Schn.); a construction exemplified by the restoration in the annexed woodcut



Epistylium. (Doric portico at Pompeii.)

(*Pompeii*, vol. i. p. 143) of the Doric portico, which surrounds three sides of the forum at Pompeii. The holes seen at the back of the frieze received the beams which supported an upper gallery. Epistylium was sometimes used for the whole of the entablature. [J. M.]

EPITA'PHIUM. [Funus.]

EPITHALA'MIUM. [Matrimonium.]

EPITI'MIA. [Atimia.]

EPITRIERARCHE'MATOS DIKÉ. [Trierarchia.]

EPI'TROPES GRAPHÉ. [Epitropus.]

EPI'TROPUS (*ἐπίτροπος*), which signifies literally a person to whom anything is given in charge (Dem. *c. Aphob.* i. p. 819, § 19; Herod. iii. 63; Xenoph. *Cyrop.* iv. 2, 35, etc.), occurs, however, much more frequently in the sense of a guardian of orphan children. Of such guardians there were at Athens two kinds: (i.) Those appointed in the will of the deceased father (*καταλείπειν*), usually, but not necessarily, near relatives. The father of Alcibiades and Cleinias appointed Pericles and his brother Ariphron (Plat. *Alcib.* i. p. 104 B; Plut. *Alcib.* 1, *προσήκοντες κατὰ γένος*); the father of Demosthenes three, two relatives and Therippides (*γένει μὲν οὐδὲν προσήκοντι*, Dem. *c. Aphob.* i. p. 814, § 4: cf. ii. p. 840, § 15 f.); Plato (Diog. Laert. iii. 43) appointed seven *ἐπίτροποι*, *i.e.* executors according to Schulin, *d. Griech. Testam.* p. 29 (in Theophrastus' will they are called *ἐπιμεληταί*, Diog. Laert. v. 56); cf. also Plat. *Legg.* xi. p. 924 A. (ii.) In the absence of directions by will, the next of kin (*tutores legitimi**), the archon deciding who were best entitled to the office (Pollux, viii. 89, *ἐπιτρόπων καταστάσεις*) and authorising them to act as guardians (*Argum.* Isae. *Arist., κατὰ νόμον ἐπίτροπος τῶν τοῦ ἀδελφοῦ γενόμενος*; Lys. *de Aristoph. bon.* § 9, *παιδάρια τρία ἠναγκασμένοι τρέφειν*—the brother of age, Lys. *c. Theomn.* i. 5; the uncle, Isae. *Cleonym.* § 9, etc.); or, if there were no relatives or none fit to undertake the office, such persons as the archon selected from the whole body of Athenian citizens. The passages quoted above clearly show that Diogenes Laert. (i. 56) is wrong in ascribing to Solon a law *μὴ ἐπιτροπεύειν εἰς ὃν ἡ οὐσία ἔρχεται*. We have no information as to the number of guardians required; Plato fixes the number at five (*Legg.* xi. p. 924 B). It may be taken for granted that none but citizens, of age and *ἐπίτιμοι*, could act as guardians; when Pasion appointed a metoec Phormion one of the guardians of his son (Dem. *pro Phorm.* p. 946, § 8), this was probably done because of his ability to carry on the business.

The law ascribed to Solon by Diogenes Laert. has been compared with the law of Charondas (Diod. Sic. xii. 15), which ordained that the nearest kinsmen of the father should manage the property of orphans, but that the orphans should be brought up with the mother's relatives; cf. Gortyn Code, viii. 50 f. At Athens, however, the duties of the guardian comprehended the personal care — the maintenance (*τροφή*, Lys. *c. Diog.* §§ 9, 20), education (*παιδεία*, Dem. *c. Aphob.* i. p. 828, § 46; Plat. *Alcib.* i. p. 122 A), and protection of the ward (Aeschin. *c. Tim.* § 16), the assertion of his rights,—and the safe custody and profitable disposition of his inheritance during his minority, besides making a proper provision for the widow if she remained in the house of her late husband. In accordance with these, the guardian was bound to appear in court in all actions in behalf of or against his ward (Dem. *c. Aphob.* i. p. 821, § 26), to perform annually the funeral rites to the deceased parent on behalf of the ward (Isae. *Cleom.* § 10), to give in an account of the taxable capital (*τίμημα*) when an *εἰσφορὰ* (the only impost to which orphans were liable) was levied, and make the proportionate payment in the minor's name (Dem. *c. Aphob.* i. p. 815, § 7). With reference to the administration of the ward's estate, a testamentary guardian was bound to execute the trusts of the will (Dem. *c. Steph.* i. p. 1112, § 37; see also Plato's direc-

* We find *tutores legitimi* in Sparta (Paus. iii. 5, 7, *Ἀ. δὲ ἐπετρόπευεν αὐτοὺς γένους ἐγγύτατα ὤν*), in Syracuse (Plat. *Epist.* vii. p. 345 D, *ὄντος μὲν ἀδελφιδοῦ αὐτοῦ, κατὰ νόμους δ' ἐπιτροπεύοντος*). For Ephesus two classes of guardians are mentioned, *ἢ ὑπὸ πατρὸς καταλελειμμένοι ἢ ὑπὸ δήμου ᾑρημένοι* (Dittenberger, *S. I. G.* No. 344, l. 56). A woman as *ἐπίτροπος* in Erythrae (*ibid.* No. 370, l. 122). The guardian of a Spartan king under age was called *πρόδικος* (Xen. *Hellen.* iv. 2, 9; Plut. *Lyc.* 3); he was usually the next of kin, *e.g.* Pausanias was guardian of Pleistarchus *ἀνεψιὸς ὤν* (Thuc. i. 132); cf. Herod. ix. 10.

tions with regard to a certain piece of land, *μὴ ἐξέστω τοῦτο μηδενὶ μήτε ἀποδόσθαι μήτε ἀλλάξασθαι*, etc.). If the deceased had left no will or no specific directions as to its management, two courses were open to the guardian to pursue, viz. either to let it out to farm to the highest bidder (*μισθοῦν τὸν οἶκον*; Ammonius, *s. v. οἶκος μὲν λεγεται ἡ πᾶσα οἰκία*), or to keep it in his own hands and employ it as he best could for the benefit of the minor (*διοικεῖν*, Dem. *c. Naus. et Xen.* p. 987, § 8). In the former case he had to make an application to the archon (Isae. *Philoct.* § 36), who thereupon let the inheritance (the whole or in parts) to the highest bidder in presence of a court of justice; the farmer or farmers had to hypothecate real property to guarantee the fulfilment of the contract [HORI], and had to pay an annual percentage (sometimes more than 12 per cent. per annum, Dem. *c. Aphob.* i. p. 831, § 58 f.; cf. *Att. Process*, ed. Lipsius, p. 362 f.). The guardian might himself farm his ward's estates (Schömann on Isae. *Philoct.* § 36). In the latter case he might lay out the money in buying land (Lys. *c. Diogit.* § 23; Dem. *c. Naus. et Xen.* p. 986, § 7), or might lend it out on good security, and here it is said to have been ordained by law that money belonging to a minor should be vested in mortgages, but in no other security (so Boeckh, *Sthh.*[3] i. p. 170, explains Lys. *fr.* 260 = Suid. *s. v. ἔγγειον*: Van den Es, *de Jur. famil.* p. 176, doubts that there was such a law). It seems probable that a constant control of the guardian's proceedings was exercised by the archon (Dem. *c. Onet.* i. p. 865, § 6).

If the guardian violated his duties, by neglecting the maintenance of his ward, by ill-treatment of his person, or by mismanaging his property, he was liable to a criminal prosecution which any Athenian might bring against him during the term of the ward's pupilage, viz. an eisangelia *κακώσεως* (Isae. *Hagn.* § 6), or to a phasis *μισθώσεως οἴκου* (Dem. *c. Naus. et Xen.* p. 991, § 23), if he had not let the estate (but Harpocration, *s. v. φάσις*, can scarcely be right in saying that the guardian was liable to phasis *εἰ ἐλάττονος ἢ κατὰ τὴν ἀξίαν μεμίσθωτο*, considering that it was the archon who let the estate; Pollux's (viii. 47) definition is too general, *τοὺς περὶ τοὺς ὀρφανοὺς ἐξαμαρτάνοντας*). Both were *τιμητοί*, and one consequence of conviction was the removal of the guardian (Isae. *Hagn.* § 31). The guardianship expired when the ward attained his eighteenth year; and if the estate had been leased out, the farmer paid in the market-place the capital he had received and the interest (Isae. *Menecl.* § 21; Dem. *c. Aphob.* i. p. 832, § 58); if, however, the inheritance had been managed by the guardian, it was from him that the heir received his property and the account of his disbursements during the minority (Dem. *pro Phorm.* p. 950, § 20). In case the accounts were unsatisfactory, and a compromise could not be effected (Frohberger on Lys. *c. Diogit.* § 2), the heir might institute a *δίκη ἐπιτροπῆς* against his late guardian; this action was *τιμητός* (Dem. *c. Aphob.* i. p. 834, § 67, etc.), and the plaintiff was liable to epobelia upon failing to obtain the votes of a fifth of the dicasts;—or in case the guardian had died, he might bring a *δίκη βλάβης* against the guardian's representatives (Dem. *c. Naus. et Xen.*). The right to sue a guardian for breach of duty was barred by the lapse of five years (Dem. *c. Naus. et Xen.* p. 989, § 17; cf. Plat. *Legg.* xi. p. 928 C). Meier infers from the case of Demosthenes that, where there were several guardians, they incurred a several and not a joint liability. No legal recompense was allowed to guardians for the performance of their duty; but it seems to have been common for testators to give legacies to the guardians, and Meier suggests that the general dishonesty of the Athenian character rendered it necessary thus to bribe guardians to be honest. A particularly flagrant case of violation of trust is that in Lysias, *c. Diogit.* Diogiton, who was both grandfather and uncle of his wards (for he had given his daughter in marriage to his brother), defrauded them of the whole of their inheritance, which, it is contended, amounted to more than fifteen talents.

It is a disputed question whether there was at Athens, besides the archon, a special magistracy to watch over the interests of orphans; Xenophon (*de Vectig.* 2, 7) mentions *ὀρφανοφύλακες* (cf. Photius, *s. v.*), and Demosthenes (*c. Onet.* i. p. 865, § 6) speaks of meetings and discussions held on the subject of his affairs, *καὶ παρὰ τῷ ἄρχοντι καὶ παρὰ τοῖς ἄλλοις*: cf. also the fifteen oldest *νομοφύλακες* charged with the permanent control of the guardians in Plat. *Legg.* xi. p. 924 C. According to Zitelmann, Roby, etc., the *ὀρπανοδικασταί* in Gortyn Code, xii. 21, 25, were public officers [COSMI]; according to Comparetti and Merriam (*Amer. Journ. of Arch.* ii. 1), they were guardians appointed by the father before his death. Thalheim (*Rechtsalterth.* p. 140 n.) looks upon the *συνορφανισταί* in Dittenberger (*S. I. G.* No. 344, l. 28, Ephesus, *c.* 84 B.C.) as a magistracy. It would seem from Heracl. Pontic. (*Polit.* 40) that in Iasus a special magistracy watched over the education of the orphans. (*Att. Process*, ed. Lipsius, p. 549 f.; Schulthess, *Vormundschaft n. Att. Recht.*) [J. S. M.] [H. H.]

EPOBE'LIA (*ἐπωβελία*), as its etymology implies, at the rate of one obolus for a drachma, or one in six ([Dem.] *c. Everg. et Mnes.* p. 1158, § 64, cf. Harp. *s. v.*; Pollux, viii. 39, 48); on the assessment (*τίμημα*: hence called *προστίμημα*, Harp. *s. v.*, and *Lex. Rh. Cant. πρόστιμον*) was payable to his successful opponent by the litigant who failed to obtain the votes of one-fifth of the dicasts in a case of *φάσις* (Pollux, viii. 48) and in *δίκαι χρηματικαί* (Bekk. *Anecd.* 255, etc.; Schol. Plat. *Legg.* xi. p. 921 D; cf. Boeckh, *Sthh.*[3] i. p. 165 f.). As regards *φάσις*, we learn from Theophrastus *π. νόμων*, *fr.* 8 (*Journ. of Phil.* vi. p. 2), that here, as in public accusations in general (but see EISANGELIA and SYCOPHANTES), a fine of 1000 drachmas ([Dem.] *c. Theocr.* p. 1323, § 6) and partial *ἀτιμία* were inflicted: hence Boeckh (*Sthh.*[3] i. p. 423) suggests that probably the two fines together were inflicted on the unsuccessful plaintiff; whilst Meier is of opinion, that when the *φάσις* was of a purely public nature, the plaintiff had to pay 1000 drachmas; when, however, a private person was injured, and laid a *φάσις* to satisfy his private interests, he became liable to the epobelia. Lipsius (*Att. Process*, p. 301 ff.; cf. Fränkel, Boeckh's *Sthh.*[3] ii. App. p. 81) thinks that Pollux confounded these two ways of punish-

ment for frivolous prosecutions. The term δίκαι χρηματικαί is vague; we know from other sources that the plaintiff was liable to this penalty in mercantile causes (Dem. *c. Dionysod.* p. 1284, § 4, etc.; *Att. Process*, p. 637), in charges arising from non-fulfilment of contract (Aeschin. *c. Tim.* § 163) and in causes against guardians (Dem. *c. Aphob.* i. p. 834, § 67). Pollux (viii. 39) says that the litigant who did not get one-fifth of the votes (ὁ αἱρεθείς), whether plaintiff or defendant, was liable to this penalty, but in the instances given this was the case only when the defeated suitor was the plaintiff: cf. Harp. *s. v.* ὅπερ ἐδίδοσαν οἱ διώκοντες τοῖς φεύγουσιν, εἰ μὴ ἔλοιεν, and Schol. Aeschin. *c. Timarch.* § 163, οἱ γραψάμενοί τινας καὶ μὴ ἑλόντες. Of others, however, viz. cross suits (ἀντιγραφαί, Pollux, viii. 58), and those in which a preliminary question as to the admissibility of the original cause of action was raised (παραγραφαί, Isocr. *c. Callim.* § 3, ὁπότερος δ' ἂν ἡττηθῇ, τὴν ἐπωβελίαν ὀφείλειν: cf. 12 and Schol. Aeschin. *c. Tim.* § 163, ὃ προσῴφειλεν ὁ ἀλούς: ἐνομοθέτησε δὲ τοῦτο ὁ Ἀρχῖνος, etc.; Dem. *c. Steph.* i. p. 1103, § 6), Pollux's statement holds good. As the object of the regulation was to inflict a penalty upon the litigious and recompense their victims, the fine was paid to the successful suitor. (Boeckh, *Sthh.*[3] i. 430–439.) Fränkel (*l. c.* p. 83) holds that the plaintiff, if defeated, in any case paid the epobelia, whether he gained as many as one-fifth of votes or not (he prefers Libanius, ed. by Förster, in *Hermes*, ix. p. 53, to Pollux), and that the defendant had to pay it only in a παραγραφὴ or ἀντιγραφὴ, if he got less than one-fifth of the votes. (*Att. Process*, pp. 947–951.) [J. S. M.] [H. H.]

EPO'MIS. [TUNICA.]

EPO'NIA (ἐπώνια). [TELOS.]

EPO'NYMUS (ἐπώνυμος), having or giving a name, was the surname of the first of the nine archons at Athens, because his name, like that of the consuls at Rome, was used in public records to mark the year [ARCHON]. The expression ἐπώνυμοι τῶν ἡλικιῶν, whose number is stated by Suidas, the *Etymologicum Magn.*, and other grammarians, to have been forty, likewise applies to the chief archons of Athens. Every Athenian had to serve in the army from his 20th to his 60th year, *i.e.* during the archonship of forty archons. Now, as an army generally consisted of men from the age of 20 to that of 60, the forty archons under whom they had been enlisted were called ἐπώνυμοι τῶν ἡλικιῶν, in order to distinguish them from the ἐπώνυμοι τῶν φυλῶν. (Compare Demosth. *ap.* Harpoc. *s. v.* Ἐπώνυμοι, and Bekker, *Anecdota*, p. 245.) At Sparta the first of the five ephors gave his name to the year, and was therefore called ἔφορος ἐπώνυμος (Paus. iii. 11, § 2).

It was a very prevalent tendency among the ancients in general to refer the origin of their institutions to some ancient or fabulous hero (ἀρχηγέτης, Orac. *ap.* Dem. *c. Macart.* p. 1072, § 66), from whom, in most cases, the institution was also believed to have derived its name, so that the hero became its ἀρχηγέτης ἐπώνυμος. Thus each of the Attic demi had its own eponymus or patron. In later times new institutions were often named after ancient heroes, on account of some fabulous or legendary connexion which was thought to exist between them and the new institutions, and the heroes thus became, as it were, their patrons or tutelary deities. A striking instance of this custom are the names of the ten Attic tribes instituted by Cleisthenes, all of which were named after some national hero ([Demosth.] *Epitaph.* p. 1397, &c.; Paus. i. 5). These ten heroes who were at Athens, generally called *the* ἐπώνυμοι, or ἐπώνυμοι τῶν φυλῶν, were honoured with statues, which stood in the Kerameikos, near the Tholos (Paus. i. 5, § 1; Suidas and *Etym. M.* s. v. Ἐπώνυμοι). If an Athenian citizen wished to make proposals for a new law, he exhibited them for public inspection in front of one of these statues of the ἐπώνυμοι, whence the expressions ἐκθεῖναι πρόσθεν τῶν ἐπωνύμων, or πρὸς τοὺς ἐπωνύμους. (Aeschin. *c. Ctes.* § 39; Wolf, *Proleg. ad* Demosth. *Leptin.* p. 133. Comp. Schömann, *Antiq.* i. pp. 320, 367, 369, 370, 412, 454, E. T.) [L. S.]

EPOPTAE. [ELEUSINIA, p. 720 *a*.]

EPULO'NES, who were originally three in number (*Tresviri Epulones*), were first created in B.C. 196, to attend to the Epulum Jovis (Valer. Max. ii. 1, § 2; Liv. xxxi. 4; Gell. xii. 8) and the banquets given in honour of the other gods; a duty which had originally belonged to the Pontifices. (Liv. xxxiii. 42; Cic. *de Orat.* iii. 19, 73; *de Harusp. Respons.* 10, 21; Festus, s. v. *Epulones.*) Their number was afterwards increased to seven (Gell. i. 12; Lucan, i. 602), and they were called *Septemviri Epulones.* We often find *Septemvir Epulonum* as an honorary title in inscriptions (Wilmanns, *Inscript.* 937, 1112, 1115, 1121, 1148, 1150, 1153, 1160, 1186, 1210, 1212). Once *viiviri Epulonum* occurs (*Cal. Praen.* Jan. 17). Julius Caesar added three more (Dio Cass. xliii. 51), but the title of the college seems always to have been Septemviri.

The Epulones formed a collegium, and were one of the four great religious corporations at Rome; the other three were those of the Pontifices, Augures, and Quindecemviri. But, unlike the others, this was from the first open to plebeians. (Dio Cass. liii. 1, lviii. 12; Plin. *Ep.* x. 3; Marquardt, *Röm. Staatsverwaltung*, iii. 333.) [W. S.] [A. S. W.]

E'PULUM JOVIS. [EPULONES.]

EQUI'RRIA or ECURRIA, a festival at which there were horse-races, said to have been instituted by Romulus in honour of Mars, in the Campus Martius. (Festus, *s. v.*; Varro, *L. L.* vi. 13, Müller.) There were two festivals of this name; of which one was celebrated *a. d. iii. Cal. Mart.*, and the other *prid. Id. Mart.* (Ovid, *Fast.* ii. 859, iii. 519.) At a later date this festival was called *Mamuralia*, and a sacrifice was offered to Mamurius (*Calend. Philocali*). If the Campus Martius was overflowed by the Tiber, the races took place on a part of the Mons Caelius, which was called from that circumstance the Martialis Campus. (Paul. Diac. pp. 81, 131, M.) [W. S.] [A. S. W.]

E'QUITES. The traditional account of the origin of the Roman *equites* is as follows:—Livy (i. 13) relates that Romulus raised three centuries of horsemen, called *Ramnenses, Titienses*, and *Luceres.* Dionysius (ii. 13) asserts that these were elected, like the senators, by the curies, each of the thirty curies choosing ten men. He also says that the three centuries were divided for military purposes into ten

turmae, each consisting of 30 men, viz. 10 Ramnes, 10 Ities, and 10 Luceres, the group of ten being commanded by its own *decurio*. This account is hardly consistent with Livy's; nor is Livy's view in harmony with his own remark elsewhere (x. 6), borne out by the language of Cicero (*Rep.* ii. 8, 14) and Varro (*L. L.* v. 55, 81, 89, 91), which speaks of the Ramnes, Titienses, and Luceres as tribes into which the whole nation was divided. Dionysius further says that these horsemen were called *Celeres*, and formed the body-guard of the king: Livy (i. 15) appears to regard the Celeres as a distinct body. Next Livy states that ten *turmae* of Albans were added by Tullus Hostilius (i. 30); the number would thus reach 600. Then he tells us that Tarquinius Priscus did not make any other change in the centuries of horse, but doubled the number, making the three centuries to consist of 1800 men. He is thus inconsistent with himself, and appears to have drawn from some different authority here. Some editors have wished to read, without any authority, MCC for MDCCC, but the alteration is quite unwarranted, the carelessness being characteristic of Livy. Besides, it is clear that there was some authority for this number of 1800, for it is restored to the text of Cicero (*de Rep.* ii. 20, 36) by a certain emendation of C. T. Zumpt's, adopted by all recent critical editors. It is plain that this authority transferred to the time of Tarquinius Priscus the number of the equites, as it existed afterwards under the constitution of Servius Tullius. Mommsen holds it to be certain that there were originally 3 (*H. R.* i. 78), then 6 (i. 88), and after the Servian reform 18 (i. 97) equestrian centuries. Next Livy states (i. 43) that Servius Tullius "equitum ex primoribus civitatis duodecim scripsit centurias," and had also the six other centuries (three having been instituted by Romulus) under the same names by which they had been inaugurated. These last six were undoubtedly patrician originally, but there is no evidence that they remained so (Mommsen, *Röm. Forsch.* i. 135): they were called *sex suffragia*, and consisted of *primi secundique* Ramnes, Titienses, and Luceres. Along with the added twelve, they formed the eighteen centuries of *equites equo publico*, who long continued to be an important body at Rome. It has commonly been supposed that the centuries were of double strength, as is implied in Livy's narrative, but Mommsen has shown that there is no reason to accept this, and that the number of horses supplied by the community was always limited to 1800 (*Hist.* ii. 319).

Both Livy and Cicero agree in stating that each of the equites received a horse from the state (*equus publicus*), or money to purchase one (or rather a pair, one being needed for the attendant; cf. Festus, s. v. *Parari*um), as well as a sum of money for its annual support; and that the expense of its support was defrayed by the orphans and unmarried females; "since," says Niebuhr (*Hist. of Rome*, vol. i. p. 461), "in a military state it could not be esteemed unjust, that the women and the children were to contribute largely for those who fought in behalf of them and of the commonwealth." According to Gaius (iv. 27) the purchase-money for a knight's horse was called *aes equestre*, and its annual forage *aes hordearium*. [AES HORDEARIUM.] The former amounted, according to Livy (i. 43), to 10,000 asses, and the latter to 2,000: but these sums are so large as to be almost incredible, especially when we take into account that 126 years afterwards a sheep was only reckoned at 10, and an ox at 100 asses in the tables of penalties (Gell. xi. 1). The correctness of these numbers has accordingly been questioned by some modern writers, while others have attempted to account for the largeness of the sum. Boeckh (*Metrolog. Untersuch.* c. 29) supposes that the sums of money in the Servian census are not given in asses of a pound weight, but in the reduced asses of the first Punic war, when they were struck of the same weight as the sextans; that is, two ounces, or one-sixth of the original weight. [AS.] Zumpt considers that 1000 asses of the old weight were given for the purchase of the horse, and 200 annually for its keep; and that the original sum has been retained in a passage of Varro ("equum publicum mille assariorum," *L. L.* viii. 71). But the view of Mommsen is the most probable, that like the assessments of the Servian constitution generally, the original estimate was made in land, and that it was transformed into a money assessment only at a later time, when the value of landed property had enormously increased (*Hist.* i. 95).

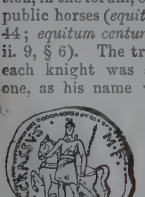
All the equites, of whom we have been speaking, received a horse from the state, and were included in the 18 equestrian centuries of the Servian constitution; but in course of time, we read of another class of equites in Roman history, who did not receive a horse from the state, and were not included in the 18 centuries. This latter class is first mentioned by Livy (v. 7) in his account of the siege of Veii, B.C. 403. He says that during the siege, when the Romans had at one time suffered great disasters, all those citizens who had an equestrian fortune, and no horse allotted to them ("quibus census equester erat, equi publici non erant"), volunteered to serve with their own horses; and he adds, that from this time equites first began to serve with their own horses ("tum primum equis merere equites coeperunt"). The state paid them ("certus numerus aeris est assignatus") as a kind of compensation for serving with their own horses. The foot-soldiers had received pay a few years before (Liv. iv. 59); and two years afterwards, B.C. 401, the pay of the equites was made threefold that of the infantry (Liv. v. 12; see Niebuhr, vol. ii. p. 439). But whether this class of cavalry serving *equis suis* was a permanent institution at Rome, and they formed the ordinary legionary cavalry, or whether on the other hand it was only resorted to under exceptional circumstances, is a question which has long been a matter of keen controversy. Marquardt, who in a special treatise (*Historiae equitum Romanorum libri iv.*, Berlin, 1840) defended the former view, has more recently abandoned it, and holds (*Röm. Staatsv.* ii.² 323) that there is no evidence of a permanent body of cavalry receiving pay from the state, except the 18 centuries. "This does not exclude the possibility that at a later time men of equestrian position served voluntarily with horses of their own, but they never formed a distinct corps." The only strong argument in favour of such a body is that 1800 horse—300 for each legion—would

hardly meet all the requirements of military service. But it must not be forgotten that the bulk of the cavalry serving in a Roman army was always furnished by the allies. Our authorities are too incomplete to allow us to come to a very positive conclusion; but at least there is no evidence to upset Marquardt's latest results (cf. Belot, *Histoire des Chevaliers Romains*, 2 vols. Paris, 1866–1873). Mommsen's most recent discussion of the question (*Röm. Staatsr.* iii. 476 ff.) brings him to the opinion that, as a considerable proportion of the *equites equo publico* served as officers, and as at an early date the custom sprang up that an eques retained his horse, after he had ceased to be qualified for active service, vacancies in the ranks of the normal cavalry squadrons were filled up by allowing those who could afford it to serve with their own horses, instead of on foot.

The Roman knights who received horses from the state are frequently called *equites equo publico* (Cic. *Phil.* vi. 5), and sometimes *Flexumines* (or more probably *Flexuntes:* so Detlefsen and Servius on Verg. *Aen.* ix. 606) or *Trossuli* (Plin. *H. N.* xxxiii. § 35; Festus, *s. v.*).

As vacancies occurred in the 18 centuries, the descendants of those who were originally enrolled succeeded to their places, whether plebeians or patricians, provided they had not dissipated their property; for Niebuhr goes too far when he asserts that all vacancies were filled up according to birth, independent of any property qualification. But in course of time, as population and wealth increased, the number of persons who possessed an equestrian fortune also increased greatly; and as the number of equites in the 18 centuries was limited, those persons whose ancestors had not been enrolled in the centuries could not receive horses from the state. It is probable, therefore, that they were allowed the privilege of serving with their own horses amongst the cavalry, instead of the infantry, if they were called upon for active military service.

The inspection of the equites who received horses from the state belonged to the censors, who had the power of depriving an eques of his horse, and reducing him to the condition of an aerarian (Liv. xxiv. 43), and also of giving the vacant horse to the most distinguished of the equites who had previously served at their own expense (Liv. xxxix. 19, 4). For these purposes they made during their censorship a public inspection, in the forum, of all the knights who possessed public horses (*equitatum recognoscunt*, Liv. xxxix. 44; *equitum centurias recognoscunt*, Valer. Max. ii. 9, § 6). The tribes were taken in order, and each knight was summoned by name. Every one, as his name was called, walked past the censors, leading his horse. This ceremony is represented on the reverse of many Roman coins struck by the censors. A specimen is annexed.



Inspection of Equites by the Censors. (Roman coin.)

If the censors had no fault to find either with the character of the knight or the equipments of his horse, they ordered him to pass on (*traduc equum*, Valer. Max. iv. 1, § 10); but if on the contrary they considered him unworthy of his rank, they struck him out of the list of knights, and deprived him of his horse (Liv. xxxix. 44) or ordered him to sell it (Liv. xxix. 37; Valer. Max. ii. 9, § 6), with the intention no doubt that the person thus degraded should refund to the state the money which had been advanced to him for its purchase (Niebuhr, *Hist. of Rome*, vol. i. p. 433). If he appeared to have neglected his horse, he might be fined (Gell. iv. 12, 2; Festus, p. 108) or deprived of his allowance. At the same review, those equites who had served the regular time, and wished to be discharged, were accustomed to give an account to the censors of the campaigns in which they had served, and were then dismissed with honour or disgrace, as they might have deserved (Plut. *Pomp.* 22).

This review of the equites by the censors must not be confounded with the *Equitum Transvectio*, which was a solemn procession of the body every year on the Ides of Quintilis (July). The procession started from the temple of Mars outside the city, and passed through the city over the forum, and by the temple of the Dioscuri. On this occasion the equites were always crowned with olive chaplets, and wore their state dress, the trabea, with all the honourable distinctions which they had gained in battle (Dionys. vi. 13). According to Livy (ix. 46), this annual procession was first established by the censors Q. Fabius and P. Decius, B.C. 304; but, according to Dionysius (*l. c.*), it was instituted after the defeat of the Latins near the lake Regillus, of which an account was brought to Rome by the Dioscuri.

It may be asked, how long did the knight retain his public horse, and a vote in the equestrian century to which he belonged? On this subject we have no positive information; but as those equites, who served with their own horses, were only obliged to serve for ten years (*stipendia*, στρατείας) under the age of forty-six (Polyb. vi. 19, § 2), we may presume that the same rule extended to those who served with the public horses, provided they *wished* to give up the service. For it is certain that in the earlier times of the Republic a knight might retain his horse as long as he pleased, even after he had entered the senate, provided he continued able to discharge the duties of a knight. Thus the two censors, M. Livius Salinator and C. Claudius Nero, in B.C. 204, were also equites (Liv. xxix. 37), and L. Scipio Asiaticus, who was deprived of his horse by the censors in B.C. 185 (Liv. xxxix. 44), had himself been censor in B.C. 191. This is also proved by a fragment in the fourth book (c. 2, 2) of Cicero's *De Republica*, in which he says, "equitatus, in quo suffragia sunt etiam senatus;" by which he evidently means, that most of the senators were enabled to vote at the Comitia Centuriata in consequence of their belonging to the equestrian centuries. On the other hand, a man might be deprived of his horse without disgrace, if he were no longer physically fitted for active service (Gell. vi. 32). A passage in Liv. xxvi. 36, 6, proves that it was quite usual for anyone who had held a curule office to have a horse from the state. During the later times of the Republic the knights were obliged to give up their horses on entering the senate, and consequently ceased to belong to the equestrian centuries. This regu-

lation is alluded to in the fragment of Cicero already referred to, in which Scipio says that many persons were anxious that a plebiscitum should be passed, ordaining that the public horses should be restored to the state, which decree was in all probability passed afterwards; "since," as Niebuhr observes (vol. i. p. 433, note 1016), "when Cicero makes Scipio speak of any measure as intended, we are to suppose that it had actually taken place, but, according to the information possessed by Cicero, was later than the date he assigns to Scipio's discourse." This seems to have been the rule after the time of C. Gracchus, as a result of his policy of making the equites a power in the state to counterbalance the senate (cp. Madvig, *Opusc.* i. 74 ff.). That the greater number of the *equites equo publico*, after the exclusion of senators from the equestrian centuries, were young men, is proved by a passage in the work of Q. Cicero, *de Petitione Consulatus* (8, 33), the genuineness of which Prof. Tyrrell has well established (cf. Hor. *A. P.* 341).

The equestrian centuries, of which we have hitherto been treating, were only regarded as a division of the army; they did not form a distinct class or ordo in the constitution. The community, in a political point of view, was only divided into patricians and plebeians; and the equestrian centuries were composed of both. But in the year B.C. 123, a new class, called the Ordo Equester, was formed in the state by the Lex Sempronia, which was introduced by C. Gracchus. By this law all the judices had to be chosen from those citizens who possessed an equestrian fortune (Plut. *C. Gracch.* 5; Appian, *de Bell. Civ.* i. 22; Tac. *Ann.* xii. 60). We know very little respecting the provisions of this law; but it appears from the Lex Servilia repetundarum, passed eighteen years afterwards, that every person who was to be chosen judex was required to be above thirty and under sixty years of age, to have either an *equus publicus* or to be qualified by his fortune to possess one, and *not* to be a senator. Mommsen however holds that the judices were always *equites equo publico*, possibly including also those who had surrendered the horse (iii. 530). The number of judices who were required yearly was chosen from this class by the praetor urbanus (Klenze, *Lex Servilia* [more properly *Acilia*], Berl. 1825: cf. Mommsen in *C. I. L.* i. 54–57; Bruns, *Fontes*,[5] p. 53 ff.).

As the name of *equites* had been loosely extended from those who possessed the public horses to those who served with their own horses, it now came to be applied to all those persons who were qualified by their fortune to act as judices, in which sense the word is usually used by Cicero. Pliny (*H. N.* xxxiii. § 30) indeed says that those persons who possessed the equestrian fortune, but did not serve as equites, were only *judices*, and that the name of *equites* was always confined to the possessors of the *equi publici*. This may have been the correct use of the term; but custom soon gave the name of *equites* to the judices chosen in accordance with the Lex Sempronia. After the date of Sulla's changes in the constitution, the censorship practically fell into abeyance, and the census was only once taken (B.C. 50) between this time and that of Augustus. Hence there can have been during this period no *equites equo publico* in the proper sense of the term. We are left to conjecture as to the means by which the ranks of the equites were filled. Under Augustus the sons of senators took their places of right among the equites. Although we find this custom in existence, we are not informed that it was introduced by Augustus. Hence it is a probable conjecture of Mommsen's, that Sulla introduced with regard to the equites a self-acting regulation like that which he established for the senate.

The reforms of Sulla entirely deprived the equestrian order of the right of being chosen as judices, but in B.C. 70 the Lex Aurelia ordained that the judices should be chosen from the senators, equites, and tribuni aerarii. It seems pretty clear that the last group must have always possessed the equestrian census, and so have been equites in the wider sense. Hence Velleius (ii. 32) speaks of this law as dividing the *judicia* between the senate and the equites; and Livy (*Ep.* 97) even of its restoring them to the equites [JUDICES]. The statement that Caesar (Suet. *Jul.* 41) limited the judicia to the two classes of senators and equites is probably to be understood as implying that he made the second as well as the third decuria consist of *equites equo publico*; for we find that the three decuries continued to exist after this change. The influence of the order, says Pliny, was still maintained by the publicani (Plin. *H. N.* xxxiii. § 34), or farmers of the public taxes. We find that the publicani were almost always called equites, not because any particular rank was necessary in order to obtain from the state the farming of the taxes, but because the state naturally would not let them to any one who did not possess a considerable fortune. Thus the publicani are frequently spoken of by Cicero as identical with the equestrian order (*ad Att.* ii. 1, § 8). [PUBLICANI.] The consulship of Cicero, and the active part which the knights then took in suppressing the conspiracy of Catiline, tended still further to increase the power and influence of the equestrian order; and "from that time," says Pliny (*l. c.*), "it became a third body (*corpus*) in the state, and, to the title of *Senatus Populusque Romanus*, there began to be added *Et Equester Ordo*." (Cf., however, Madvig, *Röm. Verf.* i. 156, note.)

In B.C. 63 a distinction was conferred upon them which tended to separate them still further from the plebs. By the Lex Roscia Othonis, passed in that year, the first fourteen rows of seats in the theatre behind the orchestra were given to the equites (Liv. *Epit.* 99); which, according to Cicero (*pro Mur.* 19, 40) and Velleius Paterculus (ii. 32), was only a restoration of an earlier privilege which may have dated from the time of Gracchus. No importance is to be attached to the statement of Livy (i. 35), who says that special seats were set apart in the Circus Maximus for the senators and equites. They also possessed the right of wearing the Clavus Angustus [CLAVUS]; and subsequently obtained the privilege of wearing a gold ring, which was originally confined to the *equites equo publico*, and probably only granted to these after the time of Gracchus. But the military organisation of the equites was still kept up; and whenever they took part as a

body in public functions, as for instance in funerals (cf. Mommsen, ii. 522), they were formed into *turmae* (Tac. *Hist.* ii. 83).

The number of equites increased greatly under the early emperors, and all persons were admitted into the order, provided they possessed the requisite property, without any inquiry into their character or into the free birth of their father and grandfather, which had always been required by the censors under the Republic. Property became now the only qualification; and the order in consequence gradually began to lose all the consideration which it had acquired during the later times of the Republic.

It is commonly asserted that Augustus formed a select class of equites, consisting of those equites who possessed the property of a senator, and the old requirement of free birth up to the grandfather; that he permitted this class to wear the *latus clavus* (Ovid. *Trist.* iv. 10, 35); and also allowed the tribunes of the plebs to be chosen from them, as well as the senators, and gave them the option at the termination of their office to remain in the senate or return to the equestrian order (Suet. *Aug.* 40; Dio Cass. liv. 30). But it is not accurate to speak of these wearers of the *latus clavus* as *equites*, still less to find a technical name for them in the *equites illustres* of Tacitus (Tac. *Ann.* xi. 4, with the note of Lipsius; cf. Mommsen, iii. 562–3). Like the other epithets, *splendidi*, *primores*, *insignes*, and the like, this is merely a descriptive term; and in fact none of the *eq. illustres* of Tac. *Ann.* xi. 4 can have worn the *latus clavus*. A formal division of the equites into classes was made first by Marcus Aurelius and Verus (cf. Madvig, *Röm. Verf.* i. 171).

In the ninth year of the reign of Tiberius an attempt was made to improve the order by requiring the old qualifications of free birth up to the grandfather, and by strictly forbidding anyone to wear the gold ring unless he possessed this qualification. This regulation, however, was of little avail, as the emperors frequently admitted freedmen into the equestrian order (Plin. *H. N.* xxxiii. § 34). When private persons were no longer appointed judices, the necessity for a distinct class in the community, like the equestrian order, ceased entirely; and the gold ring came at length to be worn by all free citizens. Even slaves, after their manumission, were allowed to wear it by special permission from the emperor, which appears to have been usually granted provided the patronus consented (Dig. 40, 10, 3). [ANNULUS.]

Having thus traced the history of the equestrian order to its final extinction as a distinct class in the community, we must now return to the *equites equo publico*, who formed the eighteen equestrian centuries. This class still existed during the latter years of the Republic, but after the reforms of Marius it had entirely ceased to serve as horse-soldiers in the army. The cavalry of the Roman legions no longer consisted, as in the time of Polybius, of Roman equites, but their place was supplied by the cavalry of the allied states. It is evident that Caesar in his Gallic wars possessed no Roman cavalry (Caes. *Bell. Gall.* i. 15). When he went to an interview with Ariovistus, and was obliged to take cavalry with him, we are told that he did not dare to trust his safety to the Gallic cavalry, and therefore mounted his legionary soldiers upon their horses (Id. i. 42). The Roman equites are, however, frequently mentioned in the Gallic and civil wars, but never as common soldiers; they were officers attached to the staff of the general, or commanded the cavalry of the allies, or sometimes the legions (Id. vii. 70; *Bell. Civ.* i. 77, iii. 71, &c.).

When Augustus took upon himself, in B.C. 29, the praefectura morum, he frequently reviewed the troops of equites, and restored, according to Suetonius (*Aug.* 38), the long-neglected custom of the solemn procession (*transvectio*); by which we are probably to understand that Augustus connected the review of the knights (*probatio*) with the annual procession (*transvectio*) of the 15th of July. Dionysius (vi. 13) tells us that as many as 5,000 equites sometimes took part in this procession. From this time these equites formed an honourable corps, from which all the higher officers in the army (Suet. *Aug.* 38, *Claud.* 25) and certain of the chief magistrates in the state were chosen. Admission into this body was equivalent to an introduction into public life, and was therefore esteemed a great privilege; it was granted by the emperor at pleasure through an office (*a censibus*), which was a branch of the department for petitions (*a libellis*) under a high official (Mommsen, iii. 490); and we find it recorded in inscriptions that such a person was *equo publico honoratus*, *exornatus*, &c. by the emperor (Orelli, *Inscrip.* Nos. 3457, 313, 1229). This rank was tenable for life. If a young man was not admitted into this body, he was excluded from all civil offices of any importance, except in municipal towns; and also from all rank in the army (*militia* as opposed to *stipendium*), with the exception of centurion.

All those equites who were not employed in actual service were obliged to reside at Rome (Dio Cass. lix. 9), where they were allowed to fill the lower magistracies, which entitled a person to admission into the senate. They were divided into six turmae, each of which was commanded by an officer, who is frequently mentioned in inscriptions as *Sevir equitum Rom. turmae* I. II., &c., or commonly *Sevir turmae* or *Sevir turmarum equitum Romanorum*. From the time that the equites bestowed the title of *principes juventutis* upon Gaius and Lucius Caesar, the grandsons of Augustus (Tac. *Ann.* i. 3; Monum. Ancyr.), it became the custom to confer this title, as well as that of Sevir, upon the probable successor to the throne, when he first entered into public life and was presented with an equus publicus (Capitol. *M. Anton. Phil.* 6; Lamprid. *Commod.* 1).

It appears to have been the policy of Augustus to divide the administrative functions between the senators and the equites. The government of Egypt was always reserved to the latter, and senators were not allowed to enter it without the emperor's express permission. The smaller provinces to the north of Italy were similarly often placed under equestrian governors: the commanders of the fleets were drawn from the same body; and so were many of the prefects newly instituted by Augustus. Many posts in the general administration were usually filled by knights, *e.g.* the receiverships of customs, and the business of the

imperial chancery. Those who held these were required, as a rule, to have completed their time of service as officers in the army.

The practice of filling such offices in the state from the equites appears to have continued as long as Rome was the centre of the government and the residence of the emperor. They are mentioned in the time of Severus (Gruter, *Inscrip.* p. 1001, 5; Papinian, in Dig. 29, 1, 43), and of Caracalla (Gruter, p. 379, 7); and perhaps later. After the time of Diocletian, the equites became only a city guard, under the command of the Praefectus Vigilum; but they still retained, in the time of Valentinianus and Valens, A.D. 364, the second rank in the city, and were not subject to corporal punishment. (Cod. Theodos. 6, 36.) Respecting the *Magister Equitum*, see DICTATOR.

(Zumpt, *Ueber die römischen Ritter und den Ritterstand in Rom*, Berlin, 1840; Marquardt, *Historiae Equitum Romanorum libri iv.*, Berlin, 1840; Madvig, *Opuscula*, vol. i. p. 72, &c.; Becker, *Handbuch der römischen Alterthümer*, vol. ii. part i. p. 235, &c.; Marquardt, *Röm. Staatsverf.* v. 337 ff. and 426 ff., and especially Mommsen, *Röm. Staatsr.* iii. 476–569; Madvig, *Röm. Verf.* i. 155–181.) [W. S.] [A. S. W.]

EQUULEUS. [ECULEUS.]

EQUUS OCTOBER. [PALILIA.]

E'RANI (*ἔρανοι*) was the name given to clubs or societies established for convivial purposes, the members dining together at stated periods, probably once a month. Every member (*ἐρανιστὴς* in Inscr.; *πληρωτὴς ἐράνου*, Dem. *c. Mid.* p. 547, § 101, p. 574, § 184 f.; [Dem.] *c. Aristog.* i. p. 776, § 21; *Etym. M.* s. v. *ἐρανιστής*; Harpocr. *s. v. ἐρανίζοντες*) was bound to pay his monthly subscription (also called *ἔρανος*,* or *φορά*, *εἰσφορά*, *σύνοδος*, Koehler in *Mittheil. d. d. Arch. Inst.* 1884, p. 293, n.), which in the society of the Ἡροισταὶ amounted to three drachmas (*C. I. A.* ii. No. 630). Such societies usually united in the common worship of some deity, such as Sarapis (*C. I. A.* ii. No. 617 = Brit. Mus. Inscr. i. 21), for whom they appointed special sacrificial officers (*ἱεροποιοί*, *C. I. A.* ii. Nos. 615, 616, 617). From this point of view they were called *θίασοι* (Athen. viii. p. 362 e), and Aristotle (*Nicom. Ethic.* viii. 9, 5, p. 1160 a) groups *θιασῶται* and *ἐρανισταὶ* together as *κοινωνίαι* formed *διʼ ἡδονὴν*, *θυσίας ἕνεκα καὶ συνουσίας*, as opposed to *κοινωνίαι αἳ τοῦ συμφέροντος ἐφίενται*: cf. also Photius, p. 82, *θιάσου*, *ὅσπερ ἐστὶν ἡ ἀπὸ τοῦ πίνειν συναγωγή*, and Pollux, vi. 8, *τοὺς δὲ συνιόντας συμπότας*, *ὁμοσίτους συσσίτους*, *συνουσιαστάς*, *θιασώτας ἢ θιασίτας*, *εἰλαπιναστάς*, *ἐρανιστάς*. Foucart can therefore be scarcely right in distinguishing between *éranes civils* and *éranes religieux* (*Des Assoc. Relig. chez les Grecs*, p. 3). Such clubs had their own common funds (*ὅρος χωρίου πεπραμένου ἐρανισταῖς τοῖς μετὰ Καλλιτέλους*, *C. I. A.* ii. No. 1110; cf. Nos. 1119, 1111, and Rangabé, *Antiq. hellén.* No. 885) and their own laws: *e.g.* the *νόμος ἐρανιστῶν* (*C. I. A.* iii. No. 23), prescribing the dokimasia of new members and the expulsion of disturbing elements; cf. also the Solonian law (Dig. 47, 22, 4) ordaining that any agreement between members should be binding, provided it did not contravene the laws of the state. The *κοινὸν* of such a club might vote and bestow the honour of a crown, and an *ἔπαινος* on deserving members, etc.* The dokimasia was conducted by the *προστάτης*, the *ἀρχιερανιστής*, the secretary, the treasurers, and the *σύνδικοι*. These officials, probably with the exception of the *προστάτης*, were annually chosen by lot (*κληρωτοὶ κατὰ ἔτος*, *C. I. A.* iii. No. 23); yet from Harpocr. *s. v. πληρωτής*, it would appear that the *ἀρχιερανισταὶ* or *ἐρανάρχαι* were at one time elected (Salmasius reads, *τοῖς ἤτοι λαχοῦσιν ἢ ᾑρημένοις*: in an inscr. publ. in the *Revue archéol.* x. 1864, p. 400, a *ταμίας* is called *αἱρεθείς*). Other functionaries were *ἐπιμεληταί* (*C. I. A.* ii. No. 616), a *προεραvίστρια* (*C. I. A.* ii. No. 617), etc.; it is probably a mere chance that only in connexion with the treasurer is there mention of an oath on entering office (*Revue archéol.* xi. 1865, p. 500). Hesychius' explanation of *πληρωτής*, viz. *ἐράνου συναγωγός*, has led some scholars to suppose that the *ἐρανάρχης* had to advance the necessary sums, if members made default (*ἐκλείπειν τὴν φοράν*). Such clubs numbered among their members women (an *ἔρανος* consisting entirely of women, Keil, *Zur Syll. Inscr. Boeot.* p. 624), foreigners, even slaves.

Ἔρανος is also used in the sense of a contribution made by friends (*ἑταῖροι καὶ φίλοι σοὶ καὶ συνήθεις*, Philem. *fr.* 213 in Kock, *Comic. Att. Fragm.* ii. 1) to assist a person in difficulties, *e.g.* when that person had to pay a heavy fine, or to ransom himself from captivity, etc. As a rule, the person in distress applied to his friends in person for assistance (*συλλέγειν ἔρανον*, Antiph. *Tetral.* i. *β*, § 9; [Dem.] *c. Neaer.* p. 1355, § 31; *c. Nicostr.* p. 1249, § 11 —*συλλέγεσθαι ἔρανον*, Lys. *c. Aeschin.* fr. 1; Dem. *c. Mid.* p. 547, § 101—*ἐρανίζειν τινά*, Dem. *Epist.* iii. p. 1484, § 38); occasionally, however, a friend might undertake the collecting (Aeschin. *de Fals. Leg.* § 41, *συνιστάναι τὸν ἔρανον*), who probably fixed the amount to be paid by each (Corn. Nep. *Epam.* 3). From Diog. Laert. vi. 63, it would seem that sometimes the *ἐρανάρχης* undertook the task of collecting a member of his club; cf. also the inscription from Amorgus, *τοῦ ἐράνου ὃν συνέλεξεν Ἀριστα-γόρας* (the *ἀρχέρανος*), Ἀρχαιολ. Ἐφημ. N. S. No. 77. An *ἔρανος πεντακοσιόδραχμος*, *i.e.* one to which each had to contribute 500 drachmas, is mentioned in Dittenberger, *S. I. G.* No. 433, l. 4; whilst the *ἔρανος εἰκοσίμνως* in Lys. *c. Autocr.* fr. 49 (= Pollux, ix. 57) and the *ἔ. τετταρακονταμναῖος* in Dittenberger, No. 462, l. 12, represent the total amount collected. The

* Ἔρανος meant originally a meal to which each contributed his share, a picnic (*Odyss.* i. 224; cf. Hesiod. *O. et D.* 722), called later on *δεῖπνον ἀπὸ σπυρίδος* (Athen. viii. p. 365 a; cf. Aristoph. *Acharn.* 1137), when every guest brought his own dish (Xenoph. *Mem.* iii. 14), or *δεῖπνον ἀπὸ συμβολῶν*, when one catered for the rest, and was afterwards repaid by contributions (Aristoph. *Acharn.* 1210, and Schol.; Alexis *fr.* 15 and Athen. iii. p. 117 e in Kock, *Comic. Att. Fragm.* ii. 1; Terent. *Eun.* iii. 4, etc.; cf. Becker-Göll, *Charikles*, ii. p. 296 f.).

* In Rhodes, at least at the time when the inscription was engraved which Newton publishes in *Journ. of Hell. Stud.* ii. p. 357 f., these societies were not the absolute masters of their internal administration; for the decree of the *κοινὸν* of the Euthalidae requires the confirmation of senate and popular assembly.

friends who paid their share are said *ἐρανίζειν τινί* (Dem. *c. Bocot.* i. p. 999, § 18), *εἰσφέρειν ἔρανον*, etc. The relief was looked upon as a friendly loan, repayable by the borrower, probably by instalments (Lys. *c. Aeschin.* fr. 1), when in better circumstances (Theophr. *Char.* 17): it was neither a present (yet see Dem. *de Cor.* p. 329, § 312; [Dem.] *c. Nicostr.* p. 1249, § 9; Theophr. *Char.* 15), nor a loan (*χρέως*), but something between the two (*ἐξ ἐράνου ὄφλημα*, Isae. *Hagn.* § 43: cf. Dem. *c. Aphob.* i. p. 821, § 25; Lyc. *c. Leocr.* § 22). Security for an *ἔρανος* is mentioned in the inscription from Amorgus (quoted above), and in Wescher et Foucart, *Inscr. de Delphes*, No. 139. Some scholars are of opinion that there were actual associations for the purpose of mutual relief, resembling in some degree our friendly or benefit societies; yet this view is shown to be wrong by Van Holst, *de Eran. vet. Graec.* p. 73 ff. (Cf. Caillemer, *Le Contrat de Société à Athènes*, p. 24 ff.; Thalheim, *Rechtsalterth.* p. 65, n. 2.)

For the recovery of such loans when the person assisted was in a position to pay them back, but unwilling to do so, for the decision of disputes amongst the *ἐρανισταί*—*e.g.*, about the payment of each member's share, or the use made of the contributions by the president, etc.—there were special *ἐρανικαὶ δίκαι* [ΕΜΜΕΝΟΙ ΔΙΚΑΙ]. Plato (*Legg.* xi. p. 915 E) disapproved of lawsuits in such matters, and would not allow them in his republic.

The various purposes for which clubs were formed we learn from the law which Gaius ascribes to Solon, *ἐὰν δὲ δῆμος ἢ φράτορες ἢ ἱερῶν ὀργίων θύται* (Mommsen; *ἢ ναῦται*, MS.) *ἢ σύσσιτοι ἢ ὁμόταφοι ἢ θιασῶται ἢ ἐπὶ λείαν οἰχόμενοι ἢ εἰς ἐμπορίαν, ὅτι ἂν τούτων διαθῶνται πρὸς ἀλλήλους, κύριον εἶναι ἐὰν μὴ ἀπαγορεύσῃ δημόσια γράμματα* (Dig. 47, 22, 4). By *σύσσιτοι* (or *ὁμόσιτοι*, Pollux, vi. 7) probably members of a dinner club are meant; men who either possessed no establishment of their own, bachelors and widowers, or those who preferred taking their meals in male society rather than at home with their wives, combined to form such clubs. According to Plat. *Lach.* p. 179 B, Lysimachus, the son of Aristides, and Milesias, the son of Thucydides, were members of a club of the kind (Schömann, *Griech. Alterth.* i. p. 363).—The *ὁμόταφοι* can scarcely be the *γεννῆται*, who as such had a claim to the *πατρῷα μνήματα* (*ὧν ὅσοιπερ εἰσι τοῦ γένους κοινωνοῦσιν*, Dem. *c. Eubul.* p. 1307, § 28; cf. [Dem.] *c. Macart.* p. 1077, § 79; Plut. *Cim.* 4; Ps. Plut. *Vitt. X. Orall.* p. 838 B), for the *γεννῆται* are distinguished from *οἷς ἡρία* (Harpocr. *s. v.* = *τάφοι*) *ταὐτά* in Dem. *c. Eubul.* p. 1319, § 67. Sometimes the *ἔρανοι* looked after the burial of its members, *e.g.* Koumanoudes, *Ἐπιγραφαὶ ἐπιτύμβιοι*, No. 2362, *Ἀρτεμίδωρος Σελευκεὺς· ἐρανισταί*: cf. also *C. I. A.* ii. No. 621. According to a Rhodian inscription (*Bull. de Corresp. hellén.* 1880, p. 139 ff.) a piece of land was given to the *ἐρανισταὶ* as a present *εἰς ταφία*, which J. Martha explains to mean that the revenue from this piece of land was to be used in defraying the burial expenses of members, whilst in E. L. Hicks' opinion (*Brit. Mus. Inscr.* ii. 360) the land was granted as a burial-ground to certain eranists.—*Οἱ ἐπὶ λείαν οἰχόμενοι* are men banded together for the purpose of privateering, to exercise in time of war the right of reprisal, which corresponds somewhat to the modern letters of marque (Schömann, *Antiq. jur. publ. Gr.* p. 368 n.).—Trading companies are frequently mentioned in inscriptions, *e.g. C. I. G.* No. 124 = *C. I. A.* ii. No. 475, *ναύκληροι καὶ ἔμποροι οἱ φέροντες τὴν σύνοδον τοῦ Διὸς τοῦ ξενίου* in the Piraeus; *C. I. G.* No. 2271, l. 35, *τὸ κοινὸν τῶν Τυρίων Ἡρακλεϊστῶν ἐμπόρων καὶ ναυκλήρων*; *Journ. of Hell. Stud.* viii. p. 415, a guild of Thasian merchants had taken Hermes *κερδέμπορος* for their patron-god; they styled themselves accordingly *κερδέμποροι*, and their president was called *ἀρχικερδέμπορος*, etc. Cf. Harpocr. *s. v. κοινωνικῶν· καὶ περὶ τῶν ἑκούσιον κοινωνίαν συνθεμένων ἐμπορίας ἢ τινος ἄλλου*, such as trading companies (Lys. *c. Frument.* §§ 9, 17, 21; Dem. *c. Dionys.* p. 1285, § 7 ff.), mining companies (*οἱ κοινωνοῦντες μετάλλου*, Dem. *c. Pantaen.* p. 977, § 38; Hyperid. *pro Eux.* col. 44; Xen. *de Redit.* 4, 30 f.), farmers of taxes (Andoc. *de Myst.* § 133; Lyc. *c. Leocr.* §§ 19, 58; Plut. *Alcib.* 5), or lessees of the theatre in Piraeus (*C. I. A.* ii. No. 573), etc.—For the constitution, etc., of the various *σύνοδοι τῶν περὶ τὸν Διόνυσον τεχνιτῶν* in Athens (*C. I. A.* ii. No. 551), Thebes (*C. I. G.* No. 1600), Argos (*C. I. G.* No. 3068 C; *C. I. A.* ii. No. 552 b), Teos (*C. I. G.* No. 3067), and Cyprus (*C. I. G.* Nos. 2619, 2620), etc., see A. Müller, *Bühnenalterth.* p. 392 ff. The general name for all such associations was *ἑταιρεῖαι* ("sodales sunt qui ejusdem collegii sunt quam Graeci *ἑταιρείαν* vocant," Gaius, *l. c.*), but in its special sense *ἑταιρεῖαι* meant political clubs. These were not like the preceding societies, recognised and authorised by the state, but were at best only tolerated. Such clubs played an important part in Athenian politics. Themistocles owed much of his power to such a club (Plut. *Alcib.* 2); Thucydides, the son of Milesias, united the aristocrats into an association in opposition to Pericles, until he was ostracised and the *ἑταιρεία* in consequence broken up (Plut. *Pericl.* 11, 14). Yet it was only after the death of Pericles that these clubs became established "conspiracies for the management of trials and elections" (*ξυνωμοσίαι ἐπὶ δίκαις καὶ ἀρχαῖς*, Thucyd. viii. 54; cf. iii. 82–85; Plat. *Theaet.* p. 173 D, *σπουδαὶ ἑταιριῶν ἐπ' ἀρχάς*, and [Andoc.] *c. Alcib.* § 4), which were not very scrupulous in their choice of means, and did not disdain the employment of such measures as false testimony and corruption (Dem. *c. Mid.* p. 560, § 139; *c. Zenoth.* p. 885, § 10; *c. Pantaen.* p. 978, § 39). They were secretly conducted (Plat. *Rep.* ii. p. 365 D), and used to put down the democracy (*ξυνωμότας δὲ ἔλεγον τοὺς ἐπὶ καταλύσει τοῦ δήμου συνερχομένους*, Schol. Aristoph. *Vesp.* 342), and on that account forbidden. (Cf. the first section of the *νόμος εἰσαγγελτικὸς* in Hyperid. *pro Eux.* col. 22, and the *Lex* in [Dem.] *c. Steph.* p. 1137, § 26.) The mutilation of the Hermae was proposed at a convivial meeting of the club to which Andocides belonged (Andoc. *de Myst.* § 61 ff.); the Athenians ascribed the offence to conspirators who wanted to effect a revolution and to overthrow the democracy (Thucyd. vi. 27; Andoc. *de Myst.* § 36). The charge against Alcibiades ran: *συνάγει τὴν ἑταιρίαν ἐπὶ νεωτέροις πράγμασιν*, etc. (Isocr. *de Big.* § 6; cf. Thucyd. vi. 61; Diod. Sicul. xiii. 5). In the days of the Roman

empire friendly societies, under the name of *ἔρανοι*, were frequent among the Greek cities, but were looked upon with suspicion by the emperors as leading to political combinations (Plin. *Epist.* x. 93, 94). [C. R. K.] [H. H.]

ERGA'STULUM was a private prison attached to most Roman farms, called *carcer rusticus* by Juvenal (xiv. 24), where the inferior class of slaves were kept during the night in chains. It appears to have been usually under ground, and according to Columella (*i.* 6, 3) ought to be lighted by narrow windows, which should be too high from the ground to be touched by the hand. The slaves confined in an ergastulum were usually employed to cultivate the fields in chains. (Plin. *H. N.* xviii. § 21; Flor. iii. 20, 6.) Slaves who had displeased their masters were punished by imprisonment in the ergastulum; and in the same place all slaves who could not be depended upon or were barbarous in their habits were regularly kept. A trustworthy slave had the care of the ergastulum, and was therefore called *ergastularius*. (Colum. i. 8, 7; Ammian. xiv. 11.) According to Plutarch (*Tib. Gracch.* 8), these prisons arose in consequence of the conquest of Italy by the Romans, and the great number of barbarous slaves who were employed to cultivate the conquered lands. In the time of Hadrian and Antoninus, many enactments were made to ameliorate the condition of slaves; and among other measures, Hadrian attempted to abolish the ergastula, but they were never entirely suppressed. They are mentioned by Apuleius, *de Mag.* c. xlvii., where fifteen is given as the minimum number of imprisoned slaves, which constituted an ergastulum. Sometimes the word is used for the body of slaves confined in such a barracoon. (Spart. *Hadrian*, 18, compared with Gaius, i. 53.) For further information on the subject, see Brissonius, *Antiq. Select.* ii. 9; Lipsius, *Elect.* ii. 15, Opera, vol. i. p. 317, &c.; Mayor's notes on Juvenal, viii. 180, xiv. 24. [W. S.] [A. S. W.]

ERI'CIUS, a hedgehog, *i.e.* a military engine full of sharp spikes, which was placed by the gate of the camp to prevent the approach of the enemy. (Caes. *B. C.* iii. 67; Sallust, *ap.* Non. p. 554 M.; Lipsius, *Poliorcet.* v. 4.) [W. S.] [A. S. W.]

EROANTHEIA (*ἠροάνθεια*) is called a brilliant festival of women, celebrated in Peloponnesus in the spring season (Phot. *Lex.* p. 95; Hesych. *s. v.*). [L. S.]

EROGA'TIO. [AQUAEDUCTUS.]

ERO'TIA or EROTI'DIA (*ἐρώτια* or *ἐρωτίδια*), the most solemn of all the festivals celebrated in the Boeotian town of Thespiae. It took place every fifth year, and in honour of Eros, the principal divinity of the Thespians. Respecting the particulars nothing is known, except that it was solemnised with contests in music and gymnastics. (Plut. *Amat.* 1; Paus. ix. 31, § 3; Athen. xiii. p. 561.) At this festival married couples made up any quarrels they might have. The worship of Eros seems to have been established at Thespiae from the earliest times; and the ancient symbolic representation of the god, a rude stone (*ἀργὸς λίθος*), continued to be looked upon with particular reverence even when sculpture had attained the highest degree of perfection among the Greeks, and when Thespiae possessed the world-renowned statue of Eros. (Paus. ix. 27, § 1; compare Schol. *ad* Pind. *Olymp.* vii. 154; Ritschl, in the *Rhein. Mus.* vol. ii. p. 106.) [L. S.]

ERRHEPHO'RIA or ERSEPHO'RIA (*ἐρρηφόρια* or *ἐρσηφόρια*). [ARRHEPHORIA.]

E'SCHARA (*ἐσχάρα*). [FOCUS.]

ESSEDA'RII. [ESSEDUM.]

E'SSEDUM, rarely E'SSEDA -AE (Sen. *Ep.* 56, § 4), said to be a Celtic word (Jornand. *de Reb. Get.* c. 2; cf. Ginzrot, i. 377), the name of a chariot used, especially in war, by the Britons, Gauls, and Belgae, perhaps also by the Germans. (Verg. *Georg.* iii. 204; Serv. *ad loc.*; Pers. vi. 47).

According to the account given by Caesar (*Bell. Gall.* iv. 33), and confirmed by Diodorus Siculus (v. 21, 29), the method of using the essedum in the ancient British army was very similar to the practice of the Greeks in the heroic ages, as described by Homer and in the article CURRUS. The principal difference seems to have been that the essedum was stronger and more solid than the *δίφρος*, that it was open before instead of behind; hence the driver was able to run along the pole (*de temone Britanno excidet*, Juv. iv. 125), and then to retreat with the greatest speed into the body of the car, which he drove with extraordinary swiftness and skill. From the extremity of the pole he threw his missiles, especially the *cateia* (Val. Flacc. *Argon.* vi. 83). It appears also that these cars were purposely made as noisy as possible, probably by the creaking and clanging of the wheels (*strepitu rotarum*, Caes. *l. c.*; compare Tac. *Agric.* 35; *Esseda multisonora*, Claud. *Epigr.* iv.); and that this was done in order to strike dismay into the enemy. The drivers of these chariots were called in Latin *Essedarii* (Caes. *B. G.* iv. 24; Cic. *ad Fam.* vii. 6); there were about 4,000 of them in the army of Cassibelaunus (Caes. *B. G.* v. 19). Tacitus (*Agric.* 12) observes that the driver of the car ranked above his fighting companion, which was the reverse of the Greek usage.

The essedum was adopted for purposes of convenience and luxury among the Romans (Propert. ii. 1, 76; Cic. *ad Att.* vi. 1; Ov. *Am.* ii. 16, 49). Cicero (*Phil.* ii. 24, § 58) mentions the use of it by Antonius as a piece of effeminacy disgraceful to a tribune of the people: in the time of Seneca it seems to have become common; for he reckons "esseda deaurata" among things "quae matronarum usibus necessaria sint" (*fr.* 48, Haase). We find emperors and generals using it as a travelling carriage (Suet. *Calig.* 51; *Galb.* 6). As used by the Romans, the essedum had no seat for the driver: the traveller drove himself (Ov. *l. c.*), and always, it would seem, with a pair of horses, whereas with the cisium the number varied. The essedum, like the cisium, appears to have been kept for hire at the post-houses or stations (*Salonem quinto essedo videbis*, Mart. x. 104). [MANSIO.] The essedum must have been similar to the COVINUS, except that the latter had a cover. (Marquardt, *Privatl.* 712 f.) The *essedarii* of inscriptions are explained by Marquardt (*Privatl.* 706) as the builders, not the drivers of esseda: but other *essedarii* at Rome seem to have been popular favourites in connexion with the gladiatorial shows, and these perhaps were captive Britons compelled to fight in the arena (Suet. *Calig.* 35; *Claud.* 21). [J. Y.] [W. W.]

EUCLEIA (εὔκλεια), a festival celebrated at Corinth in honour of Artemis. It is mentioned only by Xenophon (*Hell.* iv. 4, § 2), but no particulars are known about it. [L. S.]

EVI'CTIO. *Evincere* means generally to deprive a person of a thing or right, of which he is in the enjoyment, by legal process (Dig. 5, 2, 21, 2; 5, 3, 17, 55); but far the commonest case of *evictio* is that of the contract of sale [EMPTIO VENDITIO]. The vendor not being bound to make the purchaser owner of the thing sold (Dig. 19, 1, 11, 2), things were often bought and sold which did not belong to the vendor; and as the latter could give no better title than he had himself (Dig. 40, 1, 20, pr.), the purchaser was liable to be deprived of the *res vendita* ("evicted") by the lawful owner. Originally there seems to have been no obligation on the vendor to compensate on such "eviction," except in sales by mancipation, when the vendor was bound to return double the price to the purchaser, in such an event (Paul *Sent. rec.* 2, 17, 3): but in ordinary sales it seems to have become usual for the purchaser to stipulate from the vendor for a penal sum of twice the amount of the purchase-money (*stipulatio duplae*) if deprived of the property by any one with a better title. Eventually it became a general rule of law, that if the purchaser was "evicted" by legal process, the vendor must indemnify him (*evictionem praestare*, Dig. 21, 2, 1). But it was necessary that the purchaser should neglect no proper means of defence, when an attempt was made to evict him; and it was his duty to give the vendor notice of the adverse claim (*litem denunciare*) and to pray his aid in defence of the action. (Dig. 21, 2, *de evictionibus et duplae stipulatione;* K. O. Müller, *Die Lehre von der Eviction*, Part 1, Halle, 1851; Bekker, *Zur Lehre von der Evictionsleistung, Jahrbuch der Gemein. Rechts*, vi. pp. 229–336; Windscheid, *Pandektenlehrbuch*, §§ 391, 392; Brinz, *Lehrbuch*, vol. ii. § 281; cf. Holtzendorff's *Rechtslexicon*, s. v. "Entwahrung.") [J. B. M.]

EUMO'LPIDAE (Εὐμολπίδαι), the most distinguished and venerable among the priestly families in Attica, believed to be the descendants of the Thracian bard Eumolpus, the introducer of the Eleusinian mysteries into Attica (Diod. Sic. i. 29; Apollod. iii. 15, § 4; Lycurg. *c. Leocr.* § 98; ELEUSINIA, p. 716 *a*). The ἱεροφάντης was always a member of the family of the Eumolpidae, as Eumolpus himself was believed to have been the first hierophant. (Hesych. *s. v.* Εὐμολπίδαι: Tac. *Hist.* iv. 83; Arnob. *v.* 25; Clemens Alex. *Protrept.* p. 16, &c.) For the duties and official dress of the hierophant, see ELEUSINIA 5, p. 720 *b*.

The hierophant was attended by four ἐπιμεληταὶ τῶν μυστηρίων, one of whom likewise belonged to the family of the Eumolpidae. [EPIMELETAE, No. 4.] Other members of their family do not seem to have had any particular functions at the Eleusinia, though, together with the second great priestly family of the Kerykes, they were hereditary guardians of the mysteries. The latter family were variously described as descended from a younger son of Eumolpus, or from Hermes and Aglauros. The Eumolpidae and Kerykes had on certain occasions to offer up prayers for the welfare of the state; for these duties, and for the sacred treasures entrusted to their care, they were individually and collectively responsible (Aeschin. *c. Ctes.* § 18).

The Eumolpidae (perhaps also the Kerykes, as Caillemer conjectures) had also certain judicial powers in cases of ἀσέβεια, but only, it would seem, where the mysteries were concerned. Two modes of prosecution for impiety are coupled together, δικάζεσθαι πρὸς Εὐμολπίδας and φράζειν πρὸς τὸν βασιλέα: the two processes must have been practically identical, the king archon acting as εἰσαγωγεὺς or ἡγεμὼν δικαστηρίου, and the Eumolpidae furnishing a jury (Dem. *c. Androt.* p. 601, § 27, with Wayte's note). The law according to which they pronounced their sentence, and of which they had the exclusive possession, was not written, but handed down by tradition; and the Eumolpidae alone had the right to interpret it (ἐξηγεῖσθαι), or where the law was silent, to act according to their own discretion ([Lys.] *c. Andoc.* § 10; EXEGETAE). We agree, however, with Caillemer, that the action of the Eumolpidae must have been confined to "spiritual censures," such as exclusion from the mysteries, or reduction of a μύστης to the ranks of the uninitiated. In democratic Athens none but purely ceremonial functions were left to the old aristocracy. [EUPATRIDAE; EPHETAE.] When, therefore, we read that it was death for an ἄτιμος to enter the sacred precinct of Eleusis (Andoc. *de Myst.* § 33), or for anyone to put the suppliant bough (ἱκετηρία, *ib.* § 110) in the wrong place or at the wrong time, we may be quite sure that the Eumolpidae, if they declared the "sacred law" on the subject, had no voice in the capital sentence. In some cases, when a person was convicted of gross violation of the public institutions of his country, the people, besides sending the offender into exile, added a clause in their verdict that a curse should be pronounced upon him by the Eumolpidae (Plut. *Alcib.* 22; Corn. Nep. *Alcib.* 4, 5). But the Eumolpidae could pronounce such a curse only at the command of the people, and might afterwards be compelled by the people to revoke it and purify the person whom they had cursed before (Plut. *Alcib.* 33; Corn. Nep. *Alcib.* 6, 5). Cf. Caillemer, *ap.* D. and S., *s. v.* Asebeias Graphé. [L. S.] [W. W.]

EVOCA'TI were soldiers in the Roman army who had served out their time and obtained their discharge (*missio*), but had voluntarily enlisted again at the personal invitation of the consul or other commander (Dio Cass. xlv. 12). Dionysius mentions a cohort of evocati as serving under Siccius in B.C. 455 (x. 43); and these were doubtless the same as the *veterani milites voluntate sequentes*, whom Livy more than once mentions. Flamininus in B.C. 198 took 3,000 evocati with him to Macedonia (Plut. *Flam.* 3); and Polybius (vi. 31, 2) speaks of them as usually present in a Roman camp. They became still more frequent after the reforms of Marius, when service in the army became more of a profession, adopted by choice. The evocati were doubtless released, like the vexillarii, from the common military duties of fortifying the camp, making roads, &c. (Tac. *Ann.* i. 36), and held a higher rank in the army than the common legionary soldiers. They are sometimes spoken of in conjunction with the equites Romani (Caes. *Bell. Gall.* vii. 65), being

in this case, like them, supplied with horses, and sometimes classed with the centurions (Caes. *Bell. Civ.* i. 17), receiving, like them, double the usual pay. They appear to have been frequently promoted to the rank of centurions. Thus Pompey induced a great many of the veterans, who had served under him in former years, to join his standard at the breaking out of the civil war, by the promise of rewards and the command of centuries (*ordinum*, Caes. *Bell. Civ.* i. 3). These he had distributed throughout the army (*ib.* iii. 88). We read of two thousand serving under Pompeius at Pharsalia, and of their belonging to certain cohorts in the army. Cicero (*ad Fam.* iii. 6, 5) speaks of a *Praefectus evocatorum*. (See Cic. *ad Fam.* xv. 4, § 3; Caes. *Bell. Civ.* iii. 91; Suet. *Aug.* 56; Lipsius, *De Milit. Rom.* i. 8; Marquardt, *Röm. Staatsverwaltung*, v. 375.)

The name of evocati was also given to a select body of young men of the equestrian order, who were appointed by Galba to guard his bedchamber. (Suet. *Galb.* 10.) This body is supposed by some writers to have existed under the succeeding emperors, and to have been the same as those who are called *evocati Augusti*. But the body-guard of Galba seems only to have been a body raised for the occasion; and the *evocati Augusti* were a standing force, with the rank and distinction of centurions. For further details, see EXERCITUS, p. 792. (Hyginus, *de Mun. C.* 6; Orelli, *Inscrip.* Nos. 3495, 3580, 153.) [W. S.] [A. S. W.]

EUPA'TRIDAE (εὐπατρίδαι), the well-born, is the name by which from very early times the aristocracy of Attica was known. At the dawn of history, as in the prehistoric age for which the Homeric poems are our evidence, we find everywhere in Greece a privileged class, standing between the kings and the people, and, on the decline of monarchy, succeeding to the power which had formerly belonged to the kings. It is not necessary, therefore, to discuss their origin.' In the earliest state of society we find them gathered in cities, and owning the lands which were cultivated for them by their dependents (cf. DEMUS, 1st paragraph). The memory of this fact was preserved to the latest times (Εὐπατρίδαι *οἱ αὐτὸ τὸ ἄστυ οἰκοῦντες*, *Etym. M.* p. 395, 50); and the neighbourhood of the city formed the district of the Γελέοντες, the noblest of the four old-Ionic tribes [GELEONTES]. The Attic Eupatrids included not only the so-called autochthonous nobility, but also those noble gentes which had immigrated: the two branches of the Neleidae, the Codridae, descendants of the last king, and the Alcmaeonidae, had come originally from Messenia (Schömann, *Antiq.* i. 316, 321, E. T.; *Opusc. Acad.* p. 235). This phenomenon repeats itself among the Roman patricians, *e.g.* the Claudii.

In the division of the inhabitants of Attica into three classes, traditionally ascribed to Theseus, the Eupatrids were the first; like other aristocracies ancient and modern, they were entrenched behind a strong rampart of privilege; they were in the exclusive possession of all the civil and religious offices of the state, were the exponents of the law and the authorised interpreters (ἐξηγηταί) of things human and divine (Plut. *Thes.* 25; Pollux, viii. 111). The close correspondence of all this with the early institutions of Rome is noticed by Dionysius, who however reckons only two divisions of the Athenians, εὐπατρίδαι and ἄγροικοι, corresponding to his idea of the patricians and clients (Dion. Hal. ii. 8). The exact relation of the three Theseian classes to the four old-Ionic tribes is still a matter of dispute, some scholars contending that the tribes and phratries were divisions of the Eupatrids alone (Philippi, *Beiträge zu einer Gesch. d. Att. Bürgerrechts*, p. 276 ff.). The better opinion, that the γεώμοροι (called also γεωργοί) and the δημιουργοί were also distributed among the tribes, rests on the precise testimony of Aristotle (*ap.* Schol. Plat. *Axioch.*, also in C. Müller, *Fragm. Hist.* ii. 106), supported by various passages in the grammarians; and is defended by Gilbert on very cogent grounds. The φυλοβασιλεῖς were necessarily Eupatrids (Pollux, viii. 111), a fact which would not have been mentioned if all members of the phylae had been such. And as regards the phratries, the reconciliation (αἰδεῖσθαι) of cases of unintentional homicide was to be effected, in the absence of near relations of the deceased, by ten phrateres chosen from the Eupatrids by the Ephetae (Law [θεσμὸς] of Draco, *ap.* Dem. *c. Macart.* p. 1069, § 57). This law is an exception to the usual character of "inserted documents" in the Orators, as its genuineness is proved by *C. I. A.* i. 61; and it clearly implies that there were other phrateres who were not Eupatrids (Gilbert, *Staatsalterth.* i. 112).

The entire history of Athens down to the time of Pericles is the history of the gradual curtailment of the privileges of the Eupatrids. The ordinances of Draco were a concession to popular discontent, and exhibited in writing for the first time the laws which the governing class had hitherto interpreted as they pleased (Grote, pt. ii. ch. 10, ii. 283). The would-be despot Cylon, and the more successful Peisistratus, themselves both Eupatrids, illustrate the tendency then prevailing in Greece to overthrow oligarchy by accepting tyranny. The legislation of Solon made landed property, not birth, the qualification for political power. For an account of further changes see ARCHON, p. 166; AREIOPAGUS, p. 177; and for the legislation of Cleisthenes, DEMUS, pp. 614, 615. But as Solon, like all ancient legislators, refrained from touching religion, certain priestly offices and ceremonial functions, involving no political authority, remained with the Eupatrids down to a very late period of Grecian history. (Schömann, *Antiq. Jur. Publ.* pp. 77 ff., 167 ff.; EPHETAE; EUMOLPIDAE; EXEGETAE.) [L. S.] [W. W.]

EURI'PUS. [AMPHITHEATRUM, p. 113 *a*.]

EUSTYLOS. [TEMPLUM.]

EUTHY'NE and EUTHY'NI (εὔθυνα, plur. εὔθυναι: later εὐθύνη, plur. εὐθῦναι: Boeckh, *P. E.* 190 n. = *Sthh.*[3] i. p. 241; *C. I. A.* ii. No. 578; cf. Wayte, Dem. *c. Timocr.* p. 717, § 54; εὔθυνοι). All public officers at Athens (as Aeschin. *c. Ctes.* § 18, has it, *οὐδεὶς ἀνυπεύθυνος τῶν καὶ ὁπωσοῦν πρὸς τὰ κοινὰ προσεληλυθότων*), both ordinary and extraordinary, κληρωτοὶ and χειροτονητοί (generals, Lys. *pro Milit.* § 11; ambassadors, Dem. *de Fals. Leg.* p. 367, § 82, p. 406, § 211; ἀγορανόμοι, ἀστυνόμοι, δικασταὶ κατὰ δήμους, Dem. *c. Timocr.* p. 735, § 112; trierarchs, priests and priestesses, etc., Aeschin. *l. c.*); the ἀγωνοθέται (Ἐφημ. 1862, No. 220; *C. I. A.* ii.

No. 314), even the senate of the Five Hundred and the members of the Areiopagus (Dem. *c. Androt.* p. 605, § 38, and Aeschin. *l. c.* and Schol.: the latter in their administrative capacity) were accountable for their conduct and the manner in which they discharged their official duties. The judges in the popular courts and the diaetetae (cf. EISANGELIA, 3) seem to have been the only authorities who were not responsible. This account, which officers had to give after the time of their office was over, was called *εὔθυνα*, or mostly in pl. *εὔθυναι*: and the officers subject to it, *ὑπεύθυνοι*. The annual ordinary public officers had to render it within thirty days after the expiration of their offices (Harp. *s. v.* λογισταί: Pollux, viii. 45), *i.e.* in the month of Hecatombaeon (the *κοσμηταί* in the month of Boedromion); the treasurer of the revenue, who held his office for four years, in the month of Pyanepsion and Maimacterion of the third year of each Olympiad (Boeckh, *Sthh.*[3] ii. p. 111: but see Fränkel, *App.* p. 45, n. 272); and generals might be called back by a decree of the people before the expiration of their office to give an account (Lys. *c. Ergocl.* § 5 f.). Until this duty was fulfilled, the whole property of the ex-officer was in bondage to the state (*ἐνεχυράζει τὰς οὐσίας ὁ νομοθέτης τὰς τῶν ὑπευθύνων*, etc.; Aeschin. *c. Ctes.* § 21): he was not allowed to travel beyond the frontiers of Attica, to consecrate any part of his property as a gift to the gods, to make his will, or to pass from one family to another by adoption; no public honours or rewards, and no new office could be given to him (Aeschin. *l. c.*; Dem. *c. Timocr.* p. 747, § 150 f.: cf. Plut. *Quaest. gr.* 2, about the *βασιλεῖς* of Cumae). If within the stated period an officer through whose hands public money had passed, did not send in his account, an action called *ἀλογίου δίκη* was brought against him (Pollux, viii. 54; *Lex. Rhet. Cant.* s. v.; *Att. Process*, ed. Lipsius, p. 461); in some instances, however, the *εὔθυναι* were delayed long beyond the specified time (Dem. *de Fals. Leg.* p. 374, § 103: cf. p. 406, § 211; Lys. *pro Milit.* § 11, *de Affect. Tyran.* § 30; Aeschin. *c. Tim.* § 106).

Aristotle (*Pol.* vii. 5, 10 S. = vi. 8 Bk.), in speaking of the *ἀρχὴ ληψομένη λογισμὸν καὶ προσευθύνουσα*, says, some call them *εὔθυνοι*, some *λογισταί*, some *ἐξεταστάί*, some *συνήγοροι*.* As far as Athens is concerned, we may leave out the *ἐξεταστάί*, because the officers who bore that name had quite different functions (Boeckh, *Sthh.*[3] i. p. 363 c). In the time before Eucleides thirty *λογισταὶ* are mentioned (*C. I. A.* i. No. 32; cf. 226, 228); their relation to the ten *λογισταὶ* of a later period is not clear. Meier doubts that there was any connexion between them; whilst Boeckh (*Sthh.*[3] i. p. 241) supposes that their number was reduced from thirty to ten. As regards the *λογισταὶ* and *εὔθυνοι*, G. Hermann (*ü. Boeckhs Behandlung d. gr. Inschr.* p. 220 ff.) took these to be two names for the same class of officials, relying on the statement of Photius, that *λογισταὶ* were formerly called *εὔθυνοι*; but Boeckh (*op. cit.* i.[3] p. 239 f.) shows conclusively that these two classes of officials existed side by side both before and after Eucleides; besides, Harpocration, *s. v.* λογισταί, distinctly avers that Aristotle pointed out the difference between them.

The grammarians, on the authority of Aristotle, state that the *λογισταί*, *εὔθυνοι*, and *συνήγοροι* were each ten in number, chosen by lot, and that the *πάρεδροι* of the *εὔθυνοι* were likewise chosen by lot (*Lex. Seguer.* 276, 17; Photius, 31, 20; Schol. Aristoph. *Vesp.* 691). The *Lex. Cant.* p. 672, 20 has *λογιστὰς αἱροῦνται δέκα* (*ἠρημένοι*, Schol. Aeschin. *c. Tim.* § 1); this Boeckh and Schoell (p. 25, n. 2) consider an inaccurate expression, whilst Meier (*ad l. c.*) and Schömann (*Ant.* i. 407, E. T.) suppose that a change in the mode of their appointment (from cheirotony to choosing by lot) was effected. The *πάρεδροι* were probably nominated by the *εὔθυνοι* themselves (thus Boeckh). The functions of these three classes of officers cannot be stated with absolute certainty. All the *ὑπεύθυνοι*, with the exception of the generals and probably of their subordinate military functionaries, had to send in their accounts (*λόγος*) to the *λογισταί* (Aeschin. *c. Ctes.* § 20, *ἐγγράφειν λόγον πρὸς τοὺς λογιστὰς καὶ εὐθύνας διδόναι*: § 15, *λογ. καὶ εὐθ. ἐγγράφειν πρὸς τὸν γραμματέα* (of the Senate, Gilbert, *Staatsalt.* i. p. 216, n.) *καὶ τοὺς λογιστάς*: § 22, *λόγον ἀποφέρειν πρὸς τοὺς λογιστάς*: cf. *C. I. A.* i. No. 32; ii. Nos. 444, 446), and those who had not had anything to do with the public money had to hand in a written declaration to that effect (Aeschin. *l. c.* § 22). The *λογισταί*, assisted by the *συνήγοροι*, examined these accounts within the period of thirty days (*Lex. Cant. l. c. παρ' οἷς διαλογίζονται πᾶσαι αἱ ἀρχαὶ τά τε λήμματα καὶ τὰς γεγενημένας δαπάνας· καὶ ἄλλους δέκα συνηγόρους, οἵτινες συνανακρίνουσι τούτοις*: cf. *C. I. A.* ii. No. 578, the oath of the *λογιστὴς* of the deme of Myrrhinus, *λογιεῖσθαι ἃ ἂν μοι δοκῇ ἀνηλωκέναι*: they held their meetings in the *λογιστήρια*, Andoc. *de Myst.* § 78; Harp.). At this *ἀνάκρισις* the *εὔθυνοι*, who seem to have exercised a kind of general financial control and to have been assigned with their *πάρεδροι* to the several departments (Boeckh, *Securk.* p. 466, and Schol. Plat. *Legg.* xii. p. 945 B), might bring charges against the *ὑπεύθυνος* (see the oath of the *εὔθυνος*, *C. I. A.* ii. No. 578, *καὶ ἐάν μοι δοκῇ ἀδικεῖν, κατευθυνῶ αὐτοῦ καὶ τιμήσω* [*ἐπιτίμιον*, Schöll] *οὗ ἄν μοι δοκῇ ἄξιον εἶναι τὸ ἀδίκημα*), and probably private individuals likewise had a chance of doing so (Aeschin. *l. c.* § 23, *ἐχρῆν σε . . . ἐᾶσαι τὸν τῶν λογιστῶν κήρυκα κηρῦξαι τὸ πάτριον καὶ ἔνομον κήρυγμα τοῦτο· τίς βούλεται κατηγορεῖν*: cf. Dem. *de Fals. Leg.* p. 341, § 2, *γραφὴ περὶ τῶν εὐθυνῶν*, Andoc. *de Myst.* § 78). We know something about the nature of such charges: Antiphon (*de Choreut.* § 43) argues that the basileus had acted within his rights, since Philocrates had not brought a charge against him on the occasion of the *εὔθυναι*: again, the generals are said ([Lys.] *pro Milit.* § 11) to have evaded the *εὔθυναι*, fearing they would be called to account for a fine illegally inflicted; cf. also Lys. *c. Theomn.* i. § 16. On such occasions the sycophantae plied their trade

* Λογισταὶ in Eretria (Rangabé, No. 689), in Ephesus, in Gambreium (Dittenberger, *Syll.* Nos. 253, 29; 470, 35), in Delos (*Bull.* vi. p. 25, l. 202), in Tenos, in Issa (*C. I. G.* Nos. 202–206; 1834); *ἐξεταστὰι* in Erythrae, in Smyrna, in Halicarnassus (Dittenberger, Nos. 370, 25; 171, 54 f.; 371, 33 f.); Ἀπολογοὶ in Thasos (Cauer,[2] *Del.* No. 527; *Journ. of Hell. Stud.* viii. p. 410), in Agrigentum (*C. I. G.* No. 2161). (Gilbert, *Staatsalt.* ii. p. 336, n. 1.)

(Aristoph. *Eq.* 259 ff., 824; [Dem.] *c. Aristog.* i. p. 781, § 37). Even when the accounts were found correct and no accuser appeared, the λογισταὶ could not discharge the ὑπεύθυνος (ἐπισημαίνεσθαι τὰς εὐθύνας, Dem. *de Cor.* p. 310, § 250); this could only be done by a court of 501 judges presided over by the λογισταί (Dem. *de Fals. Leg.* p. 406, § 211; *de Cor.* p. 266, § 117; Aeschin. *l. c.* § 19 ff.; *C. I. A.* ii. Nos. 469, l. 61, 470, l. 71; *Lex. Cant.* l. c.), or by the thesmothetae in case of εὔθυναι of generals. In case of irregularities being discovered at the ἀνάκρισις by the λογισταὶ and συνήγοροι, it devolved upon the latter to bring the charge before the court (see the oath of the συνήγορος in *C. I. A.* ii. No. 578); and if the εὔθυνος or a private person had brought a charge, they acted as accusers before the court. Such a cause (γραφὴ περὶ τῶν εὐθυνῶν) was τιμητός (Suid. *s. v.*), and κλοπὴ δημοσίων χρημάτων (Aeschin. *c. Ctes.* § 10; Dem. *c. Timocr.* p. 735, § 112), δώρων (Dem. *de Fals. Leg.* p. 429, § 273), and with ambassadors παραπρεσβεία were principally the offences charged against officers (εὐθύνας ὀφλεῖν is the technical term for being convicted).

In like manner the officers of the demes, the δήμαρχος, the ἱεροποιοί, the ταμίαι (*C. I. A.* ii. Nos. 578, 581, 571) had to give an account after their time of office was over. In the deme of Myrrhinus the demarchus had to render his account before the εὔθυνος of the deme who had to award the penalty, the λογιστὴς who had to examine the accounts, and ten elected συνήγοροι, who, after having been sworn in by the new demarchus (ὁ νέος, Köhler), decided the case by secret voting; it was possible to appeal from this decision to a meeting of the demotae; and if the sentence of the συνήγοροι was upheld, the fine was increased by one-half. (R. Schöll, *de Synegoris Atticis Comm.*; *Att. Process*, ed. Lipsius, pp. 112–117, 257–269.) [L. S.] [H. H.]

EXAGIA or HEXAGIA. [PONDERA.]

EXAGO'GE, ejectment to try the right of property. [EXOULES DIKÉ.]

EXAGO'GES GRAPHE' (ἐξαγωγῆς γραφή) might be instituted, it is said, against one who, acting as κύριος of an Athenian woman, married her to a foreigner in a foreign land (*Att. Process*, ed. Lipsius, p. 443 f.). Our information concerning this suit is very scanty. Timocrates is charged with having sold his sister to a Corcyrean, an offence deserving capital punishment (Dem. *c. Tim.* p. 763, § 202); he meets the charge by saying that he married her to a foreigner and did not sell her (τὴν μὲν ἀδελφὴν ἐπ' ἐξαγωγῇ φησὶ μὲν ἐκδοῦναι, πέπρακε δὲ τῷ ἔργῳ). From this Thonissen (*Droit Pénal*, p. 345 n.) concludes that giving in marriage to a foreigner in due form was not actionable. The action against Aristogiton ([Dem.] *c. Aristog.* i. p. 787, § 55) is very complicated (Lipsius, *Leipz. Stud.* vi. p. 323 f.); he is charged by his own brother with having sold their half-sister to be taken into a foreign country, ἐπ' ἐξαγωγῇ ἀπέδοτο (cf. Pollux, iii. 125) ὥς φησι τὸ ἔγκλημα τῆς δίκης, etc. The charge is the same, viz. πρᾶσις ἐπ' ἐξαγωγῇ (§ 58), and the punishment is the same, viz. death (§ 80), as in Timocrates' case, but the speaker calls as witness the arbitrator in the action (§ 58), and only private actions could be laid before arbitrators; moreover the term ἔγκλημα is employed (§§ 58, 80), which is used of private actions only (*Att. Process*, ed. Lipsius, p. 791), yet it is scarcely possible that such an offence could have been the subject of a private action. Dareste (*Plaidoyers polit. de Dem.* ii. pp. 344–346) suggests that it was a private action brought by the brother in order to obtain his half of the price realised by the sale, but the wording of the charge (§ 58) makes this supposition untenable. Lipsius (*Att. Process*, p. 275, n. 209; cf. p. 791, n. 105) does not consider ἐπ' ἐξαγωγῇ πιπράσκειν a technical term, and thinks that such an offence had to be proceeded against by a γραφὴ ἀνδραποδισμοῦ: cf. the definition of ἀνδραποδιστής, given by the Scholiast on Aristoph. *Plut.* 521, οὐ μόνον ὁ τοὺς ἐλευθέρους δι' ἀπάτης ἀπάγων εἰς δουλείαν (*Etym. M.* 102, 7), etc.; such offenders were put to death (Xen. *Mem.* i. 2, 62 f.). A third instance of this action is supplied by Ps. Plut. *Vitt. X. Oratt.* p. 834 E. Andocides sent a relative of his as a present (Tzetz. *Hist. Chil.* vi. 373, πυρῶν πωλεῖ τῷ βασιλεῖ) to the king of Cyprus, λάθρα τῶν οἰκείων ἐξαγαγών, but stole her again when he was to be brought before a court (μέλλων ἐπὶ τούτοις εἰς δικαστήριον εἰσάγεσθαι). [C. R. K.] [H. H.]

EXAIRE'SEOS DIKE' (ἐξαιρέσεως or ἀφαιρέσεως δίκη) was an action brought to recover damages for the attempt to deprive the plaintiff of his slave; not where the defendant claimed a property in the slave, but where he asserted him to be a freeman, or, as in Aeschin. *c. Tim.* § 62, a public slave. As the condition of slavery at Athens incapacitated a man from taking any legal step in his own person, if a reputed slave wished to recover his rights as a freeman, he could only do it by the assistance of one who was himself a freeman,* and who was said ἐξαιρεῖσθαι or ἀφαιρεῖσθαι αὐτὸν εἰς ἐλευθερίαν (Lys. *c. Pancl.* § 10; ὡς ἐλεύθερον ὄντα, Isocr. *Trapez.* § 14) *in libertatem vindicare.* If the ἀφαιρούμενος, in resisting the capture of the reputed slave on the part of him who claimed to be the slave's master (ἄγειν, [Dem.] *c. Neaer.* p. 1358, § 40; Isae. *pro Eumath.* fr. 15, or ἄγειν εἰς δουλείαν, Aeschin. *l. c.*, Isae. *l. c.* fr. 16), used actual violence, he was subject to a δίκη βιαίων: if, on the other hand, he meant to contest the master's right, the proper course was to go before the polemarch (*Att. Process*, ed. Lipsius, p. 56), and the master held the slave to bail (κατεγγυᾶν πρὸς τῷ πολεμάρχῳ, [Dem.] *l. c.*; πρὸς τὸν πολέμαρχον, Isocr. *l. c.*), and the ἀφαιρούμενος becomes bail (διεγγυᾶται, Pasion for seven talents, Isocr. *l.c.*; Stephanus and two others in [Dem.] *l. c.*: cf. Plat. *Legg.* xi. p. 914 E, ὁ δ' ἀφαιρούμενος ἐγγυητὰς τρεῖς καταστήσας, etc.). It was the duty of the polemarch to set the man at liberty *pendente lite*.† At the trial before οἱ τετταράκοντα which followed, the reputed owner had to prove his right to the slave, and, if successful, obtained such compensation as the jury chose to award, this being a τιμητὸς

* The same in the Gortyn Code (i. 14, 15), but ἄγην (εἰς δουλείαν) πρὸ δίκας was forbidden (i. 2).

† From Lys. *c. Pancl.* 9 it would seem that the ἄγων had to set at liberty the slave he claimed, if surety was given that next day some one would reclaim him as a free man.

ἀγών (*Att. Process*, ed. Lipsius, p. 221), and the defendant had to pay to the treasury a sum equal to the damages ([Dem.] *c. Theocr.* p. 1328, § 20); hence it is strange that such actions might be settled out of court, as in the case of Pittalacus, the public slave whom Hegesander laid hold of, asserting that he was his slave (Aeschin. *c. Tim.* § 63; cf. [Dem.] *c. Neaer.* p. 1360, § 45 ff.). The jury would probably take into consideration, in estimating the damages, whether the slave was to be returned to the owner (cf. Lys. *c. Pancl.* 12) or not.

In a speech of Isocrates (*Trapez.* § 13 f. and 49) the defendant, a banker, from whom it is sought to recover a deposit, is charged with having asserted the freedom of his own slave, in order to prevent his being examined by torture respecting the sum of money deposited in his hands. This is remarkable, because the speaker and Menexenus never claimed the slave as their own; the case seems to prove that not only the person who asserted that the slave was his, but also the person who had an interest in the matter that a slave should be recognised as such, was entitled to the ἀγωγὴ εἰς δουλείαν. (*Att. Process*, ed. Lipsius, pp. 657–665.) [C. R. K.] [H. H.]

EXA'MEN. [Libra.]

EXAUCTORA'TIO. [Exercitus.]

EXAUGURA'TIO is the act of taking away from a place or thing the sacred character which it had received by inauguratio, consecratio, or dedicatio. That such an act was performed by the augurs, and never without consulting the pleasure of the gods by augurium, is implied in the name itself. (Liv. i. 55, cf. v. 54, 69; Dionys. Hal. *Antiq. Rom.* iii. p. 162; Cato *ap.* Festus, s. v. *Nequitum.*) Temples, chapels, and other consecrated places, as well as priests, were considered as belonging to the gods. No consecrated place whatever could be applied for any profane purpose, or dedicated to any other divinity than that to which it originally belonged, without being previously exaugurated; and priests could not give up their sacred functions, nor could a vestal virgin, after the expiration of her thirty years of service, enter into matrimony, without first undergoing the process of exauguratio. (Gellius, vi. (vii.) 7, 4; Jul. Capitol. *M. Anton. Philos.* c. 4.) [L. S.] [A. S. W.]

EXCE'PTIO. [Actio.]

EXCU'BIAE. [Castra, p. 377 *a*.]

EXCUBITO'RES, which properly means watchmen or sentinels of any kind (Caes. *Bell. Gall.* vii. 69), was the name more particularly given to the soldiers of the cohort who guarded the palace of the Roman emperor (Suet. *Ner.* 8, *Oth.* 6). Their commanding officer was called *tribunus excubitor* (Suet. *Claud.* 42; *Ner.* 9). When the emperor went to an entertainment at the house of another person, the excubitores appear to have accompanied him, and to have kept guard as in his own palace (Suet. *Oth.* 4). [W. S.]

E'XEDRA or Exhedra (ἐξέδρα) is properly a recessed seat built out from a portico and opening into it (Marquardt, *Privatl.* 242 n.); usually of a semicircular shape, hence called *absis* in a glossary *ap.* Mai *Auctar. Class.* iii. 459; and probably identical with the *hemicyclium* of Cic. *de Am.* 1, § 2 [Hemicyclium]. Hence it came to mean, among the Greeks, a hall or colonnade furnished with recessed seats, where people met to enjoy conversation; such as the rooms which opened on to the peristyle of the *andronitis* [Domus, p. 662 *a*] (Vitruvius says *gynaeconitis*, but this is a mistake, *ib.* 660 *b*); or in the gymnasia and schools of philosophers. Vitruvius reckons exedrae with *peristylia* as open buildings, where colours would fade in the strong sunlight (vii. 9, § 2), but they must have included also covered halls, cool and shady (Lucian, *Anachars.* 16, p. 895 R; Becker-Göll, *Charikles*, ii. 233). Late writers (*e.g.* Pollux, vii. 123) sometimes identify the ἐξέδρα with the παστάς, a room on the side of the peristyle facing the entrance [Domus, p. 662 *b*]; but this applies only to Roman times and manners (Hermann-Blümner, *Privatalterth.* p. 150 n.). The use of the word in Eurip. *Orest.* 1449 is peculiar; the slaves are driven, some to the house, some to the stables, others to the ἐξέδραι, *i.e.* apparently to "out-houses:" the gloss ἀπόπατοι, however supported by similar words (ἀφεδρών, θάκος), would be a comic touch quite out of keeping.

In early Greece the λέσχη was simply a lounge or place of gossip, not a building at all; in later times the word denoted a larger and more public place of resort than the ἐξέδρα [Lesche].

Among the Romans the word had a wider meaning, answering to both the Greek terms, ἐξέδρα and λέσχη. Thus it is not only used to signify a chamber for ordinary resort and conversation in a private house, or in the public baths and gymnasia open to the sun and air (Vitruv. v. 11, vii. 9; Cic. *Orat.* iii. 5, § 17, *de Nat. Deor.* i. 6, § 15; Varro, *R. R.* iii. 5, § 8; Ulpian, *Dig.* 9, 3, 5, § 2), but the word is even applied to the hall attached to the theatre of Pompey, which was used as a place of meeting by the senate (Plut. *Brut.* 14, 17). The diminutive *exedrium* also occurs (Cic. *ad Fam.* vii. 23). [P. S.] [W. W.]

EXEGE'TES (ἐξηγητής), an expounder, interpreter, is used both in an ordinary and an official sense. A local guide or *cicerone* is so styled (Strab. xvii. p. 806; Paus. i. 41, § 2); Aeschines, ridiculing Demosthenes for his conduct on the Embassy, calls him the ἐξηγητὴς of the absurd stories with which he regaled his colleagues (Aeschin. *F. L.* § 40). More usually, however, the word was applied to any interpreter of laws, whether sacred or secular, but especially the former (*Etym. M.*, s. v.); thus the whole order of Eupatrids were in the old times νόμων διδάσκαλοι, ὁσίων καὶ ἱερῶν ἐξηγηταί (Plut. *Thes.* 25). Among the Eupatrids, again, the Eumolpidae (*q. v.*) were ἐξηγηταί of a special class of sacred laws, those, namely, relating to the Eleusinian mysteries; these laws were unwritten, and of immemorial antiquity ([Lys.] *c. Andoc.* § 10). But with regard to the written and civil laws of Athens in democratic times, the notion of several grammarians that there was a class of ἐξηγηταί or expounders of them, answering to the Roman jurisconsults, is untenable, and indeed no longer held; the silence of the orators is sufficient proof that no such persons existed (Ruhnken, on Timaeus, *Lex. Plat.* s. v.). Respecting the ἐξηγητὴς of the laws of Lycurgus at Sparta, who in all probability never existed, see Müller, *Dor.* iii. 11, 2. In Athenian courts, both the dicasts and the presiding judges acted

without the guidance of trained lawyers, and required the laws which they administered to be intelligible to plain men. At the same time, the conservatism of ancient religion involved a frequent appeal to experts in purely ceremonial matters. Thus, the guilt of a homicide and the punishment of it were to be determined by the law-courts; but if the homicide were proved accidental or justifiable, the ceremonial expiation, the reconciliation with the relatives of the deceased, and the disposal of the corpse remained as the province of ἐξηγηταί: and various other points connected with funerals were referred to them ([Dem.] *c. Everg. et Mnes.* p. 1160, § 68; Isae. *Or.* 8 [*Ciron.*], § 39: in these two passages the persons interested in the burial consult ἐξηγηταί as to "the right thing to be done"; they are cases of conscience, as is also the somewhat different case in Plat. *Euthyphr.* 4 D). Hence Plato in his ideal laws introduces ἐξηγηταί of funerals, whom Cicero quoting the passage calls *religionum interpretes* (Plat. *Legg.* xii. 958 D; Cic. *de Legg.* ii. 27, § 67). Elsewhere Plato declares that the laws about all divine things shall be brought from Delphi, and administered by ἐξηγηταί (*Legg.* vi. 759 C), who are to be men of venerable age and high character, appointed for life after a strict δοκιμασία (*ib.* E): he further entrusts them with the regulation of marriage rites (vi. 775 A). How far these provisions coincided with the real law of Athens we are not in a position to say.

In an official sense, the EXEGETAE were a board of three persons, to whom application might be made in matters relating to sacred law; they were all to be Eupatrids, and one of them necessarily a member of the family of the Eumolpidae. The mode of their appointment is not known; and the question whether they took cognisance of all appeals from private persons like those mentioned above, or only of public matters, is open to some doubt. They attended in the assembly of the people, and interpreted the διοσημίαι or signs from heaven [ECCLESIA, p. 701 *b*]; they had thus the power of stopping the business in hand, corresponding to the *obnuntiatio* of the Roman augurs. But we may be sure that the democratic Athenians would not allow an absolute or irresponsible veto to these or any other officials; their action, like that of an Epistates who refused to put the question to the vote, was no doubt liable to impeachment: in practice it is probable that only a smart shower or other unmistakeable phenomenon was allowed to break up the meeting; so that their duty would be purely a formal one. The gloss of Timaeus, identical with the second of the two in Suidas, runs as follows: Ἐξηγηταί τρεῖς γίνονται Πυθόχρηστοι, οἷς μέλει καθαίρειν τοὺς ἄγει τινὶ ἐνισχηθέντας· καὶ οἱ ἐξηγούμενοι τὰ πάτρια. These grammarians certainly understood the phrase τὰ πάτρια in too wide a sense: we may further doubt, with Schömann, whether the Delphic oracle was really consulted. (Pollux, viii. 124 and 188; Suid., *Etym. M.*, *Lex. Rhet.* s. v.; Ruhnken on Timaeus; O. Müller on Aesch. *Eumen.* p. 162 ff.; Schömann, *Antiq.* i. 429, E. T.; Gilbert, *Staatsalterth.* i. 360.) [L. S.] [W. W.]

EXERCITO'RIA A'CTIO was one of those praetorian actions (called by the civilians *actiones adjectitiae qualitatis*) by which principals were made directly suable by third persons who contracted with their agents. This one applied particularly to the case of contracts made by the captain of a vessel as agent, express or implied, of its owner or charterer (*Inst.* iv. 7, 2), its name being derived from *exercitor*, the person "ad quem cottidianus navis quaestus pertinet" (*Inst.* loc. cit.; cf. Dig. 14, 1, 1, 15), whether he actually owned the vessel, or had merely hired or chartered it for a time, definite or indefinite. By this action the *exercitor* could be sued upon all contracts made by the captain (*magister*) in connexion with the vessel or its voyage, *e.g.* repairs ("si quid cum eo ejus rei gratia, cui praepositus erit, contractum fuerit," *Inst.* loc. cit; cf. Dig. 14, 1, 1, 7), because it was as his agent that the *magister* made them; but the other party to the transaction—*e.g.* the shipbuilder who executed the repairs—might always sue the *magister* if he preferred it, the remedy in this case of course being the ordinary action on the contract (e.g. *locati*). It was immaterial whether the *magister* was a slave or *filius familias* of the *exercitor*, or an "extranea persona" (*i.e.* free agent), Gaius, iv. 71, *Inst.* loc. cit.: but his contracts would not bind his principal, so that the *actio exercitoria* would not lie, if he exceeded his commission: if, for instance, being appointed to use the ship for one purpose, he used it for another. If there were several *magistri*, without any partition of their duties (*non divisis officiis*), a contract with one was a contract with all: and if there were several *exercitores*, who appointed a *magister* either out of their own number or not, they were severally answerable *in solidum* for the contracts which he made under his commission: the other contracting party might select which of them he pleased as his defendant in the *actio exercitoria*. [J. B. M.]

EXE'RCITUS (στρατός), army. I. GREEK. The earliest notices which we possess of the military art among the Greeks are those contained in the Homeric poems. The unsettled state of society in the first ages of Greece led to the early and general cultivation of the art of arms, which were habitually worn for defence, even when aggressive warfare was not intended (Thuc. i. 6). But the Homeric poems contain an exhibition of combined military operations in their earliest stage. Warlike undertakings before the time described in them can have been little else than predatory inroads (βοηλασίαι, *Il.* xi. 672). A collection of warriors exhibiting less of organisation and discipline than we see depicted in the Grecian troops before Troy, would hardly deserve the name of an army. The organisation which we see there, such as it was, arose, not from any studied, formative system, but naturally out of the imperfect constitution of society in that age. Every freeman in those times was of course a soldier; but when all the members of a family were not needed to go upon an expedition under the command of their chieftain or king, those who were to go seem to have been selected by lot (*Il.* xxiv. 400). As the confederated states, which are represented as taking part in the Trojan war, are united by scarcely any other bond than their participation in a common object, the different bodies of troops, led by their respective chieftains, are

far from being united by a common discipline under the command-in-chief of Agamemnon. A common epithet for allies is "called from afar" (τηλεκλειτοί, *Il.* ii. 491, vi. 111). Each body obeys its own leader, and follows him to the conflict, or remains inactive, according as he chooses to mingle in the fight or not. Authority and obedience are regulated much more by the nature of the circumstances, or by the relative personal distinction of the chieftains, than by any law of military discipline. Gifts (δῶρα) were given to them at the end of service; and such may be considered as the beginning of pay being given to soldiers (*Il.* xvii. 225). Agamemnon sometimes urges the chieftains to engage, not by commands, but by taunts (*Il.* iv. 338 ff., 368 ff.). Accordingly, nothing like the tactics or strategy of a regularly disciplined army is to be traced in the Homeric descriptions of battles. Each chieftain with his body of troops acts for himself, without reference to the movements of the rest, except as these furnish occasion for a vigorous attack, or, when hard pressed, call for assistance from the common feeling of brotherhood in arms. The wide interval which in the Homeric age separated the noble or chieftain from the common freeman, appears in as marked a manner in military as in civil affairs. The former is distinguished by that superior skill and prowess in the use of his arms, which would naturally result from the constant practice of warlike exercises, for which his station gave him the leisure and the means. A single hero is able to put to flight a whole troop of common soldiers. The account of a battle consists almost entirely of descriptions of the single combats of the chiefs on both sides; and the fortune of the day, when not overruled by the intervention of the gods, is decided by the individual valour of these heroes. While the mass of the common soldiers were on foot, the chiefs rode in chariots [CURRUS], which usually contained two, one to drive (ἡνίοχος) and one to fight (παραιβάτης). In these they advanced against the antagonists whom they singled out for encounter, sometimes hurling their spears from their chariots, but more commonly alighting, as they drew near, and fighting on foot, making use of the chariot for pursuit or flight. The Greeks did not, like the ancient Britons and several nations of the East, use the chariot itself as an instrument of warfare. Cavalry was unknown at that time to the Greeks, and horsemanship but very rarely practised; the ἵππῆες of Homer are the chieftains who ride in chariots. These chiefs are drawn up in the front of the battle array (*Il.* iv. 297, 505, πρόμαχοι, προμάχεσθαι); and frequently the foot-soldiers seem to have done nothing but watch the single combats of their leaders, forming in two opposite, parallel lines, between which the more important single combats are fought. How they got the chariots out of the way when the foot-soldiers came to close quarters (as in *Il.* iv. 427 ff.) is not described.

Though so little account is usually made of the common soldiers (πυλέες, *Il.* xi. 49, xii. 77), Homer occasionally lays considerable stress on their orderly and compact array; the Atreidae are honourably distinguished by the epithet κοσμήτορε λαῶν (*Il.* i. 15). Nestor and Menestheus were also skilled in marshalling an army (*Il.* ii. 553, iv. 293 ff.). The troops were naturally drawn up in separate bodies according to their different nations. It would appear to be rather a restoration of the old arrangement than a new classification, when Nestor (*Il.* ii. 362) recommends Agamemnon to draw the troops up by tribes and phratries. Arranged in these natural divisions, the foot-soldiers were drawn up in densely compacted bodies (πυκιναὶ φάλαγγες)—shield close to shield, helmet to helmet, man to man (*Il.* xiii. 130, xvi. 212 ff.). In these masses, though not always commencing the attack, they frequently offer a powerful resistance, even to distinguished heroes (as Hector, *Il.* xiii. 145 ff., comp. xvii. 267, 354 ff., xiii. 339), the dense array of their spears forming a barrier not easily broken through. The signal for advance or retreat was not given by instruments of any kind, but by the voice of the leader. A loud voice was consequently an important matter, and the epithet βοὴν ἀγαθός is common. The soldiers advanced and engaged in battle with loud shouting (ἀλαλητός, *Il.* iv. 436, xiv. 393). The trumpet, however, was not absolutely unknown (*Il.* xviii. 219). Respecting the armour, offensive and defensive, see ARMA. No engines for besieging are found. There were in the army, besides the hoplites, light-armed troops, archers and slingers (*Il.* xiii. 767).

Under the king or chieftain who commands his separate contingent we commonly find subordinate chiefs, who command smaller divisions. It is difficult to say whether it is altogether accidental or not, that these are frequently five in number. Thus the Myrmidons of Achilles are divided into five στίχες, each of 500 men. Five chiefs command the Boeotians; and the whole Trojan army is formed in five divisions, each under three leaders. (*Il.* iv. 295 ff., xvi. 171–197, ii. 494, 495, xii. 87–104.) The term φάλαγξ is applied either to the whole army (as *Il.* vi. 6), or to these smaller divisions and subdivisions, which are also called στίχες and πύργοι (*Il.* xi. 90, iv. 333).

When an enemy was slain, it was the universal practice to stop and strip off his arms, which were carefully preserved by the victor as trophies. The division of the booty generally was arranged by the leader of the troop, for whom a portion was set aside as an honorary present (γέρας, *Il.* i. 118, 368, 392). The recovery of the dead bodies of the slain was in the Homeric age, as in all later times, a point of the greatest importance, and frequently either led to a fierce contest (*Il.* xvi. 756 ff.), or was effected by the payment of a heavy ransom (*Il.* xxiv. 502). (Köpke, *Kriegswesen der Griechen in heroischen Zeitalter;* Wachsmuth, *Hellen. Alterthumsk.* vol. ii. § 110; Grote, *History of Greece*, vol. ii. p. 106; Buchholz, *Die Homerischen Realien*, ii. 1, 303–331.)

After the heroic age considerable impulse was given to the cultivation of the military art by the conquests of the Thessalians (the first Grecian people, apparently, that employed cavalry, to the use of which their conquests were probably in great part owing) and Dorians, among the latter of whom the art of warfare was earliest reduced to system. The distinction of heavy and light armed foot-soldiers of course

took its rise with the beginnings of military service, the poorer class being unable to provide themselves with the more efficient, but more costly weapons of those who were better off than themselves. Political considerations tended to make the distinction more marked and systematic. The system of military castes was indeed unknown among the Greeks, though something answering the same purpose existed in the earliest times, when the nobles and their more immediate dependents and retainers, having greater leisure for the cultivation of skill in the use of arms and greater means for procuring them, were separated in that respect by a wide interval from the lower class; while conversely, military superiority was the most direct means of securing political supremacy. Hence, as soon as the distinction between the nobles (the privileged class) and the commonalty (demus) was established, it became the object of the former to prevent the latter from placing themselves on a par with them in military strength, and so the use of the full armour of the heavy-armed infantry was reserved by the former for themselves; and when, in times of distress, it was found necessary to entrust the demus with full armour, the result was not uncommonly a revolution (as was in some degree the case at Mytilene, Thuc. iii. 27). But in the democracies this distinction as regards the kinds of service depended merely upon the greater or less ability of the citizens to procure arms. In the Greek commonwealths all those who enjoyed the privileges of citizens or freemen were held bound to serve as soldiers when called upon, and were provided with arms and trained in military exercises as a matter of course. The modern system of standing armies was foreign to Greek habits, and would have been dangerous to the liberties of the different commonwealths, though something of the kind may be seen in the body-guards, usually of mercenary troops, kept by tyrants. The mercenaries in the pay of Alexander of Pherae formed a considerable army. Practically too, from the continuity of the warlike operations in which they were engaged, the armies of Philip and Alexander of Macedon, and their successors, became standing armies. The thousand λογάδες at Argos (Thuc. v. 67; Diod. xii. 75), the sacred band at Thebes (Plut. *Pelop.* 18), and the Arcadian ἐπάριτοι (EPARITI) were not considerable enough to be called armies. The employment of mercenary troops might have led to the use of standing armies, had it not been that the use of them characterised the decline of the Grecian states, so that the circumstances which led to their employment also rendered it impossible to provide the resources for their maintenance, except when they were immediately needed. Still, as in the case of the Scythian bowmen at Athens, individual corps of mercenaries might be regularly maintained. Slaves were but rarely trusted with arms; and when it was the case, they were usually manumitted. The Greek armies accordingly were national armies, resembling rather the militia than the regular armies of modern times. Their smallness in comparison with modern armies must be noticed. The largest Greek armies we know of as having operated in Hellas proper were, at Plataea, 38,700 hoplites and 69,500 ψιλοί (Herod. ix. 28 ff.); in the first invasion of Attica by the Lacedaemonians, 70,000 (Plut. *Per.* 33); in the invasion of Laconia by Epaminondas, 70,000 (Plut. *de Glor. Ath.* 2). At Mantineia, in 362 B.C., 33,000 Thebans fought against 23,000 Lacedaemonians, according to Diodorus (xv. 84).

In all the states of Greece, in the earliest as in later times, the general type of their military organisation was the *phalanx*, a body of troops in close array with a long spear as their principal weapon. It was among the Dorians, and especially among the Spartans, that this type was most rigidly adhered to. See Tyrtaeus *passim*, who insists on the especial duties of fighting ἐν προμάχοισι, and each keeping his place in the phalanx. The strength of their military array consisted in the heavy-armed infantry (ὁπλῖται). They attached comparatively small importance to their cavalry, which was always inferior (Xen. *Hell.* vi. 4, § 10). Indeed, the Thessalians and Boeotians were the only Greek people who distinguished themselves much for their cavalry; scarcely any other states had territories adapted for the evolutions of cavalry. The Spartan army, as described by Xenophon, was probably in all its main features the same that it was in the time of Lycurgus. The institutions of that lawgiver converted the body of Spartan citizens into a kind of military brotherhood, whose almost sole occupation was the practice of warlike and athletic exercises. The whole life of a Spartan was little else than either the preparation for or the practice of war. The result was, that in the strictness of their discipline, the precision and facility with which they performed their military evolutions, and the skill and power with which they used their weapons, the Spartans were unrivalled among the Greeks, so that they seemed like real masters of the art of war (τεχνίτας τῶν πολεμικῶν), while in comparison with them other Greeks appeared mere tyros (αὐτοσχεδιαστὰς τῶν στρατιωτικῶν, Xen. *Rep. Laced.* xiii. § 5; ἄκροι τεχνῖται καὶ σοφισταὶ τῶν πολεμικῶν, Plut. *Pelop.* 23). The heavy-armed infantry of the Spartan armies was composed partly of genuine Spartan citizens, partly of Perioeci (*e.g.* Thucyd. iv. 8; comp. Grote, *Hist. of Greece*, vol. ii. p. 458). In later times, as the number of Spartan citizens decreased, the Perioeci constituted the larger portion, a fact which renders nugatory all attempts to connect the numbers of the divisions of the army with the political divisions of the Spartan citizens. The proclamation of the levy was called φρουρὰν φαίνειν (Xen. *Hell.* iii. 5, 6; iv. 2, 9, &c.); but if the service was abroad, it was called στρατιὰν ποιεῖν (*ib.* v. 2, 20): cf. A. Bauer in Müller's *Handbuch*, iv. 247. Every Spartan citizen was liable to military service (ἔμφρουρος) from the age of twenty to the age of sixty years. In later times the father of three sons was exempt (Arist. *Pol.* ii. 9, 13). Those beyond that age were, however, sometimes employed in the less arduous kinds of service—as at Mantineia, where they had charge of the baggage (Thuc. v. 72). On the occasion of any military expedition, the kings at first, and afterwards the ephors, made proclamation what class, according to age, were to go on the expedition (τὰ ἔτη εἰς ἃ δεῖ στρατεύεσθαι, Xen. *Rep. Lac.* xi. § 2): as, for example, all citizens between twenty and

thirty, or between twenty and thirty-five, &c. (τὰ δέκα ἀφ' ἥβης, τὰ πεντεκαίδεκα ἀφ' ἥβης, &c.). On one occasion (B.C. 418), on a sudden emergency, when probably there was not time to collect the Perioeci, all the citizens of the military age were called forth (Thuc. v. 64).

The political and military divisions of the Spartans were mixed up together in some way which it is not easy to unravel. The whole life of a Spartan was passed in the discipline of a kind of camp. The citizens messed together in companies, and slept in a sort of barracks. It appears from Xenophon (*Rep. Lac.* xi. 4 ff.) that the whole body of citizens of military age was divided into six divisions called μόραι (πολιτικαὶ μόραι he terms them: we are not to read ὁπλιτικῶν: cf. Xen. *Hell.* v. 3, 25), under the command or superintendence of a polemarch, each mora being subdivided into two λόχοι (commanded by λοχαγοί), each λόχος into two πεντηκοστύες (headed by πεντηκοστῆρες), each πεντηκοστὺς into two ἐνωμοτίαι (headed by enomotarchs). Xenophon indeed speaks of four λόχοι, but compare Xen. *Hell.* vii. 4, 20, τῶν δώδεκα λόχων: 5, 20; and E. Müller, *Jahrb. für Phil.* lxxv. 99. The ἐνωμοτίαι were so called from the men composing them being bound together by a common oath (τάξις τις διὰ σφαγίων ἐνώμοτος, Hesych. *s. v.*). It was composed of men of the same age, as is implied in the fact that the members of the enomoty were trained to act together, and that men under thirty or thirty-five years were often detached in a battle to pursue the light troops of the enemy (Xen. *Hell.* iv. 5, 15, 16; Grote, ii. 459). It is to be further noticed that fathers, brothers, and sons appear in different μόραι (Xen. *Hell.* iv. 5, 10); and inhabitants of the same locality did not serve together, for we find the Amycleans scattered through the whole army (ὥ. § 11). These were not merely divisions of troops engaged in actual military expeditions. The whole body of citizens at all times formed an army, whether they were congregated at headquarters in Sparta, or a portion of them were detached on foreign service. Herodotus (i. 65) speaks of enomoties, triacades (which are not mentioned elsewhere), and syssitia as military divisions, and we learn that the polemarchs presided over the public tables (Plut. *Lyc.* 12). But these were not military divisions, but civil societies framed in Sparta to increase the feeling of comradeship so useful in war (Plat. *Legg.* i. 625 E). It was a principal feature of Spartan discipline that among the youths the elder should teach the younger, and so the well-known relation of the εἰσπνήλας and ἄτρας was established. (For details, see Gilbert, *Staatsalterthümer*, i. 70.) When a portion of the citizens was sent out on foreign service, the army that they formed was arranged in divisions corresponding to, and bearing the same names as, the divisions of the entire military force of Sparta, *i.e.* of the entire body of citizens of military age. As has already been remarked, an army sent on foreign service consisted of citizens between certain ages, determined according to the number of soldiers wanted. So that, as it would seem, every enomotia of the general body sent out a certain proportion of its numbers for the expedition in question, who (with some Perioeci) formed an enomotia of the army so sent; and the detachment of those enomotiae which formed a mora of the whole body of citizens, formed (apparently) a mora of the army on service. All the accounts that we have of Spartan military operations indicate that the Perioeci who served as heavy-armed soldiers, formed integral members of the different divisions to which they were attached; so that an enomotia, pentecostys, &c., in the field, would contain a number of soldiers who did not belong to the corresponding larger divisions of the whole body of citizens of military age (Thuc. iv. 8, 38; Xen. *Hell.* vi. 4, 15–17, vii. 4, 27). However, Gilbert (*op. cit.* i. 74 ff.) thinks that up to 425 B.C. the Perioeci served apart, and he refers for the time of the Persian Wars to Herod. ix. 10, 11, 28. Thirlwall (*Hist. of Greece*, vol. i. app. ii.) talks of thirty families being *represented in the army* by thirty soldiers; an idea totally at variance with all the accounts that we have. Supposing a family to consist of a father and three sons, if the latter were above twenty, and the father not above sixty years of age, all would be soldiers, liable to be called out for active service at any time; and according to the limits of the age proclaimed by the ephors, one, two, three, or all of them might be called out at once. The strength of a mora on actual service, of course, varied according to circumstances. To judge by the name pentecostys, the normal number of a mora would have been 400; but 500, 600, and 900 are mentioned as the number of men in a mora on different occasions (Plut. *Pelop.* 17; Xen. *Hell.* iv. 5, 12; Schol. *ad* Thuc. v. 66; Diod. xv. 32, &c.; Müller, *Dorians*, iii. 12, § 2, note t). That these variations arose from variations in the number of Spartan citizens (Haase in Ersch and Gruber's *Encyclopädie*, art. *Phalanx*), is an assumption which leaves out of sight the proportion of citizens called out, and the number of Perioeci in the army. (Of the 292 heavy-armed soldiers who surrendered at Sphacteria, 120 were Spartans, Thuc. iv. 38. At the battle of Plataeae, one-half of the heavy-armed soldiers of the Lacedaemonians were Spartans.) When in the field, each mora of infantry was attended by a mora of cavalry (Xen. *Rep. Lac.* xi. 4), consisting at the most of 100 men, and commanded by an hipparmost (ἱππαρμοστής, Xen. *Hell.* iv. 4, § 10; 5, § 12). Plutarch (*Lyc.* 23) mentions squadrons (οὐλαμοί) of fifty, which may possibly be the same divisions. It is not easy, however, to see in what manner the cavalry could have been thus apportioned, or how each mora of cavalry could have "belonged to a mora of infantry without being in close connexion with it" (as Müller says). The cavalry seems merely to have been employed to protect the flanks, and but little regard was paid to it. The feeblest and least ambitious served in the cavalry (Xen. *Hell.* vi. 4, 10). The Spartans generally used mercenary cavalry (Thuc. ii. 9; Xen. *Hipp.* ix. 4). The corps of 300 ἱππεῖς (Herod. viii. 124) formed a sort of body-guard for the king, and consisted of the flower of the young soldiers. Though called horsemen, they fought on foot (Strabo, p. 482). Their commanders were called ἱππαγρέται (Xen. *Rep. Lac.* iv. 3; Hesych. *s. v.*).

Thucydides in his account of the battle of Mantineia (v. 68) describes the Lacedaemonian

army as divided into seven lochi, each containing four pentecostyes, and each pentecostys four enomotiae, with thirty-two men in each; so that the lochus here is a body of 512 men, and is commanded by a polemarch. It is clear, therefore, that the lochus of Thucydides, in this instance, answers to the mora of Xenophon. It would be absurd to suppose such a large number to be the ordinary lochus or tactical unit; the largest such tactical lochus known is the Sacred Lochus at Thebes, which consisted of 300. As on this occasion the pentecostys contained four instead of two enomotiae, and as four pentecostyes were thrown together into one division, Thucydides may have been led to call this division a lochus, as being next above the pentecostys, though it was, in fact, a mora commanded by a polemarch (Thirlwall, *l. c.* p. 445; comp. Arnold on Thuc. v. 68). Aristotle appears to use the terms lochus and mora indiscriminately (*Λακώνων πολιτ.* Fr. 5 and 6; Photius *s. v.* *λόχοι*). The suggestion of Arnold (*l. c.*) that one of the seven lochi spoken of consisted of the Brasidean soldiers and Neodamodes, who would not be taken account of in the ordinary divisions of the Spartan forces, is not unlikely, and would explain the discrepancy between the number of lochi (or morae) here, and the ordinary number of six morae; but even independently of it, no difficulty need be felt with respect to that particular point, as the whole arrangement of the troops on that occasion was a departure from the ordinary divisions. The Neodamodes were not usually incorporated in the morae (Xen. *Hellen.* iv. 3, § 15). The mora was used for the arrangement in the camp (Xen. *Rep. Lac.* xii. 5), and formed the highest unit for the levy, but tactically it had no importance (Bauer, *op. cit.* 249, note).

It seems a probable opinion that the number of morae in the Spartan military force had reference to the districts into which Laconia was divided. These, including Sparta and the districts immediately around it, were six in number. Perhaps, as Thirlwall suggests, the division of the army may have been founded on the fiction that one mora was assigned for the protection of each district. The same writer also suggests a very probable explanation of the *λόχος Πιτανάτης* which Herodotus (ix. 53) speaks of, and of which Thucydides (i. 20), though doubtless erroneously, denies the existence. Thirlwall suggests that as each mora consisted of four lochi, the four lochi of the mora belonging to the district of Sparta may have been distributed on the same principle among the four *κῶμαι*—Limnae, Cynosura, Mesoa, and Pitana—of which Sparta was composed.* Gilbert (*op. cit.* i. 74) supposes that the *λόχος* was composed of the inhabitants of Pitana, but that its official title was not derived from that district.

A Spartan army, divided as above described, was drawn up in the dense array of the phalanx, the depth of which depended upon circumstances. An *ἐνωμοτία* sometimes made but a single file (reading *εἰς ἕνα*), sometimes was drawn up in three or six files (*στίχοι*, Xen. *Rep. Lac.* xi. 4; or *λόχοι*, as they are called by Polybius). At the battle of Mantineia the phalanx was eight deep, so that each enomotia made four files (Thuc. v. 68; comp. Xen. *Hell.* iii. 2, § 16, vi. 2, § 21). At the battle of Leuctra it was twelve deep (Xen. *Hell.* vi. 4, § 12). The enomotarch stood at the head of his file (*πρωτοστάτης*), or at the head of the right-hand file, if the enomotia was broken up into more than one. The last man was called *οὐραγός*. The divisions of the rows of twelve men each were *πεμπάδες* (Xen. *Hell.* vii. 3, 6; cf. *Cyr.* ii. 1, 22). It was a matter of great importance that he, like the enomotarch, should be a man of strength and skill, as in certain evolutions he would have to lead the movements (Xen. *Mem.* iii. 1, 8, *Cyr.* vii. 5, 5; cf. iii. 4, 41; Hom. *Il.* iv. 297). The commander-in-chief, who was usually the king (after the affair of Demaratus and Cleomenes it was the practice not to send out both kings together, Herod. v. 75; but comp. vi. 73), had his station sometimes in the centre (as at Mantineia, Thuc. v. 72), but more commonly (as at Leuctra) on the right wing. The deployments by which the arrangements of the phalanx were altered took place under the direction of the enomotarch. When the troops were drawn up in a line in the ordinary battle array, they were said to be *ἐπὶ φάλαγγος*. Supposing an enomotia to consist of twenty-five men, including its leader, and to be drawn up eight deep, the front line of the army would consist of 288. In an ordinary march the army advanced *ἐπὶ κέρως* (or *κατὰ κέρας*, Xen. *Hell.* vii. 4, § 23), the first enomotia of the right wing filing off, and the rest in succession following it; so that if the enomotia was drawn up in three or two files, the whole army would march in three or two files. The most usual arrangement was in two files, *εἰς δύο* (Xen. *Hell.* vii. 4, § 23, iii. 1, § 22; Polyaen. ii. 1, § 10). According as there were one or two or four columns, the march was called *μονοφαλαγγία*, *διφαλαγγία*, *τετραφαλαγγία*, of which there are the most various species given in the tactical writers (Asclep. 11; Ael. *Tact.* 37). If an army in marching order had to form in phalanx, the movement began with the hindmost enomotia of the column, which placed itself on the left of (*παρ' ἀσπίδας*) and on a line with (*εἰς μέτωπον*) the enomotia before it. These two then performed the same evolution with respect to the last but two, and so on, till all were in a line with the first enomotia, which now, with the commander-in-chief at its head, occupied the extremity of the right wing. This evolution was called *παραγωγή* (Xen. *Rep. Lac.* xi. § 6), a name also given to the reverse movement, when a phalanx had to fall into marching order, and to subordinate movements of the same kind for changing the depth of the phalanx. In the latter the evolutions were conducted on much

* Müller (*Dorians*, book iii. c. 3, § 7) talks of a *πόλις* distinct from these *κῶμαι*. But the latter were certainly not mere suburbs, but component parts of Sparta itself (comp. Paus. iii. 16, § 9). Haase (*l. c.*) speaks of five divisions of the city besides Pitana, so that the six morae or lochi in the sense of Thucydides corresponded to these six divisions. For this arrangement, there seems no authority, except the statement of the scholiast on Aristoph. (*Lys.* 453), that there were six lochi at Sparta, five of which he names, one of the names being corrected conjecturally by Müller to *Μεσοάτης*. But there seems here little more than a confused version of the division into six morae.

the same principle. Thus, if the depth of the phalanx was to be diminished by half, the hinder portion of each enomotia marched forwards and placed itself on the left of the half in front of it. Similarly, if the depth had to be increased, the left-hand portion of each enomotia faced about towards the *right*, took up its station in the rear, and then, facing to the left again, assumed its proper position. (Xen. *Rep. Lac.* xi. § 8.) The facing to the right was always the usage, because if the evolution were performed in the face of an enemy, the shielded side could be presented towards him. Wheeling to the right was called ἐπὶ δόρυ: wheeling to the left ἐπ' ἀσπίδα. With the cavalry the former was also called ἐπὶ δόρυ, the latter ἐφ' ἡνίαν. Modifications of this evolution, conducted on the same principle, were employed if the depth had to be increased or diminished in any other proportion. It is very likely that at those points of the files where in such evolutions they would have to separate, there were placed men suitable for taking their station in the front rank, where it was always an object to get the best men. These would answer to the δεκάδαρχοι and πεμπάδαρχοι of Xenophon. (*Cyrop.* ii. 1, 23; comp. *Hipparch.* ii. § 6, iv. § 9.) If an enemy appeared in the rear, it was not enough that the soldiers should face about towards the enemy. The Spartan tactics required that the stoutest soldier should be opposed to the enemy. This was accomplished by the manoeuvre termed ἐξελιγμός. Of this there were three varieties:—1. *The Macedonian.* In this the leader of each file kept his place, only turning towards the enemy; the man behind him (ἐπιστάτης) retreating and again taking up his station behind him, and so on. In this way the army retreated from the enemy by a distance equal to its depth. 2. *The Laconian* (the one usually adopted by the Macedonian phalanx of Philip and Alexander). This was the reverse of the preceding, the rear man remaining stationary and the others advancing successively one before the other. In this way of course the army advanced against the enemy by a distance equal to its depth. 3. *The Cretan.* In this the leader and rearman, the second and last but two, and so on, changed places, so that the whole army remained at the same distance from the enemy. This species was also called χορεῖος (Haase *ad* Xen. *Rep. Lac.* xi. § 9; Müller, iii. 12, § 8; Aelianus, *Tact.* 26, 27, 33). These evolutions would of course leave the general on the left wing. If it was deemed expedient that he should be upon the right, it was not enough that he should simply remove from the left to the right, the whole army had to reverse its position, so that what was the left wing should become the right. This was effected by an exeligmus, termed (at least by the later tacticians) ἐξελιγμὸς κατὰ ζυγά, as contrasted with the ἐξελιγμὸς κατὰ στίχους. Further evolutions were the different kinds of wheelings (ἐπιστροφαί). The quarter wheel was called ἀναστροφή, the half περισπασμός, the three quarters ἐκπερισπασμός, in which one quarter wheel more brought them back to their original position, ἐπικατάστασις. The pivot was the πρωτοστάτης (Hermann-Droysen, i. 42). If the army changed its front by wheeling round through a half circle, round one corner as a pivot, the movement seems to have been expressed by περιπτύσσειν or ἀναπτύσσειν (Xen. *Anab.* i. 10, 9; cf. Hermann-Droysen, i. 47, note 2). One more evolution remains to be noticed. Suppose an enemy appeared on the right, while the army was marching in column, two abreast. The different *lochi* wheeled round through a quadrant of a circle, round their leader, as on a pivot, so that the army presented twenty-four columns to the enemy, consisting of two files each, and separated by a considerable interval from each other. The depth of the whole body was then lessened, and these intervals filled up by the ordinary paragoge, and by the different lochi siding up nearer to each other in case the intervals still remained too great. If it was necessary for the general to take his station on the right, this would be effected, as in other cases, by an ἐξελιγμός (cf. Grote, ii. 457). Similar manoeuvres took place if the enemy appeared on the left, though, as this was the shielded side of the soldiers, and the danger was consequently less, it was frequently thought sufficient to keep the enemy in check by means of the cavalry and light troops. (Xen. *Rep. Lac.* xi. § 10.) Bauer (*op. cit.* 257), however, represents this manoeuvre as being effected according to a different order. He supposes (1) the ordinary παραγωγὴ ἐς μέτωπον παρ' ἀσπίδας to form a phalanx; then (2) a wheel round through a quadrant of a circle to the right or left, according to the quarter from which the enemy appeared. One point that a general had to be on his guard against was the tendency of an army, when advancing ἐπὶ φάλαγγος, to sheer off towards the right, each man pressing closer to his right-hand neighbour in order to protect his unshielded side, so that the right wing frequently got beyond the left wing of the enemy. (See especially the account of the battle of Mantineia, Thucyd. v. 71.) A slight consideration will show that the analogy traced between the evolutions of an army and those of a chorus is by no means fanciful. One kind of ἐξελιγμὸς was, we have seen, called χορεῖος. The importance attached to the war dances among the Spartans as a means of military training was consequently very great. [CHORUS.]

When an army was led to attack a height, it was usually drawn up in what were termed λόχοι ὄρθιοι, a term which merely implies that the lochi had greater depth than breadth (παράμηκες μὲν λέγεται πᾶν τάγμα ὃ ἂν τὸ μῆκος ἔχῃ πλεῖον τοῦ βάθους, ὄρθιον δὲ ὃ ἂν τὸ βάθος τοῦ μήκους, Aelian. *Tact.* c. 29). The breadth of the lochi would, of course, vary according to circumstances. They were drawn up with considerable intervals between them. In this way the army presented a considerable front to the enemy, and was less liable to be thrown into confusion than if drawn up in close phalanx, while at the same time the intervals between the lochi were not left so great that the enemy could safely press in between them. (Xen. *Anab.* iv. 2, § 11; 8, §§ 10–19; v. 4, § 22; *Cyrop.* iii. 2, § 6; *Anab.* iv. 3, § 17; Polyaen. *Strat.* v. 16, § 1.) There is no ground for affirming that a λόχος ὄρθιος was drawn up in two files, or even one, as Sturz (*Lex. Xen.*) and Grote (viii. 403) say. Such an arrangement would be perfectly useless for attack. This

system of arrangements, which in breaking up the rigid phalanx formed some approximation to the Roman manipular tactics, was not, however, employed except in the particular case mentioned. This was an innovation due to the genius of Xenophon, and it was frequently employed in later Greek tactics.

In special circumstances, such as those of the retreating Greeks in the *Anabasis*, the arrangement in a hollow square was adopted (cf. the τετράγωνος τάξις in Thuc. iv. 125), and in the retreat from Syracuse (Thuc. vii. 78); the troops being so placed that by simply facing about they presented a front for battle on whichever side it was necessary. But if the enemy were following, it proved a very bad arrangement (Xen. *Anab.* iii. 4, 19). The term πλαίσιον was generally applied to an army so arranged, whether square or oblong. Afterwards the term πλαίσιον was restricted to the square, the oblong being called πλίνθιον.

Though at first sight the arrangement and manoeuvres of a Lacedaemonian army seem exceedingly complex, they were in reality quite the reverse, owing to the carefully graduated system of subordination which prevailed (σχεδὸν γάρ τοι πᾶν τὸ στρατόπεδον τῶν Λακεδαιμονίων ἄρχοντες ἀρχόντων εἰσί, Thuc. v. 66). The commands of the general were issued in the first place to the polemarchs, by these to the lochagi, by these again to the pentecosteres, by the latter to the enomotarchs, and by these last to their respective divisions. From the orderly manner in which this was done, commands were transmitted with great rapidity: every soldier, in fact, regulating the movements of the man behind him, every two being connected together as πρωτοστάτης and ἐπιστάτης.

In later times the king was usually accompanied by two ephors, as controllers and advisers (Xen. *Rep. Lac.* xiii. 5). These, with the polemarchs, the four Pythii, three peers (ὅμοιοι), who had to provide for the necessities of the king in war,—among whom was the κρεοδαίτης, who was an important person, the post being held by Lysander (Plut. *Lys.* 23),—the λαφυροπῶλαι, and some other officers, such as the ταμίαι, treasurers, and the Ἑλλανοδίκαι, judges of disputes (Xen. *Rep. Lac.* xiii. 11), constituted the οἱ περὶ δαμοσίαν of the king [DAMOSIA]. The polemarchs also had some sort of suite or staff with them, called συμφορεῖς (Plut. *Pelop.* 17; Xen. *Hell.* vi. 4, § 14), just as the king had the 300 so-called ἱππεῖς. The polemarchs took the place of the king in cases of emergency. With the exception of the enomotarchs, the superior officers and those immediately about them are not to be reckoned with the division which they led. They stood distinct, forming what was called the ἄγημα (Xen. *Rep. Lac.* xi. 9).

The Spartan and Perioecan hoplites were accompanied in the field by helots, partly in the capacity of attendants, partly to serve as light-armed troops. The number attached to an army was probably not uniform. At Plataeae each Spartan was accompanied by seven helots; but that was probably an extraordinary case. One helot in particular of those attached to each Spartan was called his θεράπων, and performed the functions of an armourer or shieldbearer (Eustath. *ad* Dionys. *Per.* 533). Xenophon (*Hell.* iv. 5, § 14; 8, § 39) calls them ὑπασπισταί (cf. Herod. v. 111; Müller, *Dor.* iii. 3, § 2), or δορυφόροι (Xen. *Hell.* iv. 5, § 8). In extraordinary cases, helots served as hoplites, and in that case it was usual to give them their liberty (Thucyd. vii. 19, iv. 80, v. 34). Distinct corps were sometimes composed entirely of these Neodamodes. A separate troop in the Lacedaemonian army was formed by the Sciritae (Σκιρῖται), originally, no doubt, inhabitants of the district Sciritis. In battle, they occupied the extreme left of the line. On a march, they formed the vanguard, and were usually employed on the most dangerous kinds of service. (Thuc. v. 67, with Arnold's note; Xen. *Cyrop.* iv. 2, § 1.) Similarly the Tegeans laid claim to a position on the right wing (Herod. ix. 26 ff.).

Light-armed troops (ψιλοί) are mentioned in the fourth year of the Peloponnesian War (Thuc. iii. 1), and in 424 B.C. a corps of bowmen was established by the Spartans (Thuc. iv. 55). Brasidas used great numbers of such light-armed troops (*ib.* 111, 123, 125); and they appear later in the armies of Agesilaus (Xen. *Hell.* iii. 4, 23) and Archidamus (vii. 4, 22). The peltasts from Orchomenus which Xenophon mentions (*Hell.* vi. 5, 15) were certainly mercenaries; so that we may infer that to a large degree the Spartans used mercenaries and allies for light-armed.

Though the tyrants (*e.g.* Pisistratus, Herod. i. 61) and some Peloponnesian states (*e.g.* Corinth) had previously a large mercenary force (Thuc. i. 60), the first appearance of a μισθοφόρος ὄχλος ξενικὸς of the Spartans was in Acarnania in 426 B.C. (Thuc. iii. 109). Brasidas used mercenaries frequently (Thuc. iv. 80; v. 6); also Lysander (Xen. *Hell.* ii. 4, 30), Thibron (who wanted 300 mercenaries from Athens, *ib.* iii. 1, 4), and Agesilaus (*ib.* vi. 5, 15). The expedition of Cyrus gave a great impulse to the development of a mercenary army. In fact, about the time of Agesilaus they were so numerous that Xenophon says the citizens were only used for garrison duty, while mercenaries were employed for war (*ib.* iv. 4, 14); and further (vii. 1, 23) that Arcadian mercenaries (they were the great people for supplying this kind of force: cf. Thuc. vii. 57; Hesych. *s. v.* Ἀρκάδος μιμούμενος) were always used for an invasion of Attica. The Carians, too, appear frequently as mercenaries. The Spartans generally contented themselves with sending out thirty of their own body to take the chief posts of command in the army (cf. Bauer, *op. cit.* p. 261). The state used to look for a general of known ability, and it was *he* who used to agree with the soldiers, it was to *him* that the latter used to look for pay and provisions, and so practically they became his soldiers—they were no longer Spartans or Arcadians or Achaeans, but Brasideans or Cyreans. In later times there was a regular market of mercenaries at Taenarum (Diod. xvii. 108). The pay was generally about a drachma a day (Thuc. vii. 27), to the λοχαγὸς twice as much, and to the στρατηγὸς four times as much (cf. Xen. *Anab.* iv. 6, 1; and Gilbert, *op. cit.* ii. 354). The divisions of the mercenary force were not those of the φρουρά. The divisions were much smaller, the τάξις being the highest unit for both cavalry and infantry. The τάξις of cavalry was commanded by the hipparch, and that of the infantry by the taxiarch. The τάξις fell

into λόχοι, commanded by λοχαγοί, with substitutes ὑπολοχαγοί (Xen. *Hell.* iv. i, 26; v. 2, 13). This breaking up of the phalanx into smaller tactical units which were capable of being used independently is the chief military feature of the mercenary forces.

When the φρουρὰ was declared, the Spartans generally required, beside the native citizen force, a definite proportion of allies, καὶ τῶν συμμάχων τὸ μέρος (Xen. *Hell.* iv. 6, 3), which was very frequently two-thirds of the available force (Thuc. ii. 10). The number of allies compared with that of the Spartans was very great: in one case the proportion was 10,000 to 1500 (Thuc. i. 107). Later, when the system of mercenaries was fully in vogue, the allied forces could be commuted for a money payment. A hoplite was considered equal to two light-armed, and a horse-soldier to four hoplites—commutation for a hoplite being three Aeginetan oboli (Xen. *Hell.* v. 2, 21; Diod. xv. 31). The forces of the allies, besides their own commanders (ἀπὸ τῶν πόλεων στρατηγοί, Thuc. ii. 10; Xen. *Rep. Lac.* xiii. 4), had also assigned to them special commanders, who were Spartans. These commanders were called ξεναγοί (Thuc. ii. 75; Xen. *Hell.* iii. 5, 7); and they were sometimes used in times of peace as governors in the allied states (*ib.* v. 2, 7).

The arms of the phalanx consisted of the long spear and a short sword (ξυήλη). The chief part of the defensive armour was the large brazen shield,—generally marked with the letter Λ, signifying Λακεδαιμονίων (Eupolis, *fr.* 359, Kock; Photius, *s. v.* λάμβδα), just as the Sicyonians had Σ on their shields (Xen. *Hell.* iv. 4, 10),—which covered the body from the shoulder to the knee (Tyrtaeus, fr. ii. 23), suspended, as in ancient times, by a thong round the neck, and managed by a simple handle or ring (πόρπαξ). The improved Carian handle (ὀχάνη) was not introduced till the time of Cleomenes III. Besides this, they had the ordinary armour of the hoplite [ARMA]. The helmets were made of felt and called πῖλοι (Thuc. iv. 34, and Arnold's note: though Poppo takes these to be cuirasses). The heavy-armed soldiers wore a scarlet uniform (Xen. *Rep. Lac.* xi. § 3; *Ages.* ii. 7). A day's march in the *Anabasis* was about 15 miles. Droysen (*op. cit.* p. 83) has collected a variety of statistics of the time taken to effect certain marches in Greek history; but we cannot be sure of the distance, owing to our ignorance for the most part of the courses of the Greek roads between the places. In marching through a friendly country a market was usually granted to the soldiers by the inhabitants (Thuc. vi. 44, viii. 95; Xen. *Hell.* iii. 4, 11): in an enemy's country they took what they wanted, getting vegetables and fuel are frequently mentioned, λαχανισμὸς καὶ φρυγανισμός (Thuc. iii. 111, vii. 4), or else made formal requisitions, προνομαί (Xen. *An.* v. 2, 24). In transmarine expeditions the Greek armies often took provisions with them (Thuc. vi. 22, 44): though we hear of ἔμποροι and an ἀγοραῖος ὄχλος following the army (Thuc. *l. c.*; Xen. *Hell.* i. 6, 37; vi. 2, 23), so that no doubt a large part of the provisions were purchased; so, too, we may be certain that the ἑξαμήνου σῖτος mentioned in Xen. *Hell.* iii. 4, 2, and the τροφὴ in Thuc. vi. 93, 94, were money. The baggage and camp-followers came *after* the line of march, except in the rare occasions of night-marches, when they, as being the slowest, went in front (Xen. *An.* vii. 3, 37; *Cyr.* v. 3, 37). We saw that the citizen-soldiers had each a servant, but the mercenaries did not keep such. Besides these servants, there was a large mass of *impedimenta*, such as the traders, booty, cattle, soldiers' mistresses, &c. (Xen. *An.* iii. 5, 9; iv. 1, 14), which Xenophon tells us were a serious shackle on the army (*ib.* iii. 2, 27). Among the Spartans the baggage was all looked after by the ἄρχοντες τῶν σκευοφόρων (Xen. *Hell.* iii. 4, 22; *Rep. Lac.* xiii. 4). The Spartan encampments were circular. Only the heavy-armed were stationed within it, the cavalry being placed to look out, and the helots being kept as much as possible outside. As another precaution against the latter, every soldier was obliged always to carry his spear about with him (Xen. *Rep. Lac.* xii. 4). Though strict discipline was, of course, kept up in the camp, it was less rigorous than in the city itself (Plut. *Lyc.* 22; comp. Herod. vii. 208). Preparatory to a battle the Spartan soldier dressed his hair and crowned himself as others would do for a feast. The Spartans at Corinth, when but a stadium from the enemy, offered the customary sacrifice to Artemis Agrotera (Xen. *Hell.* iv. 2, 20). The signal for attack in ancient times was given by priests of Ares (πυρφόροι), who threw lighted torches into the interval between the two armies (Schol. *ad* Eurip. *Phoen.* 1186). Afterwards it was given not by the trumpet, but by the music of flutes, and sometimes also of the lyre and cithara, to which the men sang the battle song (παιὰν ἐμβατήριος), such as Tyrtaeus wrote (Paus. iii. 17, § 5; Plut. *l. c.*), or raised a wild shout (ἀλαλά, ἐλελεῦ). The object of the music was not so much to inspirit the men as simply to regulate the march of the phalanx (Thuc. v. 70). This rhythmical regularity of movement was a point to which the Spartans attached great importance. The Greeks had not standards like the Roman *signa*. The σημεῖα which we hear of being raised and lowered (Thuc. i. 63) were signals rather than standards. Signals were given by fire-beacons also (φρυκτοί, Thuc. iii. 22, and Arnold's note). Trumpets were little used except to sound the attack (τὸ πολεμικόν) or retreat (τὸ ἀνακλητικόν). (Cf. Hermann-Droysen, i. 54.) To prevent the ranks being broken the soldiers were forbidden to stop in order to strip a slain enemy while the fight lasted, or to pursue a routed enemy. The younger hoplites or the cavalry or light-armed troops were despatched for this purpose (Xen. *Hell.* iv. 4, § 16; v. 14, § 16). All the booty collected had to be handed over to the laphyropolae and ephors, by whom it was sold. The loss in battle was always much greater on the side of the vanquished than on that of the victors: for the wounded of the former could not be carried away, the beaten side not having any start as they have in modern battles; and so either were killed by the victors or bled to death. As average instances may be taken the battles of Delium and Corinth: the defeated party at each of these lost 1 in 7 men, the victors at the former 1 in 26 and at the latter 1 in 23. The loss of the Spartans at Leuctra (1 in 2) was the greatest we know of

in an important battle. (Cf. Hermann-Droysen, i. 101.)

The rigid inflexibility of the Spartan tactics rendered them indisposed to the attack of fortified places (Thuc. i. 102). At the battle of Plataeae, they even assigned to the Athenians the task of storming the palisade formed by the γέρρα of the Persians (Herod. ix. 70).

In Athens, the military system was in its leading principles the same as among the Spartans, though differing in detail, and carried out with less exactness; inasmuch as, when Athens became powerful, greater attention was paid to the navy. Of the times before Solon, we have but little information. We learn that there were twelve phratriae, and in each of these four naucrariae, each of which was bound to furnish two horsemen and one ship (Photius, Suidas, *s. v.* ναυκραρία: Poll. viii. 108). Of the four classes into which the citizens were arranged by the constitution of Solon, the citizens of the first and second served as cavalry, or as commanders of the infantry (still it need not be assumed that the ἱππεῖς never served as heavy-armed infantry), those of the third class (ζευγῖται) formed the heavy-armed infantry. The Thetes served either as light-armed troops on land, or on board the ships. The same general principles remained when the constitution was remodelled by Cleisthenes. All citizens qualified to serve either as horsemen, or in the ranks of the heavy-armed infantry, were enrolled in a list [CATALOGUS]. The case of Thetes serving as heavy-armed soldiers is spoken of as an exception to the general rule; and even when it was the case, they were not enrolled in the catalogus (Thucyd. vi. 43). Every citizen was liable to service from his eighteenth to his sixtieth year. On reaching their eighteenth year, the young citizens were formally enrolled (εἰς τὸ ληξιαρχικὸν γραμματεῖον), and received a shield and spear in a public assembly of the people, binding themselves by oath to perform rightly the duties of a citizen and a soldier (Aristot. *ap.* Harpocr. p. 241). The actual words of the oath are given in Poll. viii. 105, 106 (cf. Hermann-Droysen, *op. cit.* i. 57). During the first two years, they were only liable to service in Attica itself, chiefly as garrison soldiers in the different fortresses in the country. During this period, they were called περίπολοι, and their commander περιπόλαρχος. (Harpocr. *s. v.* περίπολος: Pollux, viii. 105; Lycurg. *Leocr.* § 76; Thuc. viii. 92.) [EPHEBUS.] The levies were made under the direction of the generals [STRATEGI]. The soldiers were selected either according to age, as among the Spartans (Aristot. *ap.* Harpocr. *s. v.* στρατεία and Phot. *s. v.* στρατία: ὅταν ἡλικίαν ἐκπέμπωσι, προσγράφουσι ἀπὸ τίνος ἄρχοντος ἐπωνύμου μέχρι τίνος δεῖ στρατεύεσθαι; the archons being, of course, those in whose year of office they had entered the military service), the expeditions being then called ἔξοδοι ἐν τοῖς ἐπωνύμοις: or else according to a certain rotation (Aeschin. *Fals. Leg.* p. 330, § 168, τὰς ἐκ διαδοχῆς ἐξόδους). Another kind of levy was that called ἐν τοῖς μέρεσι. It appears to have followed the former; each being used alternately (ἐκ διαδοχῆς, Aeschin. *Fals. Leg.* § 168). This expression ἐν τοῖς μέρεσι is variously interpreted. Some (*e.g.* Droysen, Gilbert, &c.) consider that the levy ἐν τοῖς ἐπωνύμοις called out *all* those of the specified years, while that ἐν τοῖς μέρεσι only called out a *portion* of these in some specified order of rotation (cf. Dem. *Ol.* ii. 31, πάντας ἐξιέναι κατὰ μέρος ἕως ἂν ἅπαντες στρατεύσησθε). Others again (Bauer, Rustow and Köchly) suppose that ἐν τοῖς μέρεσι refers, not to the levy by years but by tribes or portions of tribes. (There is a full discussion on the subject by Lange, *Leipziger Studien*, i. 160; cf. Gilbert, *op. cit.* i. 302.) Both these kinds of levies were, however, only partial ones: when the levy was universal, it was said to be πανδημεί. The levying-place was generally the Lyceum (Schol. on Aristoph. *Pax*, 356), though occasionally in other places (Andoc. *de Myst.* § 45). Each soldier was expected to be provided with provisions for three days (Aristoph. *Ach.* 197). The services of those below or above the ordinary military age, were only called for on emergencies, or for guarding the walls. (Cf. Thuc. i. 105, ii. 13.) Members of the senate during the period of their office, farmers of the revenue, choreutae at the Dionysia during the festival; in later times, traders by sea also, were exempted from military service (Lycurg. *Leocr.* § 34; Demosth. *c. Neaer.* p. 1353, § 27; *c. Mid.* p. 516, § 15; Aristoph. *Eccles.* 1027, with the Schol.). Any one bound to serve who attempted to avoid doing so, could be accused on a γραφὴ ἀστρατείας. This, with the γραφὴ λιποταξίου and the γραφὴ δειλίας, were the chief indictments to which the soldier was liable [ASTRATEIAS GRAPHÉ]. The resident aliens commonly served as heavy-armed soldiers, especially for the purpose of garrisoning the city, but only in case of an universal levy (πανδημεί). They were prohibited from serving as cavalry (Xen. *de Vect.* ii. § 5; *Hipparch.* ix. § 6). Slaves were only employed as soldiers in cases of great necessity, as at Marathon (according to Paus. i. 32, § 3) and Arginusae (Xen. *Hell.* i. 6, § 17). The levy of the cleruchs and allies appears to have been made ἐκ καταλόγου (Thuc. vi. 26), and recruiting was conducted by Athenian officers when the order was given (στρατιὰν ἐπαγγέλλειν ἐς τοὺς συμμάχους, Thuc. vii. 17). The Athenians often used the allies solely for their own special wars (cf. Bauer, *op. cit.* p. 290; Grote, v. 199); though when we hear of Lemnians and Imbrians and other peoples who had large numbers of cleruchs serving, such are generally to be understood as referring to the cleruchs.

The dress and armour of the hoplites consisted of a white jerkin (χλανίς) which reached down to the hips. Over this was the θώραξ [LORICA]; and over this again they wore a cloak which in the case of officers was purple (Aristoph. *Pax*, 1175). Of course in battle they took this off. On their legs were greaves [OCREAE], and on their head a plumed helmet [GALEA]. Their arms were a round or oval shield [CLIPEUS], short sword [GLADIUS], and lance [HASTA]. These arms the soldier appears to have provided himself, but the orphans of those who fell in battle, on arriving at man's estate, received a πανοπλία from the state (Aeschin. *Ctes.* § 154).

Of the details of the Athenian military organisation, we have no distinct accounts as we have of those of Sparta. There was less exactness than among the Spartans. Especially the

Athenians were not so particular that the same individuals should always hold the same positions in the phalanx or its subdivisions (Xen. *Rep. Lac.* xi. 6; Thuc. v. 66); and more frequent exemption from service was allowed than among the Spartans (cf. Bauer, *op. cit.* p. 270). The heavy-armed troops, as was the universal practice in Greece, nearly always fought in phalanx order, very rarely in a square (Thuc. vi. 67). They were arranged in bodies in a manner dependent on the political divisions of the citizens. The soldiers of each tribe formed a separate body in the army, also called a tribe, and these bodies stood in some preconcerted order (Herod. vi. 111; Plut. *Arist.* 5; Xen. *Hell.* iv. 2, § 19, with Schneider's notes). Each φυλή appears to have formed a τάξις (Lys. *Agorat.* § 82, cf. § 79), and the members of each deme probably stood together (Isaeus, *de Pyrrhi hered.* § 42; Lys. *Polystr.* § 23). A further subdivision was that into λόχοι under λοχαγοί (Xen. *Hell.* i. 2, 3; *Mem.* iii. 4, 1; Isocr. xv. 117). The strength of the λόχος, however, cannot be determined; and it must be remembered that λόχος is the most ordinary term for the largest tactical unit, which varied, though it was generally about 100 men (Bauer, *op. cit.* p. 248). The συσσιτια or συσκήνια (Lys. *Agorat.* § 79; Isaeus, *Nicostr.* § 18) are voluntary unions of friends, and we cannot infer from them that the members belonged to the same deme or even to the same branch of the service. Before Potidaea the hoplite Socrates of Alopece was a σύσσιτος of the knight Alcibiades of Scambonidae (Plat. *Symp.* 219 E). Every hoplite was accompanied by an attendant (ὑπηρέτης, Thuc. iii. 17), like the Helots among the Spartans, to take charge of his baggage, and carry his shield on a march. Each horseman also had a servant, called ἱπποκόμος, to attend to his horse (Xen. *Hell.* ii. 4, 6).

It would appear that in 490 B.C. there was no cavalry (Herod. vi. 112). In the time of Cimon it was 300, soon after 600 (Andoc. *de Pace*, § 5; Schol. on Aristoph. *Eq.* 627), and at the beginning of the Peloponnesian war 1200, of whom 200 were hired Scythian bowmen (Thuc. ii. 13; Aristoph. *Eq.* 225). The number 1000 remained down to the time of Demosthenes (Xen. *Hipp.* ix. 3; Dem. *de Symm.* p. 181, § 13). It is probable that the organisation of cavalry was due to the experience the Athenians obtained in the Persian wars with regard to that service. The cavalry was commanded by two Hipparchs, part of whose duty it was to see that the number was kept up to the 1000 (Xen. *Hipp.* i. 2). The ἱπποτροφία was made one of the liturgies of the rich (Xen. *Oec.* ii. 6; Lycurg. *Leocr.* § 139), the performance of which could be enforced by law (Xen. *Hipp.* i. 9). It could only attach to the rich, for an ordinary horse cost as much as three minae (Isaeus, *de Dicaeog. hered.* § 43), and a war-horse would cost a great deal more. Of course those only were required to serve who were physically capable of doing so efficiently; but such were required to serve as long as they were able (Xen. *Hipp.* i. 2): so we find the corps divided into νέοι and πρεσβύτεροι (*ib.* i. 17; ii. 3). It belonged to the duties of the hipparch to train the horsemen (Xen. *Mem.* iii. 3, 5), especially in being able to leap up on horseback (Xen. *Hipp.* i. 17)—for they had no saddles or stirrups—in throwing the javelin (*ib.* i. 6, 21), and in kinds of sham fights (ἀνθιππασία), in which each hipparch commanded five tribes (i. 20, iii. 11; Aristot. *fr.* 56 M.); for the cavalry were divided by tribes (Xen. *Hell.* ii. 4, 31), each governed by a phylarch (Xen. *Hipp.* i. 8). The hipparch appears to have had to examine the horses (Xen. *Mem.* iii. 3, 4), which must have been very necessary when one remembers the various requirements of a war-horse as given by Xenophon (*de re Equestri*, iii. 7, viii. 1). The hipparch and the phylarch were elected by the people (Aristoph. *Av.* 798). At the beginning of the year the βουλή held a review of the knights. They went through exercises (ἀκοντισμός, ἀνθιππασία, &c.) which are described at length by Xenophon (*Hipp.* iii.); and if this examination (δοκιμασία) proved satisfactory and the horses seemed suitable (i. 13), a fee for equipment (κατάστασις) was paid to each horseman (Suid. *s. v.*). Besides this, pay (μισθός) was given to the cavalry to the amount of 40 talents a year, *i.e.* 240 drachmas for each horseman (cf. Dem. *Phil.* i. § 28, p. 48 R.; Boeckh, *Staatshaushaltung*, i.[3] 317 ff., 340 ff.). A knight regularly appointed could not serve as a hoplite; and if he did not pass the examination and yet attempted to serve, he was disgraced (Lys. *Alc.* ii. 7; i. 8, 9). The arms of the cavalry were two spears of cornel-wood (Xen. *de re Eq.* xii. 12, 13) and a small sword like a cleaver. Full account of the armour is to be found in Xen. *de re Eq.* xii. 1 ff. The cavalry appear to have been an imposing corps, and so were much used in processions (Aristoph. *Ran.* 652; Dem. *Phil.* i. p. 47, § 26; Xen. *Hipp.* iii. 2). Besides the light-armed soldiers drawn from the ranks of the poorer citizens, there was at Athens a regiment of Thracian slaves, armed with bows. The number of these increased from 300, who were purchased after the battle of Salamis, to 1000 or 1200 (Aeschin. *Fals. Leg.* §§ 173, 174; Boeckh, *Staatshaushaltung*, book ii. c. 11). They, however, were generally employed as a sort of police or city guard. Besides these, however, the Athenians had a troop of bowmen of their own citizens, amounting, at the beginning of the Peloponnesian war, to 1600 (Thuc. ii. 13). They were commanded by τόξαρχοι (*C. I. A.* i. 79). The two classes of ἀστικοὶ and ξενικοὶ τοξόται are mentioned in *C. I. A.* i. 433. Besides the 1000 knights, there were at the beginning of the Peloponnesian war 200 ἱπποτοξόται, mostly taken from the Scythians (Thuc. ii. 13, compared with Aristoph. *Eq.* 225). It was considered degrading for a citizen to serve in this corps (Lys. *Alc.* ii. 6). They used to ride before the hipparchs (Xen. *Mem.* iii. 3, 1). There is an elaborate account of the military forces of Athens in Boeckh (*op. cit.* i.[3] 321–339).

For the command of the army, there were chosen every year ten generals [STRATEGI] and ten taxiarchs [TAXIARCHI]. Respecting the military functions of the ἄρχων πολέμαρχος, see the article ARCHON. The number of strategi sent with an army was not uniform. Three was a common number. Sometimes one was invested with the supreme command; at other times, they either took the command in turn (as at Marathon), or conducted their operations by common consent (as in the Sicilian expedition).

The practice of paying the troops when upon service was introduced by Pericles (Ulpian. *ad* Demosth. *περὶ συντάξ.* p. 50 a). The pay consisted partly of wages (*μισθός*), partly of provisions, or, more commonly, provision-money (*σιτηρέσιον*). The ordinary *μισθὸς* of a hoplite was two obols a day. The *σιτηρέσιον* amounted to two obols more (Dem. *Phil.* i. § 28, p. 48). Hence the life of a soldier was called, proverbially, *τετρωβόλου βίος* (Eustath. *ad Od.* p. 1405; *ad Il.* p. 951). Higher pay, however, was sometimes given, as at the siege of Potidaea the soldiers received two drachmas apiece, one for themselves, the other for their attendants. This, doubtless, included the provision-money (Thuc. iii. 17). Officers received twice as much; horsemen, three times; generals, four times as much (comp. Xen. *Anab.* vii. 6, § 1; 3, § 9).

As regards the military strength of the Athenians, we find 10,000 heavy-armed soldiers at Marathon (Justin. ii. 9); 8,000 heavy-armed, and as many light-armed, at Plataeae (Herod. ix. 29); and at the beginning of the Peloponnesian war there were 13,000 heavy-armed ready for foreign service, and 16,000 consisting of those beyond the limits of the ordinary military age and of the metoeci, for garrison service (Thuc. ii. 13).

It was the natural result of the national character of the Athenians and their democratical constitution, that military discipline was much less stringent among them than among the Spartans (*χαλεπαὶ γὰρ αἱ ὑμέτεραι φύσεις ἄρξαι*, Thuc. vii. 14), and after defeat especially it was often found extremely difficult to maintain it. The generals had some power of punishing military offences on the spot, such as treasonable correspondence with the enemy (Lys. *Agorat.* § 67); but the punishment for insubordination was trifling (Lys. *Sim.* § 43). For the greater number of offences, the trial only took place after the return of the army home before the generals (Lys. *Alc.* i. 21), or the taxiarchs as their substitutes (Dem. *in Booet. de nom.* § 17), and a jury of persons who had served in the army (Lys. *Alc.* i. 15); the punishments were various kinds of *ἀτιμία* (Andoc. *de Myst.* § 74). Various rewards also were held out for those who especially distinguished themselves for their courage or conduct, in the shape of chaplets, statues, &c. (cf. Aeschin. *Fals. Leg.* § 169). In connexion with these, the *λόγος ἐπιτάφιος*, spoken over those who had fallen in war, and the *τάφος δημόσιος*, must not be omitted. Respecting the provision made for those who were disabled in war, see the article ADYNATI.

The Peltastae (*πελτασταί*), so called from the shield which they bore [PELTA], were a kind of troops of which we hear very little before the end of the Peloponnesian war. The first time we have any mention of them is in Thuc. iv. 111, where they are spoken of as being in the army of Brasidas. With the more frequent employment of mercenary troops a greater degree of attention was bestowed upon the peltastae; and the Athenian general Iphicrates introduced some important improvements in the mode of arming them, combining as far as possible the peculiar advantages of heavy- (*ὁπλῖται*) and light-armed (*ψιλοί*) troops. Thus distant as well as close combat was possible for them (Schol. on Eur. *Rhes.* 311; cf. Plut. *Legg.* vii. 813 E). The great advantage of this light infantry is well sketched by Xenophon (*Hell.* ii. 4, 12). Iphicrates substituted a linen corslet for the coat of mail worn by the hoplites, and lessened the shield, while he doubled the length of the spear and sword. He even took the pains to introduce for them an improved sort of shoe, called after him *Ἰφικρατίδες* (Pollux, vii. 89). This equipment was commonly adopted by mercenary troops, and proved very effective. The almost total destruction of a mora of Lacedaemonian heavy-armed troops by a body of peltastae under the command of Iphicrates was an exploit that became very famous (Xen. *Hell.* iv. 5, § 11). The peltast style of arming was general among the Achaeans until Philopoemen again introduced heavy armour (Plut. *Philop.* 9) with the Macedonian phalanx.

When the use of mercenary troops became general, Athenian citizens seldom served except as volunteers, and then in but small numbers. Thus we find 10,000 mercenaries sent to Olynthus with only 400 Athenians (Demosth. *Fals. Leg.* p. 425, § 263). With 15,000 mercenaries sent against Philip to Chaeroneia, there were 2,000 citizens (Demosth. *de Cor.* p. 306, § 237). It became not uncommon also for those bound to serve in the cavalry to commute their services for those of horsemen hired in their stead, and the duties of the *ἱπποτροφία* were ill executed. The employment of mercenaries also led in other respects to considerable alterations in the military system of Greece. War came to be studied as an art, and Greek generals, rising above the old simple rules of warfare, became tacticians. The old method of arranging the troops, a method still retained by Agesilaus at the battle of Coronea, was to draw up the opposing armies in two parallel lines of greater or less depth, according to the strength of the forces, the engagement commencing usually very nearly at the same moment in all parts of the line. The tactics employed by Epaminondas were a further development of the Boeotian practice of deepening one point in the attacking line. Thus, while the Greek army was generally drawn up eight deep, at Delium the right Boeotian wing was twenty-five deep (Thuc. iv. 93). Epaminondas at Leuctra not only deepened the left wing to fifty, placing the Sacred Band in front; but he further (and this was a distinct innovation) moved it forward obliquely, *λοξὴ φάλαγξ* (Xen. *Hell.* vi. 4, 12; Diod. xv. 55; Plut. *Pelop.* 23), so as to attack with this tremendous force the centre, and not as usual the wings, of the enemy.

Thessaly under Jason of Pherae had a vast army: 8,000 cavalry and 20,000 hoplites, a large force of peltasts, and 6,000 mercenaries (Xen. *Hell.* vi. 1, 5). This Jason has the distinction of having invented an arrangement of cavalry in the shape of a rhomboid (Asclep. vii. 2; Ael. xvi. 3), but a still greater one in having been the first to take measures for tending soldiers when sick (Xen. *Hell.* vi. 1, 6). The tyrants in Sicily had very large armies, though probably the actual numbers are exaggerations of their conquerors. Gelon is said to have had 10,000 mercenaries; and Dionysius I. an army of 120,000 foot and 12,000 horse, together with every kind

of improvement in engines, arms, &c. He paid great attention to cavalry, and had mercenaries from all quarters, Iberians and Gauls (Diod. xv. 70). For a full account of this great military organiser, see Diod. xiv. 42, 43; Grote, x. 240; Hermann-Droysen, *op. cit.* 76; Bauer, *op. cit.* §§ 53, 54. The chief features in the Sicilians were their great enterprise and their readiness to adopt all improvements as well in arms as in tactics: thus, for example, Dion divided his army into λόχοι ὄρθιοι in accordance with the important improvement made by Xenophon (Plut. *Dion*, 45).

Under Philip and the subsequent Macedonian kings, the army was much more systematically attended to, and we have much fuller accounts of it than we have of the armies of free Hellas. Till Philip's time the Macedonians had a very indifferent army. Archelaus indeed did something to improve it; but the exact nature of his improvements we cannot be very certain about (Thuc. ii. 100). Philip was the first to organise the foot-soldiers in a phalanx, and to develop still further the resources of the Macedonian cavalry, which had always been excellent. In times past it was the cavalry who used to protect the country, while the inhabitants fled into the fortified towns (Thuc. *l. c.*); but it is very rarely that we read of foot-soldiers, such as the hoplites of the Lyncestae and the infantry which Perdiccas supplied to Brasidas (Thuc. iv. 124, 83).

During his stay at Thebes, Philip learned the tactics of Epaminondas, though the Macedonians must have learned already much of the Greek method of warfare of that day from the troops of the Athenians and Spartans which were certainly carrying on war in Chalcidice, and from the number of Greek mercenaries which were now everywhere abroad. With special knowledge derived from these sources, and with a population accustomed to monarchical rule, whom he could call out for service and use according to his own judgment for as long as he pleased (cf. Dem. *de Cor.* 305, § 235), Philip organised the Macedonian army. The cavalry were the principal element; they were called his Companions or ἑταιροι, a term applied in Macedonia to persons of distinction (Plut. *Pelop.* 27). Those summoned for service in the infantry were called Foot-Companions (πεζέταιροι), a term which shows that they were a kind of subsequent appendage to the cavalry. These two terms, ἑταιροι and πεζέταιροι, appear to have been originally applied to a picked body-guard (Dem. *Ol.* ii. p. 23, § 17), and gradually to have been extended to the cavalry and infantry generally (cf. Grote, xi. 386). The ἑταιροι, 800 in number (Theopomp. *fr.* 249), were mostly Macedonians, but there were some Greeks and Thessalians amongst them. It has been supposed that there were six ἴλαι of Companions and six τάξεις of Foot-Companions, one raised from each of the six recruiting districts of Macedonia (Grote, *l. c.*). But though the divisions of the cavalry and infantry were called ἴλαι and τάξεις respectively, and there were recruiting districts (cf. the analogous division of Thessaly into four recruiting districts after its conquest, Dem. *Phil.* iii. p. 117, § 26), we cannot be quite certain that there were only six (see Hermann-Droysen, *op. cit.* 108). Thirteen ἴλαι are mentioned in Plut. *Alex.* 16, in such a way as to imply that there were more. A picked body of the cavalry was called the ἄγημα or βασιλικὴ ἴλη. Further divisions of the τάξεις were λόχοι and perhaps σκηναί, the latter consisting of ten men (Anaximenes *ap.* Harpocr. *s. v.* πεζέταιροι: Arrian. *Anab.* iv. 21, 10). If Anaximenes in this passage refers the establishment of the πεζέταιροι *eo nomine* to Alexander, this does not refer, as is thought, to Alexander son of Amyntas, but is probably only due to the practice of ascribing all innovations to and beginning all things from the great Alexander, though Abel (*Makedonien vor König Philipp*, p. 131, note 1) supposes him to refer to the enrolment of Persians in the army by Alexander the Great. The infantry was arranged in a phalanx (Diod. xvi. 3). Their armour consisted of a helmet, metal-plated leather jerkin, greaves, and small circular shield, about two feet in diameter (Asclep. *Tact.* 5), fastened on the arm, not grasped by the hand: for both hands had to be used to hold the sarisa [SARISA], twelve cubits long (Theophr. *Hist. Pl.* iii. 12, 2). They had also a short sword used for thrusting; and accordingly the long sword of the Roman horsemen caused the greater terror (Liv. xxxi. 34, 4). Over the armour they wore a cloak except in battle (Polyaen. iv. 3, 3). Their arrangement was that of a serried mass, a feature due to the influence of Epaminondas; for it was doubtless with a view of facing his method of warfare that Philip first organised the phalanx. Like the Greek hoplites, the phalanx was arranged in ζυγὰ and στίχοι (cf. p. 770*b*). The armour of the cavalry did not at all differ from the armour of the ordinary heavy-armed horsemen in the Grecian armies. The lance was the ξυστόν, made of cornel-wood (Arr. *An.* i. 15, 5). The riders had no stirrups or saddles (cf. Hermann-Droysen, *op. cit.* 109). A very large portion besides of Philip's army consisted of light-armed troops and mercenaries (Dem. *Phil.* iii. 123, § 49). Philip was most particular about drill (Polyaen. iv. 2, 10); he made the soldiers carry their own provisions, thus getting rid of a great number of waggons; and he allowed no more than one servant for each horse-soldier and one for each ten foot-soldiers to carry such articles as the hand-mills, &c. (Frontin. iv. 1, 6). He supplied the arms to the soldiers (Diod. xvi. 3; Liv. xlii. 52), arranged the different corps and appointed all their commanders himself (cf. Arr. *An.* iii. 5, 5). His especial body-guard were called σωματοφύλακες, and were composed of his closest friends (Diod. xvi. 93; cf. Arr. *An.* vi. 28, 4). A further body closely connected with the king were the Royal Pages (βασιλικοὶ παῖδες), sons of the most distinguished Macedonians, who received a military training at the court. On the cavalry Philip bestowed great care: with the united Thessalians he had 3,000 in his war against the Phocians (Diod. xvi. 35). He took the greatest care in improving the breed of horses (Justin. ix. 2, 16). Even the foot-soldiers were trained to fight on horseback (cf. Arr. *An.* iv. 23, 2); and a peculiar wedge-shaped arrangement of cavalry (ἐμβολοειδὴς τάξις) is attributed to Philip (Arr. *Tact.* xvi. 6). For the Macedonian ἐξελιγμός, see p. 771*a*. Philip, too, made the greatest improvement in

military engines [TORMENTA], such as catapults and besieging-towers: from the sieges of Perinthus and Byzantium a new era dates in the art of besieging towns (Athen. *de Mech.* p. 10; Grote, xi. 262); though we must remember that Dionysius of Syracuse had considerable artillery before Philip's time (Diod. xiv. 42, 48, 50).

One of the chief introductions of Alexander was that of the ὑπασπισταί. They held an intermediate position between the heavy-armed Foot-Companions and the quite light-armed. They carried a round shield, a short thrusting-lance, and were clad with a chiton [CHITON], and wore on their head a causia [CAUSIA]. Some time during the campaigns of Alexander, probably after the battle of Arbela, the ὑπασπισταὶ were divided into chiliarchies (cf. Arr. *An.* iii. 29, 7), according to Persian custom (cf. Xen. *Cyr.* iv. 1, 4; Diod. xviii. 48). Alexander also divided the cavalry, no longer into ἴλαι in the first instance, but into ἱππαρχίαι (at first eight, later four, in addition to the ἄγημα), which were then divided each probably into two ἴλαι and several ἑκατοστύες (Arr. *An.* vi. 27, 6): a previous alteration tending towards this arrangement being the dividing of the ἴλη into two λόχοι, this latter title not having been applied to a division of cavalry previously (Arr. *An.* iii. 16, 3). Prior to the appointment of these ἱππαρχίαι, the *chief* commander of the cavalry was called ἱππάρχης (*ib.* iii. 27, 4). Besides the heavy cavalry, Alexander also introduced a lighter kind of cavalry, called Sarisophori, used, as Grote (xi. 389) says, like Cossacks for advanced posts or scouring the country. Their sarisa was shorter than that of the phalangites, but much longer than the ξυστὸν of the Companions. The Paeonian cavalry were something similar. We hear of a body of reconnoitring πρόδρομοι (*i.e.* Paeonians) and Sarisophori in the march to the Granicus (Arr. *An.* i. 12, 7). The Greeks seem to have used but little such reconnoitring parties. The phalanx of Alexander was much less rigid than is usually supposed: according to circumstances, it could be divided into various independently acting corps. We find the infantry sometimes running to the attack (Arr. *An.* i. 26, 3): and a glance at the plan of the battle of Arbela in either Rustow and Köchly's *Griechisches Kriegswesen*, or in Bauer, *op. cit.* Taf. xi., will show the phalanx broken up. However, the normal condition of the phalanx was in close array (πύκνωσις κατ' ἐπιστάτην καὶ παραστάτην, Pol. xviii. 30). The breaking-up into separate divisions is mentioned as an exception; it appears to have been often done to allow the chariots of the enemy to rush through (Arr. *An.* i. 1, 8; iii. 13, 6). The phalanx was usually eight deep, though at the Granicus Alexander made it sixteen (Arr. *An.* i. 13, 1). The front of the individual λόχοι was greater than the depth, because λόχοι ὄρθιοι are early mentioned as quite unusual (*ib.* iv. 25, 2). When standing in close array, each phalangite stood three feet from the soldier at his side and two feet from the soldier behind him. Given the sarisa to be even eighteen feet long, and six of these to be used in grasping and balancing it (Polyb. xviii. 12), the sarisa of the fifth rank would project two feet beyond the first rank. [It is very questionable, however, whether Polybius is in error in this passage in using the word πήχεις instead of πόδας all through, as Rüstow and Köchly (*op. cit.* 239), followed by Droysen (*op. cit.* 173), think. Hultsch, in his edition of Polybius, adheres to πήχεις, and see Grote, chap. xcii. Appendix, and xi. 384. That the longest sarisa was eighteen feet in Alexander's time, and was lengthened afterwards to twenty-one feet, twenty-four feet being the ideal length aimed at, seems the most satisfactory way to explain the various passages.] The other ranks held the sarisa slanting upwards to ward off missiles, but took no other part in the fight except so far as their pressure urged the front ranks forward. On the march the phalangites carried their sarisas on their shoulders; and bringing them down into position for action was called καταβάλλειν τὰς σαρίσας (Pol. xviii. 24, 9; Weiss. on Liv. xxxiii. 8, 13). The first man of each file (στίχος) was the λοχαγός, a soldier of tried bravery and great strength. This method of fighting in phalanx, which was characteristic of the Hellenistic empires down to the end of their existences, is severely criticised by Polybius in various passages, chiefly on the score of its incapability of manoeuvring easily—a disadvantage attaching more to the phalanx of the successors of Alexander than to that of Alexander himself. The phalanx, we are told, required even ground (Pol. xviii. 31; Liv. xxxi. 39, 10), was powerless against an attack from flank or rear (Pol. xviii. 26, 4; Liv. xliv. 41, 6), and in attempting to wheel round was generally thrown into confusion (Liv. xxxii. 18. 16). All this is no doubt true; and the truth was all the more apparent when the phalanx had to face the Roman manipular tactics (Pol. xviii. 29, 30): besides, the phalanx of the successors of Alexander was used generally in the offensive. But we must remember that the phalanx was quite invincible as long as it remained together, and its attack in front irresistible (Pol. *l. c.*), and that it was not subject to any inconveniences greater than those experienced by the ordinary Greek hoplite army (cf. Grote, xi. 385). The strength of the phalanx, according to the tacticians, was 16,384 men—16 men to one Lochus, 16 Lochi to one Syntagma, 2 Syntagmata to one Pentacosiarchy, 2 Pentacosiarchies to 1 Chiliarchy, 16 Chiliarchies to the phalanx (cf. Grote, xi. 386). But this is merely theoretical. The actual numbers of the phalanx varied. It was 10,000 at Sellasia, 16,000 at Cynoscephalae, and 20,000 at Pydna (Droysen, pp. 158, 172). The phalanx of Antiochus at Magnesia consisted of 16,000 men, and was formed in 10 divisions (μέρη) of 1600 men each, arranged 50 broad and 32 deep (App. *Syr.* 32; Liv. xxxvii. 40, 1).

We cannot be very certain about the strength of Alexander's army at different times; but even at the outset the Macedonians were distinctly in the minority—12,000 out of 30,000 infantry, 1500 out of 4,500 cavalry (see Grote, xi. 397). The Grecian allied forces stood under Macedonian commanders: the infantry is rarely mentioned, but we hear of the cavalry of the Thessalians and an ἴλη from Orchomenus in Boeotia. It is noticeable that mercenary cavalry appear in Egypt (Arr. *An.* iii. 5, 1). We do not hear much of the light-armed troops in Alexander's army. The Agrianes, a people from

Northern Macedonia, were valuable archers. There were, of course, slingers and javelin-throwers, later all kinds of native Asiatic troops, amongst them ἱππακοντίσται and ἱπποτοξόται (Arr. *An.* iii. 24, 1; iv. 24, 1). The introduction of these native troops after the conquest of the Persian empire led to changes in the army. The phalanx was now made 16 deep; the first three ranks being Macedonians, armed in Macedonian fashion with the sarisa, as was also the last, but the twelve intermediate ranks were Persians, armed with bows and javelins (Arr. *An.* vii. 23, 3; cf. Grote, xii. 73). This phalanx, says Bauer (*op. cit.* 315), is the first example of the union of differently-armed troops, light and heavy, into one tactical body. Droysen (*Gesch. Alex.* ii.[2] 232) thinks it was intended to be used against the Italians. The Macedonian cavalry was posted on the wings, and was generally used to bear the chief part in the battle after it had been opened by the light troops, the heavy infantry being seldom required in Alexander's battles. Alexander himself usually headed the cavalry on the right wing. It was arranged in ἴλαι, separated by intervals (Arr. *An.* v. 15, 2), which advanced to the attack one a little in advance of the other, so that on a plan the different ἴλαι would look like a flight of steps. (This is probably the meaning of ἐξελιγμὸς τῶν ἵππων in Arr. *An.* iii. 15, 2.) It was quite exceptional if the cavalry were placed in a solid mass (*ib.* v. 17, 4). The extreme wings were generally formed by the Agrianes and other bowmen: next to the cavalry on the right wing, adjoining the heavy infantry, were the Hypaspistae (see Bauer, *op. cit.* p. 316). At Arbela Alexander made use of a considerable reserve (Arr. *An.* iii. 12, 1). The excellence of his cavalry brought about an important alteration in the conclusion of battles; for he used to pursue the beaten enemy (cf. Arr. *An.* iii. 15, 5), a practice not at all usual in Grecian warfare. Another feature in which the excellently-drilled Macedonian army differed from the Grecian was in being able to form in battle array a long distance from the enemy (7 miles at Arbela, Arr. *An.* iii. 9, 3). The use of field artillery is a striking feature of Alexander's tactics. He used it specially to protect the army in crossing a river (Arr. *An.* i. 6, 8), but also in other cases (Arr. *An.* iv. 29, 7). Heavy artillery was of course used in sieges. All the engines were administered by μηχανοποιοί (Arr. *An.* ii. 26, 2). Alexander did not use elephants; though he appears to have intended to do so, as he had 200 brought from India (Arr. *An.* vi. 2, 2). There was a very large mass of camp-followers in the army of Alexander, women and children being in it (Arr. *An.* vi. 25, 5), besides the number of soldiers' servants, merchants, and drivers of the waggons, which carried the tents, engines, and other baggage. The Macedonians do not appear to have fortified their camp; but each division of troops had definite positions in the encampment. We hear of Thracians used as pioneers (Arr. *An.* i. 26, 1). We know little about the way the commissariat was administered: and as regards pay, all we know is that the phalangite, who held a position midway between the common soldier and those who were said to get double pay (διμοιρῖται), got 10 staters a month (Arr. *An.* vii. 23, 3).

The wars of the Hellenistic period show in many respects a continuation of the later system of Alexander. The armies become much larger, and as a necessary consequence the material much worse, and a still larger proportion than before were mercenaries. Demetrius is said to have had an army of 110,000 men taken from every kind of class and nation (Plut. *Dem.* 43). In Hermann-Droysen (*op. cit.* p. 133 ff.) there are extensive statistics of the strength of the armies of this period. But many of the features of the army of Alexander continue. The large introduction of native troops beside a few Macedonians, the use of cavalry for the first attack, the position of the cavalry and light-armed on the wings, and the phalanx of heavy infantry in the centre, the carrying on of campaigns during the whole year and the extensive use and improvement of artillery, are features we still find exhibited. Also special corps retain their names, such as the παῖδες βασιλικοί (Pol. v. 82; Liv. xlv. 6, 7), σωματοφύλακες (Diodor. xix. 12), ἄγημα (Pol. v. 25), ἴλη βασιλική (Pol. v. 84), ἑταιροι for the cavalry (Pol. v. 53). But, on the other hand, there are differences. The phalanx comes to be used in the attack, no longer in the defence, and it becomes far more rigid and immovable than it was with Alexander. The sarisa was lengthened to 21 feet. Philopoemen (Pol. xi. 11, § 6) alone appears to have broken up the phalanx into smaller divisions. Pyrrhus (Pol. xviii. 28) placed Italians and phalangites alternately (ἐναλλάξ), but apparently without the whole mass being appreciably less serried. This rigid kind of phalanx remained the cardinal feature of the Hellenistic armies of the time: the best soldiers for it were considered to be the Macedonians and Achaeans (Pol. iv. 8); on the wings were generally placed special forces (ἐπιτάγματα) to prevent flank attacks (Pol. v. 53). The various Grecian states who aspired to any distinction in war had to adopt it—Aetolians (Liv. xxxviii. 7), Achaeans and Megalopolitans (Pol. ii. 65; Plut. *Philop.* 8), Spartans (Plut. *Cleom.* 11). The smallest division of the Hellenistic phalanx was the σημαία, which often appears in Egyptian papyri for bodies of fourteen men (Bauer, *op. cit.* p. 320). The σπεῖρα, which is the general term Polybius gives to the Roman cohort, was a larger division. There were no standards. Livy (xxxiii. 7, 2) wrongly applies to the Macedonians Roman customs. The purple cloth (φοινικίς) raised on a sarisa in Pol. ii. 66, § 11, was only for a signal. Alexander had after the Indian expedition assigned to certain veterans of the Foot-Companions the privilege of carrying silver shields, and these veterans were called ἀργυράσπιδες (Justin. xii. 7, 5) [ARGYRASPIDES]. These are mentioned subsequently in the wars of Eumenes and Antigonus (Diod. xviii. 58), and in the Syrian kingdom (Pol. v. 79, 4). We also hear of phalangites who carried white shields (λευκάσπιδες, Plut. *Cleom.* 23) and brazen shields (χαλκάσπιδες, Pol. ii. 66). This looks like the introduction of a kind of uniform (cf. the στρατιωτικαὶ χλαμύδες and φοινικοῖ ὑποδύται in Plut. *Philop.* 11: cf. Plut. *Aemil.* 18; Pol. xxxi. 3). The breastplate of the phalangites appears to have been of great weight and power of resistance (Plut. *Demetr.* 21). The term ὑπασπισταί appears to be now used no longer for the troops

midway between the heavy and light style of armour, but for the body-guard (Diod. xviii. 45; Pol. v. 27; Liv. xlii. 51), as indeed it was occasionally in Alexander's time (Arr. *An.* iii. 8, 3). The 300 with Eumenes were the remains of Alexander's corps (Diod. xix. 28). We also hear of a special body-guard called *Nicatores* (Liv. xliii. 19, § 11; Hesych. *s. v.* Νικατῆρες).

In the Hellenistic armies the light-armed and cavalry stood on the wings. Peltasts are found in the Greek armies, and the Greek mercenaries were mostly armed in this style. They are regularly distinguished from the archers, slingers, javelin-throwers, &c. (Pol. viii. 15, § 6). They were divided into σπεῖραι and σημαῖαι (Pol. v. 4). These only very rarely acted in serried ranks: they generally fought in a scattered manner in small detachments (Liv. xxxv. 29). The best archers were Cretans, who were excellent too at ambushes, raids, and such like irregular warfare (Pol. iv. 8, 68), or Agrianes (Pol. ii. 65, 79): the best slingers were Achaeans (Pol. iv. 61); yet it is noticeable that in the armies of the Achaean league no Achaean slingers appear (Hermann-Droysen, 170, note 3). The cavalry was largely supplied by the Thessalians (Liv. xxxiii. 4; Pol. xviii. 22). It was armed with the heavy breastplate and thrusting-pike (ξυστόν), and carried a wooden shield covered with brass (Pol. vi. 25). The Thessalian cavalry was unconquerable when fighting in line and phalanx, but difficult to be used for single combat out of line; the case being just the reverse with the Aetolian cavalry (Pol. iv. 8, xviii. 22). The Aetolian cavalry was divided into οὐλαμοί (which was the smallest division, Pol. xviii. 19), ἴλαι, and ἱππαρχίαι. Cavalry was usually posted eight deep, with intervals between the individual ἴλαι (Pol. xii. 18). The statement that in the battle of Gabiene the two ἴλαι were posted fifty deep (Diod. xix. 27) is hardly to be believed; rather they were fifty strong (Rustow and Köchly, *op. cit.* 370, note 16). Special kinds of cavalry also used were: (1) the *Median* cavalry, with long lances (λογχοφόροι, Diod. xix. 39), probably like the Sarisophori of Alexander; (2) *Tarentini*, light-armed cavalry, using javelins and each having two horses (Pol. iv. 77, xi. 12, xvi. 18; Ael. *Tact.* 45; Liv. xxxv. 28: cf. Pollux, i. 131, ἄμιπποι), such being originally mercenaries from Tarentum; (3) *Cataphracti* (Pol. xxxi. 3; Liv. xxxvii. 40) [CATAPHRACTI]. We occasionally hear of ἱπποτοξόται (Diod. xx. 113) and scythed chariots (Plut. *Demetr.* 28; Liv. xxxvii. 40). But the most special feature of the Hellenistic armies, especially that of the Seleucids, is the use of elephants. Alexander had no doubt intended to use them, but never did. Seleucus got no fewer than 500 from Sandracottus (Strab. p. 724). The elephants were generally placed before the line in the centre, though sometimes on the flanks, ἐν ἐπικαμπίῳ (Diod. xix. 27–29), *i.e.* at an angle with the main line, stretching forward or backward according as they were to be used for attack or defence. Sometimes we find them in a square (Diod. xix. 39). Between the elephants were numerous light-armed, and both used generally to open the battle. Pyrrhus, however, was accustomed to keep them for the final effort—they were the *ultima ratio regis*. The elephants were mostly Indian ones, and were driven by men called Indians (Diod. xix. 84; Liv. xxxviii. 14), except in Egypt, where the African elephant was used (Pol. v. 79, 82). The latter was much inferior to the Indian elephant (*ib.* 84). In the wooden tower (θωράκιον) on each beast there were, besides the driver, three or four combatants armed with sarisas or bows (Pol. v. 84; Liv. xxxvii. 40; Strab. p. 709). Sometimes there were coats of mail put on the animals (Liv. *l. c.*), and on their backs were purple trappings (Plut. *Eum.* 14), in front plumes and frontlets (Liv. *l. c.*). There were special commanders for the corps of elephants (Plut. *Eum.* 16; App. *Syr.* 33). One elephant generally used to lead the way (προηγούμενος, Diod. xix. 42). When the elephants violently assailed the enemy with tusks and trunk, they were very formidable (Pol. v. 84); but if they did not strike terror at once into their opponents, their influence was frustrated with comparative ease: simple devices, like chains or boards with nails, sufficed to stop their advance (Diod. xviii. 71; xix. 83).

The miscellaneous character of the Hellenistic armies can be very well seen by an examination of the lists of the armies of Eumenes and Antigonus at the battle of Paraetakene (317 B.C.) and of Demetrius at Gaza in 312 B.C. (Diod. xix. 27–29 and 82). Mercenaries were very cheap (Diod. xx. 113). Antigonus promises each Celt no more than a χρυσοῦς Μακεδονικός, *i.e.* a stater (Polyaen. iv. 4, 17). The frequent use of Celts is very noticeable (Pol. ii. 65, v. 53): their characteristic is carrying the great oblong shield (θυρεός), which is so often portrayed by the Pergamene artists. Owing to the long marches, considerable care was bestowed on the commissariat, as is evidenced by the preparations of Antigonus in his Egyptian expeditions (Diod. xix. 58; xx. 73): for it is to be noticed that military *operations*, ambuscades, forced marches, surprises, and such κλοπαὶ τοῦ πολέμου, are more frequent in this period than previously, and these required waiting for opportunities (cf. Rustow and Köchly, *op. cit.* 358 ff.). There was a still larger and more indiscriminate camp-following than in Alexander's time, wives and children of the soldiers being found there in great numbers (Diod. xix. 43; Plut. *Aemil.* 16). The army, says Diodorus (xx. 41), was actually like a colony. Owing to its size, different divisions had sometimes to take up winter-quarters six days' journey from one another (Diod. xix. 37). Great arsenals and military centres were established in the different kingdoms, *e.g.* at Alexandria and Apamea (Strab. p. 752), where the soldiers were drilled during the winter (Pol. v. 66, cf. 63). Field-artillery was occasionally used (Pol. xi. 11, 12). For the camp, which was protected by a rampart and a ditch (Diod. xix. 39), but by a very indifferent palisade (Pol. vi. 42, xviii. 18), see CASTRA. The generals and distinguished officers in close attendance on the monarch wore purple mantles (Pol. xi. 18); hence are called *purpurati* by Livy (xxxi. 35). The bestowing of a purple mantle and a causia was considered a mark of distinction (Plut. *Eum.* 8). The officers sometimes fought with sarisas, and had, like the phalangites, small shields (Diod. xviii. 34), but usually they fought with a ξυστὸν on horseback. In Macedonia there were not nearly so many mer-

cenaries as in the other Hellenistic armies; moreover, the armies in that kingdom used generally to be disbanded in winter (Pol. ii. 54, § 14; iv. 67, § 3). In Egypt the Ptolemies enrolled a great number of native Egyptians (Pol. v. 65); but apparently only in consequence of a revolution by the Egyptians (Mahaffy, *Greek Life and Thought*, p. 486): as reserves they had the colonists (*κάτοικοι*) settled in the military colonies (*κατοικίαι*) throughout the country. These colonists were of the most varied nationalities—Greeks, Macedonians, Thracians, Celts, Jews, Cretans. They and their sons (*ἐπίγονοι*) were divided into *σημαῖαι*, and in time of war could be called out for service as infantry or cavalry, but in time of peace they might engage in any business like ordinary civilians. (For full details on these *κάτοικοι* in Egypt, see Lumbroso, *L'économie politique de l'Égypte*, p. 224 ff.; and Hermann-Droysen, *op. cit.* 163.) In Greece at this period, with the exception of the efforts of Philopoemen in the Achaean league and Cleomenes at Sparta, military affairs were in a deplorable state of inefficiency. Mere raids seem to have been most that were attempted; we come across such phrases now as *τὸ λάφυρον ἐπικηρύττειν*.

(The chief work on the Grecian military systems is that of Rustow and Köchly, *Geschichte des griechischen Kriegswesens*, 1852. This is the main foundation of all subsequent treatises, the best of which are *Die griechischen Kriegsalterthümer* by Adolf Bauer, in Iwan Müller's *Handbuch der klassischen Alterthumswissenschaft*, 1887, iv. 226-231, where the vast bibliography on the subject is to be found; and H. Droysen's edition of *Die griechischen Kriegsalterthümer*, in vol. ii. of K. F. Hermann's *Lehrbuch der griechischen Antiquitäten*, 1888. Much information is also to be got from Gilbert, *Handbuch der griechischen Staatsalterthümer*, 1881, and H. Droysen, *Untersuchungen über Alexander des Grossens Heerwesen und Kriegführung*, 1885.

II. ROMAN (down to Septimius Severus). The most generally adopted periods in the development of the army during the Republic is into the *citizen army* of the first six centuries, and what is called the *mercenary army* of the last century dating from Marius. The latter formed a transition to the *standing army* of the Empire. Adopting this division, we shall say something about the legionary and auxiliary force of each period.

I. *From Romulus to Marius: the Citizen Army.*

1. *The early Kings.*—Under the early kings the *legion* or "gathering" (from *legere*, Varro, *L. L.* v. 87)—called in Greek generally *στρατόπεδον*, often *τάγμα*, *τέλος*, *στράτευμα* (Dio Cass. xxxviii. 47), *τεῖχος* (*ib.* lxxix. 7)—appears to have consisted of three "thousands" (*milites*) commanded by three *tribuni militum* and three hundred horse (*celeres*) commanded by three *tribuni celerum*. Tradition says (Varro, *L. L.* v. 89, 91) that the Ramnes, Tities, and Luceres each contributed a third to the legion of Romulus, though the Luceres were not in existence at that time. The *tribuni* were so called because they presided over a third part of the whole force (Serv. on *Aen* v. 560). Besides these regular troops, the old terms *velites* and *arquites* point to a subsidiary force of light-armed, especially archers (Mommsen, *R. H.* i. 79, Eng. trans.). The patricians were the heavy-armed and their clients the light-armed. The method of fighting, if we may judge from the early stories of Livy (*e.g.* i. 10, ii. 6), appears to have been single combats of horsemen in Homeric style. Each warrior, we are told (Festus, s. v. *paribus equis*, p. 121 M.), brought two horses into battle. Instances of single combat appear long after the Republic was established: *e.g.* Cossus (Liv. iv. 19), Q. Fabius (v. 36), Corvinus (vii. 26), Asellus (xxiii. 46, 12), Scipio Aemilianus (Val. Max. iii. 2, 6), but it was no longer more than an exceptional incident of the battle. Still for a long period the cavalry formed among the Romans a highly important department of the army, used either to charge the enemy at the outset and throw them into disorder, which was completed by the advance of the infantry (Liv. i. 30, 9; iv. 47, 2), or to act as a reserve in order to charge at the critical moment (Liv. iii. 62, 8; ix. 39, 8). A still greater superiority in cavalry lasted among the other Italians till much more recent periods. In the Second Punic War it was the most important part of the Capuan army (Liv. xxiii. 46, 11), and the Romans during the flourishing period of the Republic always got the main portion of their cavalry from the Italian allies.

2. *Servius Tullius.*—During the monarchy of Servius Tullius we must suppose the increased army due to the increased population. Under him we find four legions, two of *juniores* from 17 to 46 years (Mommsen, *Staatsrecht*, i.² 487) and two of *seniores* from 47 to 60, with 1800 cavalry. Later the calling out of the *seniores* only took place in great emergencies (Liv. x. 21, 4; cf. vi. 6, 14). The infantry now became the chief department of the army, and was arranged in a phalanx like the Doric one, except that the soldiers had missile weapons borrowed from the Etruscans or Samnites (Sall. *Cat.* 51, 38), especially the *hasta*, called in Sabellian language *quiris* (hence *Quirites*). It is probable too that the Romans also got from the Etruscans the *clipeus*, and from the Samnites the *scutum*, though Mommsen (*R. H.* i. 456, note) in the face of tradition (Diod. *Vat. Fr.* 54; Verg. *Aen.* vii. 665; Festus, s. v. *Samnites*, p. 327 M.), thinks the *clipeus* and *scutum* derived from the Greeks. The men were taken from those who had a stake in the country, the ASSIDUI or LOCUPLETES, who were formed into five classes, paid tribute, and served at their own expense (Festus, s. v. *assiduus*, p. 9 M.); while the *proletarii*, who were outside the classes, were only called out in cases of emergency, and were equipped by the state (Gell. xvi. 10, 11). The phalanx consisted of six rows of 500 men each and 1200 light-armed. Scholars interpret the accounts of the phalanx as given by Livy (i. 43) and Dionysius (iv. 16, 17) differently. Marquardt (*Staatsverwaltung*, ii.² 328) supposes the first two ranks only to have been of the first class and to have had the full armour, viz. helmet [CASSIS, GALEA], breastplate [LORICA], round iron shield [CLIPEUS], greaves [OCREAE]; the third and fourth ranks to have been of the second class, and to have had an inferior suit of armour, viz. breastplate, greaves, oblong leather shield [SCUTUM]; and the fifth and sixth ranks to have been of the third class, and to have had only breastplate and *scutum*. Mommsen, on the other hand (*Röm. Tribus*,

p. 138; *R. H.* i. 99), holds that the first four ranks were taken from the first class, and had the full armour; the fifth from the second class, with the inferior armour; and the sixth from the third class, wearing the third class kind of armour. The fourth and fifth classes, who either formed the rear of the phalanx or more likely fought alongside it, contributed the light-armed or *rorarii*, so called because they opened the battle with a "shower" of missiles ("Tractum quod ante maximas pluvias caelum rorare incipiat," Non. 552, 31), and then retired behind the phalanx (cf. Lucil. x., "Pone paludatus stabat rorarius velox"). But Dionysius says the fourth class formed the seventh row of the phalanx, and carried a *scutum*, sword, and spear; and in this he is followed by Huschke (*Serv. Tull.* 425), while Livy declares that they had "nihil praeter hastam et verutum," *i.e.* fought sometimes in the phalanx with the *hasta*, sometimes as light-armed with the *verutum*. The fifth class, according to Dionysius, was outside the phalanx, but had spears (*veruta*, σαύνια) and slings; Livy says they had only slings and stones. The *ferentarii*, who fought with missiles ("quae ferrentur non quae tenerentur"), were the same as the *rorarii* (Varro, *ap.* Non. 520, 12 M.; Festus, p. 369 M.). It is to be carefully remembered that there were twenty centuries of the first class; five of the second, third, and fourth; and seven of the fifth class in each legion. Besides, there were two centuries of artisans (*fabri, aerarii et tignarii*) to look after the engines, two of trumpeters (*cornicines, liticines*), and one of *accensi velati* (unarmed supernumeraries), who were most likely brought to fill up the places of those who fell (Festus, p. 369), and it is barely possible that they may have acted as a sort of pioneers to clear the roads in advance: for in imperial times a body with this name was a college (Orelli, 2182; *C. I. L.* vi. 1607), and had something to say to road-making (Orelli, 111; and Mommsen in *Annali dell' Instituto*, 1849, pp. 209 ff.). *Adscriptitii* (from the point of view of the levy) or *accensi* (from the point of view of the census) when used alone appear to be generic terms, embracing all those not in the phalanx (Festus, s. v. *adscriptitii*, p. 14 M.), though Livy (viii. 8, 3) and Plautus (*ap.* Varro, *L. L.* vii. 58: "Ubi rorarii estis? En sunt. Ubi accensi? Ecce") distinguish them. Lange (*Röm. Alt.* i.[3] 535) supposes that the *rorarii* were the fifth class, and the *accensi* the *proletarii*. Subjoined is a table taken from Mommsen (*Die römischen Tribus*, p. 141), which shows the theoretic arrangement, and how the numbers were derived from the four local tribes. We say "theoretic" because, for example, one can hardly suppose that the *seniores* can have been as numerous as the *juniores*. There cannot be a shadow of doubt but that the arrangement was previously a military one (Lange, *R. A.* i.[3] 456, 464, 522, &c.); for if it were not so, why should a man of sixty years of age be excluded from the centuries (Mommsen, *R. H.* i. 100)?

Order of Voting.	Legio I. Junior.					Legio II. Juniorum.	Legio I. Seniorum.	Legio II. Seniorum.	Order of Battle.	
	Centuria I.									
	Suburbana.	Palatina.	Esquilina.	Collina.	Total of Century.					
Classis I.	25	25	25	25	100×5	100×5	100×5	100×5	First rank	The Phalanx.
	25	25	25	25	100×5	100×5	100×5	100×5	Second ,,	
	25	25	25	25	100×5	100×5	100×5	100×5	Third ,,	
	25	25	25	25	100×5	100×5	100×5	100×5	Fourth ,,	
II. Centuriae fabrum.										
Classis II.	25	25	25	25	100×5	100×5	100×5	100×5	Fifth ,,	
Classis III.	25	25	25	25	100×5	100×5	100×5	100×5	Sixth ,,	
Classis IV.	25	25	25	25	100×5	100×5	100×5	100×5	Rorarii.	
II. Centuriae litic. cornic.										
Classis V.	25	25	25	25	100×7	100×7	100×7	100×7		
I. Cent. accens. velat.									Accensi.	
Total of Legion.					100×42	100×42	100×42	100×42		

The cavalry was increased by twelve new centuries by Servius Tullius; and though they still were personally the principal classes in the army, yet in a military point of view they lost their pre eminence, being now placed on the wings of the phalanx, and in a social point of view they lost their exclusively patrician character. The knights are now the richest of the citizens (Cic. *Rep.* ii. 22, 39), those whose property surpassed that required for the first class, and there was perhaps a fixed sum necessary to enable one to become a knight, as we hear of a *census equester* in 403 B.C. (Liv. v. 7, 5). They no longer had two horses for themselves, but one for themselves and the other for their attendant; and for procuring and keeping these horses they got from the treasury an *aes equestre* and *aes hordearium*, the latter a sum defrayed

by a tax on widows and orphans (Marquardt, *op. cit.* ii.² 172). At a triumph they got a threefold share of the booty (Liv. xlv. 43, 7), when planted in a colony a share of land larger than the others (Liv. xxxv. 40, 5; xxxvii. 57, 8), and threefold pay when pay was introduced (Polyb. vi. 39, 12). The number of active knights who received the *aes equestre* remained 1800; but those who acquired the property necessary to become knights, without obtaining the *equus publicus* (i.e. getting the *aes equestre*), increased greatly, and they were the origin of the *ordo equestris* (Liv. ii. 1–10; Lange, *R. A.* ii.² 20 ff.). [EQUITES.] Thus we hear that at the siege of Veii there were many who served without having an *equus publicus* (Liv. v. 7, 5); a passage, by the way, which shows that those who did not get the *aes equestre* probably were not required to serve in the infantry.

3. *Camillus.*—Important changes were introduced into the army by Camillus: (1) payment of the soldiers from the time of the siege of Veii (406 B.C.), in consequence of the necessary continuance of war operations, from summer into winter; (2) certain alterations of arms, plating of helmets and shields with brass, and teaching the soldiers to use long *pila* to ward off the stroke of the Gallic sword (Plut. *Camill.* 40); (3) probable beginning of the breaking up of the phalanx into maniples. This breaking up was most likely introduced in order to resist the first and most dangerous charge of the Celtic sword-phalanx, and was further developed in the Samnite wars, reaching its full perfection in the war with Pyrrhus. The result of the breaking up of the phalanx was that the system of census divisions in the army disappeared, and the arrangement was made to depend on the age and experience of the soldiers: the soldier now advanced from *rorarius* to *triarius* (see below). This was quite necessary, as a better military training was required for steadfastness and efficiency in the small manipular unit than in the solid phalanx, where the inexperienced could not leave their place so easily (Mommsen, *R. H.* i. 454).

But we do not know all the steps in the development of the army to the arrangements it exhibits in the most flourishing period of the Republic, viz. the 6th century of the city. From Camillus to Polybius is over two hundred years, and many changes were effected in that time which we can only guess at. As to the manipular arrangement described by Livy (viii. 8) in his account of the Latin war of 340 B.C., which he appears to have taken without understanding it from some older authority, it is all too confused and uncertain to allow any definite result to be obtained from it (see Weissenborn *ad loc.*, and Madvig, *Verfassung*, ii. 483, 489). For the immense literature which has gathered round the passage, but reached no definite explanations, see Marquardt, *op. cit.* ii.² 360, note 1. Passing by this perplexing description, let us proceed to sketch the state of the army as described by Polybius.

4. *Polybius.*—A certain *property* was still required for service in the army, but it was now only 4,000 asses instead of the 11,000 of Servius Tullius (Polyb. vi. 19, 2). The normal *number* of men in the legion continued as in the time of Servius Tullius, viz. 4,200, roughly 4,000, infantry (cf. for 494 B.C. Dionys. vi. 42; for 381, Liv. vi. 22, 8; for 349, Liv. vii. 25, 8; for 225, Polyb. ii. 24, 13; for 146, Polyb. vi. 21, 9). In especial cases the numbers were 5,200 or 5,000 (Polyb. ii. 24, 3; iii. 107, 10; vi. 20, 8;—Liv. xxvi. 28, 7; xl. 1, 5). It was first in the war against Perseus that the legion was raised to 6,000 (Liv. xlii. 31, 2), and the regular number from Marius's time was 6,200 (Festus, s.v. *sex millium*, p. 336 M.), a number which appears occasionally earlier (Liv. xxix. 24, 14; xxxv. 2, 4). The old quota of cavalry for the legion was 200 (Pol. iii. 107, 10; Liv. xlii. 31, 2), but the usual one for the legion, whether of 4,200, 5,000, 5,200, 6,000, or 6,200, was 300 (see Polyb. and Liv. *ll. cc.*).

Taking then the normal legionary force at 4,200 infantry, it was divided in Polybius's time (vi. 21, 7–9; cf. Gell. xvi. 4, 6) into 1200 *hastati*, 1200 *principes*, 600 *triarii*—these three classes arranged behind one another in the form of a quincunx, and 1200 velites (*γροσφόμαχοι*). The latter are the "youngest and poorest," the hastati "those next them" (*i.e.* in these two respects), the principes "the most vigorous in years" (*τοὺς ἀκμαιοτάτους ταῖς ἡλικίαις*), and the triarii "the oldest" (cf. Liv. viii. 8, 8). All three classes were armed with a metal helmet [CASSIS], having a red or black plume 1½ feet high (Pol. vi. 23, 12), but no visor, a leathern shield [SCUTUM], greaves [OCREAE], a leathern breastplate [LORICA], a short Spanish two-edged sword [GLADIUS], which was worn at the right side while they carried a dagger at the left. The spear of the hastati and principes was the light *pilum* [PILUM], used for throwing, while the triarii carried the *hasta* for thrusting [HASTA]. Besides this armour, the soldier of course had such articles of attire as the *sagum* [SAGUM].

The hastati, principes, and triarii were broken up into thirty "bundles" (*manipuli*), each "bundle" forming the smallest tactical unit which was under one standard (Varro, *L. L.* v. 88; cf. Tac. *Ann.* i. 34, "discedere in manipulos"). The *manipulus* derived its name, if not as indicated from itself being a bundle of men (cf. Madvig, *Verfassung*, ii. p. 486, note), from the bundle or handful of hay (Plut. *Rom.* 8; Ov. *Fast.* iii. 115 ff.) fixed on a pole which served as the standard. Later *signum* was the term for the standard of the maniples (Liv. xxvii. 14, 8), and Polybius very frequently uses *σημαία* for the maniple (though the usual word is *σπεῖρα*, *τάγμα* sometimes being found). Occasionally the maniple had more than one *signum* (Pol. vi. 24, 6). The maniple continued as a recognised division of the army even after the introduction of the arrangement by cohorts (Caes. *B. C.* ii. 28, 1; Tac. *Ann.* i. 34) down to very late times (Amm. Marc. xxi. 13, 9), though we sometimes find it used in a vague sense for any detachment (Tac. *Ann.* xiv. 58, 59). The maniple was further divided into two centuries, each commanded by a centurion, the centurion which commanded the right century being elected before him who commanded the left (Pol. vi. 24).

The *hastati* then formed 10 *manipuli* of 120 men each or 20 centuries of 60 men each. So did the *principes*. The *triarii*, who were always 600, and never varied with the varying numbers

of the legion (Pol. vi. 21, 10), formed 10 maniples of 60 men each or 20 centuries of 30 men. To each century 20 *velites* were added (*ib.* 24, 4). The maniple of the first two ranks with its velites was usually arranged with 20 men in front and 8 in depth, according to Nast (*Röm. Kriegsalterthümer*, p. 51) and Marquardt (*Staatsverw.* ii.[2] 346), on the not very strong grounds that such was the usual depth among the Greeks and among the Romans in the time of Trajan. Mommsen (*R. H.* i. 453) appears to think that the depth was not more than four files, the maniples of the three ranks having a front accordingly of 40, 40, and 20 men; and this seems the preferable view, as the main aim of the manipular arrangement was to encourage the individual mode of fighting. This latter was the cause of the considerable space, it may have been 6 feet, which was allowed in what was called loose array (*laxatis ordinibus*), between each soldier and his fellow-soldier beside or behind him; in close array (*confertis ordinibus*) the space was only 3 feet (cf. Pol. xviii. 13, 6; Liv. xxii. 47, 5; Caes. *B. G.* ii. 25, 1; Veg. iii. 14, though it must be confessed these passages only make for and are not quite conclusive as to such an accurate distinction). The general form of opening the battle was for the *hastati* to hurl their *pila* at a distance of about 10 or 20 paces from the enemy, and then proceed to the attack with the sword, where single combats prevailed. If this did not finish the battle, the *principes* advanced. The *triarii* always acted as a reserve, sometimes at the camp (Liv. v. 19, 7; vii. 23, 7), as was their duty originally (Dionys. v. 15; viii. 86). For further details, see the account of the Battle Array below, p. 807 *b*.

The great advantages of this divided light manipular arrangement as against the serried unwieldy phalanx, are that the former was ready for any emergency, that it was not disarranged by uneven ground, that a small disorder did not break up the whole array as in the phalanx, that the individual soldier was better able to vary his method of fighting according as it is necessary that the maniple, century or individual should engage; and many more which are set forth by Polybius, xviii. 31, 32. Mommsen (*R. H.* i. 455) notices how the Roman military arrangements of this time attained the three great military principles of keeping a reserve (the *triarii*), of combining the distant and close methods of fighting (in the discharge of *pila* preparatory to the sword attack), and in combining the offensive and defensive (the latter especially in the formation of camps).

The 300 cavalry of the legion fell into 10 *turmae* (ἴλαι) of 30 men. Each *turma* was commanded by three *decurions* (ἴλαρχαι) and three *optiones* (οὐραγοί), and had a *vexillum* (Veg. ii. 14). The *turma* stood in three rows, each row having a decurio and an optio in the first and last place, the first elected decurio leading the whole troop (Pol. vi. 25, 1, 2). They charged in close order (Sall. *Jug.* 101, 4), often taking the reins from the horses (Liv. viii. 30, 6; xl. 40, 5); but in standing fight they doubtless extended their ranks if they did not dismount and fight on foot (Liv. xxxi. 35, 5). Originally the cavalry had no armour, only a tunic so as to enable them to leap on and from their horses easily, ox-hide shields incapable of resisting severe thrusts and easily damaged by wet, very light lances with a point only at one end; but in the time of Polybius they had adopted the Greek cavalry equipment, which consisted of breastplate, covering for the loins, greaves, metal helmet, round shield [PARMA], lance, and long sword, "which as soon as they saw they adopted speedily; for the Romans are pre-eminently good at adopting new practices and striving after improvements" (Pol. vi. 25, 3–11). Possibly, as among the Greeks, the horses wore protections for the head, breast, and sides (*προμετωπίδια, προστερνίδια, παραπλευρίδια*). Saddles appear to have been used in Caesar's time (*B. G.* iv. 2, 5), but they had no stirrups, as may be seen from illustrations, and from the fact that recruits were taught to vault into the saddle (Veg. i. 18).

During the Republic the Roman cavalry was always weak; and its inferiority was so marked as against the fine Campanian cavalry that, in order to be able to contend with it at all, the Romans in 211 B.C. (Liv. xxvi. 4) selected from the legions the most active youths, who carried each a *parma* and seven iron-tipped javelins (*hastae velitares*), 4 feet long each. These youths, whom Livy calls *velites*, used to ride behind the horsemen, and leaping down at a given signal hurl their darts in rapid volleys. This practice of foot-soldiers fighting amongst the cavalry existed also amongst the Germans (Caes. *B. G.* i. 48, 5; Tac. *Germ.* 6), and Caesar formed such a troop of Germans (*B. G.* vii. 65, 4; viii. 13, 2). This practice appears to have been afterwards regarded as a regular specific for strengthening weak cavalry (Veg. iii. 16). Of course *velites*, meaning light-armed, existed long before, as can be seen even in Livy (xxi. 55, 11); but it appears that from this time (viz. 211 B.C.) the *rorarii* disappear, and *velites* is the name for the light-armed of the legion (Liv. xxx. 33, 3). They combined both distant and close conflict (Liv. xxxi. 35, 5), whereas the *rorarii* only fought from a distance; and further the *velites* now formed an integral part of the maniples or *turmae*, whereas the *rorarii* were troops apart.

A word must be said in conclusion on the terms *hastati*, *principes*, and *triarii*, terms which were not clear (*minus illustria*) in the manipular arrangement, as Varro says (*L. L.* v. 89). The front rank is called *hastati*, but their spear was the *pilum*. How is it that the *second* rank is called *principes*, i.e. "the first men"? And the *triarii*, who are also called *pilani*, do not carry the *pilum* at all, but a *hasta* (δόρυ, Pol. vi. 23, 16). We must take refuge in conjecture to explain these difficulties. The terms probably came from the old phalanx, the *principes* or *proci* being the front rank (Festus, p. 249 M.), as *principia* means the front rank often (Liv. ii. 65, 2; Sall. *Jug.* 50, 2), and so being members of the first class. The term *hastati* was one applied to all the members of the phalanx who were all armed with the *hasta*, but it got narrowed down to a portion of what it originally implied when the name of *principes* was appropriated by the first class, just as, for example, the term *dies fasti* became confined to a portion of the Dies Fasti (see Lange, *R. A.* i.[3] 360, 532), or the term *centuria* to half a century when the maniple was introduced. The *triarii*, the third rank (we should more naturally expect *tertiarii*),

used originally, as we saw, to guard the camp. Doubtless in this duty they used the long heavy *pilum* [PILUM]; hence were called *pilani* (Varro, *L. L.* v. 89), a name which was in a measure retained not only in the titles of the centurions, but also in the term *antepilani* as applied to the *hastati* and *principes* (Liv. viii. 8, 7). Now, when the class-distinctions began to be superseded and efficiency made the ground of the arrangement in the legion, the chief and most able soldiers, who socially too were the most important and who had been in the front rank originally and as such still retained the name of *principes*, were not used for the first assault, but kept in case the battle proved a serious one; the inferior classes, the *hastati*, being placed in front. The *triarii* continued to be the reserve. They had been probably the older men left to guard the camp; but now that age meant generally experience, as being used for the reserve these veterans formed the most efficient and tried portion of the army.

II. *From Marius to Augustus—the Mercenary Army.*

The terrible defeat of the Romans at Arausio in 105 B.C. rendered it necessary to make every effort possible to raise sufficient and adequate forces to meet the Northern invaders. This serious pressure hastened and consummated the introduction of changes in the army which the altered political and social condition of the times rendered inevitable sooner or later. The gradual shrinking of the rich upper classes from service (Sall. *Jug.* 85, 3) and the disappearance of the middle class left nothing open but the admission of all free-born citizens to the legions; that is, if an adequate army was to be raised. The census indeed in Polybius's time was only 4,000 asses (vi. 19, 2), but now nothing further was required but free birth,—a recruit need possess nothing but his *caput* (*capite census*). This was the most vital change possible. Men with no stake in the country and nothing to go home to after service, who looked on service as a means for enriching themselves and not as a temporary burden, were certain to become, as they did, faithful followers of their leader if he led them to plunder (Sall. *Jug.* 86, 3) and to care little about their country (Appian, *B. C.* v. 17)—in fact, practically to become mercenaries. It is not without reason, then, that Marquardt (*Staatsv.* ii.² 321) calls the period from Marius to Augustus the period of the Mercenary Army (*Söldnerheer*). The essence of such an army is the supremacy of the general and the equality of the soldiers. All the traditional distinctions of *velites*, *hastati*, *principes*, and *triarii* disappear; their definite and traditional place in the order of battle, their military rank, armour, standards, all were superseded; the recruits were now all on an equality and uniformly trained, a new and severe method of drill and training like that of gladiators having been devised by P. Rutilius Rufus, consul in 105 B.C. (Val. Max. ii. 3, 2). In place of the manipular division, the last mention of which is its use in the Jugurthine War by Metellus (Sall. *Jug.* 49, 6), the unit now becomes that of the *cohort*, viz. a combination of three maniples. Whether it was the maniples beside one another, or the three behind one another, which were massed together, is uncertain, probably the latter. The number of the legion at this time was, roughly speaking, 6,000 (Plut. *Sull.* 9, compared with *Mar.* 35; Appian, *Mithr.* 72; Cic. *Att.* v. 15, 1, compared with Plut. *Cic.* 36); though Caesar had generally less than this number, sometimes not more than about 3,500 men in his legion: *e.g.* the 13th Legion, which he had at Ariminum at the outbreak of the Civil War (Caes. *B. C.* i. 7, 7), consisted apparently of 5,000 (Plut. *Caes.* 32, *Pomp.* 60), but Caesar himself reckons two legions (*B. G.* v. 49, 7) and a few cavalry at 7,000 men. Still, whatever was the strength of the legions, the number of cohorts was always 10. These had no traditional arrangement, and were disposed of in battle just as the general thought fit: perhaps the *triplex acies* (e.g. *B. G.* i. 24, 2), viz. 4 cohorts in front and 3 in each of the other ranks, was the most usual; though the single (*Bell. Afr.* 13, 2), double (Caes. *B. C.* iii. 67, 3), and quadruple lines of battle (*ib.* 89, 3) are also found. The special application of the word *cohors* to a definite portion of a legion must be noticed, beside the technical use of the word to express the divisions of the auxiliary force, the vague use that Livy makes of it by applying it to any division of troops at all (*parmata cohors*, iv. 38, 3), and the misuse by so translating σπεῖρα (xxx. 33, 1, compared with Polyb. xv. 9, 7). The *pilum* was now made the common weapon of the whole legion, the *hasta* of the *triarii* being done away with. The old standards—the eagle, wolf, Minotaur, horse, and boar (Plin. *H. N.* x. § 16)—give place to the silver eagle (Cic. *Cat.* i. 9, 24), which now becomes the chief standard of the legion.

The Roman cavalry had disappeared before Marius. Its last mention is in the Spanish campaign of 140 B.C., where it behaved with great pretension and insubordination (Mommsen, *R. H.* iii. 200); and after the Jugurthine War it vanishes entirely. Even the Italian cavalry had been for long unable to cope with the enemies of Rome: it had been defeated by Hannibal in Italy, and Scipio only won Zama by the cavalry of Masinissa. It vanished completely in the Social War; and after that foreign troops—Gauls, Spaniards, Thracians, and Africans (Plut. *Ant.* 37)—were taken into the service in larger numbers than heretofore. In Caesar's army they were about a fourth or a fifth of the infantry: with 6 legions (=about 21,000 men) he had 4,000 (Caes. *B. G.* i. 15, 1), with 5 legions 5,000 (*B. C.* i. 39, 1); in the army of Brutus at Philippi there were more than 1,000 to the legion (App. *B. C.* iv. 108). Some minor changes and improvements in practical details are attributed to Marius, such as the *muli Mariani*, a forked contrivance fastened on the shoulder of the legionary to enable him to carry his baggage (see below, p. 807*a*), altering the *pilum* [PILUM], taking away the *parma* from the auxiliary troops (Festus, p. 238, s. v. *parmulis*), &c. The numbering of the legions probably began also in this period; certain it is that we find it quite regular in Caesar's time (*C. I. L.* i. 624; Cic. *B. G.* viii. 8, 2). Originally the legions had been numbered according as they were raised (Dio Cass. xxxviii. 47); but then the numbers had no durable significance, owing to the speedy disbanding of the legions.

The Auxiliary Forces under the Republic.

1. *The Socii.*—In the time of Tarquinius Superbus the Latins were incorporated in the Roman army (Liv. i. 52, 6): but on their regaining their independence after the establishment of the Republic, they furnished their contingent to the united army, and held the chief command alternately with the Romans. But after the great Latin War, which ended in 338 B.C., the Latins became *cives sine suffragio*. The members of those municipia who lost their constitution were enrolled in the legions, those who retained their municipal constitution formed self-subsisting divisions, such as the *legio Campana* we hear of in Liv. *Ep.* xii. (cf. Polyb. ii. 24, 14). After the Second Punic War, when the differences of the old municipia ceased by the attainment of the full franchise, such legions disappeared. The other kind of Italian states besides the municipia—viz. the *civitates foederatae* and the *Latin colonies* which retained self-government on the basis of a treaty guaranteeing a definite amount of troops—it was these communities which furnished the *socii* to the Roman armies (cf. Marquardt, *Staatsv.* i.² 25–58, ii.² 390–1).

They contributed nothing to the legions, but had to supply each year a force of auxiliaries for the army, and ships and sailors for the fleet. The allied state raised, swore in and paid (Liv. xxvii. 9, 13) this force, but it was fed during service by the Romans (Polyb. vi. 39, 14). The consul proclaimed by an edict the amount of the force each state was to supply, and where and when it was to assemble; and it appeared there with its own leader and paymaster (*ἄρχοντα καὶ μισθοδότην*, Polyb. vi. 21, 4, 5).

As to the actual *force contributed*, Polybius varies in his account. Sometimes (iii. 107, 2; vi. 26, 7) he says the force of foot equalled that of the Romans, the horse being three times that of the Roman horse—in both passages *including* the *extraordinarii*, who were one-third of the horse and one-fifth of the foot (see below). At another time he says (vi. 30, 2) that the force of foot equalled that of the Romans, the horse being twice that of the Roman horse—this time *excluding* the *extraordinarii*. He agrees then as regards the horse in all three passages. But the discrepancy is patent about the infantry. All we can say is that Polybius, if he did not make a mistake, was speaking only with a loose approximation in the first two passages, as the expressions *πάρισον* ("about equal") and *πάρισον ὡς ἐπὶ τὸ πόλυ* may lead us to infer. The last passage indeed probably gives the correct view; for Polybius, in his account of the battle on the Trebia (iii. 72, 11), gives 16,000 Romans and 20,000 allies as the complete force of infantry of two consular armies. Deducting one-fifth, we get exactly the same number of allied and Roman infantry; but the regular legionary force for two consular armies ought to be 16,800, though Polybius himself, as we saw, speaks of the legion as roughly consisting of 4,000 men (iii. 107, 10). But the force of allies is generally greater than those given in these passages by Polybius. The elaborate schedule of forces available by Rome in 225 B.C. given by Polybius (ii. 24) from Fabius the annalist, and, as it is reproduced in some of its numbers by other historians (Liv. *Ep.* xx.; Diod. xxv. *fr.* 13 Dindorf; Eutrop. iii. 5; Oros. iv. 13; Plin. *H. N.* iii. 138), doubtless derived from official sources, is too defective to decide details with certainty; but it shows that the *active* force of the Romans in that year was only one-fourth that of the allies (see Mommsen in *Hermes*, xi. 49–60). Generally it was about one-half (Vell. ii. 15; Liv. xxxvi. 2, 8). According to Livy (xl. 36, 6), the normal number (*quantus semper numerus*) of allies directly attached to two legions was 15,000 infantry and 800 cavalry, and as a matter of fact we do find these numbers in Liv. xxxiii. 43, 3, xl. 26, 7. Other numbers of allies for two legions are 15,000 and 600 (xxxvii. 2, 4), 15,000 and 500 (xxxiv. 56, 6), 10,000 and 600 (xli. 21, 4), 12,000 and 600 (xli. 9, 2), 20,000 and 800 (xxxv. 20, 4). For further details, see Marquardt, *op. cit.* ii.² 395, note 1; Weissenborn on Livy, xl. 36, 6; and Mr. Strachan-Davidson's *Selections from Polybius*, pp. 22–32.

As to the *divisions* of the allies, they were never independent divisions, but always portions of the combined army (Weissenborn on Liv. ii. 53, 5). In battle the allies were placed on the wings, the two sections being called *dextra* and *sinistra ala* or *κέρας* (Liv. xxxi. 21, 7; Polyb. vi. 26, 9). After the Latin War in 338 till the end of the Punic Wars, the allied infantry regularly formed *cohortes*, called after the separate nations; thus we have *cohortes Samnitium* (Liv. x. 40, 6), *cohortes Marrucina et Peligna . . . Firmana Vertina Cremonensis duae turmae equitum Placentina et Aesernina* (Liv. xliv. 40, 5, 6). The cohort was the usual contingent for each community, and was at this time the unit of the allied infantry, just as the unit of the Roman troops was the maniple: cohorts and maniples are often opposed (Liv. x. 33, 1; xli. 1). Like the maniple, the cohort had a standard (Liv. xxv. 14, 4), and was regarded as a regular division in the camp [CASTRA]. Each *ala* had 10 cohorts (Liv. x. 43, 3); sometimes we find 15 (Liv. xxx. 41, 5), though perhaps the legion on this occasion was stronger than usual (Weiss. *ad loc.*). The ordinary cohorts were called *cohortes alares* or *alariae*, to distinguish them from the *cohortes extraordinariae* (Liv. x. 40, 8), and in Caesar (*B. G.* i. 51, 1) from the *legionarii*.

The *commanders* of these allies were, for the contingent assigned to 4 legions, 12 *praefecti sociorum*, appointed by the consuls (Polyb. vi. 26, 5). These *praefecti* were Roman citizens (Liv. xxiii. 7, 3; xxv. 1, 3). For a contingent of 2 legions there were 6 *praefecti*, three for each *ala*. Besides these Roman officers, there were the native officers, called *ἄρχοντες* by Polybius (vi. 21, 5), and *praetores* or even *praefecti* by Livy (xxiii. 19, 7; xxv. 14, 4). The former term was, however, the most common one used by that historian for the generals of foreign states; and the latter native *praefecti* who commanded a cohort must be carefully distinguished from the Roman *praefecti*, who commanded the whole *ala* (Weissenborn on Liv. xxi. 3, 4; xxv. 14, 4).

The number of the *cavalry of the allies*, Polybius says, was three times that of the Romans; accordingly 1800 for two legions. It was divided into 4 *alae* (in the strict sense) of ordinary cavalry (called *equites alarii*, often opposed to *legionarii equites*, Liv. xxxv. 5, 8; xl. 40, 9; Tac. *Ann.* iii. 39; Veg. ii. 1) and two *alae* of

extraordinarii. The *ala* in this strict sense of squadron of cavalry consisted of 300 men, divided into 5 double *turmae* of 60 men each [CASTRA]. Each double *turma* had a *signum* (cf. Liv. xxvii. 12, 17). This number of 30 always remained constant for the single *turma*, and in case of increase of numbers it was the number of *turmae* which was increased (Hyg. § 16). *Ala* is a general term for a squadron of allied cavalry, just as *cohors* is for a battalion of allied infantry: thus we find during the Republic *alae* of 400 and 500 men (Caes. *Bell. Afr.* 78, 7; Liv. x. 29, 12), just as there were *cohortes* of 460, 500, and 600 men (Liv. xxiii. 17, 8, 11; xxviii. 45, 20). But the *ala* differed essentially from the cohort in this, that while in the latter the soldiers were of the one nation or people, the *ala* was composed of different nationalities. Marquardt (*op. cit.* ii.² 400), however, thinks that as in the camp there was a double turma of equites put beside a cohort of infantry, these latter may have been of the same nationality as the cohort; cf. Liv. xxix. 15, 6—a passage which shows that a double turma of cavalry appears to have been a normal contingent of cavalry from a Latin colony, as a cohort was the normal contingent of infantry (cf. Weissenborn on Liv. xxviii. 45, 20).

The *extraordinarii* (ἐπίλεκτοι) were a picked body of horse and foot from the allies (Fr. Fröhlich, *Die Gardetruppen der röm. Republik*, 1882, pp. 4 ff.). The *extraordinarii pedites* were one-fifth of the infantry of the allies (Polyb. vi. 26, 8). If we take this exactly, we have 8,000 *ordinarii* and 2,000 *extraordinarii* for two legions. But we saw Polybius avoided exact numbers, and it suits the arrangement of the camp and the order of battle (*e.g.* Liv. xxxvii. 39, 7) better if we suppose the *ordinarii* equal to the legionaries, *i.e.* normally 8,400, and place the *extraordinarii* at 1600. These *extraordinarii* were chosen by the *praefecti sociorum* as being most suitable for real service (πρὸς τὴν ἀληθινὴν χρείαν, Pol. vi. 26, 6). They formed four cohorts (Liv. xl. 27, 3; cf. xxvii. 12, 14) of 400 men. The *extraordinarii equites* were one-third of the whole contingent (which normally was 1800, three times that of the legionary cavalry), and accordingly numbered 600. These formed two *alae* (in the strict sense of squadrons of cavalry) of 300 men each (Liv. xl. 31, 3), which were divided into 5 double *turmae* of 60 men each [CASTRA]. The *extraordinarii* formed a class intermediate between the heavy and the light forces. They were used for reconnaissances, flank movements, and generally on difficult services which required vigour and celerity. They appear to have been free from the duties of constructing the camp and keeping watch (see Fröhlich, *l. c.*).

2. The *Auxilia* properly so called did not come into any prominence till the foreign wars of Rome. Though usually they were taken into the service as allies (Festus, p. 17: "Auxiliares dicuntur in bello socii Romanorum exterarum nationum"), yet there are some traces of mercenary forces employed by the Romans in the Punic Wars, *e.g.* Gauls (Zonar. viii. 16) and Celtiberians (Liv. xxiv. 49, 8); but the Cretan archers taken at Trasimene (Liv. xxiv. 30, 13) were sent by Hiero (Polyb. iii. 75, 7). During the wars in the East their numbers increased greatly. After the Social War the class of *socii* disappeared entirely, and there were again but two classes of soldiers: (1) legionaries from Italy, (2) auxiliaries from the provinces, from allied states and princes, and even from independent nations. The number of auxiliary infantry varied according to necessity. We know that they were divided into cohorts, but no more. Some of the cohorts were not armed or disciplined in the Roman fashion, but used their national arms, *sagittarii*, *funditores* (Caes. *B. C.* iii. 4, 3), *cohortes cetratae et scutatae* (Caes. *B. C.* i. 39, 1). The cavalry of the Roman army, however, in Caesar's time consisted entirely of auxiliary troops (Caes. *B. G.* i. 15, 1; i. 42, 5; cf. ii. 24, 4). Italians are found among the cavalry (App. *B. C.* ii. 70), but they are volunteers. The cavalry consisted of Gauls, Spaniards (Plut. *Ant.* 37), Thracians, Numidians (Sall. *Jug.* 38, 6; 68, 2), even Germans (Caes. *B. G.* vii. 13, 1). They were formed into *alae* of about 400 men each, which were subdivided into *turmae* and *decuriae* (*Bell. Afr.* 29, 4), commanded by *praefecti equitum* (Caes. *B. G.* iii. 26, 1), who were doubtless, in the case of allied and independent states, natives (cf. Hirt. *B. G.* viii. 12, 4).

III. *The Imperial Period—the Standing Army.*

The Empire established by the sword had to be retained by the sword, and the army now becomes a standing one,—στρατιῶται ἀθάνατοι, as Dio Cassius calls them (lvi. 40). The emperor is the supreme commander (*imperator*, αὐτοκράτωρ, Dio Cassius, lvii. 8); and to him, as represented by his images carried on a pole, the legions and auxiliaries swore allegiance twice a year, on the date of his accession (Plin. *Epp.* x. 52 (60)) and on the Kal. Jan. (Tac. *Hist.* i. 55), besides of course the oath of allegiance at accession (Dio Cassius, lvii. 3). The oath was administered by the provincial governors in the provinces and by the three praefecti at Rome.

1. *The Legions.*—Under the early Empire the legion contained 10 cohorts and 60 centuries—altogether between 5,000 and 6,000 men. Now that the Pax Romana was established, they were mostly used on garrison duty, and accordingly got again a small quota of cavalry, each legion getting 120 in 4 *turmae* of 30 each. These are the *equites legionis* of Tac. *Ann.* iv. 73; *Hist.* i. 57. From the time of Hadrian the first cohort had 10 centuries (*Eph. Epigr.* iv. 227), as was the case in the latter half of the third century also, according to the arrangement described by Vegetius (ii. 6, 13), which was probably established by Aurelian. This arrangement varied slightly from that of the early Empire. The first cohort had 1105 men in 10 centuries, and 5 *ordinarii* (cf. p. 799 *b*); the other nine cohorts, 555 men in 5 centuries each. Each century consisted of 10 *contubernia* (also called *manipuli*), and each *contubernium* was presided over by a *decanus*: so that the infantry of the legion consisted of 6,100 men and 5 *ordinarii*. The cavalry were 726 soldiers, viz. 132 to the first cohort and 66 to each of the others; arranged in 22 *turmae*, each of 30 men and 3 officers (*decurio*, *duplicarius*, *sesquiplicarius*: cf. Veg. ii. 6, 14; Hyg. § 16; and see below, p. 809 *a*).

Octavian, when in 36 B.C. he took over the 22 legions of Lepidus (Appian, *B. C.* v. 123), amongst which were 8 of Sextus Pompeius, had the command of 45 legions (*ib.* 127, cf. 53). He then disbanded 20,000 veterans (*ib.* 129), all the Pompeian legions (Dio Cassius, xlix. 12), and most of those of Lepidus. At the battle of Actium, Antonius had at most 30 and Octavian 25 (Plut. *Ant.* 61), so that when the victory was won Octavian had a little over 50 legions to dispose of. He retained the first 12 of his own and 6 of those of Lepidus and Antonius. This accounts for two legions being found at times with the same number. He retained these numbers in order not to confuse the soldiers by unnecessary alteration, a distinction being sufficiently marked by the name of the legion, partly perhaps to delude the people that he had only 12 legions, or possibly with a hope that they might be speedily disbanded. Augustus enrolled legions XIII. to XX. in order to face the great German war waged in 3 A.D. against Maroboduus, and afterwards against the Pannonians and Dalmatians (cf. Vell. ii. 104; Suet. *Tib.* 16). In the subjoined list it will be seen that none of these were planted in colonies, and none are found to have duplicates. Legions XXI. and XXII. were added after the defeat of Varus, in which three legions fell (XVII., XVIII., XIX.). As to Legio I., which was probably disbanded after the defeat of Varus (for we hear of a First legion getting its standards from Tiberius, Tac. *Ann.* i. 42), Mommsen supposes its existence from the consideration that a first legion can hardly have been wanting in the army of Augustus. We now add the list of Augustus's legions, which were 25 at his death, 23 after the defeat of Varus (this reconciles Tac. *Ann.* iv. 5 with Dio Cassius, iv. 23, 2), with the localities in which they were stationed, as given by Mommsen (*Res gestae d. Aug.*, pp. 68–9), adding in square brackets here and there a word as to the reason why such and such a legion was disbanded; with a continuation of the legions which were enrolled up to the time of Septimius Severus.

Legions.	Quarters.	Special Actions.	Duration of Existence.
I.	Lower Germany. . .	.. .. ..	Disbanded after defeat of Varus (?).
I. Germanica . .	Lower Germany. . .	.. .. ..	Not mentioned after 70 A.D. [Probably disbanded on account of its conduct in the rebellion of Civilis (Tac. *Hist.* iv. 25, &c.).]
II. Augusta . .	Upper Germany . . .	.. .. ..	Existed in Dio Cassius's time.
III. Augusta . .	Africa	.. .. ..	do. do.
III. Gallica . . .	Syria (Marq. *Staatsv.* ii.[2] 447, note 7)	Took part in the Parthian war of M. Antonius (Tac. *Hist.* iii. 24)	do. do.
III. Cyrenaica . .	Egypt	.. .. ..	do do.
IV. Macedonica . .	Spain	At battle of Philippi: hence probably its name	Not mentioned after 70 A.D. [Perhaps disbanded on account of its vigorous support of Vitellius (Tac. *H.* iii. 22).]
IV. Scythica . . .	Moesia	.. .. ..	Existed in Dio Cassius's time.
V. Macedonica . .	Moesia	Took part in African war, 46 B.C. (App. *B. C.* ii. 96), also in battle of Philippi: hence its name. Veterans of this legion planted in a colony at Berytus in 16 B.C.	do. do.
V. Alauda . . .	Lower Germany. . .	Enrolled by Caesar (Suet. *Jul.* 24): in 16 B.C. lost its eagle in Lower Germany (Vell. ii. 97)	Not mentioned after 70 A.D. [Probably destroyed by the Sarmatae (Suet. *Dom.* 6): yet Mommsen (*Eph. Epigr.* v. 214) and Schiller (*Kaiserzeit.* 511) say it was disbanded by Vespasian.]
VI. Victrix . . .	Spain	.. .. ..	Existed in Dio Cassius's time.
VI. Ferrata . . .	Syria	.. .. ..	do. do.
VII. (Subsequently Claudia)	Illyricum.	At battle of Philippi . .	do. do.
VIII. Augusta . .	Illyricum.	Veterans planted at Berytus, 16 B.C.	do. do.
IX. Hispana . . .	Illyricum (Tac. *Ann.* iii. 9; iv. 23)	At battle of Philippi . .	Not mentioned after Trajan. [Probably annihilated by the Brigantes in Britain (Schiller, *l. c.* 607, note 6).]
X. Fretensis . .	Syria	Fought in Sicilian war at the Straits against Sext. Pompeius: hence its name. Veterans of both tenth legions planted at Patrae, 16 B.C.	Existed in Dio Cassius's time.
X. Gemina . . .	Spain	.. .. ..	do. do.
XI. (Subsequently Claudia)	Illyricum	.. .. ..	do. do.
XII. Fulminata . .	Syria	Veterans planted at Patrae 16 B.C.	do. do.
XIII. Gemina . . .	Upper Germany. . .	.. .. ..	do. do.
XIV. Gemina . . .	Upper Germany. . .	.. .. ..	do. do.
XV. Apollinaris . .	Illyricum	.. .. ..	do. do.
XVI. Gallica . . .	Upper Germany. . .	.. .. ..	Not mentioned after 70 A.D. [Probably, like I., disbanded on account of its mutinous conduct in the rising of Civilis (Tac. *Hist.* iv.).]

Legions.	Quarters.	Special Actions.	Duration of Existence.
XVII.	Lower Germany.	.. .. ..	Fell in defeat of Varus, A.D. 9.
XVIII.	Lower Germany.	*C. I. Rh.* 209	do. do.
XIX.	Lower Germany.	Tac. *Ann.* i. 60	do. do.
XX. Valeria Victrix	Illyricum (6 A.D.), afterwards in Lower Germany	.. .. ..	Existed in Dio Cassius's time.
XXI. Rapax	Lower Germany.	.. .. ..	Not mentioned after Domitian. [Disbanded for taking side of Antonius Saturninus.]
XXII. Deiotariana.	Egypt.	.. .. ..	Not mentioned after Trajan. [Last mention in *C. I. L.* iii. 36, of year 84 A.D.: if we are not to suppose with Borghesi (iv. 254) that this was the legion annihilated by the Parthians in 162 A.D. (Dio Cass. lxxi. 2).]
Added by Claudius by division of XV. and XXII.			
XV. Primigenia	Lower Germany.	.. .. ..	Disbanded by Vespasian as having revolted to Civilis (Pfitzner, *Gesch. der Kaiserlegionen*, p. 262).
XXII. Primigenia	Upper Germany (Tac. *Hist.* i. 18, 55)	.. .. ..	Existed in time of Victorinus (Cohen, 40, p. 16). For its omission in Dio Cassius, see Marq. *Staatsv.* ii.², 452, note 1.
Added by Nero.			
I. Italica	In Gallia Lugdunensis (Tac. *Hist.* i. 59, 64)	.. .. ..	.. .. ..
Added by Galba.			
I. Adjutrix	Spain (Tac. *Hist.* ii. 67; iii. 44)	Enrolled from the fleet (*C. I. L.* iii. p. 907)	Existed in Dio Cassius's time.
VII. Gemina	Spain (Tac. *Hist.* ii. 11)	.. .. ..	do. do.
Added by Vespasian (Dio Cassius, iv. 24, 3).			
II. Adjutrix.	Pannonia	.. .. ..	do. do.
IV. Flavia	Upper Moesia	.. .. ..	do. do.
XVI. Flavia Firma	Syria	.. .. ..	do. do.
Added by Domitian.			
I. Minervia	Lower Germany.	.. .. ..	do. do.
Added by Trajan.			
II. Trajana, Fortis Germanica	Egypt.	Enrolled 109 (*C. I. L.* iii. 79).	do. do.
XXX. Ulpia Victrix	Lower Germany.	Was located for some time in Upper Pannonia (*C. I. L.* iii. p. 482)	do. do.
Added by M. Aurelius.			
II. Italica	Noricum	.. .. ..	do. do.
III. Italica	Rhaetia	.. .. ..	do. do.
Added by Sept. Severus.			
I. Parthica	Mesopotamia.	.. .. ..	do. do.
II. Parthica	Alba, near Rome	Henzen, *Annali dell' Inst.* 1867, p. 73.	do. do.
III. Parthica	Mesopotamia	.. .. ..	do. do.

An interesting list of the quarters of the different legions in the middle of the first century, derived from the Histories of Tacitus, is to be found in Borghesi, iv. p. 240, reproduced by Marquardt, *Staatsv.* ii.² p. 449, note 4; also of their quarters in the middle of the second century in *C. I. L.* vi. 3492 a, b (= Orelli, 3368, 3369). Detailed histories of the separate legions are numerous. See Marquardt's notes; an admirable history of all the legions individually is given by Grotefend in Pauly, iv. 868 ff.

As to the *names* of the legions, they arose from various causes: (1) in the later Republic, sometimes from the place of levy, *e.g.* V. Urbana (*C. I. L.* v. 2514), VIII. Mutinensis, IV. Sorana (see Mommsen on *C. I. L.* x. 5713); (2) from the people against whom they successfully fought, *e.g.* IV. Scythica, or from the place, X. Fretensis; (3) from divinities, *e.g.* I. Minervia; (4) from division of a single legion, *e.g.* Primigenia (this part was probably held the superior, and retained the eagle), or uniting of two, *e.g.* Gemina (Caes. *B. C.* iii. 4, 1), yet cf. also Mommsen, *Res gestae d. Aug.* p. 73, note 1 *fin.*; (5) from certain insignia, *e.g.* probably the V. Alauda, certainly XII. Fulminata (*κεραυνοφόρον*); (6) various epithets expressive of

courage and devotion, e.g. *pia, fidelis, constans, victrix, aeterna, rapax;* (7) up till Caracalla's time, when the emperor's name was added to the legions, except in the case of a few, as VII. and XI. Claudia pia fidelis, it marked the founder, as II. Trajana, XXX. Ulpia Victrix. After Caracalla all legions bore the name of the reigning emperor (cf. Schiller, *Kaiserzeit.* 742, note 1).

2. *The Auxilia.*—Concerning the auxiliary troops under the Empire, Tacitus says (*Ann.* iv. 5): "At apud idonea provinciarum sociae triremes alaeque et auxilia cohortium, neque multo secus in iis virium: sed persequi incertum fuit cum ex usu temporis huc illuc mearent, gliscerent numero et aliquando minuerentur." They consisted of those forces, beside the legions, which were raised in the provinces. Perhaps we may assume that in numbers they were about equal to the legionaries (Suet. *Tib.* 16). They supplied the whole of the cavalry and a large contingent of infantry. The latter (*cohortes auxiliariae, sociae,* Tac. *Ann.* i. 49, 51) partly were equipped in Roman fashion, partly retained their native weapons, and as such are styled *sagittarii, funditores, scutati, contarii, catafracti* (see Index to *C. I. L.* iii. p. 1148 ff.), or collectively *leves cohortes* or *ferentarius miles.* (Tac. *Ann.* i. 51; xii. 35). The latter passage contrasts the swords and *pila* of the legionaries with the *spathae* (broad two-edged swords without a point) and *hastae* of the auxiliaries.

The regular auxiliary cohorts were divided into *cohortes quingenariae* of 480 men, each in 6 centuries (Hyg. § 28); or *cohortes milliariae* of 1,000 men, each in 10 centuries. Some of these cohorts were exclusively infantry, and such were called *peditatae:* but from the time of Vespasian at all events (Tac. *Hist.* iv. 19) it was found necessary, in order to enable the cohort to be an independent body capable of acting efficiently in garrison duty on the frontiers, to join a certain number of cavalry to

Roman Soldier. (From Iwan Müller's *Handbuch,* vol. iv. p. 745.)

some cohorts. These were called *cohortes equitatae.* A *cohors quingenaria equitata* would consist of 360 infantry in 6 centuries of 60 each, and 120 cavalry in 6 *turmae* of 20 each (Hyg. § 27; *C. I. G.* 5053): a *cohors milliaria equitata* of 760 infantry in 10 centuries of 76 each, and 240 cavalry in 10 *turmae* of 24 each (cf. Mommsen in *Eph. Epigr.* v. p. 31).

The cavalry were further divided into *alae milliariae* of 960 men each, in 24 *turmae* of 40 each, and *alae quingenariae* of 480 men each, in 16 *turmae* of 30 men each. Josephus (*B. J.* iii. 5, 5) tells us that under Vespasian the cavalry wore helmets and cuirasses; carried a long sword, a long pole (*κόντος ἐπιμήκης*), and a buckler; and were furnished with a quiver, containing three or more javelins with large points and as broad as spears. Under Hadrian, as we learn from Arrian (*Tact.* 34), they had an iron visored gold-plaited helmet, with a plume of red horse-hair, a light shield, and instead of a cuirass a red Cimmerian tunic (*i.e.* made of Crimean leather). In the preceding cut we see many of the above accoutrements. The cuirass seems to be of leather. Note also the trousers (*bracae*) and boots.

Besides the names we have mentioned, which distinguished the cohorts according to their character and numbers (*equitatae* or *peditatae, quingenariae* or *milliariae*) and the *alae* according to their numbers, some, especially the *alae,* were also called after the provincial governor who first organised them: *e.g.* Auriana (Tac. *Hist.* iii. 5), Petriana, Siliana (*ib.* i. 70), cohors Lepidiana (Diplomata xi. xii. in *C. I. L.* iii. pp. 854, 855), &c. (A full list in Marquardt, *Staatsv.* ii.^{2} 473, note 5: also in Mommsen, *Eph. Epigr.* v. 246 f.) It is quite a mistake to suppose that they got their names from their commanders, as Borghesi has shown (iv. 192) in the case of the *ala Frontoniana,* which appears with many different commanders (cf. *C. I. L.* iii. 788, 789, 793, 5331; *Eph. Epigr.* v. p. 175). Very commonly they are called after the emperor who organised them — *Claudia, Flavia, Ulpia, Aelia* (*C. I. L.* iii. Index, p. 1148 ff.). Sometimes, again, they were called after the country in which they were stationed or had distinguished themselves, e.g. *Ala I. Flavia Augusta Britannica* (Dipl. xxvi.), *Cohors I. Lusitanorum Cyrenaica* (Dipl. xx., xxii.). Also they got such honorary titles as *Augusta, Victrix, Veterana, Pia Fidelis* (*C. I. L.* iii. Index, *l. c.*). The cohorts were numbered progressively only so far as to distinguish cohorts otherwise undistinguished, e.g. *Cohortes I., II., III., IV., Tungrorum milliaria equitata.*

They were raised in the imperial provinces only (Mommsen in *Hermes,* xix. 45), though we hear of a levy in Cyrenaica (Tac. *Ann.* xiv. 18). They were seldom (Josephus, *B. J.* ii. 13, 7) stationed in the same province as they were raised in, nor indeed ever left very long in any one province: see, *e.g.* the transferences of *Cohors I. Thracum* in the Diplomata (ix., xiv., xxxvi.). But as time went on it was found impossible to keep each cohort of one nationality; and very frequently vacancies were filled up by men of other nations, especially from natives of the province in which the division happened to be stationed, *e.g.* among the *Equites Pannonii* in Britain there was a decurio from Spain (Dipl. xxi.); in the *cohortes Alpinorum* and *Lusitanorum* in Pan-

nonia, Pannonians are found (Dipl. xxxix., xlii., xii.).

There appear to have been special corps of auxiliary troops called *equites* and *pedites singulares*, the oldest mention of which is in the time of Vitellius (Tac. *Hist.* iv. 70). They consisted of picked individuals from different nations, and as such differed from the ordinary cohorts and *alae*. One special division of cavalry set apart for the service of the emperor was called *equites singulares Augusti* (see below, p. 795 *b*). Sometimes the cohorts or *alae* had the additional title of *Civium Romanorum* (Tac. *Hist.* iii. 47), which signifies either that the people from whom the corps was raised had citizenship previously, or that it was given to the whole corps—most probably the latter (Mommsen in *Hermes*, xix. 60).

The commanders of the auxiliary cohorts and *alae* were for the most part Romans, and were called *praefecti* (Tac. *Hist.* ii. 59; Dig. 3, 2, 2). The *praefectura cohortis* was the second and the *praefectura alae* the fourth step in the equestrian career of honours, the *primipilatus* being the first and the *tribunatus legionis* being the third (*e.g.* Wilmanns, 1249 *b*; Stat. *Silv.* v. 1, 94 ff.). Some of the auxiliary cohorts, however, *e.g.* those *equitum singularium* (*C. I. L.* vi. 224, 226, 228, Dipl. li.), and perhaps the *cohortes milliariae*, like the *cohortes praetoriunorum, vigilum, urbanae, voluntariorum* (see below), were commanded by *tribuni* instead of *praefecti*, who stood on a level with the *tribuni legionis*: e.g. a *tribunus cohortis* becomes a *praefectus alae* without being *tribunus legionis* often (*C. I. L.* iii. 1193, ix. 5357, x. 3847). In later times the title *tribunus* came to be applied to the chief officers of *all* the cohorts (Boecking, *Not. Dig.* ii. 536).

After the grant of Roman citizenship to all the provinces by Caracalla, the *auxilia* were almost entirely taken from Roman citizens. All that remained outside this category were a few barbarian mercenary troops. These were called *nationes* or *numeri*, and were arranged neither in cohorts nor in *alae*. They were commanded by *praepositi*. The introduction of them may perhaps go back to Trajan (Dipl. xxv.), and they formed the precursors of the Foederati. For the divisions of barbarian cavalry in the third century called *cunei*, see below, p. 808 *a*.

Special Extra-Legionary Troops.

1. *The Cohors praetoria* (*σπεῖρα στρατηγίς*) *of the Republic* (Mommsen in *Hermes*, xiv. 25–30). —This must have been an old institution, not so much owing to Livy's statement (ii. 21, 5) of its existence at the battle of Lake Regillus as from the title *praetoria* pointing to the time when the praetor was general. But it was not in accordance with the nature of the citizen army, and does not really appear in historical times till the Numantine war in the army of Scipio the Younger. He formed 500 of his friends and clients into a troop which Appian (*Hisp.* 84) calls an ἴλη φίλων and Festus (*s. v.* p. 223 M.) a *cohors praetoria*. They received once and a half the pay of the legionary. But the term ἴλη (*turma*) seems to point to their being cavalry, yet the regular cavalry received three times the pay of the legionary. Mommsen (*l. c.* p. 27, note 3) supposes that it was a privilege of the general to give certain members of this body-guard a horse; that he did so mostly to his *amici*, who were men of good birth; and that it is of these Appian is chiefly thinking; while the notice about increased pay has reference to the mass of the troop who were his clients and served on foot. The term *cohors* can of course be applied to a mixed body of horse and foot. Caesar had only one praetorian cohort (*B. G.* i. 40, 15). Towards the end of the Republic each commander had a praetorian cohort (Sall. *Cat.* 60, 5; Cic. *Fam.* xv. 4, 7, cf. x. 30; App. *B. C.* iv. 7). After the battle of Philippi the various praetorian cohorts had in all 8,000 men (*ib.* v. 3). Later each of the triumvirs had several (*ib.* v. 24; Plut. *Ant.* 39, 53): at the battle of Actium, Octavian had at least five praetorian cohorts (Oros. vi. 19). These *cohortes praetoriae* were soldiers picked from veterans and from the *equites extraordinarii*; they were the successors of the *clients* of Scipio, and had got more and more separated from the body of *friends*, who gradually cease to be soldiers. The two classes are strikingly opposed under Caligula (Suet. *Cal.* 19).

2. *Cohortes civium Romanorum.* — When Italians came to be practically excluded from legionary service and confined to serve in the city troops (see below, p. 806 *a*), such of them as wished to make a profession of arms entered the auxiliary cohorts as volunteers, the more readily as service in the cohorts was lighter than in the legions and rewards quicker (Veg. ii. 3). Hence the origin of these troops which appear under many names: e.g. *Cohors I. Italica civium Romanorum voluntariorum* (Henzen, 6709); *Cohors II. Civium Romanorum* (*C. I. L.* ii. 4114); *Cohors I. Civium Romanorum ingenuorum* (*ib.* v. 3936), and a vast number of titles with the word *voluntariorum* occurring in them in Mommsen's index of cohorts in *Eph. Epigr.* v. 248–9. That scholar supposes (*Res gestae d. Aug.* p. 72, note 1) that the *cohortes voluntariorum* originated from the freedmen Augustus enrolled (Vell. ii. 113; Dio Cass. lv. 31; Suet. *Aug.* 25; Macrob. *Sat.* i. 11, 33, "Caesar Augustus in Germania et Illyrico cohortes libertinorum complures legit quas voluntarias appellavit"); but that they were not recruited afterwards from freedmen, for we find recruits of foreign extraction admitted to them, just as to the auxiliary cohorts, to whom they are further assimilated in having to serve 25 years (*C. I. L.* iii. p. 907). An inscription (*C. I. L.* ix. 5835) shows us that there was a thirty-second cohort of these *voluntarii*. The centurion Cornelius in the Acts of the Apostles (*x.* 1) belonged to one of these cohorts (*ἐκ σπείρης τῆς καλουμένης Ἰταλικῆς*). Whether the *Ala I. Civium Romanorum* which recurs so often (Dipl. xi., xii., xxv.) was a similar institution is uncertain. Some of the *cohortes civium Romanorum* at any rate, *e.g.* I., II., had cavalry attached to them (*C. I. L.* vi. 3520; cf. Arrian, *ἔκταξις*, c. 9, 13).

3. *The Evocati* (*ἀνάκλητοι*) (Schmidt in *Hermes*, xiv. 321–353).—The ancients (especially Serv. on *Aen.* viii. 1) distinguished three kinds of service: (1) *legitima militia* or *sacramentum*, (2) *tumultus*, (3) *evocatio* (see p. 809 *b*); but logically, as Mommsen has pointed out (*Eph.*

Epigr. v. 142), the division should be state-ordered service, comprising *sacramentum* and *tumultus*, and voluntary service. Those who served in the latter were the *evocati*. It was originally only in periods of great crisis (Serv. on *Aen.* vii. 614) that such invitation was made, not by a magistrate, but by any man of spirit and influence, who called on those who wished their country's safety to follow him. According to strict legal right, these volunteers were not soldiers, but *pro militibus* (Serv. on *Aen.* ii. 157); they did not serve in a legion or a cohort, they had no definite leaders, nor had they any right to demand pay, though probably they always received rewards in larger measure than the ordinary soldiers; certainly they did in later times (Caes. *B. C.* i. 3, 2; cf. Mommsen, *l. c.* 143, note 1). But afterwards it became the practice for generals, no longer in the name of the state but in their own name, to invite, as a rule specially (*nominatim*, Caes. *B. G.* iii. 20, 2), veterans (*B. C.* i. 3, 2) to renew their service. These *evocati* stood in rank above the ordinary soldiers, probably on a level with the centurions (Caes. *B. C.* i. 17, 4; iii. 53, 1; 91, 1; Vell. ii. 70, 3, compared with Dio Cass. xlvii. 46, 4); were perhaps only used in battle, and freed from all ordinary duties (Marquardt, *Staatsv.* ii.[2] 387, note 6); they had horses on the march (Caes. *B. G.* vii. 65, 5). We find such troops as these in the time of Flamininus (Plut. *Flam.* 3; Liv. xxxii. 3, 3), Marius, Catiline (Sall. *Jug.* 84, 2; *Cat.* 59, 3), Cicero (*Fam.* xv. 4, 3), Caesar (*ll. cc.*; cf. *C. I. L.* x. 3886, 6011), Octavian (Dio Cass. xlv. 12, 3). They played a considerable part in the civil wars, but seldom appear under the Empire, it not being consonant with the order of the standing army to have forces which could not be formed into definite troops (Mommsen, *op. cit.* 144). When they do appear, the invitation was of course made no longer by a private individual, but by the emperor (Tac. *Hist.* ii. 82). Those who responded to the invitation were sometimes called *revocati* (Orelli, 3580). But if they practically disappear under the Empire, a new body was formed, viz. the *evocati Augusti*.

4. The *Evocati Augusti* (Mommsen in *Eph. Epigr.* v. 142–154).—These were a special corps (*σύστημα ἴδιον*, Dio Cass. lv. 24, 8) established by Augustus which continued till Christian times (*C. I. L.* vi. 2870). The *evocati* which he called out after the death of Caesar (Dio Cass. *l. c.*) gave the name; and the features of voluntary service and of not being formed into regular troops, *i.e.* cohorts or legions (App. *B. C.* iii. 40), which these *evocati* possessed, in some measure formed the transition to the *evocati Augusti* properly so called. But the latter differed essentially from the former, who were rather like the regular *evocati* described in the last section, in the following respects:—(1) The *evocati Augusti* had no fixed time of service; the regular *evocati* were released after the crisis which called them out was passed. (2) The *evocati Augusti* were an ordinary and continuous branch of the service: the regular *evocati* extraordinary and temporary. (3) The *evocati Augusti* had civil rather than military functions, e.g. *ab actis fori* (*C. I. L.* ix. 5839), a *quaestionibus praef. praet.* (*ib.* vi. 2755), *architectus* (*ib.* vi. 2755), *librator*, "a surveyor" (*ib.* vi. 2545), *agrimensor* (*Grom. Vet.* p. 121, ed. Lachm.). Such functions as these they had already performed while in the army; and the main cause of the establishment by Augustus of this special body of *evocati* was to get men who had been specially trained in definite branches of state service which were usually administered by soldiers to remain, after they were entitled to discharge, in the performance of their duty outside the regular army. This he effected by giving them increased rank (for they stood next the centurions above the *principales*, *C. I. L.* vi. 1009), increased pay (probably nearly that of a centurion), and the right of carrying a *vitis* (Dio Cass. *l. c.*). They were often employed on special duties; thus we find one appointed to guard Vonones (Tac. *Ann.* ii. 68). Further proof that they were in a measure civilians is that their pay was called *salarium*, not *stipendium*; that *militia in caliga* is always (e.g. *C. I. L.* ix. 5840) opposed to *evocatio*, not to *centurionatus*; and that they never receive the military distinctions of *torques*, *armillae*, *phalerae*, but only a crown (Mommsen, *l. c.* p. 152). Nor did the *evocatus in legione* (less correctly *legionis*) belong to the legion in the same sense as the soldier or centurion. He acts for the legion, *e.g.* caters for it (*C. I. L.* vi. 2893), but does not belong to it. The privilege of invitation to this service, which was coveted so as to avoid becoming a *veteranus* and being discharged, appears to have belonged practically, if not of right, to the city soldiery, and especially to the praetorians: for of all the *evocati* mentioned in inscriptions only three belong to the urban cohorts, one to the fleet of Misenum, the rest to the praetorians. They were probably subject to the *praefectus praetorio* (*C. I. L.* vi. 3445). The body-guard of equestrian youths formed by Galba, whom he called *evocati*, was quite special and temporary (Suet. *Galb.* 10).

5. *Vexillarii* (Mommsen in *Eph. Epigr.* iv. 370–1).—This word has two meanings: (*α*) one who bears a *vexillum* (=*vexillifer*), and this is its general use when it is added to a name to mark a particular branch of duty, e.g. *C. I. L.* iii. 4834; (*β*) one who serves under a *vexillum*, and such is its meaning when used generally and in the plural. Now a *vexillum* and a *signum* differ in that the former is temporary and extraordinary, the latter is fixed and regular. Hence different classes of those who serve under *vexilla*. (1) Those veterans who had served out their time of twenty years, and who for one reason or another, financial or military, were not yet provided for. These were nominally dismissed (*exauctorati*, Tac. *Ann.* i. 36), but remained under a *vexillum* (*ib.* 26). They were treated as a select troop, used only in battle, and were free from all other duties (*ib.* 36). These troops of veterans are usually called *vexilla veteranorum* (Tac. *Ann.* iii. 21; *C. I. L.* v. 4903). (2) Any troop separated from the main body under a special commander had its own *vexillum* (Caes. *B. G.* vi. 36, 3; 40, 4), was called *vexillum* or *vexillatio* (the latter term only in Inscriptions), and its members *vexillarii*. Of this class, besides the quite general expressions *vexilla equitum*, *tironum* (Tac. *Hist.* ii. 11; *Ann.* ii. 78), we find *vexillationes* of the legions used for making roads, bridges, fortifications, &c. (Tac. *Ann.* i. 20; *C. I. L.* iii. 1979, 1980, 3200), as outposts

through the provinces — such are doubtless the *multae et diversae stationes* Hadrian refers to in his speech to his soldiers at Lambaesis (*C. I. L.* viii. 2532 A, b; cf. *Eph. Epigr.* iv. 528)—or as detachments dispatched to the theatre of war; e.g. *C. I. L.* x. 5829: *T. Pontius Sabinus . . . praepositus vexillationibus milliariis tribus expeditione Britannica* (i.e. Hadrian's expedition), *Leg. VII. Gem.* (stationed in Spain), *VIII. Aug.*, *XXII. Primigen.* (both in Germany). This, as well as the inscription in *Bull. dell' Instit.* 1868, p. 60, *praef. vexillation. eq. Moesiae infer. et Daciae*, shows that a combined band of *vexillarii* need not necessarily be taken from the one province (cf. *C. I. L.* ii. 3272, yet cf. Mommsen *ad loc.*), though usually such was the case (Tac. *Hist.* ii. 100, iii. 22; Wilmanns, 1429). *Vexillarii* of the auxiliary cohorts appear also (Tac. *Hist.* iii. 6). The numbers of a *vexillatio*, though often 1000 (*C. I. L.* viii. 2482, x. 5829), varied: hence the different rank of the commander: for he is sometimes a *praepositus* of equestrian rank, sometimes a *centurion* (*Eph. Epigr.* iv. 524), or a *tribunus legionis* (Henzen, 6453), or a *legatus Augusti* (*C. I. L.* viii. 7050), sometimes a *dux* of senatorial rank. (This term *dux* generally signifies an active military command of an unusual nature, as when a subaltern officer holds command of a legion: cf. *C. I. L.* ii. 4114, and Mommsen in *Eph. Epigr.* i. 135, note 2, and in the appendix to Sallet's *Die Fürsten von Palmyra*, pp. 72–75.) From the time of the Gordians, at any rate (*C. I. L.* viii. 2716), *vexillatio* takes an entirely new signification, viz. that of a troop of cavalry (*ib.* iii. 405, viii. 9045, 255 A.D.), and in this sense it is used in the Code (vii. 64, 9; x. 54, 3): cf. Veg. ii. 1; iii. 4, 10; Kuhn, *Die Verfassung und Verwaltung des röm. Reichs*, i. 133–5.

6. *Frumentarii* (Henzen in *Bull. dell' Instit.*, 1884, pp. 21–29).—There was probably a *numerus* (a very vague term for "troop" under a single commander) of *frumentarii* in each legion (*C. I. L.* vi. 3341), if that inscription does not refer to the special *numerus* at Rome. The *numerus* was commanded by a centurion, who is called in inscriptions *centurio frumentarius* (e.g. *C. I. L.* viii. 2825). They appear in all the provinces which had legions, and even in the *inermes provinciae* (Marquardt, *Staatsv.* ii.² 492–3). Their functions were partly connected with the corn-supply (*C. I. L.* vi. 3340), and as such their inscriptions are found all along the Appian Way to Puteoli (*ib.* x. 1171, 6095, 6575), and nowhere else in South Italy. Their chief station was in Rome, but there was probably a division at Ostia also (Marquardt, *l. c.*). Partly they acted as letter-carriers (Capitol. *Max. et Balb.* 10, 3), partly too as spies (Spart. *Hadr.* 11, 4), and in later times as police (Euseb. *H. E.* vi. 40), a function perhaps confined to the provinces. They appear to have been instituted by Hadrian: for we first hear of them under that emperor, and no *frumentarii* are found to belong to a legion which ceased to exist before Hadrian's time.

With regard to the *numerus frumentariorum* in the city, they nearly always state the legion to which they belonged (*C. I. L.* vi. 3331–3361), a fact which shows that, though practically free from the legion, yet they were technically recognised as belonging to one. Confirmatory evidence on this point is that inscriptions of *frumentarii* have been found in places where the legion to which they are stated to have belonged never lay, *e.g.* in Lambaesis of a *frumentarius* of V. Macedonica, which belonged to Upper Moesia (*ib.* viii. 2867). In the post-Severian times these *frumentarii* had a place in the *castra peregrina* in the Second Region, near Mount Caelius. For further particulars see Henzen, *op. cit.*

The Garrison of the City under the Empire.

1. The *Cohortes Praetoriae* (*οἱ δορυφόροι*).—These were what the *cohors praetoria* of the Republic developed into under the military monarchy. The *praetorium* was now wherever the emperor was. We have seen above that there were several praetorian cohorts at the end of the Republic (p. 791 *a*). Augustus established nine praetorian cohorts (Tac. *Ann.* iv. 5): three of these he quartered in different parts of Rome, keeping one to act as guard (Tac. *Ann.* i. 7), and the rest he scattered about Italy in places where he was wont to stay himself (Suet. *Aug.* 49; *Tib.* 37). It was a great stroke of Sejanus concentrating the praetorian cohorts into one camp before the Viminal gate; and the vast power this concentration threw into their hands is duly insisted on by historians (Tac. *Ann.* iv. 2; Suet. *Tib.* 37; Dio Cass. lvii. 19, 6). The supreme commander of these was of course the emperor (in Tac. *Ann.* i. 7 he gives the watchword); but from the year 2 B.C. (Dio Cass. iv. 10, 10) the praetorians were commanded in the name of the emperor by two *praefecti praetorio*, sometimes by one, after the time of Commodus by three (Mommsen, *Staatsrecht*, ii.² 828). For a list of these *praefecti praetorio* up to Diocletian, see Hirschfeld, *Verwaltungsgeschichte*, p. 219 ff.

The number of praetorian cohorts was raised probably by Claudius to 12, for we find the xi. and xii. praetorian cohort mentioned in several inscriptions (*C. I. L.* vi. 2762–2768). Mommsen (*Hermes*, xvi. 644) attributes this increase of the number of cohorts to Claudius, because it certainly is found in existence in Nero's time (*C. I. L.* v. 7003), is not mentioned by Tacitus, and Claudius certainly raised the number of the *cohortes urbanae* (Suet. *Claud.* 25). Vitellius raised the number to 16 (Tac. *Hist.* ii. 93); Vespasian reduced it to 9 (Diploma x.). But before 130 A.D. (*C. I. L.* vi. 208) a tenth must have been added, and this number certainly subsisted till the third century (Diploma lvii., 298 A.D.).

Each cohort was a *cohors milliaria* (Dio Cass. lv. 10, 10; Tac. *Hist.* ii. 93) *equitata*, each century having a *turma* of cavalry (Tac. *Ann.* i. 24, xii. 56; *C. I. L.* vi. 100). We may possibly conjecture that, like the cohorts of the legionaries and auxiliaries, each praetorian cohort was divided into 10 centuries and 10 *turmae*; but such an analogy is not very reliable, for we know that each cohort of the *Vigiles*, though a *cohors milliaria*, had only seven centuries (cf. Mommsen in *Eph. Epigr.* iv. 241). Each cohort was commanded by a tribune (*e.g.* Wilm. 1639). The praetorians were recruited from volunteers coming principally from Italy or the civilised provinces of Spain, Macedonia, or Noricum

(Tac. *Ann.* iv. 5; Dio Cass. lxxiv. 2, 4); and this is fully attested by inscriptions—viz. *C. I. L.* vi. 3885 (147 A.D.); 2381 a, b, c (153–156 A.D.); 2382 a, b (175–178 A.D.): cf. Mommsen in *Hermes*, iv. 118. From the time of Septimius Severus, however, this was changed: the praetorians were recruited from the most tried of the barbarian troops (Dio Cass. *l. c.*), as is attested by the names found in inscriptions, e.g. *C. I. L.* vi. 2385. On the nationalities and native places of the praetorians, see the indices of Bormann and Henzen in *Eph. Epigr.* iv. 322–326; Oscar Bohn, *Ueber die Heimath der Praetorianer*, 1883, and in *Eph. Epigr.* v. 250–258; Mommsen in *Hermes*, xix. 52. The length of service in the praetorian cohorts was 16 years (Dio Cass. iv. 23, 1; Tac. *Ann.* i. 17); the pay from the time of Tiberius, 720 denarii yearly (see below, p. 809 *a*).

A word must here be said on the officer called *trecenarius*, who often appears (e.g. *C. I. L.* ii. 4461, iii. 454. Complete list in *Eph. Epigr.* iv. pp. 242–3). In early times the chief centurion of the first cohort of the praetorians was called *primus ordo* (*C. I. L.* x. 4872); but, owing to the excessive danger to the state of such a special position among a body like the praetorians, it was arranged that the chief centurion of the first cohort should not hold superior rank to the others. The chief centurions of the different cohorts appear to have been called *trecenarii*, probably because they commanded 300 men, certainly *not* because the pay was HS. 300,000, which would be three times that of a *tribunus militum;* and the *trecenarius* ranked on a level with the second centurion of the legion *primus praetorii* (cf. Henzen, 6767, 6877), inferior to the *primus pilus* (*ib.* 6771 and *passim*). Just as the *primus pilus* was the highest position a centurion could gain in the legionary force, so the *trecenarius* was the highest he could gain in the praetorian; and, if promoted, he had to pass to another branch of the army, viz. the legions. Hence the title *ex trecenario* or *ex CCC* (Orelli, 3444, 3457; *C. I. L.* iii. 3427). The *principes castrorum* among the praetorians (Orelli, 3457; *C. I. L.* vi. 216, x. 5064) seem to have been two centurions selected from the *trecenarii*, who, like the *principes* in the legion (Veg. ii. 8), had the general oversight of the camp.

2. The *Cohortes Urbanae*, *οἱ ἀστικοί* (O. Eichhorst, *De cohortibus urbanis imperatorum Romanorum*, 1865: cf. also *C. I. L.* vi. 2861–2948).—The praetorians and the urban cohorts, both in the lists of veterans and in the Diplomata (*e.g.* x., xlvii.)—see Bormann in *Eph. Epigr.* iv. 317, 318—appear to form one closely connected body, though the urban cohorts were inferior in rank, only getting half the pay of the praetorians (see below, p. 809 *a*), and having to serve twenty years (Dig. 27, 1, 8, 9). Soldiers are advanced from the legions to the urban cohorts, and thence to the praetorians (e.g. *C. I. L.* ii. 4461). They were established by Augustus *in custodiam urbis* (Suet. *Aug.* 49; Dio Cass. lv. 24, 6), put under the authority of the *praefectus urbis* (Tac. *Hist.* iii. 64), and perhaps appointed at the same time as that officer, viz. 24 A.D. (Eichhorst, p. 3). Each cohort had originally 1500 men (Dio Cass. *l. c.*), in Vitellius's time 1000 (Tac. *Hist.* ii. 93), and was commanded by a *tribunus* (Tac. *Ann.* vi. 9; Eichhorst, Nos. 5–25). Each cohort consisted probably of 10 centuries commanded by centurions (Eichhorst, Nos. 26–76 and p. 7). The number of the praetorian cohorts seems to have been four in the time of Tiberius, three for duty in Rome (Tac. *Ann.* iv. 5) and one for service at Lyons (*ib.* iii. 41). After the model of this latter Claudius (Mommsen in *Hermes*, xvi. 645) added two at Puteoli and Ostia to guard against fires (Suet. *Claud.* 25); Vitellius reduced them to four (Tac. *Hist.* ii. 93), while Vespasian increased them to five by creating *Cohors I. Urbana* for service abroad. In Caracalla's time they were four (Dipl. xlix.), and were still in existence at the beginning of the fourth century (*C. I. L.* vi. 1156). This inscription shows that at this time they were located in the *Forum Suarium* in the Seventh Region (Preller, *Die Regionen*, p. 98; Mommsen, *Staatsrecht*, ii.² 1021, note 2).

The history of the urban cohorts is perplexing. It must be remembered that they formed a closely connected body with the praetorians, the numbers of the urban cohorts continuing those of the praetorians. Thus under Tiberius the urban cohorts are numbered X., XI., XII., XIII., the last, viz. XIII., being used for service at Lugdunum (Boissieu, *Inscr. antiques de Lyon*, pp. 353–361). When Claudius raised the praetorian cohorts to 12 and the urban to 6, these latter were probably numbered XIII.–XVIII. We do find about this time XV. (*C. I. L.* x. 1765), XVI. (Henzen, 6767, though this is not strong evidence), XVII. at Ostia (Tac. *Hist.* i. 83), at Lyons (Inscript. of Moulins in Hirschfeld, *Lyon in der Römerzeit*, p. 27), XVIII. (Tac. *Hist.* i. 64). For the possible transferences of these cohorts, see Mommsen in *Hermes*, xvi. 646. Vespasian created the *Cohors I. Urbana* and sent it to Lugdunum, sending XIII. to Carthage. In the second and third centuries XIII. appears at Lugdunum and I. in Africa (Mommsen in *Eph. Epigr.* v. 119, 120). The sending of these select troops to Africa was probably for fiscal purposes, as Africa from Nero's time became highly important in the matter of taxes. Under Antoninus Pius there appear in Rome *cohortes urbanae* X., XII., XIIII. (*C. I. L.* vi. 1009); and note that this inscription proves the simultaneous existence of *Coh. X. Urb.* and *Coh. X. Prael.* In Caracalla's time (Dipl. xlix.), X., XI., XII., XIIII. are the *cohortes urbanae*. After 216 Cohort XIII. disappears; perhaps it was abolished by Severus when he conquered Albinus at Lugdunum (Renier, *Rév. Arch.* 1864, p. 214).

3. The *Statores* (*C. I. L.* vi. 2949–2958).—These appear in the Republic among the apparitors of the provincial governor, on a level with the lictors (Cic. *Fam.* ii. 19, 2; 17, 1; x. 21, 2). Under the Empire they seem to have been entirely confined to the special service of the emperor, and so often called *Statores Augusti* (*C. I. L.* vi. 2949). They took rank between the *cohortes vigilum* and *urbanae*, as one can see from the lists of promotion (*e.g.* Wilmann's, 1598, 1617), and stood in close connexion with the praetorians (Hyg. § 19; cf. *C. I. L.* vi. 1009). They formed a *numerus statorum praetorianorum* (*ib.* x. 1766), consisting of several centuries (*ll. cc.*). Their commander appears to have been called *praefectus* (*Eph. Epigr.* ii. pp. 291, No. 339) or *Curator* (Herzog, *Gall. Narb.* No. 876).

4. The *Cohortes Vigilum*, *οἱ νυκτοφύλακες*

(*C. I. L.* vi. 1056–1058, 2959–3091).—These cohorts were established by Augustus in 6 A.D. as a night-watch, both to prevent fires and to act as police (Mommsen, *Staatsrecht*, ii.² 1008–1012, where a full account of the night-watch of the Republic is given). They were part of the regular army (Dig. 37, 13, 1), as promotion was made from them to the urban and praetorian cohorts and the legions (Orelli, 3444; *C. I. L.* vi. 2780), but still we find them of a somewhat lower rank than the other corps of soldiers; for their functions required a variety of un-military appliances for rendering aid in case of fire—viz. *centones*, *siphones*, *scalae*, *perticae*—and on this account they appear to have been nicknamed *Sparteoli* (Du Cange, *s. v.*; Tert. *Apol.* 39: cf. Mayor on Juv. xiv. 305); and we find they had assistants with duties essentially those of police, e.g. *carcerarius* and *quaestionarius* (see below, pp. 802 *a*, 803 *b*). The *sebaciarii*, of whom so frequent mention is made in the inscriptions on the walls of the *excubitorium* of Coh. VII. (*C. I. L.* vi. 2998–3091), were men who supplied by the month (*ib.* 3062) tallow lights (*faces sebacias*) to the *vigiles* for use in their patrols. Their standards were the extraordinary *vexilla*, not the ordinary *signa* (*Eph. Epigr.* iv. 356, 370), probably owing to their duties not being altogether strictly military. Accordingly Tacitus passes them over in his enumeration (*Ann.* iv. 5).

They consisted of freedmen (Dio Cass. lv. 26, 5; Strabo, v. p. 235; Suet. *Aug.* 25). According to the Lex Visellia (24 A.D.), a freedman got citizenship if he served six years in the *vigiles*; a later senatusconsultum shortening the period to three years (Ulpian, *fr.* 3, 5; Gaius, i. 32ᵃ, ed. Studemund), and qualifying them for further advance in the army. After Sept. Severus there were many freemen in the *vigiles* (Dio Cass. *l. c.*). The whole corps consisted of seven cohorts of about 1000 men each (in *C. I. L.* vi. 1057 the total in the cohort is 924: *ib.* 1058 it is 960). Each cohort had two regions of the city to look after (Dig. 1, 15, 3, pr.), and in each region a watchhouse (*excubitorium*). Regions 1 and 2 fell to Cohort V., 3 and 5 to II., 4 and 6 to III., 7 and 8 to I., 9 and 14 to VII., 10 and 11 to VI., 12 and 13 to IV. (Jordan, *Topographie der Stadt Rom*, i. 1, 307; cf. ii. p. 573). There were probably equites among the *vigiles*, though Mommsen on *C. I. L.* vi. 3045 thinks not. Each cohort fell into 7 centuries, averaging about 135 men each (*ib.* vi. 1056–1059), under centurions (Mommsen, *Staatsrecht*, ii.² 1009, note 2), and was commanded by a *tribunus* (*C. I. L.* vi. 1599). The whole corps was under the *praefectus vigilum ὁ ἔπαρχος ὁ νυκτοφυλακῶν* (Dio Cass. lii. 33), who was of equestrian rank, not a magistrate, but only appointed *extra ordinem utilitatis causa* (Dig. 1, 2, 33). The only higher equestrian positions were the *praefecti Aegypti* and *praetorio*. In early times his jurisdiction was very restricted, as all serious cases came before the *praefectus urbi*. But under Sept. Severus the jurisdiction of the equestrian *praefectus vigilum* was extended at the expense of that of the senatorial *praefectus urbi*. For further details as to his police jurisdiction, see Dig. 1, 15, 3, 1; 47, 2, 57, 1; 47, 2, 18, 2; 12, 14, 5; 1, 15, 4: and Mommsen, *Staatsrecht*, ii.² 1011. For a list of *praefecti vigilum*, see Hirschfeld, *Verwaltungsgeschichte*, i. 145 ff. Modestinus the jurist was a *praefectus vigilum* (*C. I. L.* vi. 266). The *praefectus* had a deputy, a *subpraefectus* (*ib.* 414 b, v. 8660). These facts have been mostly elucidated from (1) two lists of Cohort V. treated by O. Kellermann, *Vigilum Romanorum latercula duo Caelimontana*, 1835; (2) discoveries made in 1858, which fixed the locality of four stations of the *vigiles* (De Rossi, *Annali dell' Instituto*, 265–297, 391–2); (3) in 1866 the discovery of the *excubitorium* of Coh. VII. and all its inscriptions (*C. I. L.* vi. 2998 ff.).

Non-Roman Troops in the Garrison.

1. *Germani* or *Batavi*.—This troop was instituted by Augustus. Previous to the battle of Actium he had a corps of Calagurritani as a body-guard, but afterwards a *manus* of Germans. These he disbanded after the defeat of Varus (Suet. *Aug.* 49), but they appear again under Tiberius (Tac. *Ann.* i. 24), Caligula (Suet. *Cal.* 43, 45, 55), and Nero (Tac. *Ann.* xiii. 18). They were taken from the German tribes belonging to the Empire, and their duty was the guarding of the imperial family. Thus we find them in the body-guard of Tiberius (*C. I. L.* vi. 4339), Germanicus (*ib.* 4337), sons of Germanicus, Nero and Drusus (*ib.* 4337, 4342), Agrippina (Tac. *Ann.* xiii. 18; Suet. *Nero*, 34), &c. We cannot argue from *C. I. L.* vi. 4334 that they had cavalry among them. They were not divided into centuries and *turmae*, but formed a *collegium* (*ib.* 8802–8809), which fell into *decuriae* just like the *collegia* and *decuriae* of slaves. For these Germans were legally slaves, though practically soldiers; and their being slaves is the mark which distinguishes these *servi milites* from the other foreign troops (cf. Mommsen, *Schweizer Nachstudien*, in *Hermes*, xvi. 459, note 1; also *Hermes*, xix. 30, 31). They were disbanded by Galba (Suet. *Galb.* 12), and do not appear in Tacitus's time, as may be proved from his use of *tum* in *Ann.* i. 24. Nor do they appear in later times either; for the Γερμανοὶ and Βατάουοι mentioned in Herodian (iv. 13, 6) and Dio Cass. (lv. 24, 7; cf. Capitol. *Maxim. et Balb.* 14) are not this German body-guard at all—for none of the inscriptions referring to the German body-guard under that name are later than the Claudian era (Mommsen, *l. c.*), nor do they appear in the Hyginian camp—but are the *equites singulares*, who took their place.

2. The *Equites Singulares Augusti* (Henzen, *Sull' Equiti Singolari*, 1850): cf. *C. I. L.* vi. 3173–3323.—This troop was instituted by either Trajan or Hadrian (*C. I. L.* vi. 3309). Henzen places their origin in Domitian's time, but Tacitus (*Ann.* i. 24) does not mention them, and they are exactly the sort of institution we should expect from Hadrian (cf. H. Schiller, *Kaiserzeit*, 616, note 4). The inscription in Orelli (3525) which refers them to Augustus is utterly spurious. They are sometimes indeed styled *equites singulares* without *Augusti* or *imperatoris* added (Henzen, 26 ff.), but this is exceptional; and they must be carefully distinguished from the ordinary *singulares* of whom something has been said on p. 791 *a*. They appear originally to have been taken from the provinces on the Rhine or the Danube:

none come from Italy or the Gallic or Spanish provinces. They formed a force complementary to the Praetorians, who were mostly raised from these more civilised provinces (Mommsen in *Hermes*, xix. 54). They were connected with the auxiliary cavalry, but stood in a higher grade: thus we find frequent promotions from the auxiliary cavalry to the *Equites singulares Augusti* (*C. I. L.* vi. 3199, 3234, 3238, &c.). If a soldier is promoted from the latter to the former, he becomes a *decurio* in the auxiliary horse (*ib.* vi. 228, l. 17). They ranked close to the Praetorians, as may be inferred from their position in the Hyginian camp (§ 23); but we cannot infer from *C. I. L.* ii. 4147 that the *Equites singulares Augusti* were promoted to be centurions; for the omission of *Eq.* in that inscription renders its validity very questionable (Mommsen in *Hermes*, xvi. 462, note 2). They had probably two divisions, as they had two camps in the city, viz. the *castra priora* (*C. I. L.* vi. 3183, &c.) and the *castra nova* (*ib.* 3217) or *Severiana*, which was built by Septimius Severus (cf. Herodian, iii. 13, 4; cf. Dipl. i.). They left these camps only when the emperor took the field (Hyg. § 23). They seem to have been under the general command of the *praefectus praetorio*, each division having a tribune (*C. I. L.* vi. 224, 226–8). We find, too, perhaps a *praefectus* (*ib.* 3261) and a *praepositus* (Wilm. 1639), but these were probably temporary officers. The *Equites singulares Aug.* wore a helmet without any plume; carried an oval shield, sword, and lance (*ib.* 3214, 3290; Henzen, *op. cit.* p. 50). The figures on these Inscriptions appear to show that they had slaves, and were therefore free themselves,—a fact to be noticed, as this is the main distinction between them and their predecessors, the Germani. They probably possessed Latin rights: for they certainly were not Roman citizens (Dipl. li.); nor again are their names in the inscriptions at all of the usual type of *nomina peregrina*, i.e. cognomen of son with cognomen of father (*e.g.* Adiatullus Vepotali f.), but nearly always they have the regular Italian three names or they omit the praenomen (*C. I. L.* vi. 3309). It is to be noted, too, that the tribe is never added. For further particulars, see Mommsen in *Hermes*, xvi. 460 ff.

The Provincial Militia.

Tacitus often (*Hist.* i. 11; ii. 81, 83; iii. 5) speaks of the *inermes provinciae*, by which he means those provinces in which no legions were stationed. These were (1) Senatorial provinces (except Africa), in which we learn that the proconsuls had some soldiers (Dig. 1, 16, 4, 1; 1, 16, 7, 1) separated from the main corps; but that they were very few Pliny's correspondence with Trajan shows. Pliny had one cohort, but from that he had to give 10 beneficiarii, 2 equites, and a centurion to the praefect of the coast, and more were asked for (Plin. *Epist.* x. 21 (32)). He asked for a century of legionaries for Juliopolis, but was refused (77 [81], 78 [82]). In fact he had so few that *servi publici* were guards of the prison (19 [30], 20 [31]), not as usual in other provinces, *statores*, who were military men. Trajan's reason seems to have been that as few soldiers as possible should be separated from the main corps (*ne militcs a signis absint*). At certain points we hear of small military posts in senatorial provinces, *e.g.* at Eumenia in Greater Phrygia, where several high roads met (*C. I. G.* 3902 c). (2) Imperial provinces in which there was no legion stationed. But generally in such a province there was some small force: *e.g.* in Lyons we have seen there was a cohort of urban soldiery; in Dalmatia we find two cohorts at all events (*C. I. L.* iii. p. 282); in Pontus one cohort (Tac. *Hist.* iii. 47). (3) Provinces governed by Procurators, *e.g.* the Cottian Alps (Suet. *Tib.* 37); Rhaetia, in which in 108 A.D. there were 4 *alae* and 11 cohorts = over 8,000 men (Dipl. xxiv.); Noricum, which had 4 *alae* and 14 cohorts (Dipl. lxx.; *Eph. Epigr.* iv. 503); Thrace, which had 2,000 men (Joseph. *Bell. Jud.* ii. 164); Judaea, which had 2 *alae* and 5 cohorts (ib. *Ant.* xix. 2, 9); Sardinia (Dipl. xviii.). But they were so few in comparison to the extent of the country and so scattered that Aristides (i. p. 349) rightly says that the nations do not know where the forces are which keep them in subjection.

To make up for this deficiency of soldiers, there was a threefold kind of militia in the provinces:—

1. *Municipal.*—By the Lex Coloniae Genetivae (Urso in Baetica) we find it incumbent on the municipal magistrates to keep the fortifications in order, and for protection of their boundaries to appoint commanders to lead out armed forces (*armatos educere*), such commanders to have the same authority as the *tribuni militum* in the Roman army (Lex Col. Genet. xcviii., ciii.; *Eph. Epigr.* ii. 110, 112); and we know also that colonies had often to defend themselves (Tac. *Hist.* iv. 65; Amm. Marc. xxv. 9, 2).

2. *Special Provincial.*—E.g. (*a*) the *Praefectus orae maritimae* in Tarraconensis, who was a commander of coast-guards (Dig. 47, 9, 7) and had two cohorts under him (*C. I. L.* ii. 4138),—cf. the *tribunus militum cohortis maritimae* in Baetica (*ib.* 2224); though the title *cohort* points to these being regular imperial troops; (*b*) in Noviodunum there was a *praefectus arcendis latrociniis*, which implies a force for the same purpose (*Inscr. Helvet.* 119); (*c*) various kinds of police officers and their men, *e.g.* εἰρήναρχοι (Dig. 48, 3, 6, pr.), διωγμῖται (Capit. *M. Aurel.* 21), κορυνηφόροι (Marq. *Staatsv.* i. 213). For more about these, see Kuhn, *Verfassung*, i. 43, 44.

3. *General Provincial.*—In times of danger or confusion the main body of youths in a province appears to have been sometimes utilised for military service. This was often the case against the Pirates in Sicily (Cic. *Verr.* v. 17, 43; v. 24, 60). In imperial times we hear of such troops of native youths in not completely civilised provinces, such as Cappadocia, Rhaetia, the Maritime Alps, and Noricum (Tac. *Ann.* xii. 49; *Hist.* i. 68, ii. 12, iii. 5). We hear, too, of a people supporting at its own expense fortresses which probably commanded military roads, *e.g.* the Helvetii (Tac. *Hist.* i. 67). Prior to Hadrian's time such forces were only used locally; but later similar corps often appear among the imperial forces, still retaining their nationality (e.g. *C. I. L.* vii. 1002). Tacitus (*Ann* l. c.) calls this militia *auxilia provinciale*, Arrian (ἐκτ. chap. 7) τὸ συμμαχικόν, and

Hyginus (chap. 43) *symmachariī* (according to Mommsen's emendation for the corrupt *sumactares*: see *Hermes*, xix. 224). They ranked below even the *classiarii* (*C. I. L.* viii. 2728) and were usually commanded by *praepositi* not of equestrian rank, appointed probably by the provincial governor: sometimes, however, the commander is styled *praefectus* or *tribunus*. Cf. Mommsen in *Hermes*, xix. 228. For further details, see R. Cagnat, *De municipalibus et provincialibus militiis in imperio Romano*, 1880, and Mommsen in *Hermes*, xxii. 547–558.

The higher Officers of the Legions (see especially Madvig, *Die Befehlshaber und das Avancement in dem römischen Heere*, in his *Kleine philologischen Schriften*, No. 10, pp. 477–560).

1. The *Tribuni* (χιλίαρχοι).—They were six for each legion, so twenty-four for the four legions, and were chosen originally by the consul. In 362 B.C. the people laid claim to elect six out of the twenty-four (Liv. vii. 5, 9) in the *comitia tributa* (hence called by Asconius, p. 142, *comitiati*, but see Mommsen, *Staatsrecht*, ii.² 562, notes 1, 2); in 311 B.C. they elected sixteen (*ib.* ix. 30, 3), and in 207 B.C. all twenty-four (*ib.* xxvii. 36, 4). They were regular magistrates of the Roman people (see the Lex Acilia, *C. I. L.* i. 198, *passim*; Cic. *Clu.* 54, 148); they canvassed for the post (Sall. *Jug.* 63) and held office for a year (Cic. *Att.* xiii. 33, 3), beginning on Jan. 1st (Cic. *Verr.* i. 10, 30). But the people never claimed to elect more than the twenty-four; so when the number of legions increased, the consuls had the appointment of all the rest. Those tribunes chosen by the consuls were, as opposed to those elected by the people, from the first called *Rufuli* (Liv. vii. 5, 9), because, says Festus (p. 260 M.), Rutilius Rufus brought forward a law fixing their rights. Under Augustus, but apparently not later (Mommsen, *Staatsr.* ii.² 564; *C. I. L.* x. 788), we find the same distinction maintained in the *tribuni militum a populo* (often in Pompeian inscriptions, e.g. *C. I. L.* x. 820, 822, 830, 837, &c.) and the *tribuni militum Augusti* (*ib.* ii. 3852). It was customary in Polybius's time to elect fourteen tribunes who had served five campaigns and ten who had served ten (Polyb. vi. 19, 1); and in the Punic and Macedonian wars tribunes of the soldiers appear who had held the consulship, praetorship, and aedileship; but as a general rule the tribunes were young men of rank: Scipio was one at the age of twenty (Liv. xxii. 53, 1), and Flamininus at that of eighteen (Plut. *Flam.* 1; cf. Madvig, p. 544, note 1). These young men began their duties either by serving in the cavalry or by being *contubernales* of the commander. After getting some little experience in this way, they either entered the civil service by becoming a *vigintivir*; or if they continued in the military service were appointed to the *praefecture of a cohort* of auxiliaries or to the *tribunate of a legion*—both of them equestrian positions (Caes. *B. G.* iii. 7, 3, compared with iii. 10, 2), the latter slightly but not much the more distinguished—and later to the *praefecture of an ala* of cavalry (*C. I. L.* viii. 95, 2394). The arrangement of Claudius whereby the praefecture of the *ala* came before the tribunate of the legion (Suet. *Claud.* 25) was quite transitory. The tribunes wore the gold ring [ANULUS] of the equites (App. *Pun.* 104): if they were of senatorial birth, they were called *laticlavii* (Suet. *Aug.* 38, and the Inscriptions *passim*, e.g. *C. I. L.* x. 3722, *C. I. G.* 3990, χειλίαρχος πλατύσημος), those of equestrian birth *angusticlavii* (Suet. *Otho*, 10). The three positions—viz. *praefectura cohortis*, *tribunatus legionis*, and *praefectura alae*—were the *equestres militiae* often mentioned (*equestribus militiis functus*, Plin. *Epist.* vii. 25, 2; Vell. ii. 111; 104, 3). In later times one who had held these positions was called *a militiis*, *a tribus militiis*, *a iiii. militiis*, ἀπὸ στρατειῶν ἱππικῶν, ἀπὸ τριῶν χιλιαρχῶν, &c. (Evidence in Marquardt, *Staatsv.* ii.² 367, note 8.) In order to get the rank of *eques* the tribunate was sometimes given for six months or a little over it (*semestris tribunatus*, Plin. *Epist.* iv. 4, 2: cf. Juv. vii. 88; *C. I. L.* iii. 101, ix. 4886). Such tribunes appear to have got a full year's salary, viz. 25,000 sesterces; see the Inscription of Torigny.

Under the Empire the tribunes still held a certain command in the legion (Hor. *Sat.* i. 6, 48; Tac. *Hist.* iii. 9), but to all intents and purposes they were subject to the legatus, who, as we shall see, commanded both legions and auxiliary troops. Macer in the Digest (49, 16, 12, 2) enumerates several of the duties of the tribunes: viz. *militis in castris continere, ad exercitationes producere* (cf. Veg. ii. 12), *claves portarum suscipere, vigilias interdum circumire, frumentationibus commilitonum interesse, frumentum probare, mensorum fraudem coercere, delicta secundum suae auctoritatis modum castigare, principiis frequenter interesse, querellas commilitonum audire* (cf. Tac. *Ann.* i. 44), *valetudinarios inspicere*. Besides these duties, some of which devolved on the *praefectus castrorum* during the early Empire, the tribunes commanded on the march (Lampr. *Alex. Sev.* 50, 2) and in battle (Plin. *H. N.* xxii. 11; Vopisc. *Aur.* 7, 1), took part in the council of war (Caes. *B. G.* v. 28, 3), acted as spokesmen for the soldiers (*ib.* i. 41, 8), kept the lists of the dead and living [by putting the latter Θ (*θανὼν*: cf. Pers. 4, 13; Mart. vii. 37, 1) and T (*τηρούμενος*) or V (*vivit*) before the names on the roll (cf. Isidor. *Orig.* i. 24, 1; Marini, *Atti de' Fratelli Arvali*, pp. 165, 609)], granted the discharge to soldiers who had served out their time (Tac. *Ann.* i. 37), also granted leave of absence (Cod. Just. xii. 35 (36), 13, 1), was answerable for the exercise and discipline of the soldiers in the camp (Capit. *Max.* 5, 5; Spart. *Hadr.* 10, 3). From the time of Claudius there were nominal tribunes, who did no duty, but they had only the title (Suet. *Claud.* 25); not like the *tribuni vacantivi* (Lampr. *Alex. Sev.* 15, 3), who appear to have got pay for doing nothing. In Ammianus (xv. 3, 10; xviii. 2, 2) *tribuni vacantes* are tribunes who had served out their time, but in case of emergency were invested with an extraordinary command (Godefroi *ad C. Th.* vi. 18, 1).

2. The *Legatus legionis*.—On days of battle (Caes. *B. G.* i. 52, 1), and when he used to go towards Italy to look after Roman politics (*ib.* v. 1, 1; 25, 5), Caesar was in the habit of appointing special commanders (*legati*) for the legions, one for each. This commander was

retained by Augustus; and in imperial times, to distinguish him from other legati, was styled *legatus legionis*, or more strictly *legatus Augusti legionis* (see examples in Indices to *C. I. L.* passim, *e.g.* viii. 7050, 7). He was of senatorial rank, usually an ex-praetor (Tac. *Hist.* i. 48; *C. I. L.* x. 6006; and the exception proving the rule in Tac. *Ann.* ii. 36, xiv. 28). Previous to being praetors, they could only hold the title of *pro legato* (Tac. *Ann.* xv. 28). The important distinction between the *legati* and the *tribuni* was that the former had command of the legion *and* the annexed auxilia (Tac. *Hist.* i. 57; cf. *C. I. L.* viii. 2582, 2637), while the *tribuni* were strictly legionary officers. The office of *legatus* disappeared under Gallienus, its functions being undertaken by the *praefecti legionum*, who were no longer senators (Aur. Vict. *Caes.* 33, 34).

3. The *Praefectus Castrorum* (Wilmanns in *Eph. Epigr.* i. 81–95).—Passing over the reference to στρατοπεδαρχία put into the mouth of Siccius Dentatus by Dionysius, x. 36 (where it may possibly be a word common people would use for a commander generally: cf. Lucian, *de conscr. Hist.* 21, 30), we only find the *praefectus castrorum* in the Empire, from Augustus to Severus. The locating of the soldiers in fixed camps caused its institution. These officers were created by the emperor (*C. I. L.* x. 4868), chiefly from among *primipili* (Orelli, 3509; Henz. 6758; *C. I. L.* iii. 454, 2028), as being purely military men of non-senatorial rank; and as such they differed from the *legati*, who were senators, and from the more cultured youths who aspired to the *militiae equestres*. These *praefecti* were subject to the *legatus* of the province (Tac. *Ann.* xiv. 37), seem to have held the chief post *after* the *legatus legionis*, though they were not subject to him (Tac. *Ann.* xiii. 39; *Hist.* iii. 14), and probably took his place if it was left vacant from any cause (Tac. *Hist.* ii. 29). We find *praefecti castrorum* advanced to be *praefecti fabrum* and *praefecti classis* (e.g. *C. I. L.* x. 4868). The name of the legion was not added to his title during the first century; for each legion had not a camp, a camp being often formed of several legions (Tac. *Ann.* i. 20; *Hist.* iv. 59), or even of *vexillationes* of separate legions (Dio Cass. lv. 8, who uses φρούραρχος to express *praefectus castrorum*). If several legions were drawn together for a campaign, the united force had only one *praefectus castrorum* (Vell. ii. 112); whereas if it was divided, it had two (Tac. *Hist.* ii. 26, 29; cf. 89). But from the time of Domitian (Suet. *Dom.* 7) each camp had only one legion, and so each legion had one *praefectus castrorum*: accordingly for this time it becomes customary for the *praefectus castrorum* to add the name of his legion to his title—e.g. *C. I. L.* iii. 451, *praef. Kastror. leg. xiii gem.*: gradually the shortened title *praefectus legionis* becomes the usual one, and finally in the post-Severian time, when the senate was being deprived of all its privileges, the senatorial *legati legionum* give place to these *praefecti*. In Egypt, where no senators were permitted to enter without special permission (Tac. *Ann.* ii. 59), the *praefectus castrorum*, even in Augustus's time, took the post held by the *legatus legionis* elsewhere (Joseph. *B. J.* vi. 4, 3); and in the other provinces, just as Augustus sent his non-senatorial procurators to perform certain functions beside the *legati* of the provinces, so in the army he appointed non-senatorial *praefecti castrorum*, well-tried soldiers devoted to his interest, to be a counterbalance to the *legati* of the legions (Wilmanns, *op. cit.* i. 104). The duties of the *praefectus castrorum* are partly given by Vegetius, ii. 10: "Totius positio valli et fossae aestimatio pertinebat. Tabernacula vel casae militum cum impedimentis omnibus nutu ipsius curabantur. Praeterea aegri contubernales et medici, a quibus curabantur, expensae etiam ad eius industriam pertinebant. Vehicula, sagmarii ('pack-horses') necnon etiam ferramenta a quibus materies secatur vel caeditur, quibusque aperiuntur fossae, contexitur vallum, aquaeductus, item ligna vel stramina, arietes onagri ballistae ceteraque genera tormentorum ne deessent aliquando procurabat." He kept discipline in the camp (Tac. *Ann.* i. 20), and so had a certain jurisdiction, but could not punish capitally (*ib.* i. 38). He was often sent with detachments to make roads, bridges, or fortifications (*ib.* xii. 38). During the battle he generally remained in the camp with the reserve (Tac. *Hist.* ii. 26), though he sometimes leads out the reserve forces to battle (ib. *Hist.* ii. 43; *Ann.* xiii. 39). Who performed his duty when he left the camp is not certain; perhaps one of the tribunes (cf. Dig. 49, 16, 12, 2).

4. The *Centuriones*, *ἑκατοντάρχαι*, *ταξίαρχοι* (marked in Inscriptions ≻ for Ↄ = 100: cf. P as the symbol for the *ἑκατοντάρχης* in Greek). —They first become important from the offensive order of battle instituted by Camillus. They were 60 in number, and were appointed by the consul, through the military tribunes, on grounds of merit (Liv. xlii. 53, 34, 35; Polyb. vi. 24). The qualifications required for a centurion are set forth in a weighty sentence of Polybius (vi. 24, 9): they are to be not so much daring and courters of danger as men fit to command and steadfast, the courage of whose souls is deep rather than superficial (*βαθεῖς μᾶλλον ταῖς ψυχαῖς*); nor should they engage before the battle is joined and commence the fray, but when they are being conquered and hard-pressed they should stand firm and be ready to die in defence of their post. They were arranged partly according as they belonged to the *triarii principes* or *hastati*; partly according to the maniple they were in within these ranks (thus *secundus hastatus*, Liv. xxvi. 5); partly again according as they commanded the first or the second century of the maniple (*prior* or *posterior*); but there does not seem to have been any difference of rank between these latter. It is to be noticed that the *triarii* were called *pilani* (Varro, *L. L.* v. 89), and every *ordo*, whether in the sense of rank or centurion (see below), was called *pilus*: thus *primipili centurio* (Caes. *B. G.* i. 46: cf. *primi ordinis centurio*, Tac. *Ann.* i. 29), *primum pilum ducere* (*ib.* v. 33), *primos pilos ademit* (Suet. *Cal.* 44); and again in the sense of centurion, *octavus pilus prior* (*C. I. L.* v. 7004) and the common *primus pilus*. Thus the lowest centurion was called *decimus ordo hastatus* (Liv. xlii. 34), in which *ordo* = centurion (cf. *primi ordines* below), and notice that it was not thought necessary to add *prior* or *posterior*. There cannot have been any *regular* advancement till the institution of the standing army; but this

advancement (*successio*, Orelli, 3454) developed itself during the Empire. On the introduction of the arrangement by cohorts, the meaning of the three divisions—*hastati*, *principes*, and *triarii*—disappeared, but the names were retained to signify the rank of the centurions, with the number of the cohort usually added. What exactly was the nature of that rank?

There are two main theories: (1) either Marquardt's view, that the first thirty centurions of the legions are *priores* (the first ten *pili*, the second *principes*, the third *triarii*) and the second thirty *posteriores*; or (at least for the period of the manipular arrangement) A. Müller's view (*Die Rangordnung und das Avancement der Centurionen der römischen Legion*, in *Philologus*, xxxviii. 136–148), that the first ten centurions are the *pili priores*, the next ten *pili posteriores*, the next *principes priores*, &c. (2) The theory of Mommsen (*Eph. Epigr.* iv. 229, note 1) and that of A. Müller for the post-Marian organisation, that the rank of the centurion was fixed by the number of the cohort: thus the *primus princeps* was second in the legion, the *primus hastatus* third, the *primus posterior* fourth, and so on; the centurion of the first cohort ranking before those of the second, those of the second before those of the third, and so on. But first let us see who the *primi ordines* were, who so often appear (Caes. *B. G.* vi. 7, 8; v. 30, 1); for it is in discussing these that Marquardt argues for his view of the rank of the centurions.

Marquardt says the *primi ordines* are the ten *priores pili*; for (1) the cohort surely must have had a commander, viz. the first of its six centurions, and these leaders of the cohorts must have held a position of distinction—an *à priori* argument which begs the question; and besides there were no commanders of the cohorts as such recognised in the legions, the only commanding officers being tribunes and centurions. (2) It is impossible to suppose that a centurion who had commanded a maniple or a cohort should have to sink to command a simple century, as must have been the case in (say) the step from *primus hastatus prior* to *decimus princeps posterior*. To which further *à priori* argument we reply that it is just as impossible that the second centurion of the first legion—which had, at least after Hadrian's time, a double number of men, had the charge of the eagle and a definite position of honour in the camp—should rank only twenty-first in the legion. (3) Vegetius (ii. 21) says that soldiers are promoted "ita ut ex prima cohorte ad gradum quempiam promotus vadat ad decimam cohortem et rursus ab ea crescentibus stipendiis cum maiore gradu per alias recurrat ad primam." But this only means that a common soldier of the first cohort, if advanced to be a centurion, begins at the bottom of the centurions of the tenth cohort and works his way up. The other view, that of Mommsen (*op. cit.* 240), sees in the *primi ordines* the three chief centurions of the first cohort, viz. the *primus pilus*, *primus princeps prior*, and *primus hastatus prior*—at least for the time subsequent to Hadrian, and it is certain that they were a definite class then, as may be seen from Hadrian's speech to the army at Lambaesis (*C. I. L.* viii. 2532), "primi ordines et centuriones agiles et fortes more suo fuerunt," and Hyginus (*Grom.* p. 176), "legiones cum signis et aquila et primis ordinibus et tribunis deducebantur." They appear to have been also called *ordinarii* (*C. I. L.* v. 92, 8275, vii. 404; Capitol. *Alb.* 11). But in classical times Mommsen considers that the *primi ordines* were no definite class, but simply the most distinguished centurions ("qui loco et virtute prae ceteris eminerent"), just as the *superiores* and *inferiores ordines* are opposed in Caesar (*B. G.* vi. 40, 7; *B. C.* i. 46, 4). A similar view of the *primi ordines* is held by H. Bruncke (*Die Rangordnung der Centurionen*, 1884), who considers that the only difference in rank among the centurions was between these *primi* or *superiores ordines* and the rest the *inferiores ordines* (Caes. *ll. cc.*).

Now the reason for this view of Mommsen's will be further seen by reverting to the original question of the rank of the centurions. Suppose we hold with Marquardt, how are we to explain Caes. *B. C.* i. 46, 4: "Q. Fulginius ex primo hastato legionis xiv qui propter eximiam virtutem ex inferioribus ordinibus in eum locum pervenerat"? He would only have been 21st in the legion. Again, what could Caesar (*B. C.* iii. 53, 5) mean by "Scaeva centurio quem Caesar ab octavis ordinibus ad primipilum se traducere pronuntiavit"? On Marquardt's theory those *ordines* would have been of too varied rank (8th, 18th, 28th) to be explicit; whereas it doubtless means from the eighth cohort to the first. Further, Mommsen's view will explain Vegetius, ii. 8: "Vetus consuetudo tenuit ut ex primo principe legionis promoveretur centurio primipili;" cf. Henzen, 6747, "P. Aelius Marcellus . . . astatus et princeps et primipilus legionis vii geminae piae felicis." Lastly, the great number of inscriptions marking the *primi principes* and *primi hastati* are additional proofs of the distinction of these positions. It is to be noticed that whereas in these three first centurions the cohort is seldom (Caes. *B. C.* iii. 64, 4) added, it is universal in the centurions from the fourth on (see Mommsen's list, *op. cit.* p. 231 ff.). Mommsen considers a similar arrangement subsisted even before the introduction of the arrangement by cohorts: for the centurions who are mostly mentioned in this age besides the *primus pilus* are the *primus princeps* (Liv. xlii. 34, 8; xxv. 14, 7) and *primus hastatus* (*ib.* xxvii. 14, 8), and why should these latter, the 11th and 21st in the legion on Marquardt's theory, be mentioned?—an argument which tells still more against A. Müller's view that, during the time of the manipular arrangement, the first ten centurions are the *pili priores*, the next ten the *pili posteriores*, the next *principes priores*, and so on; for, according to this view, the *primus princeps* would be 21st, and the *primus hastatus* 41st, in the legion.

The following are a sufficient number taken from Mommsen's list (*Eph. Epigr.* iv. 231–238) to show his arrangement of the order of the centurions.

1. Primus pilus. The term *triarius prior* is an invention of Vegetius, ii. 8. The abbreviation P. P. is often found in Inscriptions, e.g. *P. P. bis iterum* (*C. I. L.* v. 867, vi. 1637). This means that they held the *primipilatus* twice: so Tullius in Liv. vii. 13, 1, who *septimum primum pilum ducebat*, was seven times primipilus (cf. Liv. xlii.

34, 12). Occasionally the second *primipilatus* was taken after one of the *militiae equestres* had been held, so that on discharge he might get the honours of a *primipilaris* (Mommsen on *C. I. L.* v. 867).

2. Primae cohortis princeps prior (Caes. *B. C.* iii. 64, 4). Also called *princeps pretorii* in *C. I. L.* iii. 5293, 2917; Henzen, 6767 (see Mommsen on iii. 830), or simply *princeps* (*ib.* viii. 2841, and *passim*). As he had considerable duties in seeing after the camp (Veg. ii. 8), he had an *adjutor* (Wilm. 1556), *librarius* and *optio* (Henz. 6778). The latter is sometimes called *optio pretorii* (*ib.* 6940).

3. Hastatus primus (Caes. *B. C.* i. 46, 4; *C. I. L.* ii. 4147) or simply *hastatus* (*ib.* viii. 2825).

4. Cohorte i princeps posterior (*ib.* 2883).

5. Cohorte i hastatus posterior (*ib.*).

7. Cohorte ii princeps prior (*Eph. Epigr.* ii. p. 290).

8. Cohorte ii hastatus prior (*ib.* p. 287).

10. Cohorte ii princeps posterior (*C. I. L.* vi. 3584).

12. Cohorte iii pilus prior (*Eph. Epigr.* v. p. 2).

13. Princeps tertius = cohorte iii princeps prior (*C. I. L.* ix. 2770).

17. Cohorte iii hastatus posterior (*ib.* iii. 1480).

21. Cohorte iv pilus posterior (*ib.* vi. 3404).

28. Cohorte v princeps posterior (*ib.* iii. 102).

42. Octavus pilus prior=Cohorte viii pilus prior (*ib.* v. 7004).

43. Octavus princeps (Cic. *ad Brut.* i. 8, 2).

50. Cohorte viiii hastatus prior (*C. I. L.* viii. 2938).

53. Cohorte viiii hastatus posterior (*ib.* 2877).

All centurions carried the *vitis*, with which to inflict punishment on refractory soldiers (Plin. *H. N.* xiv. § 19), and which was a synonym for the centurionship (Juv. viii. 247). In the legion the *primipilus* was held in especial honour. He took part in the council of war (Polyb. vi. 24, 2). In republican times, and for the most part during the Empire, this was the last position in an ordinary soldier's career. When they had finished (*consummaverunt*, Suet. *Cal.* 44; διανύσαντες, Dig. 27, 1, 8, 12) their service, they retired into private life, and were then called *primipilares*. They frequently with large property repaired to municipal towns, where they became great local magnates (Cic. *Fin.* i. 3, 8; Hor. *Sat.* i. 6, 72). For inscriptions of such centurions, see Karbe, *De centurionibus Romanis quaestiones epigraphicae*, 1880, p. 338. They often made sufficient money to enable them to buy equestrian rank for themselves (Orelli, 3049) or for their sons (*C. I. G.* 2793): cf. Mart. v. 58, 10. If they wished to continue in the service, they were employed in important military duties (Tac. *Ann.* ii. 11, iv. 72, xiii. 36; *Hist.* i. 87, iv. 15), sometimes as *praefecti castrorum* (see above, p. 798 *a*) or *praefecti cohortium* (Tac. *Ann.* i. 20): sometimes, too, they got positions in the civil service (Suet. *Cal.* 21; *C. I. L.* v. 698). But in imperial times the *primipilatus* became the first step in the equestrian career, leading to the tribunate of the cohorts of the city soldiery, i.e. *vigiles*, *urbanae*, *praetoriae* (*ib.* 867), occasionally to the tribunate of the legions (*ib.* x. 4868), and then to procuratorships (*ib.* v. 867), and even to the praefecture of the praetorians, *e.g.* Justus Catonius (Tac. *Ann.* i. 29; Dio Cass. lx. 18); cf. Hirschfeld, *Verwaltungsgeschichte*, i. 219–239, 247. Often the honorary title of centurion was given to young men of position by grant of the emperor (Juv. xiv. 193; Suet. *Gramm.* 24; Dio Cass. lii. 25, 6), who, after filling the three posts of the equestrian career —viz. *praefectura cohortis*, *tribunatus legionis*, *praefectura alae* (Wilm. 1259 *b*; Stat. *Silv.* v. 1, 94)—retired from the service with the title *a militiis* (see above, p. 797 *b*). Both classes of aspirants, the ordinary centurions and the honorary ones, were called *petitores militiae* sc. *equestris* (*C. I. L.* vi. 2485; Wilm. 1602). It is to be noticed that sometimes a young man of rank resigned that rank (*intermissus eques*, Stat. *l. c.*), and became a centurion in hopes of arriving at the lucrative and honoured positions, tribuneships and procuratorships, of the *militia equestris*—which hopes were not always fulfilled (*C. I. L.* iii. 1480).

In republican times and in the early Empire the number of centurions in the legion was 60 (Gell. xvi. 4, 6; Tac. *Ann.* i. 32). But after Hadrian's time it was 59; though the first cohort had double the number of men, yet it had only five centurions (Veg. ii. 8, confirmed by *C. I. L.* viii. 2555), while all the other cohorts had six. And in the list given above it will be seen that there is no *pilus posterior* in the first cohort. If 64 *optiones* occur in *C. I. L.* viii. 2554, we must suppose that the *adjutores*, who as well as the *optiones* belonged to the centurions of the first cohort, are reckoned along with the *optiones*. In the first cohort, according to Vegetius ii. 8 properly corrected, the *primipilus* commanded 400, the *princeps* 200, the *hastatus primus* and *princeps posterior* 150 each, and the *hastatus posterior* 100.

The Inferior Officers (principales).

For the title *principales*, see Veg. ii. 7; Dig. 49, 16, 13, 4; *C. I. L.* vi. 221; *Eph. Epigr.* iv. 524. A most exhaustive treatise on these officers is that of P. Caver, *De muneribus militaribus centurionatu inferioribus*, in *Eph. Epigr.* iv. 355 *sqq.*

Mommsen (*Eph. Epigr.* iv. 532) divides the *principales* into two classes: (1) those belonging to a corps, and the commander under which these serve is never mentioned; (2) those belonging to a higher officer, and their title was not fully specified unless they had the name of the officer attached. This was partly because they were special attendants on certain officers (*e.g.* the *stratores*), partly because their rank was determined by the officer whose name they added, this especially in the case of the *beneficiarii*. Adopting this classification, we shall treat of the different *principales* of each class.

I. *The Principales belonging to a corps.*—1. *The Standard-bearers.* (*a.*) Among the *vigiles* each century had a *vexillarius* (= vexillifer), Orelli, 3480. (*b.*) Among the *praetorians* each century had a *signifer* (*C. I. L.* ii. 2610)—so that we may assume that the *signifer* was a higher functionary than the *vexillarius*. As each cohort had its *signa* [SIGNA], in cases

where a *signifer* of a cohort is mentioned, *e.g.* (*ib.* v. 4371), it cannot be decided whether they performed this function in a century or a cohort. (*c.*) Among the *urbanae cohortes*, just as among the praetorians, there were two kinds of *signiferi*, one belonging to the century, the other to the cohort. Mommsen thinks that the *signifer* of the first century was the *signifer* of the cohort (cf. Caes. *B. G.* ii. 25). That Marquardt is quite wrong in supposing that the standard-bearer of the first cohort among the praetorians and the first cohort of the vigiles was called *aquilifer*, while the standard bearer of the century was *signifer*, is shown by the correct interpretation of "AQ praet. urbis" (*ib.* vi. 2880) being *a quaestionibus*. Nor had the first cohort of the vigiles an *aquilifer*, as Marini and Marquardt (*l. c.*) assume on the strength of vi. 1056: "AQ. Julius Julianus centuria Ingenui, AQ. Sittius Chryseros centuria Juvenis;" for (1) there is no sure evidence of an eagle outside the legions, (2) there would be two or more *aquiliferi* in one *cohort*, which is quite incredible. (*d.*) Among the *auxiliary cohorts* a few *vexillarii* are found (*ib.* iii. 3261), but it cannot be proved that they were *vexilliferi*. Also a few *signiferi* (*Eph. Epigr.* iii. 106); and with regard to them it cannot be decided whether or not there were *signiferi* of other divisions than the cohort, though it is probable that each century had its *signifer*. (*e.*) Among the *equites singulares* each *turma* had a *signifer* (*ib.* vi. 3304). (*f.*) Among the *equites*, each *turma* had a *signifer* (*ib.* viii. 2094), also each *ala* (*ib.* iii. 6274), just as the centuries and the cohorts. And as in their case, we cannot decide whether the *signiferi* of the *alae* were the *signiferi* of the first cohorts or not. *Vexillarii alarum* appear (*ib.* iii. 4384), perhaps by an inaccuracy of language, the cause of which possibly may have been that the standard-bearers of the *equites legionarii* were called *vexillarii* to distinguish them from the *signiferi* of the cohorts and centuries—as may be inferred from iii. 4061. (*g.*) The *numeri* had *signiferi* (iii. 1396). (*h.*) As to the legions there is nothing in the inscriptions to decide definitely whether the separate cohorts and centuries had *signiferi* or not. The *signiferi* are said to belong to the legions. Wherever *vexillarii legionum* occur, we can never be sure that they are *vexilliferi*. Most probably, as was the case with the praetorians and the auxiliary cohorts, the standard-bearers of the legions were not called *vexillarii*, either under the Empire or indeed at any time, for σημαιοφόρους in Polyb. vi. 24, 6 = *signiferos*. From Veg. ii. 20 we may infer that, besides the ten *signiferi cohortium*, there were no other in the legions.

As to *Aquiliferi*, there was one for each legion (*C. I. L.* ii. 266). We have shown that there were no *aquiliferi* among the praetorians and the *vigiles*. And as to *Imaginiferi*, "qui imperatorum imagines ferunt" (Veg. ii. 7), there was probably one in each legion (viii. 2935) and in each auxiliary cohort (iii. 3256).

2. *The Trumpeters* [see BUCINA, CORNU, TUBA]. —Touching these, Vegetius ii. 22 says: "Ergo quoties ad aliquod opus exituri sunt soli milites *tubicines* canunt: quoties movenda sunt signa, *cornicines* canunt: quoties autem pugnatur, *et tubicines et cornicines* pariter canunt. *Classicum* ita appellatur quod *bucinatores* per cornu dicunt. Hoc insigne videtur imperii, quia classicum canitur imperatore praesente vel cum in militem capitaliter animadvertitur." The watches (*vigiliae*) were signalled by the *cornicen*. The term *aeneator* is probably a generic one, as Suet. *Caes.* 32 says that his *tuba* was taken from him, though Festus (p. 20) identifies him with the *cornicen*. The legionaries and auxiliaries, of course, had trumpeters. Of the urban soldiery, the praetorians had *tubicines*, *cornicines*, and *bucinatores* (vi. 2570, 2379, 2545), the vigiles *bucinatores* only (vi. 1057); in the *cohortes urbanae* the only trumpeter which appears is one *tubicen* (vi. 2404). The *lituus*, we are told (Ascon. in Hor. *Carm.* i. 1, 25), was the trumpet of the cavalry and the *tuba* of the infantry, yet we find the *equites singulares* had a *bucinator* and a *tubicen* (vi. 3176, 3179). The inscription of Orelli, 3519, which mentions a *liticen* of a legion, is Ligorian.

3. *Tesserarii*, "qui tesseras per contubernia militum nuntiarent" (Veg. ii. 7), were one in each century, as is proved principally by the *latercula* of the *vigiles* (vi. 1056). They also appear among the praetorians (vi. 2379 b), *cohortes urbanae* (ix. 1617), legions (vi. 2672), auxiliary cohorts (iii. 5046).

4. *Curatores*.—As the *curatores fisci* only appear in the praetorian (vi. 2375, 6, 27) and urban cohorts (viii. 4874), we may perhaps infer that the rest of the parts of the Roman army had not *fisci*. Accordingly the *curatores turmarum* which we find among the *equites singulares* (vi. 225), auxiliary cavalry (viii. 4510), auxiliary infantry (iii. 6025), are not to be explained as administrators of the military money. They are rather extraordinary commanders (cf. Mommsen in *Archäol. Zeitung*, 1869, p. 126), just as the commanders of veterans were in extraordinary cases called *curatores* (v. 7005).

5. *Custodes armorum*.—They appear very often in the legions (*e.g.* iii. 4275); also frequently in the auxiliary cavalry (iii. 5655), but still more frequently among the *equites singulares* (vi. 3177, 225, 228). The mysterious *armatura* which sometimes occurs (*e.g.* viii. 2569 a, 17) is not to be explained with Borghesi as simply = *miles*, as *miles armatura* occurs in vi. 2699. Mommsen in a letter to Hübner, published in the *Jahrbuch des Vereins für Alterthumsfreunde im Rheinland*, 68, p. 53, explains it as a thoroughly-drilled soldier ("qui a campidoctore omni arte bellandi imbutus fuerit"). The riding school (*basilica equestris*) had also a *custos* (Henz. 6811).

6. *The Drill-masters—doctores* and (a higher title) *campidoctores* or *exercitatores*.—They seem to have belonged to the cohort (vi. 533), and are found in all kinds of corps, the *frumentarii* (viii. 1322), *equites singulares*, where he is a centurion (vi. 228), *speculatores* (Wilm. 1617), *equites praetoriani* (vi. 2464).

7. *Optiones*—so called because "chosen" by the decurion or centurion as his assistant in private matters (*rerum privatarum ministrum*, Festus, p. 184; Varro, *L. L.* v. 81), also as his substitute in case of sickness or accident (Veg. ii. 7). With regard to the *optiones* Mommsen's view appears right (*Eph. Epigr.* iv. 449), that there were two classes of them, one belonging to the centuries and superior in rank, the other in a manner supernumerary and outside the cen-

turies, taking care of the *navalia* (Brambach, 1301), *carcer, acta* (*C. I. L.* ix. 1617), *equites* (vi. 100), *valetudinarii* (vi. 175). Thus in *C. I. L.* ix. 1617 *optio* alone is distinguished from *optio* of certain functions. We find *optiones* belonging to the centuries in the legions (iii. 3530), praetorians (vi. 2447), *cohortes urbanae* (viii. 4874), *vigiles* (x. 3880). This view is better than that of Caver, who supposes the *optiones* of the special departments were *optiones* of the centuries, who were freed from all functions as such. In the *latercula* of the *vigiles* (*C. I. L.* vi. 1056–1058), Kellermann, Henzen (6791), Wilmanns (1499), Marquardt (ii. 540) supply "optionem a(rcarii), optionem ca(rceris), optionem ba(lnearii), optionem c(ohortis), optionem co[h(ortis)] v." But these functions are not elsewhere mentioned; *optio carceris* is expressed in other parts of the *latercula* by *karc.* or *car.*; and it is not at all plain what an *optio cohortis* can be.

In *C. I. L.* x. 135 the *optio tribunorum quinque* was that tribune of the soldiers who was in command of five *vexillationes*, which were sent on some expedition with their own tribunes, these latter probably *electiny* the tribune in question to the chief command: cf. *optio signiferorum* in Brambach, 1048.

8. *Speculatores* appear first in the Civil War (Caes. *Bell. Hisp.* 13; *Bell. Afr.* 37). During the Empire there were ten in each legion (*C. I. L.* ii. 4122; iii. 4452). They were often marked as belonging to cohorts (*e.g.* vi. 2453), though in v. 2832, 5071 we find *speculatores* of centuries. They used to carry despatches (Tac. *Hist.* ii. 73; cf. Liv. xxxi. 24, 4), and sometimes act as executioners (Seneca, *de Ira*, i. 18, 4; St. Mark vi. 27). They were numerous in the praetorian cohorts, and we find them in Tacitus (*Hist.* ii. 11, 23) forming a separate corps, with separate officers *tesserarius*, *optio* (*ib.* i. 25), &c., and having the special function of acting as body-guard to the emperor (Suet. *Claud.* 25). The ninth Diploma (of Vespasian) separates (*C. I. L.* iii. p. 853) the praetorian *speculatores* from the other praetorian cohorts: and such was often the case, but not so after the time of Vespasian, when they were ingrafted among the praetorians. None of the inscriptions which show that the *speculatores* were allocated to the centuries and cohorts can be proved as old as Vespasian. The *speculatores Augusti* (*ib.* iii. 5223) probably belonged to the praetorians.

9. *Carcerarii* (*karc.* or *car.* in the *latercula* of the *Vigiles*) were prison-warders, who generally held also the functions of some other kind of *principalis*, e.g. *beneficiarius* (iii. 3412), *optio* (ix. 1617). There was also a clerk attached to the prison *a commentariis custodiarum* (Orelli, 3206).

10. *Candidati* (strangely omitted by both Marquardt and Caver) are mentioned with other *principales* in *C. I. L.* viii. 2568, 2569, 2618, 2866; iii. 1190. What their function was we cannot say for certain. Mommsen (*Eph. Epigr.* iv. 532, note 2) supposes that they were so called from a white robe they wore in certain ceremonies (compare the white-robed priests of Jupiter Dolichenus, vi. 406, 409). They appear to have been selected for their strength and stature (*Chron. Pasch.* ad ann. 243, 251).

11. *Sacrificial Officers—haruspex* (*C. I. L.* viii. 2586, 57) and *victimarius* (Grut. 545, 4).

12. *Artisans.*—Under this head may come the *architectus* (Orelli, 3489; *C. I. L.* viii. 2850), and the *librator* who made aqueducts, such as Nonius Datus at Saldae, who tells us (*ib.* viii. 2728 = Wilmanns, 785) how with the help of the *classici milites* and provincial soldiers (*gaesates*), perhaps Raeti, he cut a tunnel through a mountain, from both ends meeting exactly in the middle (cf. Mommsen in *Arch. Zeitung*, 1871, p. 5). Very similar duties to those of the *librator* were performed by the *canicularius* (Henzen, 6785) and the *aquilex* (Dig. 50, 6, 7). This same section of the Digest mentions as attached to the army coppersmiths, iron-smiths, stone-cutters, roof-builders (*scandularii*), lime-burners, wood-cutters, charcoal-burners; makers of catapults, helmets, bows, arrows, javelins, trumpets, horns, chariots; workers in leather and in lead. There were also the *metatores*, who measured out the camp (Cic. *Phil.* xi. 5, 12), different from the *mensores*, who distributed corn in the legions (*C. I. L.* viii. 2857) and praetorian cohorts (Henz. 6820; cf. Lyd. *de Magistr.* iv. 46). If *mensor* does appear as a land-measurer in *C. I. L.* iii. 586, he does not belong to the legions.

13. *Medici.*—The Army-doctors (Dig. 4, 6, 33, 2), who ranked among the *principales* (*Eph. Epigr.* iv. 524), were an institution of the Empire. Under the Republic the chief officers used to bring their private physicians with them on campaign (Plut. *Cat. Min.* 70; Suet. *Aug.* 11), and these used probably to attend what few wounded soldiers were lucky or unlucky enough to obtain their treatment (cf. Cic. *Tusc.* ii. 16, 38); but we hear that often more soldiers died of their wounds than fell in battle (Liv. ix. 32, 12). But as early in the Empire as Augustus and the regular organisation of the standing army (Vell. ii. 14; Tac. *Ann.* i. 65) attention began to be paid to the medical department. Every division had its *medicus*. There was the *medicus legionis*, perhaps several bearing that title, in each legion, *e.g.* in Legion iii. Aug. (*C. I. L.* viii. 2872, 2874, 2951); each praetorian cohort (Grut. 66, 1) had them, as had the urban cohorts and those of the vigiles, perhaps four in each cohort (*C. I. L.* vi. 1058, p. 201), the *equites singulares Augusti* (Orelli, 1576), cohorts of the auxiliary troops (*ib.* 3507; *C. I. L.* vii. 690), *vexillationes* on garrison duty (*Eph. Epigr.* iv. 530), &c. The doctors were *immunes* (Dig. 50, 6, 7), and sometimes *duplicarii* (i.e. getting double pay), especially in the fleet (*C. I. L.* x. 3443). During the first six centuries of the city there were no professional doctors at Rome (Plin. *H. N.* xxix. § 12); but after Caesar gave citizenship to all professional physicians (Suet. *Caes.* 42), the medical art came to be held in respect by the Romans; and the recognised physicians of the legions, praetorians, and city cohorts were citizens. Doubtless, however, many of their assistants were freedmen and slaves, and in the cohorts of the *vigiles* and auxiliaries freedmen and foreigners may have been the authorised physicians. Marquardt says that the assistants of the regular physicians are those designated as *medici ordinarii* (iii. 4279, 5959); but they are rather, as Mommsen (*Eph. Epigr.* iv. 530, note 3) shows, those who served in the *numeri* in contradistinction to those who served in the legions.

The hospital of the garrison was called *valetu-*

dinarium: for three legions there was one; for five or six, several (Hyg. §§ 35 and 4). It was technically under the superintendence of the *praefectus castrorum* (Veg. ii. 10) or a *tribunus militum* (Dig. 49, 16, 12, 2); but the real officer was the *optio valetudinarii*, who often occurs (*C. I. L.* viii. 2563, ix. 1617), even in Rome (vi. 175). He had a number of male nurses under him (Dig. 50, 6, 7). There was also an infirmary for horses and mules (*veterinarium*, Hyg. § 4) and veterinary surgeons to attend to them (*C. I. L.* v. 2183, a freedman; *C. I. G.* 5117, *ἱππίατρος*; Dig. *l. c.*). On the whole of this interesting subject, see René Briau, *L'assistance médicale chez les Romains*, among the *Mémoires présentés par divers Savants à l'Académie des Inscriptions*, 1ère série, t. viii., and Droysen in the *Deutsche militärärztliche Zeitschrift*, 1874.

II. *The Principales belonging to an officer.*—1. *Clerks.*—Though not all clerks (*e.g. actarius*) appear as belonging to an officer, yet as the majority do, it will be convenient to treat them all under this head. Among the various kinds of clerks are: (*a*) *Librarii* (in Inscriptions, *Lib.* or *Libr.*), who kept the accounts (*rationes pecuniae, frumenti, hordei*, &c.: cf. Veg. ii. 7), differing herein from (*b*) *Commentarienses*, who entered the daily proceedings in journals. Several inscriptions of *librarii* have IM prefixed to the name (*C. I. L.* vi. 3395). This means *immunis* (see below, p. 804 *b*); and such were the *librarii qui docere possint*, those *horreorum, depositorum* (of money deposited by the soldiers), *caducorum* (of the property of intestate and heirless soldier): cf. Dig. 50, 6, 7. The *librarii* do not mark the department of business to which they are assigned, but the officer under which they serve or the division of the army to which they belong. Thus we have *librarii* of the provincial governor (*C. I. L.* iii. 5435), of the legate of the legion (*ib.* 3538), of the tribune of the praetorian cohorts (vi. 2632), of the centurions (Henzen, 6778); also of the legions (vi. 3395, and often), *vigiles* (ib. 221), *equites* (iii. 804), &c. We find *commentarienses* belonging to the provincial governor (*comm. cos.* iii. 2015) and to the *legatus* and *tribunus legionis* (viii. 2586). The *comm. legionis* is the same as the *comm. legati* (ii. 4156).

(*c.*) A *notarius*, who was perhaps a shorthand writer, appears in viii. 2755.

(*d.*) *Exceptores*, "qui verba dictata celeriter accipiebant," belonged to the praef. praet. (Murat. 864, 3), to the provincial *preses* (vi. 2997), to the praef. and trib. of the *vigiles* (vi. 1058).

(*e.*) *Codicillarii*, account keepers, only appear in the *vigiles* (vi. 1056, &c.).

(*f.*) The functions of the *tabularii* are uncertain, though it is certain that the *tabularium castrense* contained the books and accounts of the camp (Marini, *Atti*, p. 499).

(*g.*) Nor is it known who the *capsarii* were, who are mentioned with the *librarii* in viii. 2553, and like them were *immunes* (Dig. *l. c.*).

(*h.*) The *actarii* not only made up accounts (Veg. ii. 19), but also looked after the procuring and distribution of the corn: cf. Aur. Vict. *Caes.* 33, who in this capacity gives them very bad characters. They must be held to have had the same functions as the *actores bonorum privatorum et publicorum*, harsh though it is to etymologically connect *actarii* with *actor* rather than *acta*. We find *actarii legionis* (*C. I. L.* iii. 4232), *cohortis* (3392), *cohortis urbanae* (ix. 1617).

(*i.*) The *exacti* had also to look after the *acta militaria*, and did not differ essentially from the *commentarienses*. He was *ex actis*, and the word is formed like *aborigines*. We find *exacti consularium* (iii. 5812), *legionis* (viii. 2956), *procuratoris* (Boissieu, *Inscr. de Lyon*, p. 253).

(*j.*) The *arcarius* (viii. 3289) and the *dispensator* (3288) were slaves, appointed to guard and dispense actual cash. There were several slaves among the clerks of the camp (cf. *familia rationis castrensis*, viii. 2702).

The functionary called *ab indicibus* (Orelli, 3464; *C. I. L.* vi. 3414) was not a soldier, as the duty only attached to him after discharge from the army.

2. *Quaestionarii* for *a quaestionibus*.—These are torturers (*Cod. Theod.* vi. p. 348). Marquardt indeed urges (ii.² 552, note 1) that though such might belong to the *vigiles*, such cannot belong to the legions, the praetorians (*C. I. L.* vi. 2755), and the *cohortes urbanae* (ib. 2880); for Roman citizens could not be put to the torture. He supposes them to be investigators concerning crimes. But Mommsen replies (*Eph. Epigr.* iv. 421) that *Quaestionarii ex legionibus* are only found with those *legati* who held a province, and so cannot be considered to have held investigations on soldiers only, not to mention the fact that there were many soldiers not Roman citizens. There were at least five *quaestionarii* in the legion (*C. I. L.* viii. 2751; 2586, 45).

3. *Cornicularii*, so called from the adornment (*corniculum*, Liv. x. 44, 5) on their helmets. They were adjutants belonging to each large division of troops. As the *praef. urbi* had no military authority (Mommsen, *Staatsrecht*, ii.² 1020), neither had he a *cornicularius*. During the Republic one belonged to the *tribunus militum* (Val. Max. vi. 1, 11). Under the Empire we find one belonging to the *legatus legionis* (*C. I. L.* iii. 887) and the *tribunus militum* (ib. 5974). If it is signified that there is *one* cornicularius in each legion (*ib.* 4452), the *cornicularius legati* is meant; if two are mentioned, that of the tribune is included. The arrangement of the *commentarienses* was very similar (cf. viii. 2587). Provincial governors probably had two *cornicularii* (iii. 252); hence their office is called *officium cornicullariorum* (ib. 3543). Similarly they belonged to *praefecti praetorianorum* (vi. 2776), *vigilum* (1057, 4, 2), *annonae* (xi. 20)—for the *officia annonaria* were among the first civil departments to assume a military form—*castrorum* (iii. 6023 a), to the *subpraefecti vigilum* (vi. 2997), to the tribunes of the praetorians (2440), urban cohorts (2869), *vigiles* (2984); and they also appear in the auxiliary cohorts (Orelli, 4979). We find an *adjutor cornicullariorum* (iii. 2052; *C. I. G.* 4453): probably he is the same as the *subcornicularius* (vi. 3596).

4. *Secutor tribuni*, an adjutant who appears only among the soldiery of the city, praetorians (*C. I. L.* vi. 2659), urban cohorts (*ib.* 2931), and *vigiles* (ib. 1056–1058). The inscriptions which mention *secutores* in the legions are uncertain (*Eph. Epigr.* iv. 406). The *adjutor tribuni* only appears among the *vigiles* (*C. I. L.* vi. 220).

5. *Singulares*, so called, says Lydus (*de Mag.*

iii. 7), because they rode one horse. In inscriptions the abbreviation for their title is sometimes (e.g.) *Sing. Cons.*, sometimes S. C. (*C. I. L.* iii. 5938; vii. 723). They were orderlies belonging to different officers, to the *praef. praet.* (vi. 2634), *trib. praet.* (ix. 1617), *legati legionum* (vi. 3339, 3614), *praef. vigilum* (1056, 3, 1), provincial governor (iii. 5938). They were inferior to the *beneficiarii* (x. 410). There were *equites singulares* as well as *pedites singulares* (viii. 2911, 9393). The *equites* and *pedites singulares* appear to have performed for the *legati* of the provinces and for the praefects and tribunes of the praetorians the same functions which the praetorians did for their leader; accordingly *pedites* and *equites singulares* formed a corps separate from the main body. The *secutores* probably did not differ in function from the *singulares*, but were inferior in rank; hence there are no *secutores* of the *praesides*, or of the *praefecti praet.*, nor *singulares* of the *tribuni vigilum*; while both *secutores* and *singulares* are found belonging to the *tribuni praetorianorum*, who held a middle position (Mommsen in *Eph. Epigr.* iv. p. 404). Cf. Lange, *Hist. Mutat.* p. 50.

6. *Stratores*, to be carefully distinguished from *statores* (see above, p. 794 *b*), belonged only to very high officials, whom they assisted to mount on horseback (Spart. *Carac.* 7): *e.g.* to the emperor (*ib.*), the governors of imperial provinces (*C. I. L.* ii. 4114; iii. 4317, 4836), procurators of provinces (Wilm. 1283), the *praef. praet.* (vi. 3408); but not to the proconsuls of senatorial provinces (Dig. 1, 16, 4, 1). Marquardt (ii.² 548) says they were generally either centurions or decurions: but they are often simply called *milites*, nor is it probable that the purchase of horses (Amm. Marc. xxix. 3, 5) would be assigned to centurions. Again, in Wilm. 1293, we have a *strator* advanced to the position of a *decurio*. The fact is the *strator* retained the name and office, which he thought an honour, even when advanced to higher positions in the army. That the function of *strator* was one held in estimation may be proved from the fact that it is found alone, and not united to any other military position (*e.g.* viii. 2792). He seems to have been generally a legionary soldier, though we find one from the auxiliaries (iii. 2067).

7. *Beneficiarii* were nominees of the higher officers (Liv. ix. 30, 3; Tac. *Hist.* i. 25), who varied in number according to the rank of the officer; *e.g.* the imperial legate of Numidia had thirty, a *tribunis semestris* had five. They were used for most varied services, frequently on police duty (*C. I. L.* iii. 3412; Tert. *de Fuga*, 12). The *legati Aug. pro praetore* used to send their *beneficiarii* into outlying stations (iii. 3949): cf. *Eph. Epigr.* iv. 529. We find *beneficiarii* belonging to the provincial governors, the *legatus legionis*, the tribunes of the legions and of the three departments of the city soldiery, the praefects of the praetorians and of the vigiles, the imperial procurators, but not of the *praefectus urbi*, who had no military authority (Mommsen, *Staatsr.* ii.² 1020; so *pr. ur.* = *praetoris urbani* in *C. I. L.* ix. 1617). Evidence for this list in *Eph. Epigr.* iv. 379 ff. Also there were *beneficiarii* of the tribunes of the *equites singulares* (vi. 3285) and of the auxiliary cohorts (v. 898). Mommsen holds (*Eph. Epigr.* iv. 394, note 1) that it was only the *tribuni laticlavii* or *semestres* who had *beneficiarii*, because they were engaged in civil administration, and not merely in military command.

8. *Immunes.*—The soldier who had fulfilled all duties in the construction of the camp, the watch, and the field was called *munifex* (Festus, p. 33). He who was freed from these duties was called *immunis*. A list of such privileged soldiers is given in Dig. 50, 6, 7, which comprises nearly all the *principales*. But some of the *principales* are called *immunes* simply. They got their privileges from their commander, but it is hard to see how they differed from the *beneficiarii*. We find thus *immunis turmae*, *immunis legionis* (*Eph. Epigr.* iv. 409).

III. *On the Promotion of the Principales.*—The full arguing out of this difficult question would require too much space to be attempted here. However, we have attempted to draw up a list in order of rank, beginning from the lowest; and in doing so have consulted most of the inscriptions bearing on the question, the most important of which are Wilmanns, 1596, 1596 a, 1598, 1617; Orelli, 3176, 3480, 3464, *C. I. L.* ix. 1617, ii. 2610.

1. Secutor.
2. Singularis praef. pr.
3. Beneficiarius trib. (*C. I. L.* x. 410).
4. Tesserarius.
5. Optio [legati].
6. Vexillarius (in vigiles).
7. Signifer (in praetorians).
8. Curator fisci.
9. Cornicularius tribunis.
10. Beneficiarius praef. pr.
11. Cornicularius praefecti (*C. I. L.* xi. 20).
12. Evocatus Augusti (Wilm. 1584).
13. Centurio.

On this we have to remark (1) that in many of the above inscriptions one or more steps are omitted: *e.g.* in Wilm. 1596 a there is a sudden transition from 6 to 10. Such gaps may possibly be due to omissions on the part of the stone-cutter, but, as is more likely, are evidence of special advancement owing to distinguished merit. Thus in *C. I. L.* v. 898 a *beneficiarius tribuni* is made a *signifer*, obviously from merit, as he is at the same time transferred from a cohort to a legion. Compare *optiones* becoming *evocati* (xi. 19, v. 7160) or centurions (v. 7004, vi. 215), a *signifer* becoming a centurion (viii. 217), &c. (2.) For the omissions of *optio valetudinarii*, *optio carceris*, *optio ab actis* (viii. 4874), which appear in ix. 1617, see the section on *optiones* above (p. 801 *b*). (3.) Where exactly the *librarius* (cf. viii. 217) and the *librator* (= *mensor*; cf. vi. 2545) come is uncertain, but they certainly come before the *tesserarius*: as did also the *commentariensis* (cf. xi. 19, v. 7004) before the *optio*, and the *custos armorum* before the *signifer* (viii. 2094). (4.) A *signifer* sometimes becomes *aquilifer*, and then *curator veteranorum* (v. 3375). (5.) The *codicillarius tribuni* mentioned by Marquardt in his list (ii.² 557) occurs only in the *vigiles*, so is not given in this list. It should take the lowest rank below the *secutor*; for in vi. 1057 (A.D. 205) three names of *codicillarii* appear—Dignus, Gaetulicus, Festus, who in vi. 1058 (A.D. 210) are *secutores tribuni*.

The Levy (*delectus, dilectus, κατάλογος*): cf. W. Soltau, *Ueber Entstehung und Zusammensetzung der altrömischen Volksversammlung*, 1880, p. 335 ff.

In the time of the citizen army the levy took place yearly thus. The consuls (Polyb. vi. 19, 5–9) appointed by edict a definite day on which the citizens liable to service were to assemble at the Capitol (Liv. xxvi. 31, 11), in later times at the Villa Publica in the Campus Martius (Varro, *R. R.* iii. 2), if the latter was not the place of the regular arrangement in the ranks as opposed to the levy on the Capitol. Sometimes recruiting officers (*conquisitores*) were used throughout the districts of Italy (Liv. xxiii. 32, 19; xxv. 5, 6), for the most part but not necessarily in times of great danger. After the Lex Plautia Papiria (89 B.C.), when all Italy was liable to legionary service, recruiting by *conquisitores* became constant. They were often most dishonest, and used to sell *vacationes* (Plut. *Crass.* 17; Auct. *Bell. Alex.* 56, 4). Whether the levy was in Rome or by *conquisitores* did not make any difference in the legal position of the soldiers—both kinds were *legitimi milites*.

The tribunes were first assigned as a nucleus to form the four legions in the order of their election (Polyb. vi. 19, 8 ff.): the four junior tribunes first elected and two senior tribunes first elected being assigned to the first legion; the three juniors and three seniors next elected to the second; the next four juniors and two seniors to the third, and the last three juniors and three seniors to the fourth. A tribe was then chosen by lot; the names of four of its members, generally those with lucky names (Festus, p. 137, 15; Cic. *de Div.* i. 45, 102), called out, sometimes at random, sometimes by lot (Val. Max. vi. 3, 4; App. *Hisp.* 49). These, answering to their names (*citati ad nomina respondebant*, Liv. vii. 4, 2), were chosen by the tribunes, one for each of the four legions; then four more (the tribunes of the second legion now having the first choice), and so on. A lot was then cast for the second tribe, and the same procedure followed; and so on till the legion was completed. Most probably all the tribes did not contribute an *equal* quota, for if they did it is hard to see the point of the lot; yet each tribe did contribute a quota, as may be proved from the exception in Livy, iv. 46, 1. Volunteers (*qui voluntate nomina dabant*, Liv. xlii. 32, 6) were frequent. Their legal position in the service differed in no respect from that of those who served under compulsion. The cavalry, in early times, were chosen after the infantry, as the census of the *centuriae equitum* was held after that of the tribes (Liv. xxix. 37, 8); but in Polybius's time (vi. 20, 9) the cavalry were picked first from the equestrian list of the last census and 300 appointed to each legion.

If those bound to serve did not answer to their names, they sometimes had their goods confiscated (Val. Max. vi. 3, 4), or were scourged or imprisoned (Liv. vii. 4, 2), or even in old times sold into slavery (Dig. 49, 16, 4, 10). Certain excuses were allowed: *e.g.* holding a magistracy or priesthood (Plut. *Camill.* 41), absence on state-service (Liv. xxiii. 49, 2), specially-granted remission of service for distinguished bravery (*ib.* 20, 2), physical incapacity (these were called *causarii*, Liv. vi. 6, 14). The inquiry into the validity of the excuses was conducted by the consul (Liv. iii. 69, 7).

The levy being completed, the consuls administered the oath (*sacramento milites rogare* or *adigere*). One soldier stood out and repeated the oath (*sacramentum* or *sacramento dicere*) that he would obey orders and execute the commands of the officer to the best of his ability (Polyb. vi. 21, 2); after that each soldier was called out separately and said *idem in me* (Festus, p. 224 M.). The obligation of the oath lasted till the next campaign, a new oath being required for the new general (Liv. iii. 20, 3; Cic. *Off.* i. 11, 36). Without an oath it was unlawful to fight with the enemy (Cic. *Off.* i. 11, 37), and those who did so were considered bandits (Liv. viii. 34, 10). Desertion was a *nefas* (Senec. *Epist.* 95, 35) and deserved death (Dionys. xi. 43). From the time of Marius the oath was taken once for all for the whole period of service (App. *B. C.* v. 128, 129), and was to the effect "pro republica se esse facturos nec recessuros nisi praecepto consulis post completa stipendia" (Serv. on *Aen.* viii. 1; vii. 614).

Besides this deliberate *sacramentum*, there was frequently in times of great danger (*in tumultu*) a swearing-in of the soldiers *en masse* (*conjuratio*), which first appears in 216 B.C. (Liv. xxii. 38). Something of the kind doubtless also took place when what was technically called *tumultus*, i.e. an Italian or Gallic war, suddenly arose (cf. Serv. on *Aen.* viii. 1). The *conjuratio*, however, differed from the *sacramentum* in that the soldier bound by the latter was not released from service till he received his discharge (*missio*), while he who was sworn-in by a *conjuratio* was legally free from service at the end of the crisis (Mommsen, *Eph. Epigr.* v. 143).

The qualifications for service were after the time of Servius Tullius, besides physical capacity (cf. Polyb. vi. 20, 3) and citizenship, chiefly having a considerable stake in the country, *i.e.* a rated property. The *proletarii* and *capite censi* were enrolled only in times of great danger (Gell. xvi. 10, 11). Plutarch (*Mar.* 9) states that slaves also were deliberately enrolled; and though such did happen occasionally in the confusion of the Civil War (Plut. *Mar.* 41; *Sulla*, 9; *Brut.* 45; Flor. ii. 9; Caes. *B. C.* i. 24, 2; *Bell. Afr.* 19, 3; App. *B. C.* ii. 103, iii. 49), still it was a practice which did not continue in settled times. Even in the age of Theodosius a slave was not allowed to serve in the army (*Cod. Theod.* vii. 13, 8). The lowest census which admitted a man to the army was in the time of Servius Tullius 11,000 asses, but by the time of Polybius (vi. 19, 2) it was only 4,000. In the Social War *libertini* were enrolled (Liv. *Epit.* lxxiv.); and already in the time of Marius the *capite censi* had been taken into the service, the revolutionary nature of which alteration is duly emphasised by ancient writers (Plut. *Mar.* 9; Val. Max. ii. 3, 1; Gell. xvi. 10, 4), and its disastrous results noted by Appian (*B. C.* v. 16), as we have seen above (p. 785 *a*).

Caesar and Pompeius assumed the right of enrolling whole legions of native troops in the provinces (*legiones vernaculae*), who were not citizens (Caes. *Bell. Hisp.* 7; *B. C.* ii. 20). But this practice was restricted by Augustus to the

Eastern provinces. For it is to be especially noted that Augustus made Italy and the West supply the western legions and the East the eastern ones, and so paved the way for the final division of the Empire into the *partes Orientis* and *partes Occidentis* of the Theodosian era (Mommsen, *Die Conscriptionsordnung der röm. Kaiserzeit*, in *Hermes*, xix. pp. 11, 23—a profound and spirited article). But in the West, although the legions were partly raised from communities of Latins and *peregrini*, those who were enrolled were made citizens (ποιησάμενοι δὲ πολίτας, οὕτω καὶ στρατιώτας ἐποιήσατε, Aristides, i. p. 352, Dind.: cf. Tac. *Ann.* iii. 40, xi. 24), and a large number of the soldiers were by birth Roman citizens (Mommsen, *op. cit.* pp. 13, 63). Still we must remember that freedmen served in the *vigiles* (Dio Cass. iv. 26, 5; Suet. *Aug.* 25).

The qualifications for the legionary service under the Empire, besides such physical ones as health, strength, and a certain height, viz. 5 ft. 10 in.—which regulation height was called ἔγκομμα or *incomma* (Veg. i. 5)—and not ever having been convicted of any serious crime, such as adultery (Dig. 49, 16, 4, 7), were: (1) to belong to an urban community, which was considered to be a guarantee of being civilised; (2) free-birth—qualifications which were very often got over. For though formally the legionary in the roll always had his native community attached to his name, still Pannonians and Thracians figure very largely among them; and freedmen were easily made free-born by the fiction of *natalium restitutio* (Mommsen, pp. 16–18): cf. Plin. *Epist.* x. 29, 30.

During the Empire there were seldom regular levies (Vell. ii. 130, 2). We find such indeed after the defeat of Varus (Suet. *Aug.* 24), under Nero (Suet. *Nero*, 44), Vitellius (Tac. *Hist.* iii. 58), Hadrian, M. Aurelius, Maximinus (Mommsen in *Hermes*, iv. 119); but as a general rule vacancies were filled up by volunteers (Dig. 49, 16, 4, 10); and even in the levies getting a substitute was allowed (Plin. *Epist.* x. 30 (39), 1). Gradually *the Italians ceased to take service in the legions;* and as in the legions enrolled in the Vespasian era (*e.g.* I. Adjutrix) they do not appear, while they do appear in those of Nero's time (*e.g.* Leg. xi. at Vindonissa), we may put the consummation of this important result in the time of Vespasian (Mommsen in *Hermes*, xix. 19), though we must remember that this was a result arising from natural causes, and not from any regular legal enactment. In the Digest (*l. c.*) the levy is still in theory universal and exceptionless. The Latin provinces, then, from Vespasian's time contributed more largely to the legions; and as a counterbalance the African forces were from that time on assigned to the Eastern division of the Empire (Mommsen, pp. 9, 19). The second important feature of the imperial conscription was, for the most part, the *local conscription for each legion.* Under Hadrian the African legion was almost exclusively enrolled from Africa and Numidia, and to Hadrian we may attribute the extension of this regulation to the whole Empire (*ib.* 10, 21).

The city-guards were raised by Augustus from the citizens of the old Latin communities; under Tiberius Cisalpine Gaul is added: but up to Severus Italians predominate, though in the second century many soldiers appear who were natives of Spain, Macedonia, and Noricum (Dio Cass. lxxiv. 2). After Severus Italians rarely appear (Mommsen, pp. 52, 53).

From the time of the Social War and the extension of the citizenship by the Lex Plotia Papiria, the *Socii* had vanished entirely, and the legions and auxilia form the two main bodies of the Roman army. The latter were the non-Roman troops raised partly in the provinces, partly from allied kings and nations. In imperial times they generally stand opposed to the legions (Vell. ii. 112, 4). These auxiliary troops were for the most part raised from *peregrini*—in the first instance in definite districts from which they got their names, but the vacancies which arose came to be filled up with natives of other districts, especially from natives of the place where the troop happened to be located. Thus in 60 A.D. (see Diploma ii.) an Illyrian gets his discharge from the *Cohors II. Hispanorum* located in Illyricum (Mommsen, p. 41). These non-citizen troops are designated by the name of the *nation* to which they belonged; for if they belonged to a *town*, they could have served in the legions (*ib.* 25). Local conscription for each division probably began in the case of the auxiliaries before it did in that of the legions (*ib.* 42). By Augustus the auxiliaries were only taken from the imperial provinces and Africa (*ib.* 44), the senatorial provinces supplying in larger measure than the imperial ones the legions and the guard. But as the senatorial provinces had no garrisons, when local conscription was introduced by Hadrian, the legionaries ceased to be taken from them; while those who belonged to urban communities in these provinces, and wished to join the service, served only in the guard, and after the time of Severus not even there (*ib.* 51).

The officers who effected the recruiting under the Empire, which they did by instituting an *inquisitio* (Plin. *Epist.* x. 30 (39), 2), were called *dilectatores* (Wilm. 1256, 1257), officials of senatorial rank in Italy and the senatorial provinces, of equestrian rank in the imperial (Mommsen, *Staatsrecht*, ii.² 819; *Hermes*, xix. 56, 59). Sometimes the levy was held by the proconsul in a senatorial province (Tac. *Ann.* xiv. 18).

The Line of March (Agmen).

The usual order of march in the second century B.C. is described by Polybius (vi. 40, 4 ff.). It was in a single column. First came the *extraordinarii*—that is, if the enemy were in front; for if they were in the rear, the *extraordinarii* were placed in the rear. Next came the *ala dextra* of the allies, followed by its baggage and the baggage of the *extraordinarii*. Then one of the legions, followed by its baggage; then the other legion, followed by its own baggage and that of the *ala sinistra* of the allies, which latter brought up the rear. The cavalry usually followed the divisions of infantry to which they were attached; sometimes, however, they were placed on the flanks. The legions shifted places each day, as did also the *alae*, so that each should get turns in the advantage of first arrival at fresh food and water. In open places where an attack was imminent, the line of march was

almost that of battle, into which it could most readily be changed (Tac. *Ann.* ii. 16). Caesar calls it *triplex acies* (*B. G.* i. 49, 1, and *passim*). According to it, the *hastati*, *principes*, and *triarii* marched in three parallel columns beside one another, each maniple having its baggage before it. On any danger approaching, by a movement at one time to the right, at another to the left, the maniple got clear of the baggage, and, having got it in the rear, formed the triple battle array. But Caesar (e.g. *B. G.* ii. 19, 1; cf. viii. 8, 3) often varied this, arranging the whole main body in front, then the whole of the baggage, and behind it a rear-guard. The *triplex acies* is usually called by Livy *agmen quadratum*, which by no means implies a square with four sides (Liv. xliv. 9, 6), but simply a rectangular arrangement (cf. Cato in Non. 204, *fronte longa, quadrato exercitu*): see Liv. x. 14, 7; xxi. 57, 7, &c. But sometimes the Romans formed a hollow square or rectangle, with the baggage in the middle, when a sudden attack was at all expected. We first hear of this arrangement, itself also called *agmen quadratum*, in the Spanish wars (*e.g.* in 151 B.C.; App. *Hisp.* 55), and it was continued in the Jugurthine and Parthian wars (Sall. *Jug.* 46, 100; Plut. *Crass.* 23), and frequently elsewhere (Tac. *Ann.* i. 51, 64; xiii. 40)—from which passages we see also the difference of arrangement on different occasions, sometimes the front and rear being legions and the sides the allies, sometimes a legion being on each side of the square, with the auxiliaries as a front and rear guard, &c.

Nothing is more insisted on by the Roman writers than the great weight of baggage the Roman soldier used to carry: "injusto sub fasce viam cum carpit," says Virgil (*Georg.* iii. 346). Cicero (*Tusc.* ii. 16, 37) says that, besides his shield, sword, helmet, &c., "which he no more reckoned than he did his shoulders, arms, or hands," he had to carry food for half a month or more (Caes. *B. C.* i. 78, 1), sometimes for a whole month (Liv. xliv. 2, 4), one or more stakes, and various odds and ends: of the latter Josephus (*B. J.* iii. 5, 5) mentions a very miscellaneous collection—saw, basket, spade (ἄμην), axe, strap, sickle, rope. The whole weight of the baggage Vegetius (i. 19) estimates at 60 Roman pounds. Marius made an arrangement for carrying all this on a board fastened on to a forked support which was strapped across the shoulders. They were called *muli Mariani* (Frontin. iv. 1, 7: cf. Festus, 24, 148, M.). By this arrangement they could be both more easily carried, and more readily cast aside and resumed when circumstances required it.

The heavy baggage, such as tents, hand-mills, &c., were carried on horses or mules (*jumenta*) driven by *calones*. Every ten men had one tent, thereby forming a *contubernium* (Hyg. § 1; Joseph. *B. J.* iii. 6, 2). [CASTRA.] Each centurion and higher officer had at least one tent. If we suppose each *jumentum* carried one tent, we should have over 2,000 *jumenta* in an ordinary army of 20,000 men, so that the *impedimenta*, even before artillery was much used, was very considerable.

In the time after Hadrian the order of march appears to have been that the legion was divided into two divisions, the first consisting of the first five cohorts arranged from right to left, the second the sixth to the tenth cohorts similarly arranged (Veg. ii. 15).

The Battle Array (Acies).

According to Livy (viii. 8, 9 ff.), the ten maniples of the *hastati* stood first, next immediately behind the intervals (*intervalla*, διαστήματα) between the maniples of the *hastati* stood the *principes*, and behind the intervals of these the ten maniples of the *triarii*. The arrangement was that of a *quincunx* (Polyb. xv. 9, 6). Should the *hastati* be defeated, they retired through the intervals of the *principes* (which shows by the way that the intervals between the maniples must have been nearly if not quite as great as the front of the maniple). Should the *principes* likewise be defeated, "the contest came to the triarii" (*res ad triarios redit*), which was a proverb for a most serious state of things. This arrangement was the ordinary one; but sometimes there was a variation, as for example, in the battle of Zama, Scipio, in order to allow a free passage for the elephants through the maniples, drew up the maniples of the three lines straight behind each other (Polyb. xv. 9, 6).

The standards (*signa*, i.e. the standards of the maniples; for there were neither standards of the cohorts nor was the eagle the legionary standard till the time of Marius [SIGNA]) usually stood behind the last row of the maniple. The *signa*, especially alluded to in accounts of battles, are those of the *hastati* (Liv. xxxvii. 39, 8). Hence we see clearly what Livy means when he says (viii. 11, 7), "Caesos hastatos principesque, stragem et ante signa et post signa factam, triarios postremo rem restituisse." The *antesignani*, then, are the *prima acies* (cf. Liv. 47, 2; viii. 39, 4; x. 27, 9); and in a similar sense *postsignani* (a word, however, of late date) is used for the second line, the *principes* (Frontin. ii. 3, 17). If the enemy are repulsed, the *hastati* advance, *signa promota* (Liv. viii. 38, 10); and if the *hastati* have to retire, the *secunda acies ad prima signa successit* (Liv. ix. 32, 8). But sometimes the *signa* certainly appear to have been in the front of the maniples (*Bell. Afr.* 15; Tac. *Hist.* ii. 43), and this was no doubt the usual position not only in the march, but also in a charge in battle ("et signae prae se ferri plenoque gradu ad castra hostium oppugnanda succedere jubet," Liv. xxxiv. 15, 3). *Signum* is, however, often used in the very general sense of the main body (Liv. xxi. 55, 2; xxxviii. 21, 2), and similarly we find it in *miles subsignanus*, used for a legionary soldier in opposition to an auxiliary (Tac. *Hist.* i. 70), and to desert was *relinquere signa* (Liv. v. 6, 4). Somewhat in this sense, too, we must understand the *antesignani* in Caesar, who applies that term apparently to a select body different from the common soldiers (cf. Cic. *Phil.* v. 5, 12), formed inside the legion (Caes. *B. C.* i. 57, 1) from the most active and brave men, three (*Bell. Afr.* 78, 5) or four hundred (*B. C.* iii. 75, 5), who were free from all baggage (*expediti*), and who could be used for sudden exigencies, such as seizing a position (*B. C.* i. 43, 3), reinforcing a hard-pressed division (*Bell. Afr.* l. c.) or fighting among the cavalry (*B. C.* iii. 84, 3). They would be so called because they were independent of the

regular organisation of the legion, and mostly used for rapid movements in front of it. H. Schiller (in I. Müller's *Handbuch*, iv. p. 737) says that these corps of *antesignani* probably formed the training school of able subaltern officers.

But something more must be said of the order of battle of the whole combined army, legionaries and allies. The usual order appears to have been the two legions in the centre, flanked on the right by the *ala dextra* of the allies, and on the left by the *ala sinistra*. On the extreme right was the legionary cavalry and the *equites extraordinarii* (Liv. xxii. 45, 7; xxvii. 12, 4); on the extreme left the allied cavalry. But there were frequent variations—sometimes the cavalry was behind the legions (Liv. x. 5, 6), or the allies were in front, the legions in reserve (xxxv. 5, 8), or the legions were on the wings, *e.g.* in the battle of Scipio against Hasdrubal at Ilipa (Polyb. xi. 20, 5). Vegetius (iii. 20)—who is plainly copying from Cato, *de re militari* (cf. Cato *ap.* Nonium, 204), whom Vegetius reproduces word for word—gives a whole series of recognised kinds of attack: (1) *fronte longa quadro exercitu* — the normal kind described above; (2, 3) *obliqua acies*, i.e. right (as at Pharsalia, Caes. *B. C.* iii. 91) or left wing attacking; (4, 5) *sinuata acies*, both wings attacking, legionaries exposed or guarded by light-armed; (6) whole army attack left wing of enemy (usual when a battle ensues on the march); (7) a wing rests on a fixed point (*e.g.* a river or a mountain), so that it cannot be surrounded; (8) *cuneus*, called by the soldiers *caput porcinum* (Veg. iii. 19; Amm. Marc. xvii. 13, 9), viz. the centre projecting like a wedge, a kind of attack to be received by a V-shaped arrangement, called *forfex*. For an example of a *cuneus* and a *forfex*, see Liv. xxxix. 31.

(By way of parenthesis we notice here other meanings of *cuneus*: (1) any division (Augustin. *de Ordin.* ii. 18, 48); (2) any serried band—thus the maniples in battle are so called (Liv. vii. 24, 7) and the Macedonian phalanx (Liv. xxxii. 17, 11); (3) in the later Empire a definite division of cavalry (*Cod. Theod.* v. 4, 1; Not. Dign. *Occ.* 40, 54; cf. *C. I. L.* vii. 218), which appear among German troops (Tac. *Germ.* 6), *e.g.* the Frisii in Britain in the third century (cf. Mommsen in *Hermes*, xix. 232–3).)

In particular emergencies other combinations of soldiers were formed, with special names: e.g. (*a*) *orbis*, a serried, not a hollow, square or mass, which soldiers hard-pressed by the enemy formed (*volvere*, *facere*), to protect themselves on all sides and to prevent themselves being scattered (Sull. *Jug.* 97, 5; Caes. *B. G.* iv. 37, 2); (*b*) *testudo*, used either by the whole army against a violent discharge of missiles, or by a small division in attacking a wall. The front rank held their long half-cylindrical shaped shields before them, and the other ranks, each stooping a little more than the one before it, held their shields closely locked together above their heads so as to form a sloping roof. Full description in Dio Cass. xlix. 30; Liv. xxxiv. 39, 6 [TESTUDO]. (*c*) *globus*, a general word for a closely-formed *attacking* division (Liv. iv. 29, 1; Tac. *Ann.* xiv. 61).

The labours of Hadrian in his organisation and improvement in the discipline of the army are often mèntioned (Spart. *Hadr.* 10; Dio Cass. lxix. 9, 4; Aurel. Vict. 14, 10). Under him we may place the definite return to the arrangement by phalanx, which was the earliest arrangement of all in Roman history. Not but that the phalanx was used earlier. A fight of man against man, which in a broad way of speaking was the style of fighting used in the Republic, had to give way when barbarian hosts were met; for barbarians are far less dangerous to masses than to individuals. In a battle Suetonius Paullinus fought against the Britons he marshalled his forces in three phalanxes, so that they could not be broken (Dio Cass. lxii. 8). But the work of Arrian, ἔκταξις κατ' Ἀλβάνων (not Ἀλανῶν: see Dio Cass. lxix. 15), legatus of Cappadocia in 136 A.D., which describes officially the arrangement in a phalanx, causes us to fix Hadrian's reign as the period of its definite adoption. The phalanx is eight deep, in close array, the first four lines armed with *pila* (κοντοφόροι), the last four with *lanceae* (λογχοφόροι) [LANCEA]: cf. Tac. *Hist.* i. 79. The *pila* [PILUM] were to be used by the front rank for piercing, by the other three lines as missiles (Arrian, *op. cit.* 15). The cavalry and artillery stood both on the wings and in the rear of the phalanx (*ib.* 19), and further back still a reserve of picked men to make a charge at the right moment (*ib.* 22, 23). We hear that Caracalla had a phalanx of 16,000 Macedonians (Dio Cass. lxxvii. 7, 1), and Alexander Severus one of 30,000 (Lampr. *Alex. Sev.* 50, 5).

Conditions of the Service.

Augustus, we are told in Suetonius (*Aug.* 49), "quicquid utique militum esset, ad certam stipendiorum praemiorumque formulam astrinxit; definitis pro gradu cuiusque et temporibus militiae et commodis missionum, ne aut aetate aut inopia post missionem sollicitari ad res novas possent:" cf. also Dio Cass. liv. 25, 5, ἐπὶ ῥητοῖς . . . καταλεγόμενος, and Herodian, ii. 11, 5, where, as in Suetonius, the conditions alluded to have reference to pay while in the service, the number of years' service which was required, and some consideration or reward on discharge.

1. *Pay.*—Prior to the siege of Veii, in 406 B.C., the expenses of the Roman soldier were defrayed by his tribe (Dionys. iv. 19, v. 47), except the knights, who got from the treasury an *aes equestre* to purchase and *aes hordearium* to feed his horse. And even after 406 the pay was rather for maintenance than for remuneration, ὀψωνιασμὸς rather than μισθός. It was paid at the end of service—for service up to six months, which was a *semestre stipendium* (Liv. xl. 41, 11), six months' pay (Dionys. ix. 59); for service beyond six months, which was an *annuum stipendium* (Liv. xlii. 34, 5), a year's pay (Diod. xiv. 16): cf. Varro *ap.* Non. p. 532, s. v. *aere dirutus;* Liv. xxiv. 11, 8. (The six months were from March to August.) The payment was laid on the conquered (Liv. v. 27, 15; Dionys. ix. 17, 36, 59). Polybius (vi. 39, 15) says that the provisions, clothes, and accoutrements were deducted from the pay; and, though we hear that C. Gracchus brought in a law providing clothes for the soldiers at state expense (Plut. *C. Gracch.* 5), we know that in the

time of the Emperor Tiberius they (Tac. *Ann.* i. 17) complain that they had to supply out of their pay *vestem arma tentoria*—a passage which, by the omission of *frumenta*, proves that at this time their food was supplied by the state, as it certainly was later (Veg. ii. 19, 20; iii. 3). But if the soldier had these items deducted from his pay, it was incumbent on the state to see that there were proper supplies of them (Liv. xxvii. 10, 13; xliv. 16, 2; ix. 29, 4; xxix. 22, 3; xxxiv. 6, 13; xlii. 27, 8. Caes. *B. G.* i. 16, 1; vi. 33, 4).

The amount of the pay in the time of Polybius was two obols a day for the legionary, four for the centurion, and six for the horseman. Now a drachma to Polybius was equal to a denarius, which originally was 10 asses: therefore the annual pay of the legionary for the year of 360 days was 1200 asses, of the centurion 2,400, and of the horseman 3,600. In 217 B.C. the denarius was made equal to 16 asses, but the old reckoning of the denarius (= 10 asses) remained for the soldiers (Plin. *H. N.* xxxiii. 45). Caesar is said to have doubled the military pay (Suet. *Caes.* 26). What he actually did was, he trebled their nominal pay (*i.e.* 1200 asses), but paid them in the new coinage (1 denarius = 16 asses), so that they got 225 denarii a year. There is, however, a certain confusion. In Tac. *Ann.* i. 17 the legionaries say they got 10 asses a day and claim to get a denarius, while Pliny (*l. c.*) says that in military pay the denarius was *always* given for 10 asses nominal; so that the claims of the legionaries appear to be for what they already got. Perhaps the claim was that the 225 denarii, which was now their pay, be paid at 16 asses the denarius, and not at 10. Other troops were paid certainly in denarii, *e.g.* the praetorians (*qui binos denarios acceperint*, Tac. *l. c.*) = 720 denarii a year. Sometime between 27 B.C. and the time referred to in this passage of Tacitus the pay of the praetorians was raised from 1½ of a denarius to 2 denarii, for in 27 they got double the pay of the legionary (Dio Cass. liii. 11). Domitian increased the pay of the legionaries by one-third, so that it was now 300 denarii. From the time of Caesar the payments were made every four months, each payment being called a *stipendium*, so that the soldiers got three *stipendia* each year (Suet. *Dom.* 7; Zonar. xi. 19). The pay of the *cohortes urbanae* is to be inferred from the legacies left to them by Augustus and Tiberius (Dio Cass. lvi. 32, 2; lix. 2, 1, 3), which were doubtless, as in the case of the praetorians and legionaries, one *stipendium*, i.e. 120 denarii; therefore their yearly pay would be 360 denarii. The only superior officer's pay we know of is that of the *tribunus legionis* in the third century, *i.e.* 25,000 sesterces (see Inscription of Toriguy).

Military men sometimes, for distinguished bravery or for acting as *emeriti* or *evocati* after their legal period of service had expired, got increased pay; and as such, if the pay was doubled, were styled *duplarii* (*C. I. L.* viii. 2564), *duplicarii* (Varro, *L. L.* v. 90), *dupliciarii* (Bramb. 475); if the pay was increased by one-half, *sesquiplicarii* (*C. I. L.* iii. 3164; Veg. ii. 7). The term *salariarii* points to officers who were employed in civil rather than in strictly military duties; and their years of service are called *salaria* (*C. I. L.* vi. 2495, 2589). It is applied to *adsessores*, *professores*, *medici*, and *evocati*: see Mommsen in *Eph. Epigr.* v. 152.

2. *Length of service and discharge.*—During the Republic the citizens were bound to serve between the completed 17th year and the completed 46th (Gell. x. 28; Mommsen, *Staatsr.* i.² 487), the legionary being bound to serve sixteen or at most twenty campaigns, the horseman ten (Polyb. vi. 19, 2; reading δεκαὲξ for ἓξ οὐ). Under Augustus the legionary had to serve sixteen years (Dio Cass. liv. 25, 6), but afterwards it was fixed at twenty, that of the praetorians being sixteen (*ib.* lv, 23, 1; Tac. *Ann.* i. 17, 78), that of the urban cohorts being twenty (Dig. 27, 1, 8, 9), and that of the auxiliaries being twenty-five: see the Diplomata *passim*, where the formulae are for the legionaries *qui vicena stipendia aut plura meruerant* (e.g. Dipl. vi.), for the auxiliary forces *qui quina et vicena stipendia aut plura meruerant* (e.g. Dipl. ix.). Note *aut plura*; for as a matter of fact we find that soldiers were very commonly retained in the service as *evocati* long after their legal term of service had expired, *e.g.* we have *evocati* of thirty-eight (*C. I. L.* iii. 2818) and forty-six years' service (Mommsen on *C. I. L.* iii. p. 282). After the year 108 A.D., in the Diplomata we always find the privileges of veterans accorded only to those who are discharged (*dimissi honesta missione*), but yet these often appear to be still serving in such and such an army under such and such a leader (*e.g.* Dipl. xxxiv.). After Hadrian's time it appears (see Mommsen in *Eph. Epigr.* v. p. 4, No. 10) that a soldier did not get the *honesta missio* till twenty-five years' service, but during the last five years he was released from the harder duties, or in a later age chosen among the *protectores* (Mommsen on *C. I. L.* iii. 6194). Hence we see how it is that the period of service is said sometimes to be twenty years (Dig. *l. c.*; *Cod. Just.* vii. 64, 9), sometimes twenty-five (Serv. *ad Aen.* ii. 157). Discharge, though properly a function of the emperor, yet is often said to have been performed by such and such a *legatus* (*C. I. L.* iii. 1078, 1172; *Eph. Epigr.* iv. p. 502). In the case of *honesta missio*, if the veterans did not get land, they got a lump sum of money, the praetorians 5,000 *denarii*, the legionaries 3,000 (Dio Cass. lv. 23, 1), which Caligula (Suet. *Cal.* 44) cut down to half and Caracalla raised to 5,000 (Dio Cass. lxxvii. 24). In case of physical incapacity or sickness, a soldier got what was called a *causaria missio*. As to drumming out (*ignominiosa missio*), see below (p. 811 *b*), and compare Dig. 49, 16, 13, 3.

Miscellaneous Features of the Service.

1. *Marriage.*—All the Diplomata give certain privileges with regard to marriage to the person or persons named in each document. The only Roman citizens these privileges are granted to are the praetorians and urban cohorts, and in their case grant them the right of forming full *connubium* with the first woman of foreign birth they marry after discharge, and the consequent legitimacy of the children arising from such a marriage (cf. Gaius, i. 57). Dio Cassius (lx. 24, 3) says that a soldier (meaning doubtless one who was a Roman citizen) could not legally marry while in the service and prior to his

discharge, or at any rate till performance of his full term of service; but Claudius allowed them to do so (*τοῖς στρατευομένοις ἐπειδὴ γυναῖκας οὐκ ἐδύναντο ἔκ γε τῶν νόμων ἔχειν τὰ τῶν γεγαμηκότων δικαιώματα ἔδωκε*). If he was married before joining the army (Dig. 24, 1, 32, 8; 60–62; 49, 17, 6, 8), he could retain his wife, but could not keep her in the camp, and so had to part from her; but as men entered the army about their 18th year, there cannot have been many such cases. The only women in the camp were either *meretrices* (App. *Hisp.* 85) or non-Romans (Liv. xliii. 3, 1): in early times it was a great disgrace for a Roman woman to be in the camp (Serv. on *Aen.* viii. 688; Prop. v. 3, 45). Hence the auxiliaries could easily get wives of their own class; and as they served for a somewhat longer period than the legionaries, they were allowed to marry while still soldiers; and in the Diplomata, which are given in great numbers to the auxiliaries, they get the right of *connubium* with the wives they already have when the latter have got citizenship, or if unmarried the right of *connubium* with whatever wife they chose to marry subsequently to the issue of the diploma. The Roman soldier, then, could not legally marry; and this was the rule before the time of Severus. But by him all soldiers were allowed to have a concubine (technically called *focaria*, Cod. Just. v. 16, 3); and auxiliaries and legionaries were put on the same level. For that is the meaning of *γυναιξί τε συνοικεῖν* in Herodian, iii. 8, 5; not that the soldiers could contract regular *connubium*, as may be seen from the Diplomata subsequent to this date: *e.g.* liii., which runs, "ipsis filiisque eorum quos susceperint ex mulieribus *quas secum concessa consuetudine vixisse probaverint*, civitatem Romanam dederunt et connubium cum iisdem *quas tunc secum habuissent* cum est civitas iis data, aut, si qui tunc non habuissent, cum iis quas postea *uxores* duxissent" (cf. *Eph. Epigr.* v. p. 100). The children sprung from such a *focaria* bore the name of the mother (cf. the four children born to one man from four different *focariae* in Dipl. liii.), were said to have been born in the camp, and all assigned to the tribe Pollia, so as to enable them to take service in the legions (Wilmanns in *C. I. L.* viii. p. 284; Mommsen in *Hermes*, xix. 11, note). In the fourth century all soldiers could marry (*Cod. Theod.* vii. 13, 6), and permission could be granted by the commander to a soldier to keep his wife in the camp (*Cod. Theod.* vii. 1, 3, and Godefroi's notes; *Cod. Just.* ii. 52, 2).

This is Mommsen's view (*C. I. L.* iii. p. 905 ff.), and as it is generally adopted has been set forth fully. But Mispoulet (*Le Mariage des Soldats romains* in the *Revue de Philologie*, 1884, pp. 113–126) has raised some strong arguments against it. The exigencies of a military life, he says, always preclude the majority of soldiers from marriage; but that is different from a legal prohibition of it. It is *à priori* improbable that Augustus, who encouraged marriage so much, would have condemned 200,000 men in the prime of life to celibacy. Again, the inscriptions constantly speak of the *conjux* of a soldier and call him *maritus*: e.g. *C. I. L.* iii. 102, 5949; vii. 23, 25, 121, 245; viii. 3084, &c.; but we do not know the dates of these inscriptions, and we need not suppose that they necessarily speak with strict accuracy, nor that what was *legally* cohabitation may not have been expressed by the more honourable term. But the passages adduced from the Digest are strong: 49, 17, 16, pr., "Dotem filiofamilias datam vel promissam in peculio castrensi non esse respondi (Papinianus)... Dos matrimonio cohaerens;" 23, 2 (*de ritu nuptiarum*), 45, 2, "Plane si filiusfamilias miles esse proponatur non dubitamus, si castrensis peculii ancillam manumiserit, competere ei hoc ius," &c.; 23, 2, 35, "Filiusfamilias miles matrimonium sine patris voluntate non contrahit." These passages cannot be got over by saying that they refer to marriage contracted before entering the service. Mispoulet's explanation of the passage in Dio Cassius is that Claudius allowed the soldiers who could not live with their wives according to military rules, and so did not marry, relief from all the penalties which fell on unmarried civilians—an exceedingly reasonable interpretation of the words. He notices also that Severus's enactment was that wives might *live with* their husbands; and just about that time, as Wilmanns has shown (*l. c.*), the camp at Lambaesis ceased to be lived in by the soldiers: they go to the town and only return to the camp at stated hours. The *connubium* granted by the Diplomata, he says, was the right of full marriage, which would put the children in the position of those born from two Roman citizens, even if one or both of the parents were *peregrinae condicionis*.

2. *Business of the Soldier in peace. Exercises and the Construction of Public Works.*—It was always in accordance with Roman discipline that the soldiers should not get demoralised by inaction, nor should they, as the Emperor Probus put it, eat the bread of idleness ("annonam gratuitam milites comedere non debere," Vopisc. *Prob.* 29): cf. Frontin. iv. 1, 15. In the first place, then, they had to go through the *drill* (see especially Vegetius, ii. 23, and i. *passim*) necessary to keep them in efficient training, which gave the name to the army (*exercitus*, Veg. ii. 23). Hadrian laid great stress on this drill (Spart. *Hadr.* 10, 3), which was held twice a day for recruits, once for full soldiers. They were further trained in wood-cutting, riding, jumping, running, swimming, shooting javelins and arrows, slinging stones, fencing and sparring at a stake with an unpointed wooden stick (*vectis*, Sall. *Hist.* ii. 11; *clava*, Veg. i. 11; *sudes*, Juv. vi. 248; *κοντὸν κόντακα*, Cod. Just. iii. 43, 1, i.e. *ludus quintanus*, perhaps so called because often practised in the *via quintana*), &c. Besides this, there was occasionally the *decursio*, an evolution whereby the army divided into two parts, and engaged in a sham fight; this especially after the review (*lustratio*): see Liv. xl. 6, 5; cf. Eckhel, vi. 271, 503. Also once a month the *ambulatio*, i.e. fully armed and equipped to march ten miles forward and ten miles back at the regulation military pace (four miles an hour), sometimes at an accelerated pace (*pleno gradu* = nearly five miles an hour): cf. Veg. i. 9, 27.

Soldiers often executed certain public works. They were never allowed to work for private people (Dig. 49, 16, 12, 1; cf. Liv. *Epit.* xi.); but sometimes they were allowed to build temples and public edifices for the municipalities in the provinces (Dig. 50, 16, 7, 1). In repub-

lican times the soldiers were occasionally employed in executing large public works. For example, Flamininus had the road from Bononia to Arretium made by his soldiers (Liv. xxxix. 2, 6); Marius dug the Fossa Mariana from Exagium (St. Gabriel), about 5 Roman miles N. of Arles, to the village of Fos (Fossae Marianae portus), about 28 Roman miles N.W. of Marseilles. The length of the canal was nearly 30 Roman miles. (Full discussion in Desjardins, *Géographie de la Gaule romaine*, i. p. 199 ff.) Sulla diverted the river Cephissus from its channel (Plut. *Sulla*, 16): cf. also Caes. *B. G.* i. 8, 1; *Bell. Afr.* 32, 2.

But the great works of the Roman soldiery appear under the Empire.

(1.) The *Limites*, or frontier fortifications; such as, the *Vallum Hadriani* or Picts' Wall in the N. of England, from Wallsend (Segedunum), E. of Newcastle-on-Tyne (Pons Aelius), to Bowness (Glannibanta), W. of Carlisle (Luguvallium). This work is even now in its ruins one of the most impressive monuments of Roman military greatness. It is well known to all English scholars, with its stations, trenches, mile-castles, &c., thanks to Dr. Bruce's learned and eloquent work (*The Roman Wall*, 3rd edit. 1867). Again, the *Limes Transrhenanus*, from the mouth of the Lahn near Kelheim to the Danube; the *Limes Rhaetiae*, the *Limes Orientalis*, the *Limes Africanus*, &c.

(2.) The *Military Roads*, which were always the main high roads (Quint. ii. 13, 16). From the duties of road-making even veterans were not free (Dig. 49, 18, 4). These roads were everywhere. To take two examples: in Dalmatia, the road from Salonae to Andretium was built by the Seventh Legion (*C. I. L.* iii. 1627); and in Africa the road from Carthage to Thevesta was built by the Third Legion (*C. I. L.* viii. 10048). For more, see the chapters on *Viae Publicae* in the various volumes of *C. I. L.* Both legionaries and auxiliaries worked at these roads: see the important inscription from Coptos in *Eph. Epigr.* v. pp. 5–17.

(3.) Keeping up and extending the *fortifications* already in existence. In all the provinces there are vast numbers of bricks found with the stamp of the legions which executed works there. For British ones, see *C. I. L.* vii. p. 255 *sqq.*

(4.) *Miscellaneous works* (cf. generally Vopisc. *Prob.* 9, 2), such as making bridges (Tac. *Ann.* i. 20), cutting canals (*ib.* xi. 20), building amphitheatres (ib. *Hist.* ii. 67), temples (*e.g.* that of Aesculapius and Salus at Lambaesis, *C. I. L.* viii. 2579), dredging rivers and harbours (Suet. *Aug.* 18; Liban. i. p. 324, Reiske), planting vineyards (Vopisc. *Prob.* 18, 8), trying to make head against locusts (Plin. *H. N.* xi. 106), even working in mines (Tac. *Ann.* xi. 20), though this was generally one of the severest punishments (Dig. 48, 19, 28, pr.), and as a punishment was not inflicted on soldiers (*ib.* 49, 16, 3, 1).

3. *Rewards and Punishments.*—With regard to *rewards*, it will be sufficient to refer to the Index, *s. v.* Military Rewards, and the various articles mentioned there, such as CORONA, OVATIO, TRIUMPHUS. But a word here may be said on the *punishments*, which Modestinus summarises in the Digest, 49, 16, 3, 1: "Poenae militum hujuscemodi sunt, *castigatio, pecuniaria multa, munerum indictio, militiae mutatio, gradus deiectio, ignominiosa missio.*" (Compare, for many examples, Val. Max. ii. 7, *De disciplina militari.*)

(1.) *Castigatio* could be inflicted even on officers (Val. Max. *l. c.*).

(2.) *Pecuniaria multa* might be deprivation of whole (*ib.* § 5) or part of pay (Liv. xl. 41, 11), the campaign not being reckoned in the year of service. One who thus lost his pay was called *aere dirutus* (Fest. *s. v.*; Non. p. 532).

(3.) *Munerum indictio* could be inflicted only on those who were in some degree *immunes*, by making them *munifices* (Val. Max. ii. 7, 4), which may be regarded as *gradus dejectio*.

(4.) *Militiae mutatio*, degradation, *e.g.* from the cavalry to the infantry (Frontin. iv. 1, 18), or to the *funditores* (Val. Max. ii. 7, 15). This was also called *ordinis ademptio* (cf. *C. I. L.* i. 206, l. 121).

(5.) *Ignominiosa missio* — public drumming-out before the whole army. See the striking scene in *Bell. Afr.* 54, 4. The soldier thus cashiered could not appear at Rome or at the emperor's court (*neque in sacro comitatu*, Dig. 49, 16, 13, 3).

To these add—

(6.) When whole troops were in fault, they were often given barley instead of wheat for food (a punishment inflicted on individuals also, Veg. i. 13), and made to bivouac outside the camp (Polyb. vi. 38, 3): cf. Liv. x. 4, 4; Suet. *Aug.* 24.

(7.) *Decimation* [DECIMATIO].

(8.) *Capital punishment*, which could only be inflicted by the consul during the Republic (Dionys. xi. 43), or by the emperor or *legatus legionis* during the Empire (Dio Cass. lii. 22, 3). It was the penalty for desertion (*desertio*), excessive insubordination, secret correspondence with the enemy, or loss of standards (Dionys. *l. c.*; Joseph. *B. J.* iii. 5, 7; Tac. *Ann.* xiii. 36; Dig. 49, 16, *passim*). It was frequently inflicted in the terrible manner called *fustuarium* [FUSTUARIUM]. (With regard to desertion, it may be parenthetically noted that the *desertor* differed from the *emansor*, in that the former intended to stay away and was brought back, while the *emansor* either came back of himself or at any rate intended to come back—the same distinction as subsisted among slaves between *fugitivus* and *erro*.)

4. *Commissariat.* — Not the least important function of the general was to see that the army had sufficient provisions. When the commissariat had been properly seen to, the campaign or expedition used to begin (cf. Caes. *B. G.* i. 37, 5; ii. 2, 6, &c.). Each foot-soldier in the time of Polybius (vi. 39, 13) used to get per month two-thirds of an Attic medimnus of wheat; each Roman horse-soldier, 7 medimni of barley and 2 medimni of wheat; each horse-soldier of the allies, 5 medimni of barley and $1\frac{1}{2}$ medimni of wheat. The extra supply for the horse-soldiers was for the support of two servants for each Roman and one for each ally. The food of the Greeks was mostly barley (cf. Xen. *An.* vii. 1, 37); but the Romans used more wheat, as that is more nourishing for those who have to go through a great deal of physical exertion (Galen, vi. 507, ed. Kuhn). Barley was sometimes, as we have seen, given as a punishment. The soldier used to carry rations for seventeen days (Amm. Marc. xvii. 9, 2; Lampr. *Alex. Sev.*

47), or perhaps in strictness for only sixteen days (see A. Langen, *Die Heeresverpflegung der Römer im letzten Jahrhundert der Republik*, p. 5 ff.). The corn when measured out (*metiri*) to the soldiers was neither ground nor baked. For the former process hand-mills (*molae manuales* or *manuariae*) [MOLA] were used, which were carried by the beasts of burden. Once ground, the meal was made into a kind of porridge (*puls*, Plin. *H. N.* xviii. § 83); hence the Romans are jestingly called *pultiphagi*, or *pultiphagonides* (Plaut. *Most.* iii. 2, 143; *Poenul.* prol. 54). Often it was baked into bread (Plut. *Mar.* 7; Plin. *H. N.* xviii. § 12). *Cocta cibaria* are frequently mentioned in the times of the early Republic (Liv. iii. 23, 3; 27, 3); and often reference is made to supplies for the fleet (*ib.* xxi. 49, 7; xxiv. 11, 9; xliv. 35, 13). We do not hear of biscuits (*buccellatum*) till the Empire (Spart. *Pesc.* 10; Amm. Marc. xvii. 8, 2). The soldiers baked their own bread (Plut. *Mar.* 13); and it was only in times of lax discipline that they sold their corn and bought bread day by day (Sall. *Jug.* 44, 5). Meat was quite a secondary article of food in the time of the Republic and early Empire (Caes. *B. G.* i. 48, 6): and it was considered a case of real hardship when life had to be supported on meat alone (Caes. *B. G.* vii. 17, 3; Tac. *Ann.* xiv. 24). It is only in one case, and that when sufficient corn could not be supplied, that Caesar made a requisition on the allies for meat (*B. C.* i. 52, 4). Vegetables (*legumina*) were also occasionally used in case of an insufficient supply of corn (*ib.* iii. 47, 7); and of course salt was always given (cf. Plut. *Crass.* 19). For drink we hear of vinegar being supplied to make the draught called *posca* (Spart. *Pesc.* 10; *Hadr.* 10). Wine was often served out (Veg. iii. 3; cf. Plut. *Ant.* 41), though not by strict disciplinarians (Spart. *Pesc.* 7), and it was often obtained in great quantities when discipline was relaxed (Sall. *Jug.* 44). We know that the price of the corn doled out to the Roman soldier was deducted from his pay (which was called *ὀψώνιον* by Polybius, vi. 39, 12). Langen (*op. cit.* p. 13) calculates that it amounted to about 40 denarii a year. Anything in the shape of luxuries was supplied by the sutlers (*lixae*), who used to follow the army. They were so subversive of discipline that real soldierly generals used frequently to banish them from following the camp (App. *Hisp.* 85; Sall. *Jug.* 45). The army used often to be supported by quartering it in towns, and the extravagant abuses of this practice in the last century of the Republic are insisted on by Cicero (*pro Imp. Pomp.* 13, 38; cf. Plut. *Sull.* 25; Caes. *B. C.* iii. 5, 2; 31, 4). The frequent practice of Caesar in his wars was to lay a requisition for corn on tributary states, making the magistrates responsible (*B. G.* i. 16, 6; 48, 2; ii. 2, 5, &c.). Indeed, the great Roman skill in organising is shown by the way Caesar was generally so well supplied with provisions, and also by the arrangements by which the large armies of Pompeius (Caes. *B. C.* iii. 5) and Brutus and Cassius (App. *B. C.* iv. 100) were kept in supplies. These supplies were of the nature of a forcible requisition, and there is no evidence of their having been paid for (Langen, *op. cit.* p. 27). The war, as Cato used to say (Liv. xxxiv. 9, 12), should support itself. Magazines (*horrea*) were erected for the supplies to be transported to (Caes. *B. C.* iii. 42, 4). Vesontio, for example, was one (*B. G.* i. 39, 1). In the provinces of the Empire, too, there were large magazines (Tac. *Agr.* 19), whither the provincials brought the corn supply (*annona militaris*, Veg. iii. 3). One of the accounts of the supplies in the imperial magazines tells us that they consisted of vinegar, corn, suet (*lardo*), barley, and straw (Capit. *Gord.* 28): another that they consisted of wine, vinegar, biscuits, suet, meat (*Cod. Theod.* vii. 4, 6), probably pork. The duty of transport (*vectura*) lay on the magistrates of the tributary towns (Caes. *B. C.* iii. 32, 2). There is only one case in the later Republic of the supply of the army being dependent on merchants (App. *B. C.* iv. 108), though contracts for military supplies are mentioned in the early history (*e.g.* Liv. xxiii. 49, 10). Foraging was also a frequent means of getting provisions. For details on this and other points connected with the provisions of the army, see Langen, *op. cit.*; for foraging especially, pp. 21–23.

Among the *principales* we have reckoned (p. 803 *a*) the clerks of the stores (*horrei*). We may add the *pecuarius* (*C. I. L.* viii. 2553) and *venatores* (*Eph. Epigr.* iv. 526), who looked after the procuring of the meat, and the *lanii*, who saw to the killing of it (Dig. 50, 6, 7 (6)). For further, cf. Arnold Langen, *Die Heeresverpflegung der Römer*, 1878–1882.

5. *Associations in the Army.*—Belonging to every cohort of the legion, under charge of the *signifer* and subordinate clerks (*librarii depositorum*), was a *follis*, into which one-half of all extraordinary grants of money, such as *donativa*, were paid by the soldiers, and probably also what additional sum each soldier might wish to deposit. There was also a *burial fund* in each legion, to which every soldier contributed a trifle (Veg. ii. 20). We also find kinds of *friendly societies* formed by certain classes of the *principales*. Such a society, as well as the building in which it met (Wilmanns in *C. I. L.* viii. 2552 b; *Comm. in honorem Mommseni*, p. 200, note 62) was called *scola* (*Eph. Epigr.* iv. p. 146). None is more interesting than in *C. I. L.* viii. 2557, the *scola* of 36 cornicines of Legion iii. Aug. at Lambaesis. Each member had to pay an entrance fee (*scamnarium*—his "sitting" apparently, not his "footing") of 720 denarii. If he is ordered across the sea, he gets 200 denarii; when he becomes a veteran, he gets an *anularium* (whatever that means) of 500, if promoted 500, if degraded (*quod abominamur*) 250, if he dies his heirs or executors are to get 500—all apparently on condition that his full liability has been paid up. The *scola* of *optiones* in *C. I. L.* viii. 2554 has a quaestor.

For military armour and weapons, see CALIGA, GALEA, GLADIUS, HASTA, LORICA, OCREA, PILUM, SCUTUM. For Dress, Military Ensigns, Military Engines, see the articles cited in the Index.

(Besides various articles on special points connected with the army which are scattered throughout German periodicals, especially those by Mommsen in the *Ephemeris Epigraphica* and *Hermes*, there are systematic treatises on the Roman army in Lange, *Historia mutationum rei militaris Romanorum*, 1846; Madvig, *Die Verfassung und Verwaltung des röm. Staates*, ii.

465–579; Marquardt, *Röm. Staatsverwaltung*, ii.[2] 319–612; H. Schiller, in Iwan Müller's *Handbuch der klassischen Alterthumswissenschaft*, vol. ii. In this latter work there is a most extensive and well-nigh complete bibliography of books, monographs, and articles bearing on Roman military affairs.) [L. C. P.]

EXETASTAE (ἐξεταστα*ί*), special commissioners sent out by the Athenian people to investigate any matters that might claim attention. Thus we find mention of Exetastae being appointed to ascertain whether there were as many mercenaries as the generals reported. It appears to have been no uncommon plan for the commanders, who received pay for troops, to report a greater number than they possessed, in order to receive the pay themselves; in which case they were said "to draw pay for empty places in the mercenary force" (*μισθοφορεῖν ἐν τῷ ξενικῷ κεναῖς χώραις*, Aeschin. *c. Ctes.* § 146). The commissioners, however, who were sent to make inquiries into the matter, often allowed themselves to be bribed. (Aeschin. *c. Timarch.* § 113, *de F. L.* § 177; Bekk. *Anecd.* 252, 6 ff.; Boeckh, *P. E.* p. 292 = *Sthh.*[3] i. 363; Gilbert, *Staatsalterth.* i. 250.)

Another kind of Exetastae are shown by inscriptions to have existed at Athens for a short time in the early part of the third century B.C. They were auditors of accounts, and are mentioned as checking the expenses of Psephismata (*i.e.* of recording them in the form of inscriptions) and of the erection of statues (*C. I. A.* i. 297, 298, 300; Gilbert, p. 238). In this sense of auditors of public accounts the name occurred in some other Greek states together with those of Euthyni and Logistae (Aristot. *Pol.* vi. 8 = p. 1322 b, 11; Schömann, *Antiq.* i. 146, E. T.) [W. S.] [W. W.]

EXHE'RES. [HERES.]

EXHIBENDUM, ACTIO AD, was a praetorian action *in personam* (*Inst.* iv. 6, 31), usually of a preliminary character, by which a plaintiff who was unable to pursue his right by legal process without the production of a thing could enforce such production upon any person who was able to make it ("exhibere est facere in publico potestatem, ut ei, qui agat, experiundi sit copia," Dig. 10, 4, 2); and it was immaterial whether that person was owner, or had civil or merely natural possession, of the thing in question (Dig. *ib.* 3, 15), or had fraudulently parted with the possession of it (*ib.* 5, 2); but it was essential that the plaintiff should have a pecuniary or proprietary interest in the production, or else the action would not lie: "haec actio ei creditur competere, cujus pecuniariter interest," Dig. *ib.* 13. The right to which the *actio ad exhibendum* was subsidiary might be *in personam*, as where a plaintiff wishes to bring a noxal action on a delict (such as theft) committed by a slave, but is not sure of the precise slave who committed the offence (*ib.* 3, 7): but usually it was *in rem*: e.g. a legatee has a choice under a will from several similar objects, which he wants to see before he can choose (*ib.* 3, 6): the plaintiff's property is on the land of another who will not allow him to enter and remove it (*ib.* 5, 4); or it is connected or mixed with a *res aliena* (e.g. a jewel set in the defendant's gold) and must be separated before he can bring his real action (*ib.* 6, 7).

In default of production the defendant would be condemned in damages (Gaius, iv. 51); the action was one of those known as *arbitrariae*; i.e. under the formulary system of procedure, the judge, having found that the plaintiff was entitled to production, would tell the defendant that if he did not do what was required he would have to pay such sum as the plaintiff deposed on oath the production was worth to him (*jus jurandum in litem*); but under the later law, if it was in the power of the defendant to produce the required object, he would be compelled to do so *manu militari*. It was a question whether a man could bring this action for the production of his adversary's accounts, though the opinion given by Paulus in Dig. 10, 4, 19, is not favourable to it, on the mere ground of its being for the plaintiff's advantage.

In general the *actio ad exhibendum* was (as has been said) preliminary and auxiliary to another; and from this point of view it bears some resemblance to the old Bill of Discovery in English Courts of Equity. In some cases, however, it gave by itself full satisfaction to the plaintiff: viz. where the thing was not forthcoming, and the plaintiff got damages equivalent to any advantage which the production could have given him; and where the plaintiff's property was on land of the defendant, who did not deny his right to it, but merely refused to let him in for the purpose of removal (Dig. 19, 1, 5, 2–5; 19, 5, 16).

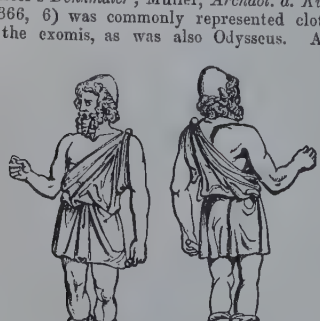
(Dig. 10, 4; Cod. 3, 42; Einert, *Tract. de act. ad exhib.*, Lips., 1816; Buhler, *Die Actio ad exhibendum*, Leipzig, 1859; Demelius, *Exhibitionspflicht*; Von Weveld, *Zur Lehre vom gerichtlichen Augenschein*; Vangerow, *Lehrbuch der Pandekten*, vol. iii. § 707.) [J. B. M.]

EXITE'RIA or **EPEXO'DIA** (ἐξιτήρια or ἐπεξόδια), the names of sacrifices which were offered by generals before they set out on an expedition. (Xenoph. *Anab.* vi. 5, § 2.) The principal object of these sacrifices always was to discover from the accompanying signs the favourable or unfavourable issue of the undertaking on which they were about to enter. According to Hesychius, ἐξιτήρια was also the name of the day on which the annual magistrates laid down their offices. [L. S.]

EXO'DIA (ἐξόδια, from ἐξ and ὁδός) were old-fashioned and laughable interludes in verses, inserted by the Romans in other plays, but chiefly in the Atellanae (Liv. vii. 2). It is difficult to ascertain the real character of the exodia; but from the words of Livy we must infer that, although distinct from the Atellanae, they were closely connected with them, and never performed alone. Hence Juvenal calls them *exodium Atellanae* (*Sat.* vi. 71), and Suetonius (*Tib.* 45) *exodium Atellanicum*. They were, like the Atellanae themselves, played by young and well-born Romans, and not by the histriones. Since the time of Jos. Scaliger and Casaubon, the exodia have almost generally been considered as short comedies or farces which were performed after the Atellanae; and this opinion is founded upon the vague and incorrect statement of the Scholiast on Juvenal (*Sat.* iii. 174). But the words of Livy, *exodia conserta fabellis*, seem rather to indicate interludes, which, however, must not be understood as if

they had been played between the acts of the Atellanae, which would suggest a false idea of the Atellanae themselves. But as several Atellanae were performed on the same day, it is probable that the exodia were played between them. This supposition is also supported by the etymology of the word itself, which signifies something *ἐξ ὁδοῦ*, *extra viam*, or something not belonging to the main subject, and thus is synonymous with *ἐπεισόδιον*. The play, as well as its name of exodium, seems to have been introduced among the Romans from Italian Greece; but after its introduction it appears to have become very popular among the Romans, and continued to be played down to a very late period. (Sueton. *Domit.* 10.) Teuffel (*Röm. Lit.*, § 6, n. 4) considers the exodium to have been a comic play performed after any serious piece, and at first to have had no special connexion with the Atellanae. [COMOEDIA, p. 522 *b*.] [L. S.] [A. S. W.]

EXO'MIS (*ἐξωμίς*), originally a tunic fastened over the left shoulder only (*χιτὼν ἑτερομάσχαλος*, Schol. Aristoph. *Vesp.* 444; Phot. and Hesych. *s. v. ἑτερομ.*; Heliod. *Aethiop.* iii. 1; Paus. v. 16, § 2; cf. Plaut. *Mil.* iv. 4, 44), leaving the right shoulder and part of the breast free, and thus distinguished from the *ἀμφιμάσχαλος*, which was fastened over both. It was especially characteristic of workmen and slaves (Phot. *s. v.*; Schol. Aristoph. *Equit.* 879), Laconizers and Cynics (Ael. *V. H.* ix. 3, 4; Sext. Emp. i. 153; Suid.); while the *ἀμφιμάσχαλος* was used by the better classes. It was also the dress of old men in comic plays (Pollux, iv. 118), and as such worn by the chorus in the *Lysistrata* (662). Hephaistos as a god of labour (*v.* bronze in Brit. Museum, fig. p. 380, Baumeister's *Denkmäler*; Müller, *Archäol. d. Kunst*, § 366, 6) was commonly represented clothed in the exomis, as was also Odysseus. After



Exomis. (Bronze in British Museum.)

Aristophanes' time, short sleeves (*χειρίδες*) were introduced in the wide holes of the *χιτών*, like a blouse, and the terms *ἀμφιμ.* and *ἑτερομ.* (*ἐξωμίς*) were equally applied to the two forms so produced (of one sleeve, Xen. *Mem.* ii. 7, 5; *v.* Rich, p. 659). On the other hand, the long-sleeved tunic, *χιτὼν χειριδωτός*, was originally peculiar to barbarians, and accordingly appears in representations of Orpheus, the Indian Bacchus, Persians, Scythians, and the paedagogus. Later grammarians starting from the sleeved *χ.* wrongly interpreted *ἐξωμὶς* "sleeveless" (Aulus Gellius, vii. 12: "citra umerum desinentes"). The exomis, however, was not only a chiton [TUNICA], but also a *ἱμάτιον* or *περίβλημα* [PALLIUM]. According to Hesychius (*s. v.* *Ἐξωμίς*) and Aelius Dionysius (*ap.* Eustath. *ad Il.* xviii. 595), it served at the same time both the purposes of a chiton (*διὰ τὸ ζώννυσθαι*) and a himation (*ὅτι τὸ ἕτερον μέρος ἐβάλλετο*); but Pollux (vii. 48) speaks of two different kinds of exomis, one of which was a *περίβλημα* and the other a *χιτὼν ἑτερομάσχαλος*. And his account is confirmed by existing works of art. In the *Museo Pio-Clementino* (vol. iv., pl. 11) is a Hephaistos wearing an exomis, which is a himation thrown round the body in the way in which this garment was always worn, and which clothes the body like an exomis when it is girded round the waist. (Cf. Becker-Göll, *Charikles*, iii. p. 112, &c.; Guhl and Koner, ed. 5, p. 206; Hermann-Blümner, *Privatalterth.* p. 176; and the figure in Weiss, *Kostümkunde.*) [W. S.] [J. M.]

EXOMO'SIA (*ἐξωμοσία*). Any Athenian citizen (probably with the exception of near relatives of the defendant, Isae. *Menecl.* § 33), when called upon to appear as a witness in a court of justice, was obliged by law to obey the summons, unless he could establish by oath that he was unacquainted with the case in question (Pollux, viii. 55, *εἰ φάσκοιεν μὴ ἐπίστασθαι ἐφ' ἃ ἐκαλοῦντο: ἢ μαρτυρεῖν ἢ ἐξόμνυσθαι*, Dem. *de Fals. Leg.* p. 396, § 176, etc.; *Att. Process*, ed. Lipsius, p. 881, n. 323). This oath was called *ἐξωμοσία*. Against those who refused to obey the summons without being able to take this oath, a *δίκη βλάβης*, or, if they had promised to give evidence, a *δίκη λιπομαρτυρίου*, might be brought by the parties who thought themselves injured by their having withheld their evidence, the fine going to the plaintiffs; or they were specially summoned (*κλητεύειν*, [Dem.] *c. Neaer.* p. 1354, § 28, *ἀναγκάζω μαρτυρεῖν ἢ ἐξόμνυσθαι κατὰ τὸν νόμον, ἢ κλητεύσω αὐτόν*, etc.) and threatened with the imposition of a fine of 1000 drachmas, to be paid to the state (Aeschin. *Tim.* § 46; *Att. Process*, ed. Lipsius, p. 494 ff.). Hudtwalcker (*Diaet.* p. 97) and Lipsius (*Att. Process*, p. 909, n. 409) take *ἐξόμνυσθαι δίκας* in Theophr. *Char.* 6 (Jebb 16) in the sense of *ὑπόμνυσθαι*, Jebb (p. 230) in that of "making oath (as witness) that he knows nothing of the matter."

2. As a rule, candidates for an office (*ἀρχὴ* in its proper sense), whether they were to be chosen by lot (*ἀρχαὶ κληρωταί*) or by show of hands (*ἀ. χειροτονηταί*), gave in their names to the archons (Isocr. *de Permut.* § 150; [Lys.] *c. Andoc.* § 4; Lys. *c. Phil.* § 33). Suid. *s. v.* *ληξιαρχικόν* (and Schol. Aeschin. *c. Tim.* § 18) says, *καὶ ἐκ ἐκείνων τῶν γραμματείων* (sc. *ληξιαρχικῶν*) *κληροῦσι τὰς ἀρχάς*, wrongly connecting the name *ληξιαρχικὸν* with *λαχεῖν τὰς ἀρχάς* (see Boeckh, *Kl. Schriften*, iv. p. 154, n. 1); but when Plutarch (*Phoc.* 8) says of Phocion that he served more frequently as *στρατηγὸς* than any one in his time, or before his time had done *οὐ παραγγέλλων οὐδὲ μετιών*, it is evident that this was not invariably the rule (cf. also Xen. *Hell.* i. 4, 10, *οἱ Ἀθηναῖοι στρατηγοὺς εἵλοντο Ἀλκιβιάδην μὲν φεύγοντα*, etc.). A person chosen in such a way, or appointed to

serve as ambassador or in any other public capacity, was at liberty to decline the office, if he could take an oath, either himself or by proxy (δι' ἑτέρου, Pollux, viii. 55; cf. Dem. *de Fals. Leg.* p. 379, § 124, and Aeschin. *F. L.* § 95, whence we learn that an oath of this kind had to be made before the assembly), that the state of his health or other circumstances rendered it impossible for him to fulfil the duties connected with it (ἐξόμνυσθαι τὴν πρεσβείαν, τὰς ἀρχάς; cf. Arist. *Pol.* vi. 10 S. = iv. 13 Bk. περὶ δὲ τὰς ἀρχὰς τὸ τοῖς μὲν ἔχουσι τίμημα μὴ ἐξεῖναι ἐξόμνυσθαι, τοῖς δ' ἀπόροις ἐξεῖναι: the arrogant man in Theophr. *Char.* 24 (Jebb 4) assigns the vague reason that he is "too busy"). This oath was likewise called ἐξωμοσία (Harp. *s. v.*; Schol. Aristoph. *Eccl.* 1018, n.; Schol. Aeschin. *F. L.* § 97). Hudtwalcker, *Diaet.* p. 97, calls it wrongly ὑπωμοσία. (Schömann, *Assemblies*, p. 329; Hermann, *Gr. Staatsalt.* §§ 123, 148.)

3. Ἐξωμοσία is also used according to Suidas, *s. v.* (=Schol. Aristoph. *Eccl.* 1018), in the sense of objections raised by the defendant to the admissibility of the plaintiff's action (μὴ δεῖν εἰσάγεσθαι δίκην, εἶτα καὶ τὴν αἰτίαν δι' ἣν οὐκ εἰσαγώγιμος ἡ δίκη, etc.), the same proceeding which is called ἀντιγραφὴ in Lys. *c. Pancl.* §§ 5, 10, and παραγραφὴ since the law of Archinus, passed soon after the expulsion of the Thirty Tyrants (Isocr. *c. Callim.* § 2). Suidas' explanation probably refers to Aristoph. *Eccl.* 1026, and there, according to Platner (*Process u. Klagen*, i. p. 162 n.), ἐξωμοσία is used in the sense of declining an office (2). (*Att. Process*, ed. Lipsius, p. 853 ff.) [L. S.] [H. H.]

EXOSTRA (ἐξώστρα) was one of the many kinds of machines used in the theatres of the ancients, and its introduction was ascribed to Aeschylus. In order to represent a scene in an interior, a movable chamber corresponding to the size of any of the three doors was devised, which was wheeled out (ἐκκύκλημα) or pushed out (ἐξώστρα) (Pollux, iv. 128; ἱερὸν ὠθεῖται, Schol. *ad* Aristoph. *Thesm.* 276; ἐκκυκλεῖται ἐπὶ τὸ ἔξω τὸ Θεσμοφόριον, Schol. Ravenn. *ibid.*; Schol. *ad* Aristoph. *Acharn.* 375). Donaldson thinks the ἐξώστρα was used to exhibit the interior of an upper chamber: this would find support in the late meaning of the word, *balcony*. A special use of both machines was to exhibit to the eyes of the spectators the results or consequences of such acts, as murder or suicide, as could not be permitted to take place in the proscenium, and were therefore described as having occurred behind the scena.

An interesting illustration of the meaning of the word is to be found in Cicero (*de Prov. Cons.* 6, § 14), who, speaking of Piso, says he formerly concealed his vices ("post siparium heluabatur"), but now practised them openly ("jam in exostra heluatur"). (Donaldson, *Theatre of the Greeks*, ed. 7, p. 238 ff.; C. O. Müller, *Eumen.* p. 103, *Kleine Schriften*, i. p. 524; Alb. Müller, *Bühnenalterth.* pp. 142–148, where there is a full discussion of the passages where the contrivance was used.) It must be admitted, on the whole, that the distinction between ἐξώστρα and ἐκκύκλημα is not very clearly made out (see especially A. Müller, p. 148, n. 5).

The name *exostra* was also applied to a peculiar kind of bridge, which was thrown from a tower of the besiegers upon the walls of a besieged town, and across which the assailants marched to attack those of the besieged who were stationed on the ramparts to defend the town (Veget. *de Re Milit.* iv. 21; Polyb. ii. 6, 8). This was a very old device, frequently represented in Assyrian bas-reliefs. [L. S.] [J. M.]

EXOULES DIKE' (ἐξούλης δίκη). Ἐξούλη is from ἐξίλλειν, which Harpocration (*s. v.*) explains ἐξωθεῖν καὶ ἐκβάλλειν: cf. Dem. *c. Pantaen.* p. 976, § 35; Lys. *c. Theomn.* i. § 17 (ἀπίλλειν). Meier (*Att. Process*, ed. Lipsius, p. 665 f.) distinguishes two kinds of δίκη ἐξούλης, one (ἣν ἐπάγουσιν οἱ φάσκοντες ἐξείργεσθαι τῶν ἰδίων κατὰ τῶν ἐξειργόντων, Harpocr. *s. v.*) answering roughly to the *interdictum unde vi* of Roman law; the other (μόνων τῶν ἐκ καταδίκης ὀφειλόντων, Caecilius in Harpocr. *s. v.*), later in point of time, corresponding to the Roman *actio judicati*. A δίκη ἐξούλης of the former class was laid before the τετταράκοντα, and was τιμητός; one of the latter before the magistrate who had heard the case from which it arose (except probably when a διαιτητὴς had given an award, Dem. *c. Mid.* p. 540, § 81: cf. Hudtwalcker, *Diaet.* p. 152), and was τιμητὸς or ἀτίμητος according to the nature of the *judicatum*. G. A. Leist (*d. Att. Eigentumsstreit*, p. 45 f.), on the other hand, defines the δίκη ἐξούλης as an action for ejectment resorted to by the plaintiff, when his title to some property was so much better than the defendant's as to be indisputable (ἀναμφισβήτητος). Thus a son or other male descendant (also a son adopted during the testator's lifetime, Dem. *c. Leoch.* p. 1086, § 19) might enter [ΕΜΒΑΤΕΙΑ], and become possessed of the estate immediately after the owner's death (τοῖς μὲν γάρ, ὅτι γόνῳ γεγόνασιν, οὐδεὶς ἂν δήπου ἀμφισβητήσειε περὶ τῶν πατρῴων, Isae. *Pyrrh.* § 61); such an heir made a formal entry upon the land, and thereby became *seised* or possessed of it; then the adverse claimant came and turned him off (πορευομένων ἡμῶν εἰς τὰ κτήματα, ἐξῆγεν ὁ Λ. οὑτοσὶ φάσκων αὐτοῦ εἶναι, Dem. *c. Leoch.* p. 1090, § 32). This proceeding took place quietly (yet see Dem. *c. Onet.* i. p. 864, § 4) and in the presence of witnesses (Isae. *Pyrrh.* § 22); then the heir might bring against him an action for ejectment. Such an action could also be maintained by a creditor who was prevented from taking possession of some mortgaged property, the ὅροι set up on mortgaged property establishing clearly the rights of the mortgagee (Harpocr. *s. v.*: cf. Dittenberger, *S. I. G.* No. 344, l. 75), or according to Pollux (viii. 59) by a person who had bought property from the state against anyone who disturbed him in the enjoyment of it (cf. Dem. *c. Pantaen.* p. 972, § 19; Dittenberger, *ibid.* No. 76 = *C. I. G.* No. 2691 d, καὶ ἐπώλησαν τὰ κτήματα αὐτῶν δημοσίᾳ, ἐκτῆσθαι κυρίως τοῖς πριαμένοις), for no action would lie against the purchaser of property sold by the treasury: the fact of the state having ordered the sale would constitute a "parliamentary title, so to speak" (Wayte on Dem. *c. Timocr.* p. 717, § 54). The title to property might also have been established by the decision of a court or the award of an arbitrator (*Etym. M.* οἱ δίκην νικήσαντες ὥστε λαβεῖν χωρίον ἢ οἰκίαν, ἔπειτα ἐμβατεύειν κωλυόμενοι, etc.). To these cases Leist adds some others in which the plaintiff's right is not so

clearly established; *e.g.* the cause of Demosthenes against Onetor. Demosthenes having recovered a judgment against Aphobus, proceeded to take his lands in execution. Onetor claimed them as mortgagee, and turned him off; whereupon Demosthenes, contending that the mortgage was collusive and fraudulent, brought an ἐξούλης δίκη. In the instance mentioned in Isae. *Dicaeog.* § 22, Dicaeogenes had covenanted to give the plaintiffs two-thirds of the estate (ἀναμφισβήτητα, § 18 = καθαρὰ καὶ ἀνέπαφα, *argum.*), but he sold these two-thirds to other persons; the plaintiffs incurred the costs (to the amount of 40 minas) of an unsuccessful attempt to eject Micion, one of the purchasers, Dicaeogenes guaranteeing his ownership. The case in Demosth. *c. Zenoth.* p. 882 f. is most complicated. Demon had entrusted a sum of money to Protus, who engaged to purchase corn in Sicily and bring it to Athens. Upon the ship's arrival Zenothemis claimed the cargo, saying that it had been purchased by the captain Hegestratus (drowned at sea), and that he had lent money to Hegestratus upon it. Protus and his partner Phertatus tried to remove him (ἐξάγειν), but he declared that he would not be put out of possession by anyone but Demon (yet from § 21 it would seem that Zenothemis brought an action against Protus and won it); and when Demon removed him at last, he subjected himself to the ἐξούλης δίκη which Zenothemis brought. (Cf. on this case A. Philippi, *Jahrb. f. class. Phil.* 1867, p. 577 f.; and Thalheim, *Hermes*, 1888, p. 202 f.) The consequence to the defendant, if he failed in the action of ejectment, was, that (besides his liabilities to the plaintiff) he was, as a public offender, condemned to pay to the treasury a sum equal to the damages, or to the value of the property recovered in the first action (προστιμᾶν, Dem. *c. Mid.* p. 528, § 44). While this remained unpaid (and we may presume it could not be paid without also satisfying the party), he became, as a state debtor, subject to the disabilities of ἀτιμία (Andoc. *de Myst.* § 73). (*Att. Process*, ed. Lipsius, p. 970.)

These proceedings by entry, ouster, etc., were a relic of ancient times, when, before writs and pleadings and other regular processes were invented, parties adopted a ruder method and took the law into their own hands. There was then an actual ouster, accompanied often with violence and breach of the peace, for which the person in the wrong was not only responsible to the party injured, but was also punishable as a public offender. Afterwards, in the course of civilisation, violent remedies became useless and were discontinued; yet the ceremony of ejecting was still kept up as a form of law, being deemed by lawyers a necessary foundation of the subsequent legal process. Thus at Rome, in the earlier times, one party used to summon the other by the words "ex jure te manum consertum voco," to go with him to the land in dispute, and (in the presence of the praetor and others) turn him out by force. Afterwards this was changed into the symbolical act of breaking a clod of earth upon the land, by which the person who broke intimated that he claimed a right to deal with the land as he pleased. We may observe also, that the English action of ejectment in this respect resembles the Athenian, that although an *entry* by the plaintiff and an *ouster* of him by the defendant are supposed to have taken place, and are considered necessary to support the action, yet both *entry* and *ouster* are mere fictions of law. In Attic law it was primarily an action for ejectment out of real property, and only by a legal fiction transferred to other property; cf. Harpocration's general statement: καὶ ἐπεργασίας δέ τις εἰ εἴργοιτο (cf. Dem. *c. Pantaen.* p. 976, § 35), δίδωσιν ὁ νόμος δικάζεσθαι πρὸς τὸν εἴργοντα ἐξούλης. καὶ περὶ ἀνδραπόδου δὲ καὶ παντὸς οὗ φησί τις αὐτῷ μετεῖναι (Palmer on Plaut. *Rud.* 847, in *Journ. of Phil.* xvi. p. 38). [C. R. K.] [H. H.]

EXSE'QUIAE. [FUNUS.]

EXSI'LIUM (φυγή), banishment. **1.** GREEK. In the heroic ages the general term φυγὴ (flight) was for the most part applied in the case of those who, in order to avoid some punishment or danger, removed from their own country to another, chiefly when homicide had been committed, whether with or without malice aforethought. Thus Patroclus appears as a fugitive for life, in consequence of manslaughter committed by him when a boy (οὐκ ἐθέλων, *Il.* xxiii. 88). In other instances mentioned in Homer (*Il.* ii. 665, xiii. 695, xv. 335, xvi. 572; *Od.* xv. 224, xxiii. 119) we do not know whether the homicide was accidental or not; the slaying of Molycrus by Hyettus (Hesiod. *fr.* 148 = Paus. ix. 36, 6) would, according to later views, have been δίκαιος φόνος. The duty of taking vengeance devolved upon the relatives of the slain man (*Od.* xxiv. 433 ff.), the state holding aloof; the penalty of exile was sometimes remitted, and the homicide allowed to remain in his country on payment of a ποινή, the price of blood, or *weregeld* (Tac. *Germ.* 21),* which was made to the relatives or nearest connexions of the slain (*Il.* ix. 630). In the trial scene in *Il.* xviii. 497 ff., almost every point of importance has been variously explained by scholars. First, as to the exact nature of the point at issue, all agree that it is about the blood-price of a man who has been slain; but whilst Sir H. Maine (*Anc. Law*, p. 377; cf. Gladstone, *Homeric Studies*, iii. p. 126 f.) explains l. 499 f. thus, "One person asserts that he has paid the composition, the other that he has never received it," Hofmeister (*Z. f. vergl. Rechtswissensch.* ii. p. 433 ff.; cf. Leist, *Graeco-Ital. Rechtsgesch.* p. 329; W. Leaf, in *Journ. of Hell. Stud.* x. p. 123 f.) renders it, "One vowed he would give anything, the other refused to accept anything," the question to be decided being whether the relation must or must not refuse the offered composition, *i.e.* whether it was a φόνος ἑκούσιος or ἀκούσιος. Secondly, in the two talents of gold which lie in the midst, P. M. Laurence (*Journ. of Phil.* viii. p. 125 f.) sees the ποινὴ ἀνδρὸς ἀποφθιμένου; but surely two talents is too small a sum to represent the price of a man slain (W. Ridgway, *Journ. of Phil.* x. p. 30 f. and *Journ. of Hell. Stud.* x. p. 136). Schömann (on Isae. p. 240, and *Antiq. j. p. Gr.* p. 73, n. 10) looks upon them as *quasi quaedam* παρακαταβολή, since δίκην εἰπεῖν is used of litigants only; however, the

* Cf. Grimm, *Deutsche Rechtsalterth.* p. 661; Thorpe, *Anc. Laws and Inst. of England*, i. p. 187 f.; Roth (*Zeitschr. d. D. Morgenl. Gesellsch.* 1887, p. 672 ff.), *Wergeld im Veda.*

fact that δίκην εἰπεῖν, or rather λέγειν, occurs in this sense in Attic, decides nothing for Homer, and a phrase like δίκας σκολιῶς ἐνέποντες used of the βασιλεῖς in Hesiod. *Op. et D.* 258 supports Sir H. Maine's explanation, viz. that the two talents were to be given to him who should explain the grounds of the decision most to the satisfaction of the audience. According to W. Leaf, who distinguishes two scenes, first the dispute in the market-place, when the litigants wish to refer the matter to an ἴστωρ, secondly the scene "in court," when the γέροντες are the judges, the ἴστωρ as president of the council had to assign them to that councillor whose advice he judges to have contributed most to the final decision.

For later terms we must distinguish between voluntary exile and exile appointed as a punishment by law for particular offences. To speak first of the latter: here we must distinguish again between exile *for a specified period* and exile *for life*.

A person convicted of accidental homicide had to leave the country within a specified time by a certain road and to remain in exile until the relations of the slain man pardoned him (Dem. *c. Aristocr.* p. 644, § 72; *c. Mid.* p. 528, § 43, and *lex* in [Dem.] *c. Macart.* p. 1069, § 57 = *C. I. A.* i. No. 61; αἴδεσις); his possessions were ἐπίτιμα, *i.e.* not confiscated (Dem. *c. Aristocr.* p. 634, § 45; cf. Theophr. *π. νόμων, fr.* 14, in *Journ. of Phil.* vi. p. 3). The banishment in this case not being for life, it is reasonable to suppose that if the relatives of the slain man refused to make a reconciliation, the law stepped in and exacted such. According to some, a year was the term of exile (Hesych. *s. v.* ἀπενιαυτισμός, etc.; cf. Plat. *Legg.* p. 865 E), but Philippi (*Areopag u. Eph.* p. 117 ff.) brings forward strong reasons against this opinion, and suggests a longer term than one year (cf. Antiph. *Tetral.* ii. β, § 10). It sometimes happened that a fugitive for accidental homicide was charged with murder committed by him before he went into exile; in that case he pleaded on board ship, before a court which sat ἐν Φρεαττοῖ, in the Peiraeus (Dem. *c. Aristocr.* p. 645, § 77, and Pausan. i. 28, 12; cf. Harp. *s. v.*).

Banishment for life with confiscation was inflicted on persons who rooted up the sacred olives at Athens (Lys. *pro sacr. olea exsc.* § 41), and on those convicted of τραῦμα ἐκ προνοίας, or wounding with intent to kill, even though death might not ensue (Lys. *c. Simon.* § 38, *de vuln. ex industria*, §§ 13, 18; Dem. *c. Boeot.* ii. p. 1018, § 32 [Traumatos ek Pronoias Graphe]; according to Philippi, p. 113, not banishment for life; cf. Plat. *Legg.* ix. p. 877 B, where it is banishment for life without confiscation). The murder of a non-citizen was punished with banishment, not with death (*Lex. Seguer.* 194, 11; cf. the phrase in decrees in honour of state benefactors; in case an attempt should be made on their lives, the redress shall be the same, καθάπερ ἂν τὸν Ἀθηναῖον ἀποκτείνῃ, Dem. *c. Aristocr.* p. 650, § 89, and *C. I. A.* ii. No. 115; *Att. Process*, ed. Lipsius, p. 377 ff.). By the laws of Solon every one was liable to banishment who remained neutral during political contentions (Plut. *Sol.* 20; Gell. ii. 12); this was no longer in force in the days of Lysias (*c. Philon.* § 27): cf. Grote, iii. p. 144, on the law of Ostracism replacing Solon's law, and Mahaffy (*Hermath.* vii. p. 87).

Banishment might also be proposed as penalty by the accuser in a case of ἀσέβεια, Plat. *Apol.* p. 373 C (cf. the punishment of the Delians, Boeckh, *Sthh.*[3] ii. p. 92 f., and of Protagoras, Diog. Laërt. ix. 152; Cic. *de Nat. Deor.* i. 63), or a decree might direct the exile of a person: see *C. I. A.* ii. No. 17, ζημιούντων δὲ αὐτὸν θανάτῳ ἢ φυγῇ οὗπερ Ἀθηναῖοι καὶ οἱ σύμμαχοι κρατοῦσιν (cf. *C. I. G.* No. 2008); thus on the motion of Themistocles (Plut. *Them.* 6) Arthmius of Zeleia was banished from Athens (Dem. *in Phil.* iii. p. 121, § 42; *de Fals. Leg.* p. 428, § 271; Aeschin. *c. Ctes.* § 258; Dinarch. *c. Dem.* §§ 24, 25). Cf. Plat. *Gorg.* p. 468 B ff. and Schol. Aristoph. *Ran.* 546; Arrian, *Exp. Alex.* i. 10, 6.

In the majority of cases, however, when we hear of exiles (here we do not take into account those banished by political opponents), we must not refer the banishment to a special conviction, but must rather think of voluntary exile, men preferring to leave the country to running the risk of standing their trial. Wilful murder was punished with death and confiscation of property; but the accused could avoid it by leaving the country after the first day of the trial (except according to Pollux, viii. 99, 117, in the case of parricide), nor had the prosecutor any right to prevent him; the murderer was then condemned to perpetual exile and his property confiscated. Hypereides (*pro Eux.* col. 18) gives five instances of eisangelia, and winds up with the remark, "None of them ventured to take his trial, ἀλλ' αὐτοὶ ᾤχοντο φεύγοντες ἐκ τῆς πόλεως, and altogether it was rare to see any one of those proceeded against by eisangelia appear in court" (cf. *Journ. of Phil.* vii. p. 108). If such exiles ventured to return, they were immediately put to death (Dem. *c. Aristocr.* p. 630, § 31; [Lys.] *c. Andoc.* § 15; Lyc. *c. Leocr.* § 93); and whoever harboured or entertained any one who had fled from his country to avoid capital punishment, was liable to the same penalties as the fugitive himself (Dem. *c. Polycl.* p. 1222, § 49). Such exiles were not allowed to return home even upon a general amnesty. Thus Solon's law excluded from his comprehensive measure of amnesty those in exile for charges of murder or of subversion of the public liberty (Plut. *Sol.* 19, ἐπὶ φόνῳ ἢ σφαγαῖσιν ἢ ἐπὶ τυραννίδι: cf. Dobree, *Adv.* i. p. 181, φόνος a private murder, σφαγή a massacre, sc. *in motu civili*); and from the general amnesty proposed by Patrocleides after the defeat of Aegospotami, those were excepted who had fled from Athens without standing their trial (ὁπόσα [sc. ὀνόματα] ἐν στήλαις γέγραπται τῶν μὴ ἐνθάδε μεινάντων), and also the classes of exiles which were exempted by Solon's law (Andoc. *de Myst.* §§ 77, 78; Droysen, *de Demoph., Patrocl., Tisam. populisc.*; probably the same restrictions were made when during the Persian wars an act of amnesty was passed, see Jebb, *Att. Or.* i. p. 125 f.). Indeed, against the exiles, a large proportion of whom were at Decelaia assisting the Lacedaemonians in their warfare against Athens, a severe decree was passed by the Athenian assembly (Lyc. *c. Leocr.* § 121); they returned, however, when Athens had to surrender to Lysander (Andoc. *de Myst.* § 80; Xen.

Hell. ii. 2, 20; Plut. *Lysand.* 14; Lys. *c. Eratosth.* § 77). In the general restoration of exiles throughout the Greek cities proclaimed by order of Alexander the Great, and afterwards by Polysperchon, exception is made of men exiled for sacrilege or homicide (Diod. xvii. 109, xviii. 8). There are instances of individuals being allowed to return from exile: Alcibiades and others (Thuc. viii. 97, etc.), Demosthenes (on the proposal of Damon, [Plut.] *Vitt. X. Oratt.* p. 846 D; Plut. *Dem.* 27, etc.). On the decree of Oenobius, by which Thucydides is said to have been recalled (Paus. i. 23, 9; cf. Plin. *H. N.* vii. §§ 30, 110), and on the amnesty after the Sicilian expedition (*πλὴν τῶν Πεισιστρατιδῶν*, Marcell. *Vit. Thucyd.* 32 f.), see Gilbert, *Philol.* 1879, p. 251 ff., and Stahl, *Rhein. M.* 1884, p. 458 ff. To those who received permission to return to Athens, the state restored the value of the confiscated property (Plut. *Alc.* 33; Diod. xiii. 69, and Isocr. *de Big.* § 46; cf. also *Ep.* 8, 3; the four men whom Andocides had named, in addition to the list of Teucrus, as concerned in the mutilation of the Hermae, fled (*de Myst.* § 68), but at the time he delivered his speech on the Mysteries (§ 53) he could refer to them as men *οἳ...κατεληλύθασι καὶ ἔχουσι τὰ σφέτερα αὐτῶν*: cf. *C. I. A.* i. Nos. 274–7, and Suppl. p. 35, on the sale of their property). In Phlius those who had bought such property had to give it up on receiving back from the treasury the price they had paid for it (Xen. *Hell.* v. 2, 10); at Athens their title would have been absolute (Dem. *c. Timocr.* p. 717, § 54; *c. Pantaen.* p. 972, § 19).

Under *φυγή*, or banishment, as a general term, is comprehended *Ostracism* (*ὀστρακισμός*). The difference between the two is stated by the Schol. Aristoph. *Vesp.* 941 (cf. Suid. *s. v.*) to be: "*φυγὴ* (*i.e.* *ἀειφυγία*, banishment for life) differs from ostracism, inasmuch as those who are banished lose their property by confiscation, whereas the ostracised do not; the former also have no fixed place of abode, no time of return assigned, but the latter have." The fixed place of abode is only mentioned here, Philochorus in *Lex. Cant.* s. v. simply stating, *μὴ ἐπιβαίνοντα ἐντὸς Γεραίστου τοῦ Εὐβοίας ἀκρωτηρίου*: see also Thuc. i. 135, about the movements of Themistocles. Of the fragments of Arist. *Polit. Athen.* (Bergk, *Rhein. M.* 1881, pp. 87–115), one relates to ostracism; according to Bergk's reading, it confirms the tradition (Aelian, *V. H.* 13, 24) that Cleisthenes himself fell a victim (though not the first) to his institution. It was introduced after the expulsion of the Pisistratidae, "to drive their friends out of the country." Its nature and objects are thus explained by Arist. *Pol.* iii. 8 (13 Bk.), 2 S. (see, however, § 6 c about its later working): "Democratical states," he observes, "used to ostracise, and remove from the city for a definite time, those who appeared to be pre-eminent above their fellow-citizens, by reason of their wealth, the number of their friends, or any other means of influence." Grote (iv. p. 78 ff.) fully discusses the purpose and working of the ostracism; see especially the note on p. 85, "The practical working of the ostracism presents it as a struggle between two contending leaders, accompanied with chance of banishment to both," and v. pp. 221, 282, etc.: cf. Lugebil, *Jahrb. f. class. Philol.*, Suppl. iv. p. 135 ff.

The manner of effecting ostracism was as follows: In the *κυρία ἐκκλησία* of the sixth prytany of the year, the assembly determined whether such a step was necessary (*Lex. Cant.* s. v. *κυρία ἐκκλησία*); if they decided in the affirmative, a day was named in the eighth prytany for the voting (*ib.* s. v. *ὀστρακισμός*: cf. Schol. Aristoph. *Eq.* 851, and fragm. *Lex. Demosth. Aristocr.*, Blass, *Hermes*, 1882, p. 152); these two important assemblies were fixed at this time on account of the larger attendance at the popular assembly consequent upon the celebration of the Lenaea and of the Dionysia (Gilbert, *Beitr. z. innern Gesch. Ath.* p. 229 ff.). On the appointed day the agora was railed round, with ten entrances left for the citizens of each tribe: by these the tribesmen entered and deposited in urns each his *ὄστρακον* or potsherd (hence ostracism was called *κεραμικὴ μάστιξ*, Meineke, *fragm. Com.* iv. p. 638), with the name of the person written on it whom he wished to be ostracised (*κάτω στρέφοντες τὴν ἐπιγραφήν*). The nine archons and the *βουλὴ* superintended the proceedings. If a total of 6,000 votes had not been recorded, the ceremony ended in nothing; "for no law could be made against any single citizen unless it seemed good to 6,000 citizens voting secretly" (Andoc. *de Myst.* § 87; Dem. *c. Timocr.* p. 719, § 59; [Dem.] *c. Steph.* ii. p. 1132, § 12; and Boeckh, *Sthh.*[3] i. p. 294). Provided this total was reached, he who had the majority of votes had to leave Athens within ten days. There is a difference of opinion among the authorities, as well as among the commentators, whether the minimum of 6,000 applies to the votes given in all, or to the votes given against any one name. Grote favours the latter opinion (iv. p. 84 n.; cf. Schömann, *Verfassungsgesch. Ath.* p. 81 n.), but the former (Plut. *Arist.* 7) seems the more probable (Lugebil, p. 144 ff.; Fraenkel, *Att. Geschworenger.* p. 92 n.; cf. Thuc. viii. 72). The period of banishment was ten years ([Andoc.] *c. Alcib.* § 2); according to *Lex. Cant.* it was at a later period reduced to five years, but Hyperbolus, the last who was ostracised, had lived six years in exile when he was murdered (Gilbert, p. 231 n.). In some instances persons ostracised were recalled before the ten years had expired: thus Themistocles is said to have himself proposed the restoration of his rival Aristeides from ostracism "a little before the battle of Salamis" (but see Herod. viii. 79, and Corn. Nep. *Arist.* 1), and Pericles did the same with regard to Cimon (Plut. *Per.* 10; *Cim.* 17), and "in both cases the suspension of enmity between the two leaders was partly the sign, partly also the auxiliary cause, of reconciliation and renewed fraternity among the general body of citizens" (Grote, v. p. 185).

Some of the most distinguished men at Athens were removed by ostracism; besides those mentioned before: Hipparchus, the son of Charmus, a relative of the Pisistratidae (Harpocr.; Androtion, *fr.* 5, Didot; Plut. *Nic.* 11); Thucydides, the son of Melesias (Plut. *Per.* 14, etc.); Alcibiades and Megacles, the paternal and maternal grandfathers of the distinguished Alcibiades ([Andoc.] *c. Alcib.* § 34; Lys. *c. Alcib.* i. § 39); Xanthippus, the father of Pericles (Heracl. Pont. c. 1); Callias, the son of Didymus ([Andoc.] *c. Alcib.* § 32); Damon, the preceptor of Pericles

in poetry and music (Plut. *Per.* 4); Meno (Hesych. *s. v.* Μενωνίδαι), etc. The last person against whom it was used was Hyperbolus, the lamp-maker, son of Chremes; our information on that point is scanty (for the date cf. Beloch, *d. att. Politik seit Pericl.* p. 339 f.). Thucydides (viii. 73) mentions Hyperbolus only once —in 411 B.C., when he terms him "one Hyperbolus, a person of bad character (*μοχθηρός*), who had been ostracised not from fear of dangerous excess of dignity and power, but through his wickedness and his being felt as a disgrace to the city" (cf. Androt. *fr.* 48, Didot, *διὰ φαυλότητα*, and Plato quoted by Plut. *Nic.* 11, *οὐ γὰρ τοιούτων εἵνεκ' ὄστρακ' ἠρέθη*); hence, it is said, ostracism was considered degraded and accordingly discontinued. (Philochorus in *Lex. Cant.* s. v. *μετὰ τοῦτον* [sc. Ὑπέρβολον] *δὲ κατελύθη τὸ ἔθος*: cf. Theoph. *π. ν. fr.* 26, *Journ. of Phil.* vi. pp. 6, 23.) Hyperbolus cannot possibly have been so insignificant a person as Thucydides and the comic authors try to make him out: he acted as *ἱερομνήμων* (Aristoph. *Nub.* 623), was *βουλευτής* (Meineke, ii. p. 670), *στρατηγός* (Aristoph. *Pac.* 1319; Schol. *Acharn.* 846), and leader of the democratic party after Cleon's death (Aristoph. *Pac.* 681; cf. *Ran.* 570); and it is especially to be noted that he was slain by the oligarchical conspirators who were aiming to overthrow the democracy at Athens. Plutarch gives three different versions of how Hyperbolus came to be ostracised. The two opposing parties of Alcibiades and Nicias, after the vote of ostracism was decreed, united to turn the vote against Hyperbolus (*Arist.* 7); according to Theophrastus, the opposition at first and the coalition afterwards was not between Nicias and Alcibiades, but between Phaeax and Alcibiades (*Nic.* 11); and in *Alcib.* 13 Plutarch mixes up these two versions (cf. [Andoc.] *c. Alcib.*). Various attempts have been made to reconcile these accounts: thus Zurborg (*Hermes*, 1877, pp. 198–206) suggests that when once the ostracising vote had been formally pronounced and could no more be prevented from taking place, the two opposing parties selected Phaeax and Hyperbolus to take the places of the real party-leaders, Nicias and Alcibiades; Seeliger (*Jahrb. f. class. Phil.* 1877, pp. 739–747) considers the struggle between Nicias and Alcibiades as a pure fiction of Plutarch, etc. However that may be, Hyperbolus was certainly the last person ostracised, but it is anything but certain that ostracism was no longer employed because the ostracism of Hyperbolus was felt "as a gross abuse" of the institution (Grote, vi. p. 378); it is, on the other hand, very probable, as Lugebil and others suggest, that ostracism was formally abolished under the archonship of Eucleides. Mahaffy (*Hermath.* 1881, p. 87 ff.) is of opinion that the disuse of ostracism dates from 417 B.C., and that ostracism was replaced by the *γραφὴ παρανόμων*, "which, though it may have long existed in the special form of an action against direct verbal contradictions of particular laws by new enactments," acquired its importance from the disuse of ostracism.

Ostracism prevailed in other democratical states as well as Athens; namely, at Argos (Arist. *Pol.* viii. 2, 4° S. = v. 2, 5 Bk.), Miletus, and Megara (Schol. Aristoph. *Eq.* 851). From the ostracism at Athens was copied the Petalism (*πεταλισμός*) of the Syracusans, so called from the *πέταλα*, or leaves of the olive, on which was written the name of the person whom they wished to remove from the city for a period of five years. Diodorus (xi. 55–87) affirms that it was so unjustly and profusely applied, as to deter persons of wealth and station from taking any part in public affairs; for which reason it was speedily discontinued. [G. L.] [H. H.]

2. Roman. *Exsilium*, according to Paulus in Dig. 48, 1, 2, means banishment inflicted by the state as a punishment, and accompanied by loss of *civitas*: if the person banished did not cease to be *civis*, it was not properly *exsilium*, but *relegatio*. From the infliction of exile (in this specific sense) for crime, however heinous, the early Romans shrank with an abhorrence which it is difficult for us to understand or even realise; it was a punishment unknown to their law for centuries. Thus Cicero says (*pro Caec.* 34) that no Roman was ever deprived of his *civitas* or his freedom by a *lex;* and in the speech *pro Domo* (16, 17, 29) he puts the same thing in a more guarded way by saying, that no *privilegium*, or *lex* directed against an individual, could be enacted so as to affect the *caput* of a Roman citizen unless he was first condemned in a *judicium;* and that no *civis* could lose his freedom or citizenship without his own consent. It was on the same principle that Roman citizens who went out as Latin colonists did not become Latin unless they went voluntarily and registered their names, thereby ceasing to be *cives Romani*. In the passage of the speech for Caecina, already referred to, Cicero says that persons condemned on a capital charge punished by exile did not lose their citizenship till they had been accepted as citizens of some other state: "si non accipiunt, ut Mancinum Numantini, retinet integram causam et jus civitatis." In another place (*pro Balbo*, 11) he alters the form of the proposition by remarking that a Roman who became a citizen of another state *thereby* ceased to be a Roman citizen. It must not be forgotten that in the *pro Caecina* it is one of Cicero's objects to prove that his client had the rights of a *civis*, and in the *pro Domo* to prove that he himself had not been an *exsul*, though he was interdicted from fire and water (for which see below) within 400 miles of Rome (*ad Att.* iii. 4). Now, having been thus interdicted, and having evaded the penalty (to use his own words) "by going beyond the limits," he could only escape the consequences, namely *exsilium*, either by relying on the fact of his not being received as a citizen into another state, or by alleging the illegality of the proceedings against him. The latter is the ground upon which he appears to maintain his case in the *pro Domo:* he alleges that he was made the subject of a *privilegium*, without having been first condemned in a *judicium* (c. 17). At any rate, he was restored by a *lex centuriata* (*ad Att.* iv. 1). Niebuhr asserts that Cicero's interdiction from fire and water did not necessarily deprive him of the *civitas:* but in *ad Att.* iii. 23, Cicero admits by implication that he had lost both his citizenship and his *ordo*, or rank as senator.

These references to Cicero are intended to establish the fact that the Romans had a great horror of compulsory exile carrying with it loss of *civitas*. The explanation of this fact is to be

found in the identification, by the ancient world, of "stranger" with "enemy," and in the habit of primitive societies to treat all persons who were not members of their own body politic as absolutely "rightless." The outcast from his tribe and people was no better off than the wild beasts which are the prey of every hunter: he lost everything that made life valuable or even bearable: he became civilly dead, and liable to be reduced to slavery wheresoever he might betake himself.

But though the state hesitated to inflict such a fate as this upon its citizens, yet it did not deny them the privilege of voluntarily withdrawing from its territories in order to escape from what might seem to them even more terrible penalties, or even from the mere disgrace of prosecution (Liv. i. 41, ii. 35, iii. 13, 58, v. 32; Cic. *pro Caec.* 33, 34). Exile was conceived, not as a punishment, but as a means of escaping punishment, which the Romans left open to the accused up to the moment of his condemnation: "Exsilium enim non supplicium est, sed perfugium portusque supplicii: . . . confugiunt quasi ad aram, in exsilium" (Cic. *pro Caec.* 34: cf. Schwegler, *Römische Geschichte*, i. p. 438). Indeed, in the earlier republican period, a Roman citizen might have a right to go into *exsilium* to another state, or a citizen of another state might have a right to go into *exsilium* at Rome, by virtue of certain isopolitical relations existing between such state and Rome. This right was called *jus exulandi* with reference to the state to which the person came; with respect to his own state which he left he was *exsul*, and his condition was *exsilium;* with respect to the state which he entered he was *inquilinus;* and at Rome he might attach himself to a *quasi-patronus* [APPLICATIO]. And Niebuhr may be correct in stating that they who settled in an unprivileged place (*i.e.* one which was not in an isopolitical relation with Rome) did not technically become "exiles" without a decree of the people declaring that their settlement should operate as a legal *exsilium;* thus it appears from Liv. xxvi. 3, that it was declared by plebiscitum that C. Fabius, by going into exile to Tarquinii (which was a municipium, Cic. *pro Caec.* 4), was *legally* in exile. The commonness of this decree, however, seems to require a different explanation; and it seems better to regard the voluntary withdrawal of an accused criminal as an admission of his guilt, which the Romans habitually confirmed by a plebiscitum which gave it a *legal* character (Liv. v. 32, 46), and, in order to prevent the return of the accused, forbade other members of the state to afford him shelter, fire or water: the most common expression is *aquae et ignis interdictio* (Liv. xxv. 4), but to *aquae et ignis* Cicero adds *tecti* (*pro Domo*, 30; cf. Plut. *Marius*, c. 29). When an exile was recalled, the prohibition was removed by an equally solemn legislative act, as is shown by the case of Cicero already referred to. The real purpose of the "interdiction" seems to have been to clear the community from any guilt which it might have incurred in the eye of the gods by letting a criminal escape unpunished. It was no mere political outlawry; it was intended to purify the body politic by casting out its impure elements. Fire and water (πῦρ, *purus*) were the symbols of purity, and could not be dispensed with in the performance of any act or ceremony which possessed a religious significance, *e.g.* sacrifice and marriage (cf. Hartung, *Religion der Römer*, i. p. 198). It was thus not as things indispensable to human life (as Varro represents, *de Ling. Lat.* 4), or as symbolical of mutual human support and sympathy (as has been argued from Dig. 24, 1, 66), that fire and water were denied to the exile; but "along with them, as the marks of a pure society, which the criminal would defile by his further use of them, he is cut off from all share and lot in that society" (Ihering, *Geist des röm. Rechts*, i. p. 288).

Towards the end of the republican period it became not unusual to inflict loss of *civitas* and exile by interdiction of fire and water quite independently of any voluntary withdrawal on the part of the accused: it takes its place as an ordinary criminal sanction or punishment, awarded not by a lex or plebiscitum, but by a judge or judges after trial and conviction (Appian, *de Bell. Civ.* i. 31; Cic. *pro Domo*, 31; *pro Murena*, 25; Dio Cass. xxxvii. 29, xxxviii. 17, 18). The emperors introduced a new form of banishment, *deportatio in insulam*, the criminal being confined, either in perpetuity or for an indefinite time, to an island or some prescribed space on the mainland, but within its limits enjoying personal freedom (Dio Cass. lvi. 27; Tac. *Ann.* iii. 38, 68, 69; iv. 13, 21, 30; vi. 30). This and the old interdiction subsisted side by side as punishments of equal severity (Dig. 28, 1, 8, 1 and 2; 32, 1, 2; Cod. 5, 17, 1), though *deportatio* in fact became the more common: in Gaius (i. 90 and 161) loss of *civitas* is said to be inflicted by interdiction of fire and water, *deportatio* not being mentioned, and in the passage of Justinian's Institutes (i. 16, 2) which corresponds with Gaius, i. 161, interdiction is spoken of as apparently still existing: but in Dig. 48, 13, 3 Ulpian speaks of *deportatio* having been substituted for interdiction as a punishment for *peculatus*, and perhaps this was the case, or tended to be so, with all crimes. Not every magistrate or judge could award deportation: the praetorian prefects and their deputies were privileged to do so, as was the *praefectus urbi* by a rescript of Severus: but the provincial governors (*praesides*) had to confine themselves to lesser penalties unless specially authorised by the emperor (Dig. 30, 1, 4; 48, 22, 6, 1; 48, 19, 2, 1). Like *aquae et ignis interdictio*, deportation carried with it loss of *civitas;* they were *capitales poenae* because they affected the *caput* of the *civis*. The condemned man lost his *patria potestas* over his children, or, if in *potestas* before himself, was so no longer, for no one could either exercise or be under this power except citizens of Rome; his property was confiscated (Dig. 48, 22, 14, 1), and his testament cancelled, and being a *peregrinus* he was incapable of executing another. But the loss of citizenship did not have the effect of dissolving his marriage (Cod. 5, 16, 24) or depriving him of the capacity of buying and selling, or of doing any other legal acts which could be performed by the *jus gentium:* "jure civili caret, gentium vero utitur," Dig. 48, 22, 15, pr.

Relegatio, which as contrasted with *exsilium* was known under the Republic (Liv. iii. 10,

iv. 4, xl. 41; Cic. *pro P. Sextio*, 12)—and instances of which occur in Sueton. *Aug.* 16, *Tib.* 50; Tac. *Ann.* iii. 17, 68; Suet. *Claud.* 23—was a slighter punishment, appearing in two forms. A person might be forbidden to live at Rome or any other specific place, or an island or some other confined spot might be assigned to him for his residence (Dig. 48, 22, 7, pr. &c.), and this either for a definite or an indefinite time (Dig. *ib.* 7, 2): the penalty might be awarded by the emperor, the senate, the two praefects and the provincial governors, but not by the consuls (*ib.* 14, 2). The *relegatus* retained his *civitas*, and so did not undergo *capitis deminutio:* "relegati in insulam in potestate sua liberos retinent, quia et alia omnia jura sua retinent: tantum enim insula eis egredi non licet" (Dig. *ib.* 4), nor was his property forfeited except by special direction of the judge by whom he was condemned (*ib.* 1, 4), and such forfeiture, whether total or partial, was allowed only in cases of perpetual relegation (Dig. *ib.* 7, 4). How essentially different this form of banishment was from genuine *exsilium* is shown by Ovid (*Trist.* v. 11), who describes himself not as *exsul*, which he considers a term of reproach, but as *relegatus*. Speaking of the emperor, he says—

"Nec vitam, nec opes, nec jus mihi civis ademit;"

and a little further on—

"Nil nisi me patriis jussit abire focis."

Cf. also *Trist.* ii. 127, &c. But by the later writers a wider meaning was given to the term *exsilium*, by which it was made to include *relegatio* as well as *deportatio* and *aquae et ignis interdictio*. Thus Marcianus says in Dig. 48, 22, 5, "Exsilium triplex est: aut certorum locorum interdictio, aut lata fuga, ut omnium locorum interdicatur praeter certum locum, aut insulae vinculum, id est relegatio in insulam:" and Paulus (*Sent. rec.* 5, 17, 3) speaks of deportatio as one of the punishments for *mediocria delicta*, while among the *minimae poenae* are *relegatio* and *exsilium*. [J. B. M.]

EXTISPEX. [HARUSPEX.]

EXTRAORDINA'RII. [EXERCITUS, p. 787 *a*.]

F.

FABATA'RIUM, a vessel, in which a kind of bean soup (*puls fabacea*, Macrob. i. 12, *med.*) was probably served (Lamprid. *Heliog.* 20). [W. S.]

FABRI are workers in wood, stone, or metal, as *fabri tignarii*, carpenters, *fabri aerarii*, smiths, &c. The workshop was called *fabrica* (Ter. *Ad.* iv. 2, 45; Cic. *N. D.* iii. 22, 55), the name also given to the trade or art of a faber (Cic. *N. D.* ii. 13, 35). The different trades were said to have been divided by Numa (Plut. *Numa*, 17) into nine collegia, which correspond to our companies or guilds. In the constitution of Servius Tullius, the *fabri tignarii* (τέκτονες, Orelli, *Inscrip.* 60, 417, 3690, 4086, 4088, 4184) and the *fabri aerarii* or *ferrarii* (χαλκοτύποι) were formed into two centuries, which were called the "centuriae *fabrum*," and not *fabrorum*. (Cic. *Orat.* 46, 156.) They did not belong to any of the five classes into which Servius divided the people; but the *fabri tignarii* probably voted with the first class, and the *fabri aerarii* with the second. Livy (i. 43) and Dionysius (vii. 59) name both the centuries together: the former says that they voted with the first class; the latter, that they voted with the second. Cicero (*de Rep.* ii. 22) names only one century of fabri, which he says voted with the first class; but as he adds the word *tignariorum*, he must have recognised the existence of the second century, which we suppose to have voted with the second class. (Göttling, *Gesch. der röm. Staatsv.* p. 249.)

The fabri or engineers in the army were under the command of an officer called *praefectus fabrum*. (Caes. *ap.* Cic. *ad Att.* ix. 8, *Bell. Civ.* i. 24; Veget. ii. 9 ff.) Vegetius asserts that there was a praefectus fabrum attached to each legion; and this *may* have been the case. No genuine inscriptions, however, contain the title of praefectus fabrum with the name of a legion added to it. Hence it is more probable that he was the engineer-in-chief to the army as a whole. It was the duty of the fabri not only to repair damaged armour, and to construct and keep in good order the usual siege-material, but also to build bridges, and even to superintend mining operations. Hence the praefectus fabrum held an office of the highest trust and importance (Cic. *Balb.* 28, 63). There were also civil officers at Rome and in the municipal towns, called praefecti fabrum; but we know nothing respecting them beyond their name. Thus we find PRAEF. FABR. ROMAE, PRAEFECTUS FABR. (Wilmanns, 1864); ROMAE ET TERGESTE (*ib.* 1624). The subject of the praefecti fabrum is discussed with great accuracy in a letter of Hagenbuchius, published by Orelli (*Inscript.* vol. ii. p. 95, &c. Cf. Borghesi, *Oeuvres*, v. p. 206 ff.; Mommsen in *Hermes*, i. 60). [W. S.] [A. S. W.]

FA'BULA. [COMOEDIA.]

FACTIO'NES AURIGA'RUM. [CIRCUS, p. 438 *b*.]

FACTOR. [PILA.]

FACTO'RIUM, an oil-press (Pallad. xi. 10, 1), so called from the *factor*, who pressed the olives (Cat. *R. R.* 64, 1; 66, 1). The name *factum* was given to the oil pressed out at one making (Varr. *R. R.* i. 24, 3). [W. S.]

FALA or **PHALA.** 1. A wooden structure, of considerable height, used in sieges, from which missiles were thrown (Fest. p. 88, 12; Ennius, *ap.* Non. p. 114, 7).

2. *Phalae* are mentioned by Juvenal (vi. 590) along with the *columnae delphinorum* in the circus. Hence they are supposed by some writers to be columns on the *spina* of the circus, supporting the *ova*, as similar columns supported the dolphins. [See CIRCUS, p. 434 *b*, and the cut on p. 435.] But Servius (*ad* Verg. *Aen.* ix. 705) says they were towers on which fights took place, erected between the euripus and the metae; and they were probably movable towers used in the sham fights of the Circus. [W. S.]

FALA'RICA. [HASTA.]

FA'LCULA. [FALX.]

FALSA'RIUS. [FALSUM.]

FALSUM. The crime of falsum is not

defined by Roman legal writers, but it consisted of acts of fraud which were injurious to *fides publica*, such as forgery, counterfeiting money, and perverting the course of justice by fraud and perjury. The oldest legislative provisions at Rome against any acts of this description are those of the Twelve Tables, to the effect that a person who gave false testimony should be thrown from the Tarpeian rock (Gell. xxi. 53), and that a judge who took a bribe should be liable to capital punishment (Gell. xxi. 7); but there were trials for false testimony before the enactment of the Twelve Tables (Liv. iii. 24, 25, 29; iv. 21). The next legislation in falsum, so far as we know, was contained in one of the Leges Corneliae passed in the time of the Dictator Sulla, which was divided, according to Cicero, into two heads, the Lex testamentaria and the Lex numaria (*in Verr.* ii. 1, 42), with reference to the two species of the crime the statute was directed against. Cicero states that this lex did not create any new offence, but instituted a *quaestio ad populum* for what had always been a crime. Paulus, who gives its provisions, entitles it Lex Cornelia testamentaria; it is also known by the more general title Lex Cornelia de falsis.

The Lex Cornelia appears to have only included two specific kinds of falsum: (1) forgery and suppression of wills, and (2) adulteration of the coinage.

1. In respect of the first of these, Paulus, citing to some extent the very words of the statute, says, A person is liable under the Lex Cornelia testamentaria "qui testamentum quodve aliud instrumentum falsum sciens dolo malo scripserit, recitaverit, subjecerit, suppresserit, amoverit, resignaverit, deleverit, quive signum adulterinum sculpserit, fecerit, expresserit, amoverit, reseraverit;" and (2) in respect of adulteration of the coin, he says, "quive nummos aureos, argenteos adulteraverit, laverit, conflaverit, raserit, corruperit, vitiaverit." (Paul. 5, 25, 1; Digest (Paulus), 48, 10, 2.) Mr. Justice Stephen (*Hist. of Crim. Law*, ch. ii.) compares with this statement of the law the language of English statutes:—(1) 24 & 25 Vict., c. 98, s. 2, "Whoever with intent to defraud (*dolo malo*) shall forge or alter (*interleverit*), or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary instrument." "The 24 & 25 Vict. c. 96, s. 29," he adds, "makes it penal to cancel (*deleverit*), obliterate or conceal (*celaverit*), any will," &c. And (2) the 24 & 25 Vict., c. 99, s. 4, declares anyone subject to punishment who shall "impair, diminish, or lighten any of the Queen's gold or silver coin," and s. 3, "whosoever shall gild, or shall with any wash or materials capable of producing the colour or appearance of gold, wash (*laverit*), case over, or colour any piece of gold or silver."

An offence against either branch of this law was a *crimen publicum*, and was under the cognisance of a standing *quaestio*. The punishment of falsum under the law (at least when Paulus wrote) was *deportatio in insulam* for the "honestiores," and the mines, crucifixion, or other degrading punishment for the "humiliores." In place of *deportatio in insulam* the punishment, according to the statute itself, was probably the old form of banishment, known as *ignis et aquae interdictio*. The property of a convicted person was confiscated.

The penalty of the Lex Cornelia was extended by piecemeal legislation to cases not comprised in the lex, but of a similar kind. This supplementary law is sometimes referred in legal treatises to the Lex Cornelia, as if it had been an original part of that law. Thus, according to Paulus, in the passage we have cited at length, the Lex Cornelia applied to any instrument as well as a will: but it appears from Ulpian that this was a subsequent addition made to the lex by a senatusconsultum which was passed in the consulship of T. Statilius Taurus and L. Scribonius Libo (A.D. 16). (*Mos. et Rom. Leg. Coll.* viii. 7; Tac. *Ann.* xix. 40, 41.) The instrument fabricated or falsified might be either public or private, as *e.g.* a rescript or edict of the emperor, an account book, or an instrument of sale.

Persons guilty of falsifying documents are called *falsarii*. As a precaution against such persons, it was enacted in the time of Nero that *tabulae* or written contracts should be pierced with holes and a triple thread passed through the holes, in addition to the signature. (Sueton. *Ner.* c. 17; Paul. v. 25, 6.) In the time of Nero it was also provided that the first two parts (*cerae*) of a will should have only the testator's signature, and the remaining one those of the witnesses. Likewise, in order to prevent fraud, it was enacted under the Emperor Claudius that a person who was employed by a testator to write a will should be liable to the penalty of the Lex Cornelia, if he inscribed a legacy to himself, although he did so at the dictation of the testator. (Cod. ix. 23, 3. Suetonius, *Ner.* c. 17, attributes this law to Nero.) The Lex de Falsis was further extended to fraudulent assumptions of names and rank, and to false pretences, as in the case of a contract to sell a thing to a person, when the vendor had already to sell the same thing to someone else. The *crimen falsi* was also made to include perjury, the corruption of judges, and other kindred offences. By a senatusconsultum in the fourteenth year of Tiberius, the penalties of the law were extended to those who for money undertook to maintain causes, or to procure testimony; and by a senatusconsultum passed somewhat earlier, conspiracies for the ruin of innocent persons were comprised within the limits of the law. It may be noticed in this connexion that by the Lex Cornelia de sicariis the causing the death of a man by bearing false witness against him had been made subject to an *interneciei judicium* (Isidor. v. 25, 17, x. 149; cf. Rudorff, *Rechtsgesch.* § 35, A. 7).

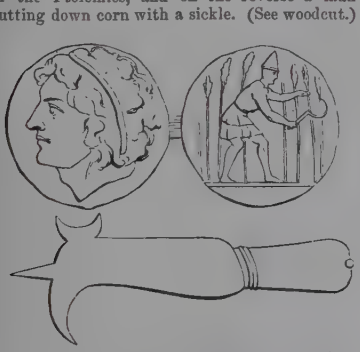
According to Paulus (v. 25, 1), the refusal to accept in payment genuine coin stamped with the head of the princeps was on the same footing as the adulteration of the coinage, though in this case the element of fraud seems wanting. Arrian refers to the fact of such refusal of payment being illegal (*Epict.* 3, 3). The use of false measures and weights was punished as falsum. It appears from numerous passages in the Roman writers that the crime of falsum in its different forms was very common, and especially in the case of wills (cf. *e.g.* Cic. *pro*

Cluent. 44, 125; *Phil.* xiv. 3, 7; *de Off.* iii. 18, 73; Juv. *Sat.* i. 37; Plin. *Ep.* ii. 20). (Paul. iv. 7, §§ 1, 2, v. 25; Dig. 48, 10; Inst. iv. 18, 7; Cod. 9, 22 and 23; Heinecc. *Syntag.* iv. 18, 63; Rein, *Das Criminalrecht der Römer*, 774, &c.; Rudorff, *Rechtsg.* ii. § 116; Geib, *Crim. Recht*, i. 53–55; Stephen, *Hist. of Criminal Law*, i. p. 20.) [E. A. W.]

FALX, *dim.* **FA'LCULA** (ἅρπη, κοπίς, δρέπανον, *poet.* δρεπάνη, *dim.* δρεπάνιον), a sickle; a scythe; a pruning-knife, or pruning-hook; a bill; a falchion; a halbert.

As CULTER denoted a knife with one straight edge, "falx" signified any similar instrument, the single edge of which was curved. (Δρέπανον εὐκαμπές, Hom. *Od.* xviii. 368; *curvae falces*, Verg. *Georg.* i. 508; *curvamine falcis aenae*, Ovid, *Met.* vii. 227; *adunca falce*, xiv. 628.) By additional epithets the various uses of the falx were indicated, and its corresponding varieties in form and size. Thus the sickle, because it was used by reapers, was called *falx messoria*; the scythe, which was employed in mowing hay, was called *falx fenaria*; the pruning-knife and the bill, on account of their use in dressing vines, as well as in hedging and in cutting off the shoots and branches of trees, were distinguished by the appellation of *falx putatoria, vinitoria, arboraria*, or *silvatica* (Cato, *de Re Rust.* 10, 11; Pallad. i. 43; Colum. iv. 25), or by the diminutive *falcula* (Colum. xii. 18).

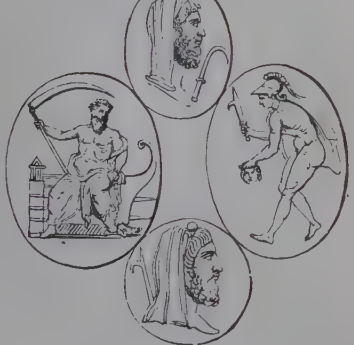
A rare coin published by Pellerin (*Méd. de Rois*, Par. 1762, p. 208) shows the head of one of the Ptolemies, and on the reverse a man cutting down corn with a sickle. (See woodcut.)



Falx. 1. From a coin. 2. From a MS. of Columella.

The lower figure in the same woodcut is taken from the MSS. of Columella, and illustrates his description of the various parts of the *falx vinitoria* (*de Re Rust.* iv. 25). [CULTER.] The curvature in the fore part of the blade is expressed by Virgil in the phrase *procurva falx* (*Georg.* ii. 421). After the removal of a branch by the pruning-hook, it was often smoothed, as in modern gardening, by the chisel. (Colum. *de Arbor.* 10.) [DOLABRA.] The edge of the falx was often toothed or serrated (ἅρπην καρχαρόδοντα, Hesiod, *Theog.* 175, 179; *denticulata*, Colum. *de Re Rust.* ii. 21). The indispensable process of sharpening these instruments (ἅρπην χαρασσεμέναι, Hesiod, *Op.* 573; ἅρπην εὐκαμπῆ νεοθηγέα, Apoll. Rhod. iii. 1387) was effected by whetstones which the Romans obtained from Crete and other distant places, with the addition of oil or water which the mower (*fenisex*) carried in a horn upon his thigh (Plin. *H. N.* xviii. § 261).

Numerous as were the uses to which the falx was applied in agriculture and horticulture, its employment in battle was almost equally varied, though not so frequent. The Geloni were noted for its use (Claudian, *de Laud. Stil.* i. 110). It was the weapon with which Jupiter wounded Typhon (Apollod. i. 6); with which Hercules slew the Lernaean Hydra (Eurip. *Ion*, 192); and with which Mercury cut off the head of Argus (*falcato ense*, Ovid, *Met.* i. 717; *harpen Cyllenida*, Lucan, ix. 661–667). Perseus, having received the same weapon from Mercury, or, according to other authorities, from Vulcan, used it to decapitate Medusa and to slay the sea-monster (Apollod. ii. 4; Eratosth. *Catasterr.* 22; Ovid, *Met.* iv. 666, 720, 727, v. 69; Brunck, *Anal.* iii. 157 = *Anth. Pal.* xi. 52). From the passages now referred to, we may conclude that the falchion was a weapon of the most remote antiquity; that it was girt like a dagger upon the waist; that it was held in the hand by a short hilt; and that, as it was in fact a dagger or sharp-pointed blade, with a proper falx projecting from one side, it was thrust into the flesh up to this lateral curvature (*curvo tenus abdidit hamo*). In the following woodcut, four examples are selected from works of ancient art to illustrate its form. One of the four cameos



Falx. (From cameos.)

here copied represents Perseus with the falchion in his right hand, and the head of Medusa in his left. The two smaller figures are heads of Saturn with the falx in its original form; and the fourth cameo, representing the same divinity at full length, was probably engraved in Italy at a later period than the others, but early enough to prove that the scythe was in use among the Romans, while it illustrates the adaptation of the symbols of Saturn (Κρόνος: *senex falcifer*, Ovid, *Fast.* v. 627; *Ibis*, 216) for the purpose of personifying Time (Χρόνος).

If we imagine the weapon which has now been described to be attached to the end of a pole, it would assume the form and be applicable to all the purposes of the modern halbert. Such

must have been the *asseres falcati* used by the Romans at the siege of Ambracia (Liv. xxxviii. 5; cf. Caes. *B. G.* vii. 22, 86; Q. Curt. iv. 19). Sometimes the iron head was so large as to be fastened, instead of the ram's head, to a wooden beam, and worked by men under a testudo (Veget. iv. 14).

Lastly, the Assyrians, the Persians, the Medes, and the Syrians in Asia (Xen. *Cyrop.* vi. 1, § 30, 2, § 7; *Anab.* i. 8, § 10;—Diod. ii. 5, xvii. 53; Polyb. v. 53; Q. Curt. iv. 9, 12, 13; Gell. v. 5; 2 Macc. xiii. 2; Veget. iii. 24; Liv. xxxvii. 41), and the Gauls and Britons in Europe [COVINUS], made themselves formidable on the field of battle by the use of chariots with scythes, fixed at right angles (*εἰς πλάγιον*) to the axle and turned downwards; or inserted parallel to the axle into the felly of the wheel, so as to revolve, when the chariot was put in motion, with more than thrice the velocity of the chariot itself; and sometimes also projecting from the extremities of the axle. [J. Y.]

FAMI'LIA, in Old Latin *famelia*, in Oscan *famelo*, in Umbrian *famedia*, is probably in its original sense a body of persons belonging to a house, a household (Osc. *faa-ma* = house, Sanskr. *dhâ* = to settle, *dhâman* = settlement). The etymology of Festus (s. v. *familî*), deriving *familia* from the Oscan *famel*, meaning "a slave," is now commonly rejected; and the view of Corssen (Kuhn, *Zeitsch. f. verg. Sprach.* ii. 292), that the fundamental conception of the word is "inheritance," "property," has met with little favour. (Voigt, *XII. Tafeln*, ii. § 72, n. 3; Rossbach, *Röm. Ehe*, A. 42; Curt. *Gr. Etym.* p. 228.) The adjective *familiares* and the substantive *famuli* signify generally the members belonging to a house (Festus, s. v. *familiaris;* Paul. Diac. 86, 16), though the latter word came to denote the slaves of a familia or household. The Latin word for the house or homestead, which was the principal family possession, is *domus;* and the combination *domus familiaque*, for which *familia pecuniaque* was substituted, designates the family in respect of its *familiares* or members, and in respect of its dwelling-place with the property attached to it (Voigt, *l. c.*). The meaning of the word *familia*, which appears to have originally included only the group of *familiares*, was extended so as to comprehend all that is subject to the *manus* or control of a paterfamilias, both free persons, slaves and other objects of property, in this sense corresponding to the Greek *οἶκος*. But the word has generally narrower significations ("familiae—appellatio et in res et in personas diducitur," Dig. 50, 16, 195, § 1). Thus it sometimes means "property;" that is to say, property "as an adjunct or appendage of a household," as *e.g.* in the phrase *familiae erciscundae judicium* and in the connexion of words *ex Cassia familia datum* (Liv. ii. 8, xv. 41).

The Greek *οἶκος* has a similar sense, and we may perhaps also compare the use of *familia* in the writings of Bede as equivalent to the Anglo-Saxon word *hîd*, which probably means the quantity of land appropriated to a family (Earle, *Land Charters*, p. 457). In the description of the mancipative will given by Gaius (ii. 102) the word *familia* is explained by the equivalent *patrimonium*, and the person who received the succession from the testator by mancipation ("qui a testatore familiam accipiebat mancipio") was called *familiae emptor*. It is to be noticed that in the formula adopted by the *familiae emptor*, when he took the testator's estate by a fictitious sale, the word *pecunia* is coupled with *familia*, "Familia pecuniaque tua endo mandatelam custodelamque" (Gaius, ii. 104: cf. Cic. *de Inv.* ii. 50, 148; *de Leg.* iii. 3, 7; Sueton. *Nero*, 4), *familia* probably meaning the family and *pecunia* the property. Various interpretations, however, of the words *familia pecuniaque* in this passage have been proposed. Kuntze (*Excurs.* 107) maintains, though without sufficient ground, that *familia* comprises res mancipi of the testator, and *pecunia* res nec mancipi. Rudorff (*Recht der Vormundsch.* i. 168, A. 3) suggests that *familia* signifies the slaves and *pecunia* cattle (*pecus*). Another conjecture is that *familia* is the property that was originally inalienable, and *pecunia* alienable chattels.

In the passage of the Twelve Tables which declares that in default of any *suus heres* the succession of the deceased shall go to the next agnatus, the word *familia* signifies the succession "agnatus proximus familiam habeto."

Familia sometimes signifies only persons; that is, all those who are in the power of a head of a family, such as descendants, and slaves who were not only objects of dominion, but also in a sense objects of potestas. In another sense *familia* denotes only the free persons who are in the power of a paterfamilias, including natural and adoptive descendants and the wife in her husband's manus. In a more extended sense *familia* includes all those who are connected by agnation; that is, all who are sprung or who are supposed to be sprung from an ascertained common ancestor, and would be in his power if he were living. With this sense of *familia* is connected the *status familiae*, by virtue of which a person belonged to a particular *familia*, and thereby had a capacity for certain rights which only the members of a *familia* could claim. A person who changed this status ceased to belong to the *familia*, and sustained a *capitis deminutio minima*. [ADOPTIO; CAPUT.] Members of the same *familia* were *familiares*, and hence *familiaris* came to signify an intimate friend.

Familia was properly the civil family connected by subjection to patria potestas or by agnation, not the natural family connected only by cognation; but *familia* is sometimes used to signify a natural family. The extent of the terms *agnati* and *cognati* and their legal import are explained under COGNATI.

The word *familia* may be equivalent to *gens*, which comprehended a group of agnatic *familiae*. The relation of the agnatic *familia* and *gens* is explained under GENS.

Familia is frequently used to signify only the slaves belonging to a head of a family (Cic. *ad Fam.* xiv. 4; *ad Quint. Fr.* ii. 6). Slaves who belonged to the same *familia* were called, with respect to this relation, *familiares*. Generally *familiaris* might signify anything relating to a *familia*, e.g. *familiaria sacra*.

The head of a *familia* or household, known originally as *esus* or *erus* (Voigt, *XII. Tafeln*, ii. § 79, n. 9), was a Roman citizen who was *sui juris*. As master of his house (*domus*) and its

belongings he was *dominus*; as governor of the *familiares* or members of the household, he was *paterfamilias*. His wife, subject to his manus, was *materfamilias* or house-mother. [MATRIMONIUM.] A *filius-* or *filia-familias* was a male or female descendant in the power of a paterfamilias. The legal incapacities of *filius-* and *filia-familias* and a wife *in manu* may be most appropriately considered under PATRIA POTESTAS.

Familia has also the meaning of a body of persons united in a society for a particular purpose: thus it is applied to a school of philosophers, *e.g.* familia Peripateticorum (Cic. *Div.* ii. 1, 3), to a school of gladiators, and to a corps of recruits. In a sense still more remote from the original, it is sometimes applied to signify a man's living, a man's means of subsistence (Ter. *Heauton.* v. 36). (Savigny, *System des heutigen röm. Rechts*, i. pp. 345, 356; Voigt, *Das Civil- und Criminalrecht der XII. Tafeln*, ii. § 72; Rollet, *De la Famille et la Propriété sous la loi des XII. Tabl.*; Schupfer, *La Famiglia secondo il Diritto Romano*; Muirhead, *Introduction to Law of Rome*, ch. iii.; Maine, *Ancient Law*, chaps. v. and vi.; Roby, *Introduction to the Digest*, p. 48.) [E. A. W.]

FAMI'LIAE ERCISCUNDAE JUDI'CIUM. When several heredes succeeded to an inheritance, whether under a will or by title of intestacy, they held together in common according to the respective shares each might be entitled to. The unity of estate which existed between them could, however, be put an end to by partition. Every heres was entitled to a division of the hereditas, unless the testator had declared, or the co-heredes had agreed, that it should remain in common for a fixed time. The division could be made by agreement among the co-heredes, but in case they could not agree the division was made by compulsory process. For this purpose every heres had against each of his co-heredes a judicium or *actio familiae erciscundae*, which, like the *judicia communi dividundo* and *finium regundorum*, was of the class of *mixtae actiones*, or, as they are sometimes called, *duplicia judicia*, because each heres was both plaintiff and defendant (*actor* and *reus*), though he who commenced the proceedings and claimed an award (*ad judicium provocavit*) was to this extent in the position of plaintiff. This action was given by the Twelve Tables. It was the duty of the *arbitri*, who were appointed by the magistrate for the purpose, to divide the *familia*, which here signifies the property or hereditas as explained in the previous article. The property to be divided consisted of everything which belonged to the succession, with the exception of claims and debts, which by the law of the Twelve Tables were otherwise apportioned (Dig. 10, 2, §§ 5–14;—Cod. 2, 3, 6; 3, 36, 6). The heredes were bound to bring in property of their own to be divided, which they had received from the deceased in his lifetime, as part of their share of the inheritance [BONORUM COLLATIO]. It was the duty of the *arbitri* to divide the inheritance into lots (*partes divisae*), and formally to award each lot to the several parties, according to their respective interests. The judicial award (*adjudicatio*) thus made could not be disputed in any subsequent proceedings. From the joint ownership of co-heredes obligations might arise between them which could be enforced by this action. Thus one heres was answerable to another for injury to the joint property. A co-heres was bound to account for any profit he had made from the inheritance, and could claim to be indemnified for any necessary expenses he had been put to in respect of it.

Erctum ciere is the technical term for the *provocatio ad judicium* in this action, which was expressed in a solemn form of words. (Cic. *Or.* i. 56, 237; Quint. *I. O.* vii. 3, 13; Paul. Diac. 82, 16; Festus, p. 82; Gell. i. 9: cf. Roby, *Introd. to Digest*, p. 50.)

The origin of the root *erc* or *herc* is uncertain (cf. Roby, *op. cit.*; Corssen, *Krit. Beitr.* 39 f.; *Beitr. zur ital. Sprachkunde*, 113). It seems, however, that the word means to divide (Gaius, ii. 219). (Dig. 10, 2; Cod. iii. 36, 38; Voigt, *Die XII. Tafeln*, § 127; Windscheid, *Pandekten*, § 608; Rosshirt, *Testam. Erb.* ii. § 135; Heimbach in Weiske's *Rechtslex.* s. v.) [E. A. W.]

FAMO'SI LIBELLI. [LIBELLUS.]

FANA'TICI. [FANUM.]

FANUM is any locality consecrated by the pontiffs, and is derived by the ancients from *fari*, because the *pontifices in sacrando fati sunt finem* (Varr. *L. L.* vi. 54; Fest. pp. 88, 93). It was a consecrated spot, whether a building was erected upon it or not. Thus we find *fanum* applied to a piece of ground upon which an *aedes* was afterwards built (Liv. v. 50, 2; x. 37, 15), and the word was often used to signify both the consecrated ground and the temple built upon it [TEMPLUM]. The consecrated places in the forum, where the couches of the gods were placed in the *lectisternium* [LECTISTERNIUM], were also called *fana*, in reference to which the phrase *fana sistere* was used (Fest. p. 351). Even a tree struck by lightning was deemed a *fanum* (Fest. p. 92). Everything not consecrated—that is, not a *fanum*—was considered *profanum* (Fest. p. 263; Macrob. iii. 3, 3); and a *res fanatica* might, in accordance with the Pontifical law, be again made into a *res profana* by certain ceremonies (Macrob. iii. 3, 4; Serv. *ad* Verg. *Aen.* xii. 779; Liv. xxxi. 44). (Marquardt, *Röm. Staatsverw.* iii. p. 145.)

Fanatici, properly speaking persons belonging to a *fanum*, were more specifically priests of the goddess of Comana in Cappadocia, whose worship was introduced into Rome under the name of Bellona. They performed the worship with wild and frantic rites, whence the word *fanaticus* obtained its secondary meaning, and has passed into modern languages. They are mentioned in inscriptions under the name of *fanatici de aede Bellonae Pulvinensis* (*C. I. L.* vi. n. 490, 2232, 2235; cf. "fanaticus oestro percussus, Bellona, tuo," Juv. iv. 123). They were also called *Bellonarii* (Acro, *ad* Hor. *Sat.* ii. 3, 223). In celebrating the festival of the goddess they marched through the city in dark clothes, with wild cries, blowing trumpets, beating cymbals and drums, and in the temple inflicting wounds upon themselves, the blood from which they poured out as an offering to the goddess (Tibull. i. 6, 43 *seq.*; Hor. *Sat.* ii. 3, 223; Juv. vi. 511; Mart. xi. 84, 3, xii. 57, 11; Lucan, i. 565; Lamprid. *Commod.* 9; Sen. *de Vit. Beat.* 27; Tertull. *Apol.* 9, *de Pall.* 4; Lact. *Inst.* i. 21, 16).

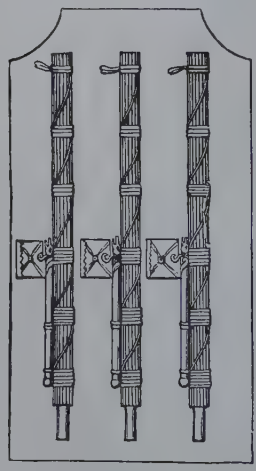
Fanatici was also the name given to the priests of Isis (*C. I. L.* vi. n. 2234) and Cybele (Juv. ii. 112; Prudent. *Perist.* x. 1061), who celebrated their worship with similar orgiastic rites. [CORYBANTES.] (Marquardt, *op. cit.* iii. 75.) [W. S.]

FA'RREUM. [MATRIMONIUM.]

FARTOR (*σιτευτής*) was a slave who fattened poultry. (Colum. viii. 7, § 1; Hor. *Sat.* ii. 3, 228; Plaut. *Truc.* i. 2, 11.) This form of table luxury was early known to the Greeks, who called such birds *σιτευτὰ* or *σιτιστά* (Epigenes *ap.* Ath. ix. p. 384 a = *fr.* 2 M.; other quotations *ap.* Ath. xiv. p. 656 e, &c.). For the *foies gras* of ancient times, cf. Hor. *Sat.* ii. 8, 88; Juv. v. 114, with Mayor's note: and on the feeding of *altiles* among the Romans, AGRICULTURA, pp. 78–80; Marquardt, *Privatl.* 415. Donatus (*ad* Terent. *Eun.* ii. 2, 26) says that the name was given to a maker of sausages, and Orellius (on Hor. *Sat.* ii. 3, 228) prefers this explanation; but comp. Becker-Göll, *Gallus*, iii. p. 369. The name of fartores or *crammers* was given in jest to the *nomenclatores*, who accompanied the candidates for the public offices at Rome, and privately prompted them with the voters' names (Fest. p. 88). [W. S.] [W. W.]

FAS. [FASTI; JUS.]

FASCES were rods bound together by a red thong in the form of a bundle, and containing an axe (*securis*) in the middle, the iron of which projected from them. See the following cut, from a relief at Rome. These rods were carried

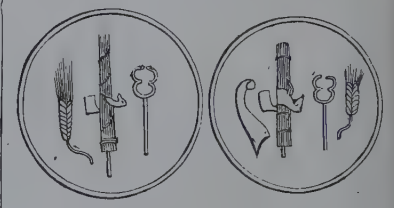


Fasces. (From the original in the Capitol at Rome.)

by lictors before the superior magistrates at Rome, and are often represented on the reverse of consular coins. The following cuts give the reverses of four consular coins; in the first of which we see the lictors carrying the fasces on their shoulders; in the second, two fasces, and between them a sella curulis; in the third, two fasces crowned with laurel, with the consul standing between them; and in the fourth, the same, only with no crowns around the fasces.

Fasces on Consular coins.

The next two cuts, taken from the consular coins of C. Norbanus, contain in addition to the fasces—the one a spica and caduceus, and the other a spica, caduceus, and prora.



Fasces on Consular coins.

The fasces appear to have been in later times made of birch (*betulla*, Plin. *H. N.* xvi. § 75), but in earlier of the twigs of the elm (Plaut. *Asin.* iii. 2, 29; ii. 3, 74). They are said to have been derived from Vetulonia, a city of Etruria (Sil. Ital. viii. 485; cf. Liv. i. 8); but for this there is no real authority (cf. Schwegler, *Röm. Gesch.* i. 278, 581, 671). Twelve were carried before each of the kings by twelve lictors; and on the expulsion of the Tarquins, one of the consuls was preceded by twelve lictors with the fasces and secures, and the other by the same number of lictors with the fasces only, or, according to some accounts, with crowns round them. (Dion. Hal. v. 2.) But P. Valerius Publicola, who gave to the people the right of provocatio, ordained that the secures should be removed from the fasces, and allowed only one of the consuls to be preceded by the lictors while they were at Rome. (Cic. *de Rep.* ii. 31; Valer. Max. iv. 1, § 1.) The other consul was attended only by a single accensus [ACCENSUS]. When they were out of Rome, and at the head of the army, each of the consuls retained the axe in the fasces, and was preceded by his own lictors. (Dion. Hal. v. 19; Liv. xxiv. 9, xxviii. 27.)

When the decemviri were first appointed, the fasces were only carried before the one who presided for the day (Liv. iii. 33); and it was not till the second decemvirate, when they began to

act in a tyrannical manner, that the fasces with the axe were carried before each of the ten. (Liv. iii. 36.) The fasces and secures were, however, carried before the dictator even in the city (Liv. ii. 18): he was preceded by twenty-four lictors, and the magister equitum by six.

The praetors were preceded in the city by two lictors with the fasces (Censorin. *de Die Natal.* 24, 3; Cic. *de Leg. Agr.* ii. 34, 93); but out of Rome and at the head of an army by six, with the fasces and secures, whence they are called by the Greek writers στρατηγοὶ ἐξαπελέκεις. (Appian, *Syr.* 15; Polyb. ii. 24, § 6, iii. 40, § 9, 106, § 6.) The proconsuls also were allowed, in the time of Ulpian, six fasces (Dig. 50, 16, 14). The tribunes of the plebs, the aediles and quaestors, had no lictors in the city (Plut. *Quaest. Rom.* 81; Gell. xiii. 12), with the exception of the aedile who acted as *judex quaestionis inter sicarios* (Cic. *Cluent.* 53, 147); but in the provinces the quaestors pro praetore were permitted to have the fasces (Cic. *pro Planc.* 41, 98).

The lictors carried the fasces on their left shoulders, as is seen in the coin of Brutus given above; and when an inferior magistrate met one who was higher in rank, the lictors lowered their fasces to him. This was done by Valerius Publicola, when he addressed the people (Cic. *de Rep.* ii. 31, 53; Liv. ii. 7; Val. Max. iv. 1, § 1); and hence came the expression *submittere fasces* in the sense of to yield, to confess oneself inferior to another (Cic. *Brut.* 6, 22).

When a general had gained a victory, and had been saluted as Imperator by his soldiers, his fasces were always crowned with laurel. (Cic. *ad Att.* viii. 3, § 5, *de Div.* i. 28, 59; Caes. *Bell. Civ.* iii. 71.) [LICTOR.] [W. S.]

FA'SCIA, *dim.* **FASCIOLA** (ταινία, ἀπόδεσμος), any long narrow strip of cloth employed as a bandage. 1. A band worn round the head as an ensign of royalty (Suet. *Jul.* 79; Sen. *Ep.* 80, § 10) [DIADEMA; first cut to FALX].

2. A band worn by women round the chest for the improvement of the figure (Terent. *Eun.* ii. 3, 23; Propert. v. 9, 49; Ov. *A. Am.* iii. 276, 622; Sen. *fr.* 83, Haase; *Fascia Pectoralis*, Mart. xiv. 134). [STROPHIUM.]

3. A band worn round the legs and shins, a kind of stocking: hence called *fasciae crurales* (Dig. 34, 2, 25) and *tibiales* (Suet. *Aug.* 82). That such bandages also covered the feet is clear from the epithet of *fasciae pedules* (Dig. 34, 2, 26). Cicero reproached Clodius with effeminate habits for wearing purple fasciae upon his feet, and the CALAUTICA, a female ornament, upon his head (*de Har. Resp.* 21, § 44; *Fragm. Or. in Clod. et Cur.*; cf. Non. p. 537). Afterwards, when the toga had fallen into disuse, and the shorter pallium was worn in its stead, so that the legs were exposed, *fasciae crurales* became common even with the male sex. (Hor. *Sat.* ii. 3, 255; Val. Max. vi. 2, § 7; Grat. *Cyneg.* 338; Petron. c. 46.) The Emperor Alexander Severus always wore both fasciae and bracae (Lamprid. *Al. Sev.* 40), even although, when in town, he wore the toga. Quintilian, nevertheless, insists that the adoption of them could only be excused on the plea of infirm health. (*Inst. Or.* xi. 3, § 144.) White fasciae, worn by men (Val. Max. *l. c.*; Phaedr. v. 7, 37), were a sign of extraordinary refinement in dress: the mode of cleaning them was by rubbing them with a white tenacious earth, resembling our pipe-clay (*fasciae cretatae*, Cic. *ad Att.* ii. 3). In the imperial times the Roman soldiers wore such *fasciae* ("si(miles) *tibiale* alienavit," Dig. 49, 16, 14, § 1). The bandages wound about the legs are shown in the illuminations of ancient MSS., *e.g.* in the Vatican Virgil. See also cut under LIBRA, Vol. II. p. 63.

4. The sacking of the bed on which the mattress rested (Cic. *de Div.* ii. 65, § 134; Mart. v. 62, xiv. 159; Becker-Göll, *Gallus*, ii. 333; Guhl and Koner, p. 572, ed. 5).

5. *Fasciae* were also the swaddling clothes in which infants were wrapped (Plaut. *Truc.* v. 13): see cut under INCUNABULA. [J. Y.] [W. W.]

FA'SCIA (ταινία), in architecture, signifies (by an obvious analogy with the ordinary meaning of the word) any long flat surface of wood, stone, or marble, such as the band which divides the architrave from the frieze in the Doric order, and the surfaces into which the architrave itself is divided in the Ionic and Corinthian orders. (Vitruv. iii. 5, 10; Guhl and Koner, ed. 5, p. 23.) See EPISTYLIUM and the cuts under COLUMNA, pp. 492–494. [P. S.] [W. W.]

FA'SCINUM (βασκανία), fascination, enchantment. The belief that some persons had the power of injuring others by their looks was prevalent among the Greeks and Romans, and, under the name *jettatura*, among the superstitious in modern Italy. The ὀφθαλμὸς βάσκανος, or *evil eye*, is frequently mentioned by ancient writers. (Alciphr. *Ep.* i. 15; Heliod. *Aeth.* iii. 7; compare Plin. *H. N.* vii. § 16.) Plutarch, in his *Symposium* (v. 7), has a separate chapter περὶ τῶν καταβασκαίνειν λεγομένων, καὶ βάσκανον ἔχειν ὀφθαλμόν. The evil eye was supposed to injure children particularly, but sometimes cattle also; whence Virgil (*Ecl.* iii. 103) says:

"Nescio quis teneros oculus mihi fascinat agnos."

Various amulets were used to avert the influence of the evil eye. The most common of these appears to have been the phallus, called by the Romans fascinum, which was hung round the necks of children (*turpicula res*, Varr. *L. L.* vii. 97, ed. Müller). Pliny (*H. N.* xix. § 50) also says that *Satyrica signa*, by which he means the phallus, were placed in gardens and on hearths as a protection against the fascinations of the envious; and we learn from Pollux (viii. 118) that smiths were accustomed to place the same figures before their forges with the same design. Sometimes other objects were employed for this purpose. Peisistratus is said to have hung the figure of a kind of grasshopper before the Acropolis as a preservative against fascination. (Hesych. *s. v.* Καταχήνη.) Compare AMULETUM, BULLA.

Another common mode of averting fascination was by spitting into the folds of one's own dress. (Theocr. vi. 39; Plin. *H. N.* xxviii. § 39; Lucian, *Navig.* 15, p. 259 R.)

According to Pliny (*H. N.* xxviii. § 39), Fascinus was the name of a god, who was worshipped among the Roman sacra by the Vestal virgins, and was placed under the chariot of those who triumphed as a protection against fascination; by which he means in all probability that the phallus was placed under the chariot. (Müller, *Archäol. der Kunst*, § 436,

1, 2; Böttiger, *Klein. Schr.* iii. p. 111; Becker-Göll, *Charikles*, i. p. 287.) [W. S.] [W. W.]

FASE'LUS. [PHASELUS.]

FASTI. *Fas* signifies *divine law:* the epithet *fastus* is properly applied to anything in accordance with divine law, and hence all those days upon which legal business might, without impiety (*sine piaculo*), be transacted before the praetor, were technically denominated *fasti dies*, i.e. *lawful days*. (For the classification of the days of the year, cf. DIES.) Varro and Festus derive *fastus* directly from *fari* (Varr. *L. L.* vi. 2; Festus, s. v. *Fasti*), while Ovid (*Fast.* i. 47) may be quoted in support of either etymology.

The sacred books in which the *fasti dies* of the year were marked, were themselves denominated *fasti;* the term, however, was employed in an extended sense to denote registers of various descriptions, and many mistakes have arisen among commentators from confounding fasti of different kinds. It will be useful, therefore, to consider separately the two great divisions, which have been distinguished as *Fasti Sacri* or *Fasti Kalendares*, and *Fasti Annales* or *Fasti Historici*.

I. FASTI SACRI or KALENDARES. For nearly four centuries and a half after the foundation of the city a knowledge of the calendar was possessed exclusively by the priests. One of the pontifices regularly proclaimed the appearance of the new moon, and at the same time announced the period which would intervene between the Kalends and the Nones. On the Nones the country people assembled for the purpose of learning from the Rex Sacrorum the various festivals to be celebrated during the month, and the days on which they would fall. (Macrob. i. 15.) In like manner all who wished to go to law were obliged to inquire of the privileged few on what day they might bring their suit, and received the reply as if from the lips of an astrologer. (Cic. *pro Muren.* 11, 25.) The whole of this lore, so long a source of power and profit, and therefore jealously enveloped in mystery, was at length made public by a certain Cn. Flavius, scribe to App. Claudius Caecus (Liv. ix. 46; Plin. *H. N.* xxxiii. § 17; Gell. vi. 9; Val. Max. ii. 5), who, having gained access to the pontifical books, copied out all the requisite information, and exhibited it in the forum for the use of the people at large. From this time forward such tables became common, and were known by the name of *Fasti*. They usually contained an enumeration of the months and days of the year; the Nones, Ides, Nundinae, Dies Fasti, Nefasti, Comitiales, Atri, &c. [CALENDARIUM], together with the different festivals, were marked in their proper places: astronomical observations on the risings and settings of the fixed stars and the commencement of the seasons were frequently inserted, and sometimes brief notices annexed regarding the introduction and signification of certain rites, the dedication of temples, glorious victories, and terrible disasters. In later times it became common to pay homage to the members of the imperial family by noting down their exploits and honours in the calendar, a species of flattery with which Antonius is charged by Cicero (*Philipp.* ii. 34, 87. See also Tac. *Ann.* i. 15).

It will be seen from the above description that these *fasti* closely resembled a modern almanac ("Fastorum libri appellantur totius anni descriptio," Festus); and the celebrated work of Ovid may be considered as a poetical *Year-book* or *Companion to the Almanac*, having been composed to illustrate the Fasti published by Julius Caesar, who remodelled the Roman year. All the more remarkable epochs are examined in succession, the origin of the different festivals explained, the various ceremonies described, the legends connected with the principal constellations narrated, and many curious discussions interwoven upon subjects likely to prove interesting to his countrymen; the whole being seasoned with frequent allusions to the glories of the Julian line. The work however is incomplete, and deals only with the first six months of the year.

Several specimens of *fasti*, more or less perfect, on stone and marble, have been discovered at different times in different places. Mommsen arranges them in the following order:—

1. *Calendarium Pincianum*, engraved about B.C. 30, because Aug. 28 is not noted as *feriatus*, a character given to it in B.C. 29, but the *feriae* on Sept. 23, the birthday of Augustus, are inserted.

2. *C. Allifanum*, of the same date.

3. *C. Tusculanum*, dating from before B.C. 20, because it does not recognise the festival of Mars, in that year assigned to May 12.

4. *C. Venusinum*, probably belonging to B.C. 28.

5. *C. Sabinum*, after B.C. 19, as it notes the festival of the Augustales, Oct. 12, but earlier than the next, because the birthday of Augustus is *fastus*, not *feriatus*.

6. *C. Maffeianum*, after B.C. 8, because it assigns *ludi circenses*, instituted in that year for the birthday of Augustus, but before A.D. 3, because it does not note festivals established in that year.

7. *C. Esquilinum*, of the same date.

8. *Feriale Cumanum*, after the adoption of Tiberius in A.D. 3.

9. *C. Praenestinum*, between B.C. 2 and A.D. 10.

10. *C. Vallense*, between A.D. 7 and A.D. 14.

11. *C. Astiense*, before A.D. 14.

12. *C. Vaticanum*, during the reign of Tiberius (A.D. 14–34).

13. *C. Amiterninum*, after A.D. 16, but probably before A.D. 19.

4. *C. Pighianum*, between A.D. 31 and A.D. 37.

5. *C. Antiatinum*, in A.D. 51.

16–19. *Cc. Farnesianum, Urbinas, Romana duo*, without any certain indications of date, but probably not later than 15.

Mommsen further argues that it was quite natural that all these calendars should have been engraved while the Julian system was not generally familiar, and that they should all belong to Rome or the surrounding towns, because they were of little use except to those who lived in the capital, or visited it frequently. At a later date calendars were published in manuscripts, two of which are extant. Those mentioned above are all fragmentary, except the Cal. Maffeianum. One of the most remarkable, though one of the least entire, is that known as the *Kalendarium Praenestinum* or *Fasti Verriani*. Suetonius, in his short treatise on distinguished grammarians (c. 17), tells us that a statue of Verrius Flaccus, preceptor to the grandsons of Augustus, stood in the lower part of the forum

of his native town, Praeneste, near the *Hemicyclium*, on which he had exhibited to public view the fasti, arranged by himself, and engraved on marble slabs. In the year 1771 the remains of a circular building were discovered in the immediate vicinity of the modern Palestrina, together with several fragments of marble tablets, which were soon recognised as forming part of an ancient calendar; and upon further examination no doubt was entertained by the learned that these were the very fasti of Verrius described by Suetonius. An Italian antiquary, named Foggini, continued the excavations, collected and arranged the scattered morsels with great patience and skill; and in this manner the months of January, March, April, and December, to which a very small portion of February was afterwards added, were recovered; and, although much defaced and mutilated, form a very curious and useful monument.

Some of the above, with others of more recent date, are given in the *Corpus Inscriptionum* of Gruter, in the 11th vol. of the *Thesaurus Rom. Antiqq.* of Graevius; in the work of Foggini, entitled *Fastorum anni Romani a Verrio Flacco ordinatorum Reliquiae*, &c., Romae, 1779; and in Jac. Van Vaassen, *Animadverss. ad Fastos Rom. Sacros fragmenta*, Traj. ad Rhen. 1795: to which add Ideler's *Handbuch der mathematischen und technischen Chronologie*, Berlin, 1826. But earlier editions are practically superseded by Mommsen's very exact publication and full discussion in the *Corpus Inscr. Lat.* vol. i. pp. 293–411. Cf. also Bp. John Wordsworth's *Fragments and Specimens*, pp. 266–271, with the notes.

Before quitting this part of our subject, we may make mention of the *Calendarium Rusticum Farnesianum*, or, as it is now more commonly called, the *Menologium Rusticum Colotianum*, now in the Museum at Naples (engraved in Daremberg and Saglio, vol. i. p. 836). This Rural Almanac is cut upon four sides of a cube, each face being divided into three columns, and each column including a month. At the top of the column is carved the appropriate sign of the zodiac; then follows the name of the month, the number of the days, the position of the nones, the length of the day and night, the name of the sign through which the sun passes, the god under whose protection the month was placed, the various agricultural operations to be performed, and a list of the principal festivals. Take May as an example:—

MENSIS
MAIVS
DIES. XXXI.
NON. SEPTIM.
DIES. HOR. XIIIIS.
NOX. HOR. VIIIIS.
SOL TAVRO.
TVTEL. APOLLIN.
SEGET. RVNCANT.
OVES. TVNDVNT.
LANA. LAVATVR.
IVVENCI DOMANT.
VICEA. PABVLAR
SECATVR
SEGETES
LVSTRANTVR
SACRVM MERCVR.
ET. FLORAE.

(See Morcelli, *Opera Epigraphica*, vol. i. 77; and Mommsen, *C. I. L.* vol. i. 358.)

II. FASTI ANNALES OR HISTORICI. Chronicles such as the *Annales Maximi*, containing the names of the chief magistrates for each year, and a short account of the most remarkable events noted down opposite to the days on which they occurred, were, from the resemblance which they bore in arrangement to the sacred calendars, denominated *fasti*; and hence this word is used, especially by the poets, in the general sense of *historical records*. (Hor. *Sat.* i. 3, 112; *Carm.* iv. 13, 13, iii. 17, 7.)

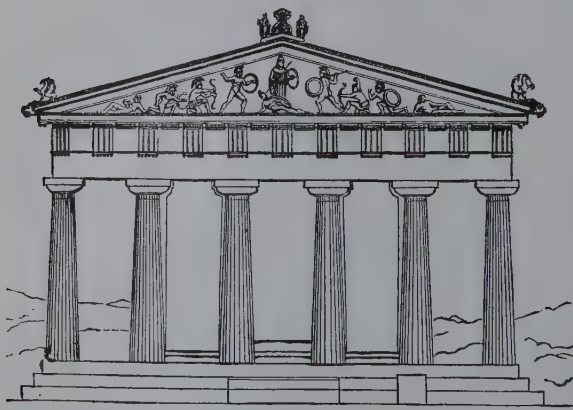
In prose writers *fasti* is commonly employed as the technical term for the registers of consuls, dictators, censors, and other magistrates, which formed part of the public archives. (Liv. ix. 18; Cic. *pro Sest.* 14, 33: compare Cic. *Philipp.* xiii. 12, 26; Tac. *Ann.* iii. 17, 18.) Again, when Cicero remarks in the famous epistle to Lucceius (*ad Fam.* v. 12), "Etenim ordo ille annalium mediocriter nos retinet quasi enumeratione fastorum," he means that the regular succession of events meagrely detailed in chronicles fixed the attention but feebly, and was little more interesting than a mere catalogue of names. (Compare *ad Att.* iv. 8.)

A most important specimen of *fasti* belonging to this class, executed probably in the last year of the reign of Augustus, has been partially preserved. Three or four fragments of it were known to the Italian scholars of the 15th century. But in the years 1546–7, several more important fragments of marble tablets were discovered in excavating the Roman Forum, and were found to contain a list of consuls, dictators with their masters of horse, censors with the lustra which they closed, triumphs and ovations, all arranged in regular succession according to the years of the Catonian era. These had evidently extended from the expulsion of the kings to the death of Augustus, and, although defective in many places, have proved of the greatest value in chronology. The different pieces were collected and arranged under the inspection of Cardinal Alexander Farnese, with the assistance of Michel Angelo, and deposited in the Capitol, where they still remain. From this circumstance they are generally distinguished as the *Fasti Capitolini*. A facsimile of all up to that time collected was published by Piranesi at Rome in 1762. In the years 1816–1818, other fragments of the same marble tablets were discovered in the course of a new excavation in the Forum. These were published with instructive dissertations. A most careful edition of the whole is given by Henzen in the *Corpus Inscr. Lat.* vol. i. pp. 415–464. [W. R.] [A. S. W.]

FASTI'GIUM (*ἀετός*, *ἀέτωμα*), literally *a slope*, in architecture *a pediment*, is the triangle which surmounts each end of a rectangular building, and which, in fact, represents the gable end of the roof. (See woodcut under ANTAE.) It is composed of the cornice of the entablature which forms its base, the two converging cornices at the sides, and the *tympanum* or flat surface enclosed by them, so called from its resemblance to a three-cornered tambourine (Vitruv. iii. 3, iv. 6; Cic. *de Orat.* iii. 46, § 180; Liv. xl. 2). This flat surface was generally ornamented with

sculpture; originally, in the early temples of Zeus, with a simple eagle as a symbol of the god (Pind. *Olymp.* xiii. 29, and Schol. *ad loc.*), an instance of which is afforded by the coin represented in the following woodcut (Beger. *Spicil. Antiq.* p. 6), whence the Greek name ἀετὸς which was at first applied to the *tympanum* and afterwards to the whole pediment; and in after-times with elaborate sculptures in high relief, such as those in the pediments of the Parthenon, the fragments of which are among the Elgin Marbles in the British Museum, where also may be seen a full-sized model of the pediments of the temple of Zeus Panhellenius, at Aegina, with casts of the statues in them, restored. Most of the celebrated Greek temples were similarly adorned. (See Paus. i. 24, § 5; ii. 7, § 3; v. 10, § 2; ix. 11, § 4; Aristoph. *Aves*, 1110.) Terra-cotta figures were applied in a similar manner by the Romans in the early ages. (Cic. *de Div.* i. 10, § 16; Vitruv. iii. 2; Plin. *H. N.* xxxv. §§ 152, 158; xxxvi. § 6.) [ANTEFIXA.]

Fastigium. (From a coin.)


Temple at Aegina, restored. (Fergusson.)

The dwelling-houses of the Romans might have sloping roofs, but ornamental gables were not allowed; hence, when the word is applied to them, it is not in its strictly technical sense, but designates the roof simply, and is to be understood of one which rises to a ridge as distinguished from a flat one (Cic. *ad Q. Fr.* iii. 1, 4, § 14; Verg. *Aen.* viii. 491). Among other divine honours, the Romans decreed to Caesar the liberty of erecting a fastigium to his house (Cic. *Phil.* ii. 43, § 110; Florus, iv. 2; Plut. *Caes.* 81; comp. ACROTERIUM), that is, a portico and pediment towards the street like that of a temple. [A. R.] [W. W.]

FAUCES. [DOMUS, p. 671 *a*.]

FAX (*φανός*), a torch. The descriptions of poets and mythologists, and the works of ancient art, represent the torch as carried by Diana, Ceres, Bellona, Hymen, Phosphorus, by females

Fax. 1. From a relief. 2. From a fictile vase. 3. From an antique gem.

in bacchanalian processions, and, in an inverted position, by Sleep and Death. In the above woodcut, the female figure in the middle is copied from a fictile vase. The winged figure on the left hand, asleep and leaning on a torch, is from a funeral monument at Rome: the word "Somnus" is inscribed beside it. The other winged figure, also with the torch inverted, is taken from an antique gem, and represents Cupid under the character of Λυσέρως, "the deliverer from love" (Serv. *in* Verg. *Aen.* iv. 520) or "Lethaeus Amor" (Ovid, *Rem. Am.* 551). In ancient marbles the torch is sometimes more ornamented than in the examples now produced; but it appears to be formed of wooden staves or twigs, either bound by a rope drawn round them in a spiral form, as in the above middle figure, or surrounded by circular bands at equal distances, as in the two exterior figures. The inside of the torch may be supposed to have been filled with flax, tow, or other vegetable fibres, the whole being abundantly impregnated with pitch, rosin, wax, oil, and other inflammable substances. As the principal use of torches was to give light to those who went abroad after sunset, the portion of the Roman day immediately succeeding sunset was called *fax* or *prima fax*. (Gell. iii. 2, § 11; Macrob. *Sat.* i. 3, § 8.) Torches, as now described, appear to have been more common among the Romans than the Greeks. The use of torches after sunset, and the practice of celebrating marriages at that time, probably led to the consideration of the torch as one of the necessary accompaniments and symbols of marriage. Among the Romans the *fax nuptialis* (Cic. *pro Cluent.* 6, § 15), having been lighted at the parental

hearth, was carried before the bride by a boy whose parents were alive. (Plaut. *Cas.* i. 30; Ov. *Her.* xi. 101; Servius *in* Verg. *Ecl.* viii. 29; Plin. *H. N.* xvi. § 75; Festus, s. v. *Patrimi.*) The torch was also carried at funerals (*fax sepulcralis*, Ovid, *Her.* ii. 120), both because these were often nocturnal ceremonies, and because it was used to set fire to the pile. Hence the expression of Propertius (v. 11, 46), "Viximus insignes inter utramque facem." The torch-bearer turned away his face from the pile in setting it on fire. (Verg. *Aen.* vi. 224.) [J. Y.] [W. W.]

FEBRUUM. [LUPERCALIA.]

FECIA'LES. [FETIALES.]

FEMINA'LIA were worn in winter by Augustus Caesar, who was very susceptible of cold. (Sueton. *Aug.* 82.) Casaubon supposes them to have been bands or fillets [FASCIA] wound about the thighs; they are more probably to be identified with the BRACAE. These are mentioned under the name περιμηρίδια as worn by the Roman horsemen (Arrian, *Tact.* p. 14, ed. Blancard); and the Column of Trajan, the arches of Severus and Constantine, and other monuments of imperial times, present numerous examples of both horse and foot soldiers who wear breeches, closely fitted to the body, and never reaching much below the knees. (See cuts under ABOLLA and ARA, p. 158 *a*.) [J. Y.] [W. W.]

FENESTRA. 1. A window. For the windows of Greek houses, see DOMUS, p. 663 *b*; and for the windows of Roman houses, DOMUS, p. 686 *a*.

2. A loophole in a tower from which arrows and other missiles were discharged. (Caes. *B. C.* ii. 9.)

3. A hole pierced in the lobe of the ear for holding ornaments. (Juv. i. 104.) [INAURIS.] [W. S.]

FENUS (τόκος), interest of money. **1. GREEK.** At Athens, Solon, among other reforms, abolished the law by which a creditor was empowered to sell or enslave a debtor, and prohibited the lending of money upon a person's own body (ἐπὶ τοῖς σώμασι μηδένα δανείζειν, Plut. *Sol.* 15; *de Vit. aere alieno*, 4, p. 828 F: cf. Dem. *de Fals. Leg.* p. 422, § 255, l. 24 f. As regards the other states, see Lys. *c. Agorat.* § 98; Isocr. *Plataic.* § 48; Diod. Sic. i. 79, etc.). No other restriction, we are told, was introduced by him, and the rate of interest was left to the discretion of the lender (τὸ ἀργύριον στάσιμον εἶναι ἐφ' ὁπόσῳ ἂν βούληται ὁ δανείζων, Lys. *c. Theomn.* i. § 18; yet see Schol. on Dem. *c. Timocr.* p. 766, μὴ λαμβάνειν πολλοὺς τόκους). The only case in which the rate was prescribed by law was in the event of a man separating from his lawful wife, and not refunding the dowry he had received with her. Her trustee or guardian (ὁ κύριος) could in that case proceed against him for the principal, with lawful interest at the rate of 18 per cent. (Dem. *c. Aphob.* i. p. 818, § 17, etc.) [DIVORTIUM (Greek).]

Any rate might be expressed or represented in two different ways: (1) by the number of oboli or drachmas paid by the month for every mina; (2) by the part of the principal (τὸ ἀρχαῖον or κεφάλαιον) paid as interest, either annually or for the whole period of the loan. According to the former method, which was generally used when money was lent upon real security (τόκοι ἔγγυοι or ἔγγειοι), different rates were expressed as follows:—10 per cent. by ἐπὶ πέντε ὀβολοῖς, *i.e.* 5 oboli per month for every mina, or 60 oboli a year = 10 drachmas = $\frac{1}{10}$ of a mina. Similarly:

12 per cent. by ἐπὶ δραχμῇ per month.
16 per cent. by ἐπ' ὀκτὼ ὀβολοῖς, per month.
18 per cent. by ἐπ' ἐννέα ὀβολοῖς per month.
24 per cent. by ἐπὶ δυσὶ δραχμαῖς per month.
36 per cent. by ἐπὶ τρισὶ δραχμαῖς per month.

The interest was usually paid at the end of the month (Aristoph. *Nub.* 16 ff., 749 ff., and Schol. on 17, and 1129 f.; Theophr. *Char.* 24, ed. Jebb: yet see Dem. *c. Polycl.* p. 1225, § 61, ἐπειδὴ ὁ ἐνιαυτὸς ἐξῆλθεν, etc., and *C. I. G.*, No. 1845).

Another method was generally adopted in cases of bottomry, where money was lent upon the ship's cargo or the ship itself or the freightage, for a specified time, commonly that of a voyage. By this method the following rates were thus represented:—

10 per cent. by τόκοι ἐπιδέκατοι, *i.e.* interest at the rate of a tenth; $12\frac{1}{2}$, $16\frac{2}{3}$, 20, $33\frac{1}{3}$, by τόκοι ἐπόγδοοι, ἕφεκτοι, ἐπίπεμπτοι, and ἐπίτριτοι, respectively. So that, as Boeckh (*P. E.* pp. 123, 124 = *Sth̄h.*[3] i. p. 157) remarks, leaving out of account cases of bottomry which were not necessarily for the space of a year, the τόκος ἐπιδέκατος is equal to the ἐπὶ πέντε ὀβολοῖς.

The τόκος ἐπόγδοος = the ἐπὶ δραχμῇ nearly.
The τόκος ἕφεκτος = the ἐπ' ὀκτὼ ὀβολοῖς nearly.
The τόκος ἐπίπεμπτος = the ἐπὶ ἐννέα ὀβολοῖς nearly.
The τόκος ἐπίτριτος = the ἐπὶ τρισὶ δραχμαῖς nearly.

These nearly corresponding expressions are not to be considered as identical, however closely the rates indicated by them may approach each other in value; although in the age of Justinian, as Salmasius (*de M. U.*) observes, the τόκος ἐπόγδοος or $12\frac{1}{2}$ per cent. was confounded with the *centesima*, which is exactly equal to the interest at a drachma or 12 per cent.

The rates above explained occur frequently in the Orators; the lowest in ordinary use at Athens being the τόκος ἐπιδέκατος or 10 per cent., the highest ἐπὶ τρισὶ δραχμαῖς or 36 per cent. (charged by a banker, Lys. *c. Aeschin.* fr. 1). The higher rates, however, were chiefly confined to cases of bottomry, and denote more than they appear to do, as the time of a ship's voyage was generally less than a year. We find the rate of 10 per cent. mentioned in Dem. *c. Onet.* i. p. 866, § 7; Arist. *Rhet.* iii. 10, 7, p. 1411 *a*, 15; *C. I. A.* i. No. 283 (cf. Boeckh, *Kleine Schriften*, v. p. 455); *C. I. G.* No. 3599, l. 13 (Ilion). The ἐπὶ δραχμῇ, or rate of 12 per cent., was common in the time of Demosthenes (*c. Aphob.* i. p. 820, § 23, p. 824, § 35, etc.; Aeschin. *c. Ctesiph.* § 104; *C. I. G.* No. 93 = *C. I. A.* ii. No. 1055), but appears to have been thought low. The interest of eight oboli or 16 per cent. occurs in that orator (*c. Nicostr.* p. 1250, § 13); and even in the age of Lysias and Isaeus, nine oboli for the mina, or 18 per cent., appears to have been a common rate (Lys. *c. Aeschin.* fr. 1; Isae. *Hagn.* § 42). Aeschines (*c. Tim.* § 107) also speaks of money being borrowed

on the same terms. The rate of 25 per cent. occurs in Lys. *de bon. Aristoph.* § 25. On the whole, we may conclude that the usual rates of interest at Athens about the time of Demosthenes varied from 12 to 18 per cent. That they were nearly the same in range, and similarly expressed, throughout the rest of Greece, appears from the authorities quoted by Boeckh (*Sthh.*[3] i. p. 165). No conclusions on the subject of the general rate of interest can be drawn from extreme instances on either side, such as a rate of a little more than 1 per cent. (Rangabé, *Antiq. hellén.* i. p. 195 = *C. I. A.* i. p. 147), of 6⅔ per cent. (*Bull. de Corresp. hellén.* v. p. 157, Delphi), of 7 per cent. (in a will, *C. I. G.* No. 2448, i. l. 30–ii. l. 10, Thera), or the exorbitant rates charged by bankers and common usurers (*τοκογλύφοι, tocullliones, ὀβολοστάται, ἡμεροδανεισταί*). Thus in the Delphian inscription referred to above the low interest is to be accounted for by the strictness of the terms as regards security: the capital was to be lent on land of double its value and for five years at the outside, and the borrowers had moreover to find sureties. When a banker charged as much as 36 per cent. interest, this was probably because he worked with foreign capital (cf. Dem. *c. Aphob.* i. p. 816, § 11; *pro Phorm.* p. 947, § 11), so that his profit consisted in the difference between the interest which he received and that which he himself had to pay. Some of the common usurers exacted as much as an obolus and a half per day for each drachma (Theophr. *Char.* 6 = 16, ed. Jebb); some exacted compound interest (Theophr. *Char.* 10 = 24 ed. Jebb; Aristoph. *Nub.* 1156: but compound interest is also mentioned in an official document, Rangabé, *Antiq. hellén.* ii. p. 603, cf. *C. I. G.* No. 2335, *εὐθυτοκία*); some deducted the interest before paying out the principal (Plut. *de Vit. aere alieno*, 4, p. 829 B). Moneylenders and bankers in general, from the high profits which they realised, and the severity with which they exacted their dues, seem to have been as unpopular amongst their fellow-citizens as Jews and usurers in more modern times. Demosthenes, indeed, intimates that the fact of a man being a money-lender was enough to prejudice him, even in a court of law, amongst the Athenians (*μισοῦσιν οἱ Ἀθηναῖοι τοὺς δανείζοντας, c. Pantaen.* p. 981, § 52). Plato calls money *ξύμβολον τῆς ἀλλαγῆς ἕνεκα* (*de Rep.* ii. p. 371 B; *de Legg.* xi. p. 918 B), and disapproves of lending money upon interest (*de Legg.* v. p. 742 C; for an instance of *ἄτοκον χρέως*, cf. Dem. *c. Nicostr.* p. 1250, § 12). Aristotle holds a similar view; he objects (*Pol.* i. 3, 23 S. = 4, 10 Bk.) on principle to putting money out at interest (*εὐλογώτατα μισεῖται ἡ ὀβολοστατική*), as being a perversion of it from its proper use, as a medium of exchange, to an unnatural purpose, viz. the reproduction or increase of itself; whence, he adds, comes the name of interest or *τόκος*, as being the offspring of a parent like itself. (Cf. Shakespeare's "breed of barren metal.") The Greeks in general, however, looked upon money as upon any other commodity: this view could not but grow up as trade and commerce developed; capital was needed for commercial and industrial enterprise, and from the name for it (*ἀφορμή*) we see that the Greeks looked upon it as the very starting point of business (Dem. *pro Phorm.* p. 947, §§ 11, 12; Harpocr. *s. v.*, etc.).

The arrangement of a loan would of course depend upon the relation between the borrower (*ὁ χρήστης*, Dem. *c. Onet.* i. p. 867, § 12; *c. Zenoth.* p. 885, § 12; *c. Phorm.* p. 946, § 6; cf. Harpocr. *s. v. χρῆσται* or *ὁ χρεώστης, χρεωφειλέτης* in inscr. and later Greek) and the lender (*ὁ χρήστης, δανειστής*), and the confidence placed by one in the other. Sometimes money was lent without written bond, or security, or witnesses ([Dem.] *c. Timoth.* p. 1202, § 61), especially by bankers ([Dem.] *c. Timoth.* p. 1185, § 2), since their books seem to have afforded sufficient evidence (Isocr. *Trapez.* 2; *Att. Process*, ed. Lipsius, p. 686, yet see Philippi, *Jahrb. f. kl. Phil.* 1866, p. 611 ff.). Pollux (ii. 152) calls such a loan *χειρόδοτον* (cf. Hesych. *s. v.*; Bekk. *Anecd.* 89, 23, *διὰ χειρὸς δανείσαι*: and Diod. Sic. i. 79, *ἀσύγγραφα δανείσασθαι*). But generally a regular instrument (*συγγραφή, συνθῆκαι*: *χειρόγραφον* is a term foreign to Attic law, cf. Gneist, *d. formellen Verträge d. röm. Obligationsrechtes*, p. 437 ff.) was executed by both parties before witnesses, whose names were mentioned in the document, sealed up (to prevent its being tampered with, *συσσημηναμένου* of the surety, Dem. *c. Lacrit.* p. 928, § 15), and deposited before witnesses with a third party, usually a banker (Dem. *c. Phorm.* p. 908, § 6; Lyc. *c. Leocr.* § 23); such agreements were sometimes made in duplicate (Dem. *c. Phorm.* p. 916, § 32). In Sparta such documents were called *κλάρια* (Plut. *Ages.* 13); for the peculiar formalities observed in drawing them up, see Schol. Aristoph. *Av.* 1284, and Suid. *s. v. σκυτάλη*. Amongst the Locrians *συγγραφαὶ* were not allowed (Zenob. v. 4; cf. Strabo, vi. p. 260). Witnesses were also present at Athens at the payment of the money borrowed (Dem. *c. Phorm.* p. 915, § 30; *c. Lacrit.* p. 925, § 9). The security for a loan was a third party (*συστῆσαί τινα*, Dem. *c. Spud.* p. 1029, § 6; p. 1032, § 16, etc.; *C. I. A.* ii. No. 570, *τιμήματι* (= *ἀποτιμήματι*, cf. Harpocr. *s. v.*) *ἢ ἐγγυητῆι*), or an *ἐνέχυρον* or a *ὑποθήκη*. The *ἐνέχυρον* was put into the possession of the lender, and consisted generally of movable property; the *ὑποθήκη* was merely assured to the lender, and generally, though not always, consisted of real or immovable property. [ENECHYRA.] At Athens, when land or house property was given as security, or mortgaged (*συμβόλαιον ἔγγειον*, Dem. *c. Apat.* p. 983, § 3; *δάνεισμα ἔγγυον*, Pollux, iii. 84, viii. 141), pillars [HORI] or stone tablets were placed upon it with the debt, and the mortgagee's name and that of the archon eponymus inscribed (*ἀφορίζειν τὸ χωρίον*, [Dem.] *c. Timoth.* p. 1202, § 61). An unencumbered estate was called an *ἄστικτον χωρίον* (Harpocr. *s. v.*). Without the consent of the creditor no more money might be borrowed on mortgaged property ([Dem.] *c. Nicostr.* p. 1249, § 10; *ἐπιδανείσαι*, Bekk. *Anecd.* 259, 1: cf. *C. I. A.* ii. No. 1113, and Dittenberger, *S. I. Gr.* No. 344 (Ephesus), l. 33, *ἐπὶ τοῖς ὑπερέχουσι δανεῖσαι*). See l. 36 ff. on the treatment of those who had fraudulently contracted a fresh loan on the security of property already mortgaged. If the debtor became insolvent, the mortgaged land passed into the possession of the creditor without legal proceedings (Dem. *c. Spud.* p. 1030, § 7).

This practically excluded metoecs from lending money on the security of land, as they were not entitled to hold such property [ENCTESIS]. In some parts of Greece there were public books of debt, like the German and Scotch registers of mortgages (Theophr. *π. νόμων*, fr. 21, in *Journ. of Philol.* vi. p. 4: in Chios, Arist. *Oecon.* ii. p. 1347 b, 35; in Aphrodisias, *C. I. G.* No. 2826; in Smyrna, No. 3282); but they are not mentioned as having existed at Athens.

Bottomry (*ἔκδοσις· τὸ ναυτικὸν δάνεισμα*, Harpocr. *s. v.*, cf. Dem. *c. Aphob.* p. 816, § 11; *τόκος ναυτικός*) was considered a matter of so much importance at Athens that fraud or breach of contract in transactions connected with it was sometimes punished with death (Dem. *c. Phorm.* p. 922, § 50). In these cases the loans were generally made upon the cargo shipped (*ἐπὶ τοῖς χρήμασι, φορτίοις*), sometimes on the vessel itself (*ἐπὶ τῇ νηΐ, τῷ πλοίῳ*, Dem. *c. Lacrit.* p. 933, § 32; *c. Dionysod.* p. 1283, § 3), and sometimes on the money received or due for passengers and freightage (*ἐπὶ τῷ ναύλῳ*, [Dem.] *c. Timoth.* p. 1192, § 26; *ναῦλον*, like "freight," seems to have meant either the charge for carrying cargo, as above, or the cargo itself, as in Dem. *c. Zenoth.* p. 882, § 2, viz. the portion of the cargo belonging to the skipper: Boeckh, *Sth.*[2] i. p. 166, n.). The principal as well as the interest could only be recovered in case the ship met with no disaster in her voyage, a clause to this effect being generally inserted in all agreements of bottomry or *ναυτικαὶ συγγραφαί* (*σωθείσης τῆς νεώς*, Dem. *c. Zenoth.* p. 883, § 5; *c. Phorm.* p. 916, § 33; Bekk. *Anecd.* 283, 9). The additional risk incurred in loans of this description was compensated for by a high rate of interest, and the lenders took every precaution against negligence or deception on the part of the borrowers; the latter also were careful to have witnesses present when the cargo was put on board, for the purpose of deposing, if necessary, to a *bonâ-fide* shipping of the required amount of goods at the lender's risk (Dem. *c. Phorm.* p. 915, § 27 f.). The loan itself was either a *δάνεισμα ἑτερόπλουν*, *i.e.* for a voyage out, or it was a *δάνεισμα ἀμφοτερόπλουν*, *i.e.* for a voyage out and home. In the former case the principal and interest were paid at the place of destination, either to the creditor himself, if he sailed in the ship (Dem. *c. Callipp.* p. 1242, § 20), or to an authorised agent (Dem. *c. Phorm.* p. 909, § 8; p. 914, § 26). In the latter case the payment was made on the return of the ship (Dem. *c. Lacrit.* p. 926, § 11, within twenty days after the return), and it was specially provided in the agreement between the contracting parties that she should sail to some specified places only. A deviation from the terms of the agreement, in this or other respects, was, according to a clause usually inserted in the agreement, punishable by a fine (*τὰ ἐπιτίμια*, in Dem. *c. Dionysod.* p. 1294, § 38, twice the amount of the money lent; see also *c. Phorm.* p. 916, § 33, and p. 914, § 23). Moreover, if the goods which formed the original security were sold, fresh articles of the same value were to be shipped in their place (Dem. *c. Phorm.* p. 909, § 9).

The rate of interest would of course vary with the risks and duration of the voyage, and therefore we cannot expect to find that it was at all fixed. Xenophon (*de Vectig.* 3, 7–14) speaks of the fifth and third parts of the capital lent as being commonly given in bottomry, referring of course to voyages out and home. The rate of interest for the time of a voyage from Athens to the Bosporus and back again was 30 per cent. (Dem. *c. Phorm.* p. 914, § 23); for a voyage (lasting three days) from Byzantium to Athens, 10 or 12 per cent. (Athen. vii. p. 292 b); for a voyage from Sestos to Athens, 12½ per cent., upon condition that the trireme should first go to Hierum to convoy vessels laden with corn (Dem. *c. Polycl.* p. 1211, § 17).

The best illustration of the facts mentioned above is found in a *ναυτικὴ συγγραφή*, given in the speech of Demosthenes against Lacritus (p. 925 ff., §§ 10–13; cf. *c. Dionysod.* p. 1284, §§ 5, 6). Westermann (*Abhandl. d. Sächs. Gesellsch. d. Wissensch.* 1850, p. 136) and Schaefer (*Dem. u. s. Zeit*, iii. B, p. 286, n. 3) consider it spurious; Boeckh calls it "a very carelessly written instrument;" and Blass (*Att. Beredsamk.* iii. 1, p. 502) looks upon it as genuine, "since it would have been too much for any grammarian to fabricate such a document." Two Athenians lent two Phaselitans 3,000 drachmas upon a cargo of 3,000 jars of Mendean wine, on which the latter were not to owe anything else, or raise any additional loan. They were to sail from Athens to Mende or Scione, where the wine was to be shipped, and thence to the Bosporus, with liberty, if they preferred it, to continue their voyage "to the left (*i.e.* northern, to a ship sailing eastward) parts" of the Black Sea as far as the Borysthenes, and then to return to Athens; the rate of interest being fixed at 225 drachmas in 1000, or 22½ per cent. for the whole time of absence. If, however, they did not return to Hierum, a port in Bithynia close to the Thracian Bosporus (*C. I. G.* ii. p. 975), before the early rising of Arcturus, *i.e.* before the 20th of September or thereabouts, when navigation began to be dangerous, they had to pay a higher rate of 30 per cent. on account of the additional risk. The agreement further specified that there should be no change of vessel for the return cargo, and that if it arrived safely at Athens the loan was to be repaid within twenty days afterwards, without any deductions except for loss by payments made to enemies and for jettison (*ἐντελὲς πλὴν ἐκβολῆς*, etc.), made with the consent of all on board (*οἱ σύμπλοι*); that till the money was repaid, the goods pledged (*τὰ ὑποκείμενα*) should be under the control of the lenders, and be sold by them, if payment was not made within the appointed time; that if the sale of the goods did not realise the required amount, the lenders might raise the remainder by making a levy (*πρᾶξις*) upon the property of both or either of the traders, just as if they had been cast in a suit, and became *ὑπερήμεροι* (*i.e.* had not complied with a judgment given against them within the time appointed). Another clause in the agreement provides for the contingency of their not entering the Pontus; in that case they were to remain in the Hellespont, at the end of July, for ten days after the early rising of the dog-star (*ἐπὶ κυνί*), discharge their cargo (*ἐξελέσθαι*) in some place where the Athenians had no right of reprisals

[SYLAE] (which might be executed unfairly, and would lead to retaliations), and then, on their return to Athens, they were to pay the amount of interest in the bond for the previous year, *i.e.* the lower rate. Lastly, if the vessel were to be wrecked, the cargo was, if possible, to be saved for the benefit of the lenders, any goods that might be saved being the property of both lenders alike (*κοινὰ τοῖς δανείσασι*: cf. Sandys *ad loc.*).

From the preceding investigation it appears that the rate of interest amongst the ancient Greeks was higher than in modern Europe, and at Rome in the age of Cicero. This high rate does not appear to have been caused by any scarcity of money, but by the unwillingness of those who had capital to lend it out at a low rate of interest, since they could use it themselves to more advantage in trade, or, owing to the cheapness of slave labour, in agriculture; hence even the interest on land and house property is proportionately high. Isaeus (*Hagn.* § 42) says that land at Thria was let for 8 per cent. of its value, and houses at Melite and Eleusis for 8⅓ per cent.; in *C. I. A.* ii. No. 600, 12 per cent. is stipulated for an estate. (Boeckh, *Sth̄h.*[3] i. p. 156 ff.; Büchsenschütz, *Besitz u. Erwerb*, p. 478 ff.) [R. W.] [H. H.]

2. ROMAN. The Latin word for interest, *fenus* or *foenus*, originally meant any increase, and was thence applied, like the Greek *τόκος*, to denote the interest or increase of money. "Fenus," says Varro (*ap.* Gell. xvi. 12), "dictum a fetu et quasi a fetura quadam pecuniae parientis atque increscentis." The same root is found in *fecundus*. Fenus was also used for the principal as well as the interest (Tac. *Ann.* vi. 17; xiv. 53). Another term for interest was *usurae*, generally found in the plural, and also *impendium*, on which Varro (*L. L.* v. 183, Müller) remarks, "a quo (*pondere*) usura quod in sorte accedebat, impendium appellatum."

That a high rate of interest is a sign that industry and trade are still in their infancy, is now one of the elementary maxims of political economy. The remark occurs in Hume's Essays (i. 322, ed. Green and Grose), and is applied to the early times of Greece by Boeckh (*P. E.* p. 59 = *Sth̄h.*[3] i. 76) and to those of Rome by Marquardt (*Staatsverw.* ii. 57). As in Attica before the *σεισάχθεια* of Solon, and as in France, Russia, and Ireland at the present day, the tendency of small cultivators is everywhere to sink into debt, to be compelled to mortgage future crops for the sake of immediate subsistence, and, unless specially protected, to fall into the grasp of the usurer. In early Latium this tendency was aggravated by the law of *addictio*, which consigned the debtor to personal slavery [NEXUM], and by the incessant ravages of war. Hence at Rome the rate of interest was originally unlimited; and the grievances of debtors fill a large space in the earliest struggles between the patricians and the plebs (Liv. ii. 23, 27, 29). Not only money but food, and especially seed-corn, was lent on exorbitant usury; a practice which we find prevailing in much later times, long after the direct interest of money had been placed under control. Thus St. Jerome mentions that ten bushels of corn might be lent in winter to be repaid by fifteen at the next harvest (*in Ezechiel*, vi. 18). This form of usury is still practised in Italy (Beauclerk, *Rural Italy*, p. 54).

The first restriction was imposed by the decemviral legislation of the Twelve Tables, B.C. 451, which established *fenus unciarium* as the normal rate. Interest at this time was yearly, as it had once been at Athens (Boeckh, *P. E.* p. 124 = *Sth̄h.*[3] i. 157); and this, as Marquardt observes, is the natural arrangement for an agricultural people, who pay their debts most conveniently when they have gathered in their crops. The explanation of Niebuhr is now universally accepted, that the *fenus unciarium* was an ounce (*uncia*) in the pound (*as*), i.e. a twelfth part of the principal, or 8⅓ per cent. annually. The theories that it could have been either one-twelfth of the centesima paid monthly, *i.e.* 1 per cent. per annum, or one-twelfth of the principal paid monthly, *i.e.* 100 per cent. per annum, err grossly on the side either of defect or excess; it is impossible to believe that creditors would have lent for so little as the one, or that debtors could have paid so much as the other. These improbable conjectures could only have arisen from the notion that the interest must always have been paid monthly; but though towards the close of the republic this was the practice, there is no trace of it in early times (Niebuhr, *Hist. Rom.* iii. 57; Rein, *Römische Privatrecht*, p. 304). On one point, however, the authorities are divided. Niebuhr reckons the *fenus unciarium* on the year of ten months, so that it would amount to 10 per cent. on the year of twelve months; and in this he is followed by Huschke (*Recht des Nexum*, p. 98 ff.) and Mommsen (*Röm. Gesch.* i.[3] 274 = i. 220 tr. Dickson), while Walter (*Gesch. des Röm. Rechts*, § 609) and Steuber understand 8⅓ per cent. on the full year. The treatise of Steuber (*Der Zinsfuss bei den Römern*, Basel, 1857) collects and criticises the recent literature of the subject. For the year of ten months, see CALENDARIUM, p. 341 *a*.

Towards the last century of the republic (in the time of Sulla, Niebuhr thinks, and under foreign influence) the interest of money became due on the first of every month: hence the phrases *tristes* or *celeres calendae* and *calendarium*, the latter meaning originally a debt-book or book of accounts. It is not difficult to account for the change; it was probably connected with the modifications made from time to time in the Roman law of debtor and creditor (such as the abolition of personal slavery for debt), the natural effect of which would be to make creditors more cautious in lending money, and more vigilant in exacting the interest due upon it.

The rate of interest was expressed in the time of Cicero and afterwards by means of the *as* and its divisions, according to the following table:—

Asses usurae, or one as per month for the use of 100	=	12 per cent.
Deunces usurae	=	11 ,,
Dextantes ,,	=	10 ,,
Dodrantes ,,	=	9 ,,
Besses ,,	=	8 ,,
Septunces ,,	=	7 ,,
Semisses ,,	=	6 ,,
Quincunces ,,	=	5 ,,
Trientes ,,	=	4 ,,
Quadrantes ,,	=	3 ,,
Sextantes ,,	=	2 ,,
Unciae ,,	=	1 ,,

Instead of the phrase *asses usurae*, a synonym was used, viz. *centesimae usurae*, inasmuch as at this rate of interest there was paid in a hundred months a sum equal to the whole principal. Hence *binae centesimae* = 24 per cent., and *quaternae centesimae* = 48 per cent. So also in the line of Horace (*Sat.* i. 2, 14), "Quinas hic capiti mercedes exsecat," we must understand *quinas centesimas*, or 60 per cent., as the sum taken from the capital. Horace is speaking, however, of spendthrifts and those who prey upon them. Juvenal tells of one Crepereius Pollio, a usurer of this stamp, who offered to lend at 36 per cent. (*triplicem usuram*, *Sat.* ix. 7) and found none who were fools enough to borrow. How usury worked in the provinces in the last days of the senatorial régime is well shown in the *Quart. Rev.*, Oct. 1888; the virtuous Brutus, acting of course through an intermediary and keeping behind the scenes, tried to get 48 per cent. out of the Cyprians, and plagued Cicero, then proconsul of Cilicia, to put on the screw for him. [NEGOTIATORES.] Verres, it is insinuated, over and above his exactions from the wretched Sicilians, made 24 per cent. out of the public money with which he had to buy corn for the Roman people (Cic. *Verr.* iii. 71, § 165). In Rome itself, at the same period, the accumulation of capital brought about a reasonably low though fluctuating rate of interest on good business; Cicero mentions a sudden rise from 4 per cent. to 8 (*ad Att.* iv. 15). Under the early empire we find the now familiar expression "a modest 5 per cent.," while 11 per cent. savours of "sweating" (Pers. v. 150). The endowment of the *alimentarii* at Veleia was invested on mortgage at 5 per cent.; that of another similar charity, the *alimentarii Baebiani* in Liguria, at only 2½ (Henzen, *Tab. alim. Baeb.* p. 27; ALIMENTARII).

If a debtor could not pay the principal and interest at the end of the year, he used to borrow money from a fresh creditor, to pay off his old debt. This proceeding was very frequent, and called a *versura* (compare Ter. *Phorm.* v. 2, 16), a word which Festus (*s. v.*) thus explains: "Versuram facere, mutuam pecuniam sumere, ex eo dictum est, quod initio qui mutuabantur ab aliis, ut aliis solverent, velut verterent creditorem." It amounted to little short of paying compound interest [ANATOCISMUS], another phrase for which was *usurae renovatae*; e.g. *centesimae renovatae* is 12 per cent. compound interest, to which Cicero (*ad Att.* v. 21) opposes *centesimae perpetuo fenore* = 12 per cent. simple interest. The following phrases are of common occurrence in connexion with borrowing and lending money at interest:—*Pecuniam apud aliquem collocare*, to lend money at interest; *relegere*, to call it in again; *cavere*, to give security for it; *opponere* or *opponere pignori*, to give as a pledge or mortgage: hence the pun in Catullus, xxvi.:

> "Furi, villula nostra non ad Austri
> Flatus opposita est, nec ad Favoni:
> Verum ad millia quindecim et ducentos.
> O ventum horribilem atque pestilentem."

The word *nomen* is also of extensive use in money transactions. Properly it denoted the name of a debtor, registered in a banker's or any other account-book: hence it came to signify the articles of an account, a debtor, or a debt itself. Thus we have *bonum nomen*, a good debt: *nomina facere*, to lend monies (Cic. *ad Fam.* vii. 23), and also to borrow money (Id. *de Off.* iii. 14, § 59). Moreover, the Romans generally discharged debts through the agency of a banker (*in foro et de mensae scriptura*) rather than by a direct personal payment (*ex arca domoque*); and as an order or undertaking for payment was given by writing down the sum to be paid, with the receiver's name underneath or alongside it (see Dem. *c. Callipp.* p. 1236, § 4), hence came the phrases *scribere nummos alicui*, to promise to pay (Plaut. *Asin.* ii. 4, 34); *rescribere*, to pay back, of a debtor (Ter. *Phorm.* v. 7, 29). So also *perscribere*, to give a bill or draft (*perscriptio*) on a banker for payment, in opposition to payment by ready money (Cic. *ad Att.* xii. 51; xvi. 2).

The Roman law of debtor and creditor is given under NEXUM. It is sufficient to remark here that the Licinian laws [LEGES LICINIAE], by which the grievances of debtors were to a certain extent redressed, did not lay any restriction on the rate of interest that might be legally demanded; and it is clear from various circumstances that the scarcity of money at Rome after the taking of the city by the Gauls had either led to the actual abolition of the old uncial rate (*unciarium fenus*) of the Twelve Tables, or caused it to fall into disuse. Nine years, however, after the passing of these laws (Liv. vii. 16), the rate of the Twelve Tables was re-established, and any higher rate prohibited by the bill (*rogatio*) of the tribunes Duilius and Maenius. Still this limitation of the rate of interest did not enable debtors to pay the principal, and what Tacitus (*Ann.* vi. 16) calls the *fenebre malum* became at last so serious that the government thought it necessary to interfere, and remedy, if possible, an evil so great and inveterate. Accordingly, fourteen years after the passing of the Licinian laws, five commissioners were appointed for this purpose under the title of *mensarii* or bankers. These opened their banks in the forum, and in the name of the treasury offered ready money to any debtor who could give security (*cavere*) to the state for it: moreover, they ordered that land and cattle should be received in payment of debts at a fair valuation, a regulation which Caesar adopted for a similar purpose (Suet. *Jul.* 42). By these means Livy (vii. 21) tells us that a great amount of debt was satisfactorily liquidated. Five years afterwards, the legal rate of interest was still further lowered to the *semiunciarium fenus* (Liv. vii. 23, § 3), or the twenty-fourth part of the whole sum (*ad semuncias reducta usura*, Tac. *Ann.* vi. 16); and in B.C. 346 we read of several usurers being punished for a violation of the law (Liv. vii. 28), by which they were subjected to a penalty of four times the amount of the loan (Cato, *de Re Rust.* init.). But all these enactments were merely palliatives; the termination and cure of the evil was something more decisive—neither more nor less than a species of national bankruptcy—a general abolition of debts or *χρεῶν ἀποκοπαί*. This happened in B.C. 341, a year remarkable for political changes of great importance, and was followed up by the passing of the Genucian laws, which are said to have forbidden the taking of usury altogether.

On this point, indeed, Livy speaks doubtfully ("*invenio* apud quosdam *L. Genucium tribunum plebis tulisse ad plebem, ne fenerare liceret*," vii. 42, § 1): but that all interest had been at one time forbidden by law is stated by Appian (*Bell. Civ.* i. 54) and Tacitus (*l. c.*); the latter adds that it had always been evaded. There was a very simple way of doing so; it only affected Roman citizens, and therefore the usurers granted loans, not in the name of themselves, but of the Latins and allies who were not bound by it (Liv. xxxv. 7). To prevent this evasion the Sempronian law was passed (B.C. 193), which placed the Latins and allies on the same footing in respect of lending money as the full Roman citizens. At last, after many futile attempts to prevent the exaction of interest at any rate and in any shape, the idea was abandoned altogether, and the centesima or 12 per cent. per annum became the legal and recognised rate. Niebuhr, as we have already observed, is of opinion that it was first adopted at Rome in the time of Sulla; but whether it became the legal rate by any special enactment, or from general consent, does not appear. Some writers have inferred (Heinecc. iii. 15) that it was first legalised by the edicts of the city praetors, an inference drawn from the general resemblance between the praetorian and proconsular edicts. Of the latter we have an example in the case of Cicero; he decreed for Cilicia a maximum of 12 per cent., but did not venture directly to oppose the Shylock Brutus in the matter of 48 per cent. with compound interest. ("Quum ego in edicto tralatitio centesimas me observaturum haberem, cum anatocismo anniversario ilie ex syngrapha postulabat quaternas," *ad Att.* v. 21, § 11.) The rest of the letter is most amusing.

Whether this inference is true or not, it is admitted that the centesima or 12 per cent. was the legal rate at the end of the republic and also under the emperors. In the case of *fenus nauticum*, however, or bottomry, as the risk was the money-lender's, he might demand any interest he liked while the vessel on which the money was lent was at sea; but after she reached harbour, and while she was there, no more than the centesima could be demanded. Justinian reduced the legal rate to 6 per cent. on ordinary loans, and made 12 per cent. the maximum for *fenus nauticum*, whether at sea or in harbour (Heinecc. iii. 16).

Under the empire we find a very few examples of the practice, more familiar to the Greeks, of reckoning the interest annually, not by months, at a certain fraction of the capital, *e.g.* one-eighth or 12½ per cent. (Henzen, *Inscr.* 7215). After Constantine's changes in the currency, this practice became more common. The yearly interest was now fixed at 3 *siliquae* per *solidus*; and as the *solidus* contained 24 *siliquae*, this amounted to one-eighth of the principal. The Romans had no convenient way of expressing this 12½ per cent., and they transferred the word *centesima* to it; hence the centesima in the times before Constantine means 12 per cent., after him 12½ (Godefroi *ad* Cod. Theod. ii. 33, 1). (Cf. Marquardt, *Staatsverw.* ii. 59–62.) [R. W.] [W. W.]

FERA'LIA. [FUNUS, p. 893 *b*.]

FE'RCULUM (from *fer-o*) is applied to any kind of tray or platform used for carrying anything. Thus it is used to signify the tray or frame on which several dishes were brought in at once at dinner (Petron. 35; Plin. *H. N.* xxviii. § 26); and hence *fercula* came to mean the number of courses at dinner, and even the dishes themselves. (Suet. *Aug.* 74; Serv. *ad* Verg. *Aen.* i. 637; Juv. i. 94 (with Mayor's note), xi. 64; Hor. *Sat.* ii. 6, 104; Mart. iii. 50, ix. 82, xi. 31.)

The ferculum was also used for carrying the images of the gods in the procession of the circus (Suet. *Jul.* 76), the ashes of the dead in a funeral (Suet. *Cal.* 15), and the spoils in a triumph (Suet. *Jul.* 37; Liv. i. 10); in all which cases it appears to have been carried on the shoulders or in the hands of men. This is shown in the annexed cut from the Arch of Titus, where

Roman soldiers carrying on a *ferculum* the Golden Candlestick. (Arch of Titus.)

Roman soldiers are carrying on a ferculum the Golden Candlestick. The most illustrious captives were sometimes placed on a ferculum in a triumph, in order that they might be better seen. (Senec. *Herc. Oet.* 110.) [W. S.] [A. S. W.]

FERENTA'RII. [EXERCITUS, p. 782 *a*.]

FERE'TRUM. [FUNUS.]

FE'RIAE, holidays, were, generally speaking, days or seasons during which free-born Romans suspended their political transactions and their lawsuits, and during which slaves enjoyed a cessation from labour. (Cic. *de Leg.* ii. 8, 19; 12, 29; *de Div.* i. 45, 102.) All feriae were thus *dies nefasti*. But they were distinguished (as Mommsen, *Chron.* p. 233, has shown) by the mark NP, while the *nefasti tristes* were marked simply N. The feriae included all days consecrated to any deity; consequently all days on which public festivals were celebrated were *feriae* or *dies feriati*. But some of them, such as the *feria vindemialis* and the *feriae aestivae*, seem to have had no direct connexion with the worship of the gods. The nundinae, however, during the time of the kings and the early period of the republic, were feriae only for the populus, and days of business for the plebeians, until, by the Hortensian law, they became fasti or days of business for both orders. (Macrob. *Sat.* i. 16, 28–30; compare Niebuhr, *Hist. of Rome*, vol. ii. p. 213, &c.; Walter, *Geschichte d. röm. Rechts*, p. 190.)

All feriae were divided into two classes, *feriae publicae* and *feriae privatae*. The latter were only observed by single families or individuals, in commemoration of some particular event which had been of importance to them or their ancestors. As family feriae, are mentioned the *feriae Claudiae*, *Aemiliae*, *Juliae*, *Corneliae*, &c., and we must suppose that all the great Roman families had their particular feriae, as they had their private sacra (Borghesi, *Oeuvres*, viii. 250 ff.). Among the family-holidays we may also mention the *feriae denicales*, i.e. the day on which a family, after having lost one of its members by death, underwent a purification. (Fest. *s. v.*; Cic. *de Leg.* ii. 22, 55; Columell. ii. 22.) Individuals kept feriae on their birthdays (Censor. 2, 3), and other occasions which marked any memorable event of their lives. The Calends, Nones, and Ides of each month were also usually kept as *feriae privatae*, the Calends being sacred to Juno, the Ides to Jupiter. But no public feriae were celebrated on these days (Mommsen, *C. I. L.* i. 375). During the time of the empire the birthday of an emperor sometimes assumed the character of a public holiday, and was celebrated by the whole nation with games and sacrifices. Thus the birthday of Augustus, called Augustalia, was celebrated with great splendour even in the time of Dio Cassius (liv. 34, lvi. 46). The day on which Augustus had returned from his wars (Oct. 12) was likewise for a long time made a holiday (Tac. *Ann.* i. 15, with the note of Lipsius; Dio Cass. liv. 10). The *dies natalicii* of the cities of Rome and Constantinople were at a still later period likewise reckoned among the feriae (Cod. 3, tit. 15, s. 6). It is noteworthy that all the feriae recognised in the Calendars date either from the regal or from the imperial time. No new feriae were added during the republic (Mommsen, *C. I. L.* i. 377 ff.).

All *feriae publicae*, i.e. those which were observed by the whole nation, were divided into *feriae stativae*, *feriae conceptivae*, and *feriae imperativae*. Feriae stativae or statae were those which were held regularly, and on certain days marked in the calendar (Fest. *s. v.*; Macrob. *l. c.*). To these belonged some of the great festivals, such as the Agonalia, Carmentalia, Lupercalia, &c. Feriae conceptivae or conceptae were held every year, but not on certain or fixed days, the time being every year appointed by the magistrates or priests ("quotannis a magistratibus vel sacerdotibus concipiuntur," Macrob. *l. c.*; Varr. *L. L.* vi. 25, &c.; Fest. *s. v.*). Among these we may mention the feriae Latinae, feriae Sementivae (in the country called Paganalia), and Compitalia. Feriae imperativae are those which were held on certain emergencies at the command of the consuls, the praetors, or a dictator. The books of Livy record many feriae imperativae, which were chiefly held in order to avert the dangers which some extraordinary prodigy seemed to forebode, but also after great victories (Liv. i. 31, iii. 5, vii. 28, xxxv. 40, xlii. 3; Polyb. xxi. 1). They frequently lasted for several days, the number of which depended upon the importance of the event which was the cause of their celebration. But whenever a rain of stones was believed to have happened, the anger of the gods was appeased by a *sacrum novemdiale*, or *feriae per novum dies*. This number of days had been fixed at the time when this prodigy had first been observed (Liv. i. 31). Respecting the legitimate forms in which the feriae conceptivae and imperativae were announced and appointed, see Brisson. *de Form.* p. 107, &c.

On the public feriae the people generally visited the temples of the gods, and offered up their prayers and sacrifices. The most serious and solemn seem to have been the feriae imperativae, but all the others were generally attended by rejoicings and feasting. All kinds of business, especially lawsuits, were suspended during the public feriae, as they were considered to pollute the sacred season; the rex sacrorum and the flamines were not even allowed to behold any work being done during the feriae; hence, when they went out, they were preceded by their heralds (*praeciae*, *praeclamitatores*, or *calatores*), who enjoined the people to abstain from working, that the sanctity of the day might not be polluted by the priests seeing persons at work (Fest. s. v. *Praecia:* Macrob. *l. c.*; compare Serv. *ad* Verg. *Georg.* v. 268; Plut. *Numa*, c. 14). Those who neglected this admonition were not only liable to a fine, but in case their disobedience was intentional, their crime was considered to be beyond the power of any atonement; whereas those who had unconsciously continued their work, might atone for their transgression by offering a pig. It seems that doubts as to what kinds of work might be done at public feriae were not unfrequent, and we possess some curious and interesting decisions given by Roman pontiffs on this subject. One Umbro declared it to be no violation of the feriae, if a person did such work as had reference to the gods, or was connected with the offering of sacrifices; all work, he moreover declared, was allowed which was necessary to supply the urgent wants of human life. The pontiff Scaevola, when asked what kind of work might be done on a dies feriatus, answered that any work might be done, if any suffering or injury should be the result of neglect or delay, *e.g.* if an ox should fall into a pit, the owner might employ workmen to lift it out; or if a house threatened to fall down, the inhabitants might take such measures as would prevent its falling, without polluting the feriae. (Macrob. *l. c.* and iii. 3; Verg. *Georg.* i. 268, with the notes of Forbiger; Cato, *de Re Rust.* 2; Columella, ii. 22; compare Matt. xii. 11, Luke xiv. 5.) Respecting the various kinds of legal affairs which might be brought before the praetor on days of public feriae, see Digest 2, tit. 12, s. 2.

It seems to have been owing to the immense increase of the Roman republic and of the accumulation of business arising therefrom, that some of the feriae, such as the Compitalia and Lupercalia, in the course of time ceased to be observed, until they were restored by Augustus, who revived many of the ancient religious rites and ceremonies. (Suet. *Aug.* 31.) Marcus Antoninus again increased the number of days of business (*dies fasti*) to 230, and the remaining days were feriae. (Capitol. *M. Anton. Phil.* c. 10.) After the introduction of Christianity in the Roman empire, the old feriae were abolished, and the Sabbath, together with the Christian festivals, were substituted; but the manner in which they were kept was nearly the same as that in which the feriae had been observed. Lawsuits were accordingly illegal on

Sundays and holidays, though a master might emancipate his slave if he liked. (Cod. 3, tit. 12.) All work and all political as well as judicial proceedings were suspended; but the country people were allowed freely and unrestrainedly to apply themselves to their agricultural labours, which seem at all times to have been distinguished from and thought superior to all other kinds of work; for, as mentioned below, certain feriae were instituted merely for the purpose of enabling the country people to follow their rural occupations without being interrupted by lawsuits and other public transactions.

After this general view of the Roman feriae, we shall proceed to give a short account of those festivals and holidays which were designated by the name of feriae.

Feriae Latinae, or simply *Latinae* (the original name was Latiar, Macrob. i. 16, 16; Cic. *ad Quint. Frat.* ii. 4), had, according to the Roman legends, been instituted by the last Tarquin in commemoration of the alliance between the Romans and Latins. (Dionys. Hal. iv. 49.) But Niebuhr (*Hist. of Rome*, ii. p. 34) has shown that the festival, which was originally a panegyris of the Latins, is of much higher antiquity; for we find it stated that the towns of the Priscans and Latins received their shares of the sacrifice on the Alban mount—which was the place of its celebration—along with the Albans and the thirty towns of the Alban commonwealth. (Mommsen, *Hist.* i. p. 41.) All that the last Tarquin did was to convert the original Latin festival into a Roman one, and to make it the means of hallowing and cementing the alliance between the two nations. Before the union, the chief magistrate of the Latins had presided at the festival; but Tarquin now assumed this distinction, which subsequently, after the destruction of the Latin commonwealth, remained with the chief magistrates of Rome. (Liv. v. 17.) The object of this panegyris on the Alban mount was the worship of Jupiter Latiaris, and, at least as long as the Latin republic existed, to deliberate and decide on matters of the confederacy, and to settle any disputes which might have arisen among its members. As the feriae Latinae belonged to the conceptivae, the time of their celebration greatly depended on the state of affairs at Rome, for the consuls were never allowed to take the field until they had held the Latinae. (Liv. xxi. 63, xxii. 1, xxv. 12.) The different dates at which the festival was held may be learnt in part from the fragments of the *fasti* found in the temple at Alba (*C. I. L.* vi. 455 ff., 863 f.; cf. Mommsen, *Hermes*, v. 378–382). This festival was a great engine in the hands of the magistrates, who had to appoint the time of its celebration (*concipere, edicere*, or *indicere Latinas*); as it might often suit their purpose either to hold the festival at a particular time or to delay it, in order to prevent or delay such public proceedings as seemed injurious and pernicious, and to promote others to which they were favourably disposed. This feature, however, the feriae Latinae had in common with all other feriae conceptivae. Whenever any of the forms or ceremonies customary at the Latinae had been neglected, the consuls had the right to propose to the senate, or the college of pontiffs, that their celebration should be repeated (*instaurari*, Cic. *ad Quint. Frat.* ii. 6, 3; Liv. xxii. 1, xli. 16). At first they only lasted for one day, to which subsequently a second, a third, and a fourth were added (Dionys. Hal. vi. 95). Niebuhr, however, contends that they lasted for six days, one for each decury of the Alban and Latin towns (*Hist. of Rome*, ii. p. 35; comp. Liv. vi. 42; Plut. *Camill.* 42); but this notion is based upon a very uncertain emendation of Festus, p. 194. The festive season was attended by a sacred truce, and no battle was allowed to be fought during those days. (Dionys. Hal. iv. p. 250, Sylb.; Macrob. *l. c.*) In early times, during the alliance of the Romans and Latins, the chief magistrates of both nations met on the Alban mount, and conducted the solemnities, at which the Romans, however, had the presidency. But afterwards the Romans alone conducted the celebration, and offered the common sacrifice of white oxen (Liv. xli. 16) to Jupiter Latiaris, in the name and on behalf of all who took part in it. The flesh of the victims was distributed among the several towns whose common sanctuary stood on the Alban mount. (Dionys. Hal. *l. c.*; Varr. *L. L.* vi. 25; Schol. Bobiens. *in* Cic. *Orat. pro Planc.* 9, 23, p. 256, Orelli.) Besides the common sacrifice of oxen, the several towns offered each separately lambs, cheeses, or a certain quantity of milk (Cic. *de Div.* i. 11, 18), or cakes. Multitudes flocked to the Alban mount on the occasion, and the season was one of great rejoicings and feasting. Various kinds of games were not wanting, among which may be mentioned the *oscillatio* (swinging, Fest. s. v. *Oscillum*). It was a symbolic game, and the legend respecting its origin shows that it was derived from the Latins. Pliny (*H. N.* xxvii. 2, 45) mentions that during the Latin holidays a race of four-horse chariots (*quadrigae certant*) took place on the Capitol, in which the victor received a draught of absinthium. At the same time, as many authorities agree in stating (Marquardt, iii. 285, note), the warm blood of a bestiarius was offered to Jupiter Latiaris.

Although the Roman consuls were always present on the Alban mount, and conducted the solemn sacrifice, yet we read that the superintendence of the Latinae, like that of other festivals, was given by the senate to the Aediles, who, therefore, probably conducted the minor sacrifices, the various games, and other solemnities (Dionys. Hal. vi. p. 415). While the consuls were engaged on the Alban mount, their place at Rome was filled by the praefectus urbi feriarum Latinarum. [PRAEFECTUS URBI.]

The two days following the celebration of the Latin holidays were considered as *dies religiosi*, so that no marriages could be contracted. (Cic. *ad Quint. Frat.* ii. 4.) From Dio Cassius we see that in his times the Feriae Latinae were still strictly observed by the Romans, whereas the Latin towns had, at the time of Cicero, almost entirely given up taking any part in them. The Romans seemed to have continued to keep them down to the fourth century of our era. (Lactant. *Institut.* i. 21.)

Feriae Sementivae, or *Sementina dies*, was kept in seed-time at Rome for the purpose of praying to Tellus and Ceres for a good crop; it lasted only for one day, which was fixed by the pontiffs. (Varr. *L. L.* vi. 26, *de Re Rust.* i. 2, *init.*;

Ovid, *Fast.* i. 658, &c.) At the same time the Paganalia were observed in the country (Merkel, *Ov. Fast.* p. clv.).

Feriae vindemiales lasted from the 22nd of August to the 15th of October, and was instituted for the purpose of enabling the country-people to get in the fruits of the field and to hold the vintage. (Codex, 3, tit. 12.) This was a vacation from legal business, but not a *sacrum publicum.*

Feriae aestivae were holidays kept during the hottest season of summer, when many of the wealthier Romans left the city and went into the country. (Gellius, ix. 15, § 1.) They seem to have been the same as the *messis feria* (Cod. 3, tit. 12, s. 2, 6), and lasted from the 24th of June till the 1st of August.

Feriae praecidaneae are said to have been preparatory days, or such as preceded the ordinary feriae; although they did not belong to the feriae, and often even were *dies atri*, they were on certain occasions inaugurated by the chief pontiff, and thus made feriae. On these days a *porca praecidanea* was sacrificed. (Gell. iv. 6.) See AMBARVALIA; COMPITALIA. [L. S.] [A. S.W.]

FERRUM. [METALLUM, Vol. II. p. 167.]

FESCENNI'NA, scil. *carmina*, one of the earliest kinds of Italian poetry, which consisted of rude and jocose verses, or rather dialogues in extempore verses (Liv. vii. 2), in which the merry country folks assailed and ridiculed one another. (Horat. *Epist.* ii. 1, 145.) This amusement seems originally to have been peculiar to country people, but it was also introduced into the towns of Italy and at Rome, where we find it mentioned as one of those in which young people indulged at weddings. (Serv. *ad Aen.* vii. 695; Seneca, *Controv.* 21, *Med.* 113; Plin. *H. N.* xv. 22.) We have rather feeble specimens of these in the four poems by Claudian "in nuptias Honorii Aug. et Mariae." The fescennina were one of the popular amusements at various festivals, and on many other occasions, but especially after the harvest was over. Munro (*on Catullus*, pp. 76 ff.) has well shown how they were employed to avert the evil eye or the envy of the gods on great occasions of good fortune, such as marriages or triumphs. After their introduction into the towns they seem to have lost much of their original rustic character, and perhaps were modified by the influence of Greek refinement (see Verg. *Georg.* ii. 385, &c.; Tibull. ii. 1, 55; Catull. lxi. 127); they remained, however, in so far the same, as they were at all times irregular, and mostly extempore doggerel verses usually in the Saturnian metre, though the specimens which are preserved are in trochaics, and the cretic is called *pes Fescenninus* by Diomedes, p. 479 k. Sometimes, however, *versus fescennini* were also written as satires upon persons. (Macrob. *Saturn.* ii. 4, 21.) That these railleries had no malicious character, and were not intended to hurt or injure, may be inferred from the circumstance that one person often called upon another to answer and retort in a similar strain. The fescennina are asserted by Festus (*s. v.*) to have been introduced among the Romans from Etruria, and to have derived their name from Fescennia, a town of that country. But, in the first place, Fescennia was not an Etruscan but a Faliscan town (Niebuhr, *Hist. of Rome*, i. p. 136), and, in the second, this kind of amusement was at all times so popular in Italy, that it can scarcely be considered as peculiar to any particular place. The derivation of a name of this kind from that of some particular place was formerly a favourite custom, as may be seen in the derivation of *caerimonia* from Caere. Festus gives an alternative derivation from *fascinum*, either because they were thought to be a protection against sorcerers and witches, or because fascinum (*phallus*), the symbol of fertility, had in early times, or in rural districts, been connected with the amusements of the fescennina. This etymology is far more probable. Teuffel (*Rom. Lit.* § 5) needlessly attempts to combine the two, suggesting that Fescennia may have derived its name from *fascinum.* Nettleship (*Journ. Phil.* xi. 190) plausibly assumes a substantive *fescennus*, "a charmer," from *fas*, "saying": hence *fescennini* would be "the verses used by charmers." Ellis in Catull. lxi. 127 prefers the form *Fascennina locutio;* the latter reading being, however, clearly inferior to *jocatio.* [L. S.] [A. S. W.]

FESTI DIES. [DIES.]

FESTU'CA is properly any stem, stalk, straw or haulm of corn, or blade of grass (Varr. *L. L.* v. 31, § 38, "qui homo in pratis per fenisecta *festucas* corradit"). In two passages it is generally explained as a synonym of the praetor's rod (*vindicta*) laid upon the slave's head in MANUMISSIO (Plaut. *Mil. Glor.* iv. 1, 15, "Quid? ea ingenuane an festuca facta e serva libera est?" Pers. v. 175, "non in festuca, lictor quam jactat ineptus"). But Conington on the latter passage has pointed out that the ordinary use of *festuca* would suit these two places equally well; so that after all the traditional rendering may be a mistake, though a very early one (the Schol. has "*virga* qua a lictore percutitur"). Plutarch says that one of the lictors threw stubble (*κάρφος*) on the manumitted slave (*de Ser. Num. Vind.* p. 550 B); and the words *lictor jactat* seem to imply something of this kind rather than touching with a staff. Probably both ceremonies accompanied the act of manumission, the praetor applying the *vindicta* with his own hand, the lictor throwing the stubble. Persius clearly had the passage of Horace in his mind (*Sat.* ii. 7, 76, "quem ter vindicta quaterque Imposita haud unquam misera formidine privet"), but may have chosen the other part of the ceremony for his illustration. The confusion between the two may be as old as Gellius (xx. 10, § 10); for the explanation of the phrase *vis festucaria*, see under DEDUCTOR. A glossary quoted by Conington gives both meanings: "Festuca, *κάρφος· ῥάβδος.*" Cf. also Gaius, *Inst.* iv. 16. [W. W.]

FETIA'LES, a college (Liv. xxxvi. 3) of Roman priests who acted as the guardians of the public faith. It was their province, when any dispute arose with a foreign state, to demand satisfaction, to determine the circumstances under which hostilities might be commenced, to perform the various religious rites attendant on the solemn declaration of war, and to preside at the formal ratification of peace. These functions are briefly but comprehensively defined by Varro (*L. L.* v. 86, ed. Müller): "Fetiales . . . fidei publicae inter populos

praeerant: nam per hos fiebat ut justum conciperetur bellum et inde desitum, ut foedere fides pacis constitueretur. Ex his mittebantur, antequam conciperetur, qui res repeterent, et per hos etiam nunc fit foedus," to which we may add the old law quoted by Cicero (*de Leg.* ii. 9, 21), "FOEDERUM, PACIS, BELLI, INDUTIARUM ORATORES FETIALES IUDICESQUE SUNTO (IVS NOSCVNTO, *Madvig*); BELLA DISCEPTANTO." Dionysius (ii. 72) and Livy (i. 32) detail at considerable length the ceremonies observed by the Romans in the earlier ages, when they felt themselves aggrieved by a neighbouring people. It appears that when an injury had been sustained, four fetiales (Varr. *ap.* Non.) were deputed to seek redress, who again elected one of their number to act as their representative. This individual was styled the *pater patratus populi Romani*. (It is an error to suppose that the *pater patratus* was the permanent head of the college: Mommsen, *Staatsr.*[2] ii. 670.) They were dressed in the garb of priests, and a wreath of sacred herbs gathered within the enclosure of the Capitoline hill (*verbenae, sagmina*) [SAGMINA], was borne before them by one of their number, who was hence called *Verbenarius*. (Plin. *H. N.* xxii. § 5.) Thus equipped, at least two of their number proceeded to the confines of the offending tribe, where they halted and the pater patratus addressed a prayer to Jupiter, calling the god to witness, with heavy imprecations, that his complaints were well founded and his demands reasonable. He then crossed the border, and the same form was repeated in nearly the same words to the first native of the soil whom he might chance to meet; again a third time to the sentinel or any citizen whom he encountered at the gate of the chief town; and a fourth time to the magistrates in the forum in presence of the people. If a satisfactory answer was not returned within thirty days, after publicly delivering a solemn denunciation—in which the gods celestial, terrestrial, and infernal were invoked—of what might be expected to follow, he returned to Rome, and, accompanied by the rest of the fetiales, made a report of his mission to the senate. If the people (Liv. x. 45), as well as the senate, decided for war, the pater patratus again set forth to the border of the hostile territory, and launched a spear tipped with iron, or charred at the extremity and smeared with blood (emblematic doubtless of fire and slaughter) across the boundary, pronouncing at the same time a solemn declaration of war. The demand for redress and the proclamation of hostilities were alike termed *clarigatio*, which word the Romans in later times explained by *clare repetere* (Plin. *l. c.*; Serv. *ad* Verg. *Aen.* ix. 53, x. 14: cf. Liv. viii. 14, 5). When the Romans had to carry on wars beyond the sea, this proceeding was inconvenient. Hence a characteristic device was adopted. They transferred a piece of land in the Circus Flaminius to a prisoner taken from the enemy, and set up on this before the temple of Bellona a column, which was accounted as standing on hostile territory. (Servius, *l. c.*)

Several of the formulae employed on these occasions have been preserved by Livy (i. 24, 32) and Aulus Gellius (xvi. 4), forming a portion of the *Jus Fetiale* by which the college was regulated. The services of the fetiales were considered absolutely essential in concluding a treaty (Liv. ix. 5); and we read that at the termination of the second Punic war fetiales were sent over to Africa, who carried with them their own verbenae and their own flint stones for smiting the victim. Here also the chief was termed *pater patratus*. (Liv. xxx. 43.)

The institution of these priests was ascribed by tradition, in common with other matters connected with religion, to Numa (Dionys. ii. 71); and although Livy (i. 32) speaks as if he attributed their introduction to Ancus Martius, yet in an earlier chapter (i. 24) he supposes them to have existed in the reign of Hostilius. The whole system is said to have been borrowed from the Aequicolae or the Ardeates (Liv. and Dionys. *l. c.*), but this is extremely improbable, and is due only to an etymological explanation: similar usages undoubtedly prevailed among the Latin states; for it is clear that the formula preserved by Livy (i. 32) must have been employed when the pater patratus of the Romans was put in communication with the pater patratus of the Prisci Latini.

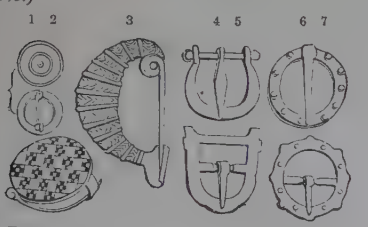
The number of the fetiales cannot be ascertained with certainty, but Varro quoted by Nonius (xii. 43) states that it amounted to twenty; of whom Niebuhr supposes ten were elected from the Ramnes and ten from the Titienses. They were originally selected from the most noble families; their office lasted for life (Dionys. ii. 72); and it seems probable that vacancies were filled up by the college (*cooptatione*) until the passing of the Lex Domitia, when in common with most other priests they would be nominated in the comitia tributa. This, however, is nowhere expressly stated. (Mommsen, *l. c.*)

The etymology of *fētialis* is uncertain. Varro (*L. L.* v. 86) would connect it with *fidus* and *foedus*; Festus with *ferio* or *facio*: but it is more probably connected with *fateri* and the Oscan *futium*, so that *fetiales* would be *oratores, speakers*. In early inscriptions we always find *fetialis*; in Greek MSS. the word always appears under some one of the forms *φητιάλεις, φετιάλεις, φιτιάλεις*: hence there is no doubt as to the orthography. (Cf. Corssen, i.[2] 422.)

The explanation given by Livy (i. 24) of the origin of the term *Pater Patratus* is satisfactory:—"Pater Patratus ad jusjurandum patrandum, id est, sanciendum fit foedus;" and we may at once reject the speculations of Sérvius (*ad Aen.* ix. 53, x. 14, xii. 206) and Plutarch (*Quaest. Rom.* p. 279 B); the former of whom supposes that he was so called because it was necessary that his father should be alive, the latter that the name indicated that his father was living, and that he himself was the father of children. [W. R.] [A. S. W.]

FI'BULA (*περόνη, περονίς: πόρπη, ἐπιπορπίς: ἐνετή*), a brooch consisting of a pin (*acus*), and of a curved portion furnished with a hook (*κλείς*, Hom. *Od.* xviii. 293). The curved portion was sometimes a circular ring or disc, the pin passing across its centre (woodcut, figs. 1, 2), and sometimes an arc, the pin being as the chord of the arc (fig. 3). The forms of brooches, which were commonly of gold or bronze, and more rarely of silver (Aelian, *V. H.* i. 18), were, however, as various in ancient as in modern times; for the fibula served in dress

not merely as a fastening, but also as an ornament. (Hom. *Od.* xix. 256, 257; Eurip. *Phoen.* 805.)



Fibulae, brooches and buckles. (British Museum.)

As specimens of the exquisite workmanship of the more elaborate fibulae, we give two examples from the gold ornament cases of the British Museum.

Fibulae, brooches. (British Museum.)

Women wore the fibula both with the AMICTUS and the *indutus;* men wore it with the amictus only. Its most frequent use was to pin together two parts of the scarf, shawl or cloak [CHLAMYS; PEPLUS; PALLIUM], which constituted the amictus, so as to fasten it over the right shoulder. (Soph. *Trach.* 924–6; Theocr. xiv. 66; Ovid, *Met.* viii. 318; Tac. *Germ.* 17.) [Woodcuts, pp. 3, 158, 315.] More rarely we see it over the breast. The epithet ἑτερόπορπος was applied to a person wearing the fibula on one shoulder only (Schol. *in* Eurip. *Hec.* 933, 934); for women often wore it on both shoulders. [Woodcuts, pp. 368, 386.] In consequence of the habit of putting on the amictus with the aid of a fibula, it was called περόνημα or ἐμπερόνημα (Theocr. xv. 34, 79), πόρπαμα (Eurip. *Elect.* 820), περονατρίς (Theocr. *l. c.* 15), or ἀμπεχόνη περονᾶτις (Brunck, *Anal.* ii. 28= *Anth. Pal.* vii. 713). The splendid shawl of Ulysses, described in the Odyssey (xix. 225–231), was provided with two small pipes for admitting the pin of the golden brooch; this contrivance would secure the cloth from being torn. The highest degree of ornament was bestowed upon brooches after the fall of the Western empire. Justin II. (Corippus, ii. 122), and many of the emperors who preceded him, as we perceive from the portraits on their medals, wore upon their right shoulders fibulae, from which jewels, attached by three small chains, depended. (Beger, *Thes. Pal.* pp. 407 ff.)

It has been already stated that women often wore the fibula on both shoulders. In addition to this, a lady sometimes displayed an elegant row of brooches down each arm upon the sleeves of her tunic (Aelian, *V. H.* i. 18), examples of which are seen in many ancient statues. It was also fashionable to wear them on the breast (Isid. *Orig.* xix. 30); and another occasional distinction of female attire, in later times, was the use of the fibula in tucking up the tunic above the knee.

Not only might slight accidents to the person arise from wearing brooches (Hom. *Il.* v. 425), but they were sometimes used, especially by females, to inflict serious injuries. The pin of the fibula is the instrument which the Phrygian women employ to deprive Polymestor of his sight by piercing his pupils (Eurip. *Hec.* 1170), and with which the Athenian women, having first blinded a man, then dispatch him (Herod. v. 87; Schol. *in* Eurip. *Hec.* 934). Oedipus strikes the pupils of his own eyeballs with a brooch taken from the dress of Jocasta (Soph. *Oed. Tyr.* 1269; Eurip. *Phoen.* 62). For the same reason we find that περονάω meant "to pierce," since περόνη was properly the pin of the brooch (περόνησε, "pinned him," Hom. *Il.* vii. 145; xiii. 397).

Brooches were succeeded by buckles, especially among the Romans, who called them by the same name. The first woodcut shows on the right hand the forms of four bronze buckles (4, 5, 6, 7), from the collection in the British Museum. This article of dress was chiefly used to fasten the belt [BALTEUS], and the girdle [ZONA]. (Verg. *Aen.* xii. 274; Lydus, *de Magistr.* ii. 13.) It appears to have been in general much more richly ornamented than the brooch; for, although Hadrian was simple and inexpensive in this as well as in other matters of costume (Spartian. *Hadr.* 10), yet many of his successors were exceedingly prone to display buckles set with jewels (*fibulae gemmatae*).

The terms which have now been illustrated as applied to articles of dress, were also used to denote pins variously introduced in carpentry; *e.g.* the linch-pins of a chariot (Parthen. 6, § 4); the wooden pins inserted through the sides of a boat, to which the sailors fasten their lines or ropes (Apoll. Rhod. i. 567); the trenails which unite the posts and planks of a wooden bridge (Caesar, *B. G.* iv. 17); and the pins fixed into the top of a wooden triangle used as a mechanical engine (Vitruv. x. 2). [J. Y.] [W. W.]

FI'CTILE, anything made of earth or clay, earthen, fictile. In Greek the special word for moulding in soft materials, πλάσσω, with its derivatives πλάσμα, πλάστης, πλαστική, was gradually applied only to clay, in which sense the words *plastes* and *plastice* passed into Latin. Then, as clay played an important part in the preparation of works in bronze, the use of these words was extended to metal, and still further to statuary in stone and marble. The Latin equivalent of πλάσσω is *fingo*, which originally was applied only to the moulding of soft stuffs, but later was used for statuary of all kinds as opposed to *pingo:* in this extended sense we

have also *fictor* and *figmentum*, but the usual application of *fictor* is confined to modelling in clay, just as *fictor*, *figlinus*, *figulus* refer only to work in clay. The original term for clay is κέραμος, whence the forms κεραμεύς, κεραμεύω, &c., applied not merely to the potter, but broadly to a worker in clay. From πηλός (applied to the clay of the bricklayer, but also to that of the potter) we have πηλουργός, πηλοπλάθος, corresponding to the poetical use of *lutum*: whereas, however, *argilla* = modelling clay, ἄργιλος = clay without reference to its plastic uses, γῆ κεραμίς = *terra* or *creta figularis*; hence also *ars cretaria*. (Cf. Blümner, *Technologie*, ii. p. 1.)

We may take it that the history of working in clay has been in all times subject to the same broad laws of development. The primitive barbarian employs as utensils of food or drink the objects of nature that are to his hand, such as shells or horns. He then finds that certain clays take forms readily and harden in the sun: the next step is to a selection of the clay, and then gradually to a purification of it. Then comes baking in artificial heat, and the preparation and polishing of the surface: finally (in the case of pottery), the introduction of the potter's wheel.

It will be convenient to divide the subject into three parts, corresponding with the principal manufactures to which the Fictile Art was devoted: viz. A. *Vases and lamps*; B. *Bricks and tiles*; C. *Statuary and terracottas*.

A. Vase-making.—The general words for pottery in Greek are κέραμος and ὄστρακον: in Latin, *testa* and *opus figulinum*; this last expression is also applied to bricks, but is usually of finer pottery-ware as opposed to *opus doliare*, rough ware (not necessarily the special making of *dolia*). A potter is χυτρεὺς or χυτροπλάθος, *figulus*. In Greek, special names further indicate the speciality of the potter: thus καδοποιός, ληκυθοποιός.

i. *The preparation of the Clay.*—As to the processes adopted by the ancients in the preparation of the clay, we have little information. The earliest vases from Hissarlik and the Cyclades are of very coarse clay, in which, either by ignorance or from design, large pebbles and pieces of foreign substances are allowed to

1. Clay quarry. (From a tablet at Berlin.)

remain, the result being a very uneven surface and frequent fissures in the vase. A great deal might be done by levigating the clay (ὀργάζειν) while moist, so as to rid it of all grosser substances before moulding it into shape: a still further purification of the clay gave the thin slip, into which the vase when complete was dipped, so as to coat it with a fine surface suitable for polishing. There is no doubt that the extensive commerce in pottery possessed by certain localities was largely due to their propinquity to specially suitable beds of clay. Thus the clay quarries may still be seen near Corinth to which the Corinthian pottery in antiquity owed its reputation: this clay is of a creamy yellow colour, and rather soft to the touch. Much of the Italian ware, the so-called Bucchero Nero, is of an oily surface, and when baked is black all through. The fine clay of Attica, and especially that of Cape Kolias, was celebrated in antiquity not only for its hardness and toughness, but also because it mixed well with ruddle or red ochre (μίλτος, *rubrica*): this would be a quality specially desirable for the manufacture of painted vases [see Pictura]. Colouring matter was frequently applied to the clay; and some makers in Rhodes and Egypt are even said to have mixed sweet-smelling substances in it (see Athen. xi. p. 464 b).

The extensive use of pottery throughout the Greek and Roman world rendered the potter's industry a necessity of every community: hence the frequent references in literature to the "Potters' quarter," the Κεραμεικός. At Athens this quarter was without the city and adjoining the necropolis; a site which was no doubt convenient for the makers of painted vases, so largely in use for dedication at the tomb. The potter's ware was also in use for dedication in the temples, as is shown by the large number of vases with dedicatory inscriptions found at Naukratis in Egypt [see Vas]; and in some cases for prizes in the sacred games [see Amphora]. This painted ware was largely exported from the chief centres of the different manufactures: in the fourth and fifth centuries B.C. most of it came from Athens; later on, a great deal was made in Southern Italy. At Oria, in Apulia, was found in 1828 a potter's workshop, filled with vases of all kinds, especially of the ware which is frequently found at Bari and the tombs of that district, viz. with the black surface sparsely decorated with wreaths, heads, &c. in white, yellow, or purple colours (see *Bull. dell' Inst.* 1834, p. 55). By the middle of the third century the art of painting vases had practically disappeared altogether [see Pictura].

In Italy in the olden time, crockery for ordinary purposes was made by every man who could do so on his own estate: almost every village would have had its own pottery, but the ware would be for the most part rough, unglazed, and with little or no decoration. Of Roman glazed ware there were two main classes —the so-called Aretine and Samian wares. The term Aretine is given because large quantities of this ware have been found at Arezzo, the ancient Arretium, a place which is often mentioned in ancient literature for its fabric of red pottery; but it is certain that other places also produced this pottery, and the term must therefore be taken as indicating merely a special style and technique, which was in vogue in the last century B.C. and the first three centuries A.D. Aretine ware is of a fine clay, brilliant

red colour, good glaze, and highly decorated with reliefs. The term "Samian," originally applied only to those of its class which were made in Samos, came also to indicate a special style wherever made; it consists usually of bowls decorated with reliefs, which are of harder clay and not the same brilliancy of colour as the Aretine. The great similarity between all Samian ware, wherever it is found, has led many to suppose that either the ware itself or the clay was exported; but considering the widely distant localities in which it is abundantly found, it is probable that the potters knew how to adapt local clays to its fabrication: in some cases we have provincial imitations of Samian ware, which have an orange colour on the surface, besides a great variety of local productions of different kinds. (Birch, pp. 346–362.)

ii. *The modelling of the Clay.*—The use of the potter's wheel (*τροχὸς κεραμικός, τροχός, τόρνος*: *rota figularis, rota, orbis*) was known in Egypt in very remote times, and in Greece went so far back as to be credited with a legendary origin: the invention is variously ascribed to the Scythian Anarcharsis, and to Talos nephew of Daedalos; others said Hyperbios of Corinth, others again the Athenian Coraebus, or the Athenian people in general. It is familiar at any rate to Homer, who in a well-known passage likens a dance of maidens to the wheel which "a potter deftly turns with his hands, trying if it will run" (*Il.* xviii. 600); and the vases of the period which is usually referred to the time of Homer are certainly wheel-made. The vases, however, of the primitive tombs at Hissarlik and elsewhere, already mentioned, are hand-made, and show no trace of the wheel: they are, moreover, of the rudest form, and as a rule are without a foot, pierced for suspension, and incapable of standing upright, or are constructed with three roughly-modelled legs. The clay of these vases is coarse and the walls thick, and there is little intention of practical utility in the forms adopted: the anthropomorphic tendency, possibly derived from religion, shows itself in the imitation of living forms, the vases assuming frequently the grotesque shapes of men and animals. (See Schliemann, *Ilios*, p. 521, and Baumeister, *Denkmäler*, s. v. *Troja*.)

In the earliest vases from Italy we have the same stage of primitive hand-made ware, which precedes all other fabrics, and is of the roughest description. Near the Alban Lakes a series of these vases was found beneath a stratum of peperino, and they are now in the British Museum: others were found at Rome beneath the foundations of the wall of Servius Tullius, under circumstances which point to their manufacture at a period long antecedent to that date. From the brownish colour which they show, this class of vases has received the name of Brown Ware, as distinguishing them from the Bucchero Nero before mentioned, the vases of which have the clay black all through, and are made on the wheel. (Birch, p. 449.) The most remarkable of the Brown Ware are the so-called "hut-urns," which are in the form of the primitive Italian *tugurium*; one of these in the British Museum is filled with the ashes of the dead, which were introduced by a little door secured by a cord which passed round the vase: the cover or roof is vaulted, and apparently intended to represent the beams of the hut. The decoration of this class of ware is very rude, consisting of punctured or incised lines, spirals, raised zigzags, bosses, and projecting ornaments applied after they were made: they resemble in character the Teutonic vases found on the banks of the Rhine and certain Celtic ones that occur in France and Britain. They have no glaze upon their surface, but a polish produced by friction.

Besides these primitive vases made in potteries where the wheel was not yet known, we should mention here another class of vases which were probably at all periods made by hand. The large pithi (*dolia*) which were used by the ancients for the fermentation of new wine, and which in this case were usually sunk partially into the ground, were often of enormous size: the largest and most perfect of these pithi in modern times was found near the site of the ancient Dardanus in the Troad. Of this vase Mr. Calvert says (*Archaeolog. Journal*, 1859, p. 3): "An idea may be formed of the size from the fact that, when emptied, six persons entered it together, and it contained them all in a sitting posture." The British Museum has two such pithi, from Kamiros and Ialysos in Rhodes, each more than 4 ft. 6 in. high, in which a space of about 18 in. from the base is unornamented, showing how much of the vase was intended to be buried in the ground; and the subject occurs frequently on vase-pictures of Eurystheus hiding in, or the Centaur Pholos drawing wine from, such a half-buried pithos.

It is evident that no wheel would be large enough for the manipulation of these monsters of pottery, which had to be constructed by hand. What the process exactly was, we do not yet know. They seem to have been built up from the bottom with the help of a wooden frame or kernel, *κάνναβος, ξυλήφιον*: but as to what this *κάνναβος* was, the passage of Pollux (vii. 164) does not clearly state. The same word is applied to the "skeleton" employed by the clay modeller, and is also mentioned (Strattis, Κιν. 3) as the nickname of a very thin man, so that in all probability it was a skeleton of wood around which the clay was modelled. Some fragments of pithi have been found which are bound together with leaden or bronze cramps; whether these were employed in the construction, or subsequently let in, to strengthen the vase, we cannot say. The construction of pithi was evidently looked upon as a difficult feat of the potter's art, as we see from the proverb applied to those who, neglecting the rudiments of teaching, attempt at once difficult problems: they are likened to one learning the potter's art, who, before he has learnt how to make pinakes (tablets) or other small objects, tries his 'prentice hand upon a pithos (Zenob. *Cent.* iii. 65), *ἐν πίθῳ τὴν κεραμείαν μανθάνειν*.

As to the form or method of handling of the potter's wheel, ancient literature tells us very little: we do not even know whether it was turned always by hand, or whether, as in the modern usage, it was turned by the foot. Homer, in the passage already quoted, speaks only of the hand, *τροχὸν ἅμενον ἐν παλάμῃσιν*: and in all the representations of a potter's wheel which occur on Greek monuments the hand alone is employed. Blümner (*Techn.* ii. p. 38,

n. 3) quotes a writer of the third century B.C., the son of Sicelus (Ecclus. xxxviii. 29 ff.), who mentions definitely the use of the feet, *συστρέφων ἐν ποσὶν αὐτοῦ τροχόν*: but more commonly we find mention of the use of the hand (*e.g.* Plut. *de gen. Socr.* 20, p. 588 F). In the case of a large vase, before which the modeller would have to stand upright, the wheel was only raised a short distance from the ground, and was turned by a boy seated beside it, as we see in the Munich vase-painting representing a potter's workshop (Jahn, *Verzeichniss*, No. 731).

The wheel consisted of a circular disk placed horizontally upon an upright post, upon which it rotated. Specimens have been found in the neighbourhood of Arezzo (Fabroni, *Storia degli ant. Vasi fitt. Aretini*, p. 63) and near Nancy (De Caumont, *Cours d'anc. Mon.* ii. 210): these are described as wheels of terracotta, pierced at the centre to receive the axis of a pivot, and furnished at the circumference with small cylinders of lead: these would serve as a purchase for the hand, while the additional weight would impart steadiness to the rotatory movement.

The accompanying illustration shows a potter at work making a vase upon the wheel. It is taken from the painting on a pinax or small clay tablet in the Berlin Museum, and is one of a large series which were found at Penteskuphia near Corinth in 1879, and date from the sixth century B.C. Many of these pinakes represent different stages of the potter's art, and from the inscriptions it is probable that all were originally dedicated by potters to Poseidon as specimens of their work, which in course of time were removed from the temple or shrine, and

2. Potter at work. (From a tablet at Berlin.)

buried in a favissa adjoining. From the above we see that the process of pottery at this early date differed but little from that of the present day. The ancient potter placed a lump of clay upon the centre of the wheel, and while he revolved the wheel (*τροχὸν ἐλαύνειν*) he moulded (*ἔλκειν*, *ducere*) the clay with his hand. While one hand was placed inside the lump of clay, giving it the required form, the palm of the other would be pressed against the outer surface, thus keeping the wall of the vase smooth and thin. That thinness in the walls was a special desideratum, at any rate in the best period, we see from the vases which have come down to us: this is further exemplified by the statement recorded in Pliny (*H. N.* xxxv. § 161), that in his day were still to be seen in a temple at Erythrae two amphorae preserved there in remembrance of a contest between a master potter and his pupil, as to which could throw the thinnest ware. Lucian even speaks of pottery so light as to be blown away by the wind, *ἀνεμοφόρητα καὶ ὑμενόστρακα* (*Lexiph.* 7). In the preceding cut, the potter is seated beside his wheel, which he turns with one hand, while with the other he applies ornament either with a brush or stick: if the ornament was engraved alone, this would have to be done while the clay was still moist; if painted, the vase would be first dried in the air.

The body of the vase once completed, the surface was smoothed, perhaps as now, with a piece of hard leather or a small strip of wood: Jahn thought that this process is represented upon a vase-painting (*Berichte des G.* 1854, Taf. 1, 2). It was then placed in the air to dry, and the handles, as well as in the case of larger vases the neck and foot, which had been independently constructed, were attached. Great technical skill was shown by the Greek potter in the attachment of the handles, which, in the vases which have come down to us, are rarely broken away at the point of juncture.

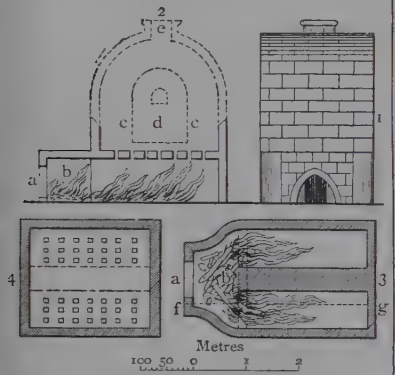
The completed vase was now ready for decoration. The various processes of painting and glazing vases are considered under the article PICTURA; other methods of decoration by means of stamping and moulding are mentioned below. In any case, most vases, with the exception of the rudest and most primitive, would be covered with a finely-ground slip, and in certain instances a very fine siliceous glaze, probably formed of soda and well-levigated sand. It was now ready for

iii. *The Baking.*—Some vases, we are told by Pliny (*H. N.* xxxi. § 130; xxxiv. § 170), needed no baking, being used for certain technical or medicinal purposes: these were called *ὠμά*, *cruda*. Plato (*Legg.* iii. 679 A) mentions the vases of the olden time, distinguishing between those which were baked, *ἔμπυρα*, and those which were unbaked, *ἄπυρα*. Almost all the vases which have come down to us, however, are undoubtedly baked. A vase of great size, such as the pithos above mentioned, would possibly have a special oven for its reception: it is possible that such an oven is shown on one of the Berlin pinakes, where the neck and handles of a large pithos project from the roof of an oven, with flames coming through it: Furtwängler, however (*Berlin Vase Catal.*, No. 802), says that the custom still obtains in Greece of the use of a pithos for the same purpose in the houses of the present day.

The process of baking (*ὀπτᾶν*, *coquere*) was one of the most critical in the potter's art. The necessary amount of heat required to be accurately adjusted, according to the character of the ware. Most of the Greek pottery is submitted to a great deal of heat; the Etruscan Bucchero Nero, on the other hand, required only a moderate amount: frequent examples have come down to us of discoloured or distorted vases, which have been subjected to too much or too little heat. Often the vases flew in the baking, *φοξά*: or the vases touched one another and lost their shape; or the smoke reached them and spoilt the colour. These mishaps were put down to the malicious influence of evil sprites, and various methods were resorted to counteract this influence: the pseudo-Homeric hymn to the potters (Hom. *Ep.* xiv.) invokes Athene's protection for the vases that are being baked, and mentions the various evil spirits that

may injure them if the potters deceive the poet: "the Smasher, Σύντριψ; the Crasher, Σμάραγος; the Unquenchable (*i.e.* overheat), Ἄσβεστος; the Destroyer, Σαβάκτης; and the Fierce Conqueror, Ἀμόδαμος; and may he work many evils to your art!" On the Munich vase the front of the oven is furnished with the head of a Seilenos, as an amulet, ἀποτρόπαιον, intended to avert the evil eye. The quality of baking was judged by tapping (κρούειν, *discutere*) on the surface of the vase, according to the sound it gave out.

The ovens (κάμινοι, *fornaces*) for baking vases seem to have differed very little from those of the present [FORNAX]. The remains of such ovens, dating from a late Roman period, have been found in S. and W. Germany, France, England, and Italy. The most perfect perhaps was that found in 1881 at the little Roman colonia situated between the villages of Heddernheim and Praunheim near Frankfort: it has now been destroyed by the owner of the property on which it was found, but an excellent set of plans were drawn up before its destruction, by Donner, and published in the *Annali dell' Inst.* 1882, Tav. U 3–6, from which they are here reproduced.



3. Plans of furnace at Heddernheim.

The oven as a rule consisted of three different parts: the fire-space, or furnace, which was usually prolonged at the entrance by a channel through which the fuel was passed, *praefurnium*; and the vase-room, or oven proper, which consisted of a domed chamber built over the furnace. The whole was built of burnt, or sometimes of unburnt, bricks, and the interior, floor, and upper surface of the roof were coated with strong cement. The furnace was usually circular, sometimes rectangular; and was usually bisected by a wall, which started from the *praefurnium* and was intended to support the floor of the oven. This floor was pierced with a number of holes to allow the heat to pass through: upon it the vases intended for baking were placed, or else they were hung on the walls: in the oven found at Lezoux a number of iron pegs were driven into the walls for this purpose. In some cases a series of pipes ran from the holes in the floor through the roof of the oven: by this means any smoke or cold air which might otherwise penetrate from the furnace into the oven, and so injure the vases, was carried off. The roof is wanting in nearly all the remains which have come down to us; but all the painted representations point to a vaulted roof, with a hole or chimney at the top through which the flames issue. Into the side of the oven two doors, or one door within another, led from the outside, capable of being hermetically sealed: the smaller of these doors enabled the potter to examine the vases from time to time and watch their progress in baking; the larger door was used for introducing the vases into the oven.

In fig. 3 we have the ground-plan of the furnace, of which *a* represents the mouth; *b* the neck, from which the flames spread throughout the building. The fire-space is divided into two parts by a wall which serves as a support for the floor of the vase-space seen in fig. 5: this floor is perforated with square holes at regular intervals, through which the heat passes to the vases. No. 1 represents the front elevation, and No. 2 the vertical section, of a complete building, made up from the actual remains of Heddernheim restored after the Berlin paintings: the portion restored is marked in dotted lines. In No. 2, *d* represents the door nearly on a level with the floor of the oven, through which the vases are inserted: the smaller aperture within *d* serves as an eyehole through which the vases in process of baking might be periodically inspected: such an arrangement seems to be indicated on some of the Berlin paintings.

4. Exterior of furnace. (Berlin tablet.)

5. Interior of furnace. (Berlin tablet.)

For the processes of painting vases, which would naturally have required special arrangements of baking, see PICTURA.

iv. *Plastic decoration of Vases.*—Under this head we may include all the forms of decorating vases which are not comprised in the process of painting; that is to say, the processes of modelling, moulding, or stamping. In Greek art these processes were never much in favour among the makers of vases: we meet with them in the earliest pottery, and to a considerable extent also in the decline of taste; but at the best Greek period the form of the vase is as a rule as simple as possible, and the decoration is confined to that of colour.

a. In the earliest Greek pottery, plastic forms occur, but these are usually owing principally to the tendency to imitate vases of metal; a tendency which is always making itself felt among the makers of vases in clay. Among the vases of the Mycenaë period in the British Museum, is one from Kalymnos in the form of a bull's head, which is the exact parallel of a silver vase found by Schliemann at Mycenae, and which is of the same period: it is obvious that the Kalymnos potter must have had some such metal vase in his mind, for the projecting horns of the bull, which would be strong enough in the metal to resist fracture, are extremely inappropriate when executed in clay. Similarly, in the succeeding period of Dipylon ware, we have the feet and handles of vases frequently modelled in a form which is obviously imitated from the strips of beaten metal used for this purpose in the metal vases of the same period. Even among vases of the sixth century B.C. we find imitations of rivets and nails which in the metal originals would serve to fasten on the handles and feet. In Cyprus, where art was never completely subject to Hellenic influence, fantastic forms prevail throughout.

Another tendency to plastic forms was that which Greek pottery underwent in the importation of objects from Egypt and elsewhere. To the Egyptians was due the idea of the so-called Canopic vase; that is, a vase made more or less in the likeness of the being whose remains it was intended to contain: it was natural that this conception of a vase on the analogy of a living being should be reflected, as it is in the earliest vases, both in the form and often in the decoration, as when the neck of a vase is decorated with a necklace and the handles with ear-rings: the more so, as our own terms for the different portions of a vase—lip, neck, shoulder, body, and foot—imply the same analogy. Thus, from the Egyptian alabaster vases, alabastra, in form of a female figure, we have the Greek alabastra imitating the same form; from the porcelain vases in form of a head, or of various animals, we have a whole series of aryballi imitating, or even creating, similar new shapes. These mostly date from early in the sixth century B.C., and after this date we do not find many such imitations of form except in a few instances of the so-called rhyta, and even these are in the best period of Greek art. In the period of decline (*i.e.* the fourth and beginning of the third centuries B.C.) among the vases of Greek manufacture from Southern Italy we find the same tendency springing up again, but here it is merged with other processes, which combine with it in destroying the simplicity of outline indispensable to the best aims of the potter's art.

b. The same principles are found in the Greek use of *appliqué* decoration. Among the earliest vases it is rarely found, the only instances of its occurrence being a series of cups with black glaze, found at Naucratis and Rhodes, which have an exterior band left uncoloured, on which are small objects, such as knuckle-bones, which have been cast separately in a mould: and a series of the so-called Polledrara ware, the clay of which is black throughout, and which have ornaments in the same clay applied in this method: examples of this ware have come from the Greek settlements in Egypt, and from Mytilene and Italy; both classes date from early in the sixth century B.C. This method reappears in the fourth century, when among the vases now too often crowded with painted figures the desire is felt of emphasising the principal actors in the scene: at first this is effected by the use of gilding for the principal group; then gradually these figures are separately moulded and applied to the vase; and finally we have the entire scene thus rendered in relief, or else a vase is formed by fitting a spout and handle on to a terracotta statuette which has been cast hollow. There is also one class of black aski at this period, which have the upper surface decorated with a subject in relief, which has been cast in a mould: in the British Museum there is exhibited one such relief from an ancient askos, together with the ancient mould from which it was cast. In many of the large vases of Italian fabric, this tendency is for a long time confined to the handles: thus the large kraters of these fabrics have the upper extremity of the handle, which is in the form of a volute, decorated with an *appliqué* Gorgon's mask, while the lower extremity issues again from the vase in the form of swans' necks.

c. The introduction of Oriental cylinders and seals into Greece no doubt suggested the adaptation of the stamped ornament to Greek pottery: an engraved cylinder, revolving on a swivel, needed only to be pressed against the soft clay as it turned upon the potter's wheel, and it would give a continuous band of pattern, formed of as many repetitions of the same design as the circumference of the vase could contain. The earliest examples of this class of ware are certain large pithi of uncoloured terracotta, of which the British Museum has three complete examples found in Rhodes, and numerous fragments, with one complete example, from Crete; they may be compared with the fragments of sarcophagi found at Assarlik in Caria: in all these instances the decoration is effected either by means of the cylinder, as above; or by a succession of stamps with figures or patterns in relief. The process was probably also in use among the Greek potters of the Polledrara ware, though at present the examples of it have been mainly found in Italy. After the sixth century B.C., it seems to have dropped entirely out of use among the Greeks: the British Museum has one single exception, a small black-glazed cup of the fourth century B.C., which has a representation of Perseus and Medusa: each of

the figures in this scene has been singly stamped upon the soft clay from a separate stamp.

d. The practice of producing complete vases from moulds is only found in the later periods of Greek pottery: many of the rhyta already mentioned were probably so made, in the form of objects such as the heads of Seileni or nymphs, or the heads of animals, or even occasionally in groups, such as that of a negro devoured by a crocodile: these rhyta are usually coloured, with more or less resemblance to nature, or are covered with a black glaze. Another class of vases produced in this way are certain black aski with reeded or plain bodies and a relief on the upper surface; and a class of phiale omphalobi of the same ware, which have a frieze of figures running around the central boss in the interior: it is uncertain, however, whether these vases were made by Greek or by Roman potters; one such phiale has around the central boss an inscription in archaic characters of the Roman potter Canuleius (*Annali dell' Inst.* 1883, Tav. d' agg. I). On the other hand, a cup of this ware has on the interior the mould of a coin of Syracuse of the third century B.C.

In Etruria, previously to the free importation of Greek pottery, we find the potter's art following much the same line of development. We have, first of all, the primitive hand-made ware, which is modelled into all sorts of grotesque and fanciful shapes, principal among these being the so-called "hut-urn," already alluded to: these are succeeded by the Bucchero or black ware, in which the forms are moulded frequently in imitation of metal, and the decoration follows one or all of the three processes; either it consists of reliefs pressed separately in a mould and attached, or reliefs modelled on the vase free-hand, or bands and patterns stamped on the vase. Contemporary with these is also a class of red ware, for which the stamping process alone seems to have been used.

The Roman pottery of early times seems to have been mainly similar to the Etruscan, or to have relied largely upon imported fabrics. From an early site upon the Esquiline we have evidence of a fabric which is evidently derived from an Egyptian origin, and which has a greenish yellow glaze with floral patterns, &c. in relief. In the third century B.C. Roman potters were working in the Greek method, as we see from the vase of Canuleios mentioned above. In the second century B.C. we find the so-called Samian ware coming in, and this seems to have held its own to the exclusion of most other ware throughout Roman times. It is of a remarkably fine and smooth character, varying in colour from a deep red to a pale orange, or iron grey with a bright metallic lustre, and in most cases has plastic decoration in relief. The custom, however, of calling this ware "Samian" appears to rest on no sufficient basis: it has been attempted to show that this ware is traceable to certain "Proto-Samian" pottery found in Greece and the islands; but it is never mentioned by the earlier Greek writers, and seems to have been peculiarly characteristic of Roman pottery. One of the principal seats of its manufacture was Arezzo, the ancient Arretium, and this Aretine ware is frequently mentioned in terms of praise by Roman writers (see Birch, vol. ii. p. 339).

The vases of this ware which are decorated with reliefs are most usually made entirely in a mould; or else the relief was executed *en barbotine*,—that is, by laying on the surface a thin slip, which was then worked up with a tool into the required form. The mould vases, or matrices, were in one piece, as a rule of the same clay as the vase itself, but uncoloured. In the production of vases on this plan, three distinct processes were necessary: first, the making of the stamps intended for the decoration, then the fabrication of the matrix, and, lastly, the formation of the vase within the matrix. The stamps were usually of clay, but were also made in gypsum, wood, and metal: they had a short handle, terminating in a surface slightly convex (so as better to fit the concave side of the matrix), on which was modelled the ornament, either a pattern or figure, or the name of the potter. As the making of these stamps required a certain amount of artistic skill, it is probable that they were in circulation among the numerous potteries, and this accounts for the

6. Specimen of Samian.

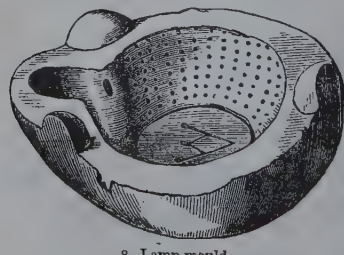
7. Potters' stamps.

fact that vases with similar ornaments have been found in widely distant localities.

For the preparation of the matrix a clay which should possess highly absorbent qualities was necessary, so that it should absorb the moisture of the clay which was pressed into it, and facilitate its drying: for this purpose we find some of these matrices provided with a hole in the base through which the moisture might drain out. They were made on the wheel, and, while the clay was still damp, the designs were pressed in by means of the stamps: the whole was then smoothed and baked hard.

Into the matrix thus prepared, the clay was pressed, and the inner surface of the vase was then formed upon the wheel. When dry, the vase was easily removed from the matrix; a foot, if necessary, was added, and it was now ready for baking. For finishing purposes, modelling tools were employed, of bone or bronze: several of these were found at Arezzo (see Blümner, *Techn.* ii. p. 110).

Most of the lamps which have come down to us are also made in this process: some of the Greek lamps of earlier times are simply open vases made either freehand or on the wheel, and covered with black glaze. The most ordinary form, however, both of late Greek times and throughout the Roman period, have the chamber for the oil covered in, with, as a rule, a decoration in relief upon the upper surface. These were invariably made in a mould by the following process:—First a solid clay mould was made in the form of a lamp, decorated on the upper surface either with a moulded or stamped decoration: around this core a clay matrix was pressed, which was then divided horizontally, so as to form an upper and lower matrix: to ensure the exact fitting of these two parts, either corresponding marks were made, or else a series of knobs were raised in the surface of one part which exactly fitted into corresponding sockets in the other part. Both parts would then have a thin coating of clay pressed in, the two parts of the matrix were joined, and the complete lamp within the matrix was finally allowed to dry, and then baked.



8. Lamp mould.

B. Architectural Objects.—i. *Bricks.*—The general term in Greek for brick-making is πλινθεύειν, and for a brick, πλίνθος; as the usual form of a brick was rectangular, both these words became applied gradually to all objects of this form, without distinction of material: the corresponding term in Latin is *later*, but this word had not the same extended usage.

The art of brick-making, one of the simplest and oldest of the fictile arts, was never developed to any considerable extent in Greece; it was in use from very early times, and, like most arts, had its legendary inventors. To the Athenians Euryalos and Hyperbios were attributed the arts of brick-making and house-building; another account mentions Toxius, son of Caelius, as the inventor of building with mortar, the idea having been suggested from the nests of swallows. Of the Greek uses or methods of making bricks very little is known; it is certain at any rate that the Greeks used air-dried bricks and tiles (πλίνθοι ὠμαί, *lateres crudi*) down to Roman times, even for the walls of towns. As a rule, for all important buildings, stone and marble would be used; and in all probability the use of bricks was never extensive in Greece until it had spread thither from Rome.

In the early period of Roman history under the Republic, the usual material for all buildings was air-dried bricks. Vitruvius says that in his time at Rome it was usual to employ stone for the foundations (*pilae lapideae*), bricks for the walls (*structurae testaceae*), and cement for the party walls (*parietes caementicii*). In Imperial times brick was the usual material for both private and public buildings; the walls of more costly buildings would often be of a core of rubble between bricks, or of brick alone, faced with marble slabs.

All that we know of the Greek method is that the earthy clay (πῆλος) was carved out with trowels (ἀμαί) and laid in mould (λεκάνη, see Aristoph. *Aves*, 1145): it was wetted with water and kneaded with the feet, but it is uncertain whether the bricks were modelled by hand or pressed into a mould. The Romans were careful in the selection of clay: they rejected sandy or stony clay, both on account of the weight and liability to damp; a whitish clay was preferred (*terra albida, cretosa*), or else a reddish clay (*rubrica*), or the softer kind of sandy loam (*sabulo masculus*). The special times for brick-making were spring or autumn: after baking it was usual to leave the bricks for some time to dry. Vitruvius recommends the use of those which are two years old and thoroughly dry; and quotes a law of Utica, ordaining that bricks for walls must be five years old. The clay was carefully purified, damped, and mixed with chopped straw; it was then either formed by the hand or pressed in a mould, and set to dry in the sun. In some parts of Spain and Asia Minor bricks are said to have been made so light that they would not sink in water.

The usual size of bricks in Greece was 5 palms square (πεντάδωρα) for public, and 4 palms square (τετράδωρα) for private buildings: in Rome the size usually adopted was the γένος Λύδιον, 1½ Roman foot long by 1 ft. broad (*sesquipedales*). Palladius recommends bricks of 2 Roman feet long (*bipedales*) by 1 ft. broad and 4 in. high: in later times there seems to have been no definite rule as to size.

The form varied according to the purpose for which the brick was intended. The accompanying woodcut, taken from Rich, shows a set of brick

9. Brick forms.

forms which he collected from various Roman buildings: some are triangular, others hemispherical (*tegulae mammatae*): others, intended for circular buildings, such as columns or ovens, have a curved edge: those intended for a floor are either square *tesserae* or long pieces which when put together in a pattern give the so-called *spicata testacea*: and the finer mosaic floor (*opus vermiculatum*) is often made of fragments of different-coloured pottery.

ii. *Tiles.*—The usual system of roofing, both in Greece and Italy, was by means of two sorts of tiles, viz. the flat tile with raised edges (*κέραμος, στεγαστήρ, tegula*), and the curved ridge tiles, laid alternately with the others (*καλυπτήρ, imbrex*). Mention is also made of gutter tiles (*colliciae, tegulae colliciares* or *deliciares*), intended for drawing the rain-water off the roofs as it passed through the gargoyles. The making of tiles was a separate trade from that of brick-making, and tile-makers were called *tegularii, teglarii,* or *figuli a tegulis, figuli ab imbricibus.* (Orellius, 4190; Henzen, 7280.)

The habit of tiling for roofs must have commenced at a very early date, but there is no evidence as to when it was introduced. It seems quite clear from the excavations at Tiryns that the palaces and houses of the pre-Homeric and Homeric periods were not roofed with clay tiles, as in all the excavations on that site no single tile of baked clay has been discovered which can be attributed to those periods. The hut of Achilles, as described in *Il.* xxiv. 450–1, was covered with rushes, and rush thatching was in use in Sardis when that town was taken by the Ionians (Herod. v. 101); but probably for an extensive system of buildings like Tiryns and Mycenae the whole roof was covered with a thick layer of clay, perhaps resting upon a layer of rushes, as is the practice in the East at the present day. In all probability flat roofs continued in use for private houses in Greece down to a late period, for we read of certain ceremonies which took place (the *κῆποι Ἀδώνιδος*: see *Rev. Arch.* 1851, p. 97) upon the house-tops at Athens. But for the roofs of public buildings terracotta tiles must have been employed at an early period, for it was said that Byzes of Naxos first introduced tiles of marble about B.C. 620 (Paus. v. 10, § 2). [TEGULA.]

In Rome, and probably also in Etruria, houses were originally roofed with shingles, and continued to be so down to the time of the war with Pyrrhus, when tiles began to supersede the old roofing material (Plin. *H. N.* xvi. § 10); and in Pompeii the majority of the houses had terracotta tiling.

Tiles were also used in graves to cover the body in the case of inhumation and to line the grave: also for closing the recesses in the chambers within which the little sarcophagi were placed which held the ashes of the dead, and these would have inscriptions stamped or incised, recording the name and titles of the deceased.

The paste of which tiles were made is compact and dense, but generally not so fine as that of bricks. Like bricks, they appear to have been made by means of a mould, but two boards, called *plaision*, were probably sufficient for the purpose. A hole was driven through them when they were intended for roofing, especially for the *opus pavonaceum* or peacock-work, in which they were arranged like scales, being hung by one corner. The flange tiles were probably made in the same way, the flanges being subsequently turned up by the hand of the workman. They were then dried in the sun, and subsequently baked in a kiln: the Romans in early times, as has been stated, used sun-dried bricks and tiles, but these did not last more than five years. For baking bricks and tiles the same form of oven would be used as in the case of vases already described. (See Birch, *Hist. of Pottery*, p. 470.)

iii. *Antefixes, &c.*—The *imbrex* close to the edge of the roof terminated in an upright semi-elliptical surface called the *antefix*, on which was usually a decoration in relief, consisting generally of a palmette (*καλυπτὴρ ἀνθέμωτος*), or some other floral device. The main part of the imbrex was moulded by hand, and the decoration on the antefix stamped or impressed from a mould upon the soft clay. In the British Museum is a large series of archaic terracotta antefixes from Caere, representing heads or busts, and mythological figures such as Gorgoneia, Typhon, Sphinxes, within a floral border; and a series of masks for a similar purpose, but of later date, from Tarentum: all these are highly coloured. [See ANTEFIXA.]

The fictile art was considerably used throughout antiquity for various other architectural purposes, such as for capitals and columns, sills and frames of windows, the crowning portions of cornices and gutter-spouts, and akroteria. The gutter-spouts under the ridge tiles were a very decorative part of terracotta decoration: the most ordinary form of these spouts was a lion's head, such as the Greeks also used frequently for the spout of a fountain, moulded in high relief, the water issuing from the open mouth: other forms were the whole forepart of a lion, cast from a mould in high relief, with the spout issuing from between the forelegs. The moulds for these *antefixa* were probably in extensive circulation, as the same impressions are found in widely distant localities: their use extended back to early Greek times, for the excavations at Olympia and in Sicily and Magna Graecia show that during all the archaic period the Greek artists employed painted terracotta extensively for covering the higher parts of temples. In the inscription referring to the arsenal of the Piraeus (B.C. 346–328) mention is made of *κεραμίδες ἡγεμόνες λεοντοκέφαλοι*: and Rayet in his *Céramique*, pl. 15, gives two good coloured illustrations of such architectural decoration, the one from the cornice and fillet of the treasury of Gela at Olympia, the other from those of the archaic temple (C) at Selinus.

The original intention of this fictile decoration was no doubt the preservation against weather of the early wooden structures: and during the period when public buildings were principally constructed in calcareous tufa, the practice still continued: it was only given up when these buildings came to be constructed in marble, but still continued in localities where marble was difficult to obtain, such as Sicily. At Pompeii in all periods of architecture fictile decoration is extensively employed, but undergoes a curious process of development: in early times the clay is coarse and ill-refined, while

the modelling and casting are good; in later times, the material is good, but there is a corresponding want of care in the modelling: the reason being, that in later times the terracotta was seldom exposed, but only served as a basis for stucco decoration. The terracotta mould was generally covered with a thin layer of stucco and then painted (see Von Rohden, *Terracotten von Pompeii*, i. p. 9; and Overbeck, *Pompeii*, p. 469). This use of stucco covering gave rise to the employment of baked clay for many purposes which it had not served before: thus, the shafts of columns in Pompeii are frequently made of bricks coated with stucco; and some very elaborate cylinders of terracotta have been found there, richly decorated, and intended to serve as the protection of the mouths of wells, puteal, with ornaments such as Caryatid or Atlantid figures, garlands or lion masks, in relief, and other ornaments pressed in from a stamp.

In Mesopotamia, where the main principle of architectural construction was clay or mud, it was necessary to protect the walls of buildings from damp and weather: in Assyria and Persia this was effected either by means of slabs of marble, or by a facing of glazed and coloured tiles. This practice transferred itself to the early civilisations of Italy, where, especially in the tomb grottoes, the tufaceous soil was liable to percolation of damp. The habit there grew up of facing the walls of these grottoes, and possibly of the houses also, with slabs of terracotta. There is in the British Museum a series of five such slabs of terracotta which were found in 1874 in a tomb at Caere (Cervetri), to the walls of which they had been attached by means of plaster. They average about $\frac{3}{4}$ in. thick, and are painted with designs which seem from their style to indicate an Asiatic influence, and to date from about the seventh century B.C. Just as in the exterior decoration of tiles and cornices the labour of the painter was lightened by the assistance of modelling, so no doubt, in the interior wall-decorations, modelling or casting in relief was early resorted to. In the British Museum are several slabs in coloured relief from Capua, representing a procession of chariots, which have probably been used for this purpose, and which date from the fifth century B.C.; and numerous terracotta sarcophagi with reliefs have been found in Etruscan tombs, which show how extensively this art flourished in Etruria. Slabs in low relief were called *protypa;* those in high relief, *ectypa*.

Among the Romans, terracotta decoration was extensively employed in the interior of houses: the most usual form consisted of flat slabs, *antefixa*, about 18 inches in length and 9 inches high; these were cast in a mould, with circular holes left for the plugs or leaden nails by which they were attached to the woodwork or masonry, and after the necessary retouching were fired in a kiln and coloured. The subjects of those which have come down to us are very varied, being principally borrowed from Greek mythological representations, executed under marked Roman influence: sometimes the relief consists of mere ornament, and the treatment is always architectural. Some late examples of such *antefixa* are in the Museum at Sèvres; two of them are inscribed with the names of the makers, Fecinus and Verecundus, probably freedmen or slaves (Brongniart, *Mus. de Sèvres*, p. 16). Birch (p. 492) gives several instances proving the use of such slabs in the decoration of Roman houses and tombs.

Another important use of terracotta was in the making of all sorts of drain pipes (*tubuli fictiles*): these were usually circular for all purposes connected with water, and were probably turned upon the lathe around a core: they were made to almost any size, some being as much as 8 inches in diameter; they are made narrow at one end, with a collar for insertion, and were joined together with mortar. For warming the *tepidaria* and the rooms of baths and other chambers, a rectangular flue tile was used, which had a hole at one side for the ejection of the air; the clay is scored while still moist with patterns of lines, in order to afford a better hold for the cement. They are as a rule of the same paste as the roof-tiles, and average about 16 inches in length.

iv. *Other uses.*—It would be impossible here to enumerate all the various uses to which so handy and adaptable a material was put in antiquity. Besides those already stated, we may mention brick cisterns for holding water, of which examples have been found in Sicily: in Greece public cattle-troughs seem to have been made of this material. In an inscription from Eleusis (Ἐφ ημ. Ἀρχ. 3rd ser., 1883, p. 1) mention is made of "four cattle troughs (τριπτῆρες) for watering beasts of burthen on the road, obtained from Tibeas the potter, κεραμοπώλης." Imitation jewellery for the tomb was made in terracotta and gilt; masks of deities intended for religious purposes (*prosopa*); other masks intended to be hung on trees [OSCILLA]; and numbers of cones and disks with inscribed names and perforated for suspension have been found, but whether these were intended as weights for garments, for cattle, or for steel-yards, cannot be ascertained.

v. *Stamped Inscriptions and Emblems.*—The practice of stamping a name or an emblem upon a vase as a mark of the locality or workshop where either the vase or its contents were made, though it was common in Roman times, was rare in Greek pottery, and may indeed be said to have been confined almost exclusively to one class of vases. These were the unpainted amphorae, or diotae [see AMPHORA], which were in extensive commerce from the third century downwards throughout the ancient world; they were chiefly used for the export of wine, but also for that of figs, honey, salt fish, and other substances: the amphora which is represented on the coins of Athens after the time of Alexander probably alludes to the large Attic trade in oil which was exported in these vases. The place usually selected for stamping is upon the upper surface of one of the handles, and the form of stamp differs according to the locality from which the amphora had been exported. The British Museum has a collection of several hundreds of stamped amphora handles which have been found in the most remotely distant sites all over the ancient world. There seems, however, to have been three principal centres of the export of these amphorae—Rhodes, Cnidos, and Thasos, and each is marked by a slightly different clay, a different form of vase,

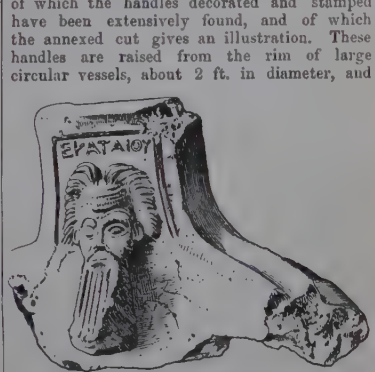
and a different system of stamping. Though the series extends over a period of at least three centuries, the character of each class is more or less stereotyped, both as regards form, dimensions, and mode of fabrication. The stamps of Rhodes are of two kinds: a circular medallion, which has an emblem like a coin type, such as a rose or a head of Helios, usually surrounded with a legend which gives the name of the eponymous magistrate of the year, a phrourarchos or a priest of the Sun, and a month; or an oblong label, which gives either an emblem with a magistrate's name, or a magistrate's name and that of a month. Those of Cnidos are usually diamond-shaped or oblong, and have an emblem with the name of an eponymous magistrate, who seems to have been a demiourgos, a phrourarchos or an astynomos, and occasionally a second name, perhaps that of the exporter, followed by letters of the word ΚΝΙΔΙΩΝ. The stamps which have been preserved of Thasos are much rarer: they have usually the inscription ΘΑΣΙΩΝ, followed by a name, and an emblem such as a cornucopia or a dolphin. Besides these three classes, specimens are preserved with inscriptions which refer their origin to such sites as Sinope, Bosporos, and Olbia; and there are several kinds which bear monograms, abbreviations, single letters, or merely emblems.

10. Stamped Amphora handles. (British Museum.)

Judging from the character of the writing, it would appear that stamps of two materials were used: in some cases the inscriptions are clearly cut and sharply defined, and would have been impressed from metal stamps, such as have been found in great numbers (though none as yet which can be connected with this special class of diotae): in other cases the lettering is faint and almost illegible, and was probably the result of using a worn wooden stamp. One interesting fact in the study of these inscriptions is that they show the ancients to have come very near the invention of printing: many of these amphora handles have inscriptions made by combinations of single-letter stamps; and in some cases a letter in a word has been wrongly inserted and is corrected with another letter stamped over it.

The intention of these stamps on amphora handles is still a matter of uncertainty, notwithstanding a large amount of study which has been devoted to its elucidation. It is evident that the majority of these inscriptions indicate primarily a date; and many suppose that the date on the handle indicates the time when the wine or other contents were inserted. This is obviously improbable: the stamp is impressed while the clay is wet, and not necessarily at the time of bottling: moreover, the buyers of Rhodian wine all over the world would have had to know by heart the entire list of Rhodian priests of the Sun: and lastly, Cnidos, whose amphora handles are found everywhere throughout the Mediterranean, was not famous for wine, and certainly never in the way of exporting produce. Besides, we know that in instances where vases were employed for preserving, it was usual to seal the mouth with stucco or mud, and on this material to stamp the contents, and possibly the date. The Greeks in this matter probably followed the Egyptian practice. Mr. Petrie found at Daphnae a series of "jar stoppings" of mud and straw, each of which was stamped with the king's name in whose reign the jar which they covered was laid down. What then is the intention of these amphora-stamps? It seems probable that they were the official stamp of the magistrate whose duty it was, as we know from other sources, to certify to the legal capacity. Thus M. Dumont (*Inscr. Cér.* p. 42) quotes the analogy of a marble *σήκωμα* with a similar inscription: the *σήκωμα* was a table of official weights placed in the agora; and the inscription certifies these weights as examined and found correct by the public official. We must recollect in this connexion that the amphora was a distinct measure of capacity, and is frequently so mentioned in Greek inscriptions. We may therefore conclude that all amphorae intended for this purpose were examined and stamped officially before they underwent the final baking. Of course the amphora of Thasos, Rhodes, and Cnidos need not have been all of the same size: our "Winchester pint" is an analogous case; but this accounts for the small variation in shape and size among all the amphorae from any one of these fabrics during the centuries in which they were being produced.

There is another class of terracotta vessels of which the handles decorated and stamped have been extensively found, and of which the annexed cut gives an illustration. These handles are raised from the rim of large circular vessels, about 2 ft. in diameter, and



11. Brasier handle. (British Museum.)

have a portion projecting considerably towards the interior of the vessel. It has been shown that they belong to circular brasiers or fire-pans, and most of them bear the mark of having been used for this purpose. Three such handles stood around the rim, and the interior projections may have served to support the plates or other utensils which were placed over the burning charcoal. The most usual type is that here given; it consists of a bearded head, usually Bacchic in character, of which the long beard forms the interior projection to the vase: others have floral devices, thunderbolts, &c.: a few are inscribed, the inscription forming part of the mould from which the decoration is cast. With two exceptions, all the inscribed specimens bear the name ΕΚΑΤΑΙΟΥ: one in the British Museum has the name ΝΙΚΟΛΑΟΥ: and one from Naucratis has ΦΙΛΑΤΡΟΥ. These brasier handles have been found extensively in Athens, Italy, Egypt, and along the coast of Asia Minor; but it looks as if the casts for the decorations at any rate had been all issued from one fabric. Benndorf (*Reisen durch Lykien*, vol. i. p. 17) mentions a complete circular altar of terracotta in the Musée Fol at Geneva (*Catal.* No. 743) which has handles with similar decorations. (See Dumont, *Inscr. Cér.* p. 410.) From a quantity of these handles which he found at Naucratis, Mr. Petrie concludes that the earliest type had merely a knob in the interior, low down: this was gradually enlarged upwards until the form gradually suggested a bull's head; and as this projected inwards and upwards, more and more it developed into the bearded head, which type became fixed. (Petrie, *Naukratis*, i. p. 42.)

The better class of Roman ware, particularly the Samian and Arretine, is frequently stamped with the maker's name. As a rule the names are those of freedmen or slaves, and they are often ill-spelt and confused. They seem to have been pressed in from a stamp which is either square, round, or oval. The name of the potter is sometimes accompanied by the letters O, or OF, for *officina*, manufactory; or by M for *manu*, or F for *fecit*, the name of course being in the genitive or nominative, according as the case required.

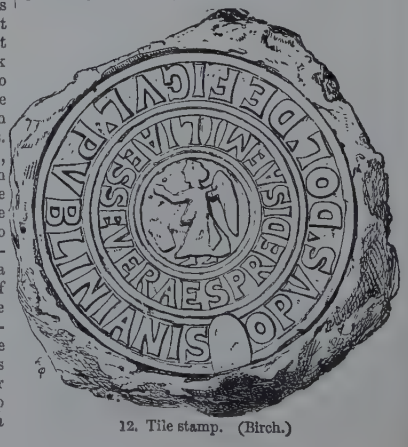
Like the amphorae, so also the Greek lamps seem to have circulated largely in the ancient world, some having been found by Layard at Nimrud. In Roman lamps, and in Greek lamps of the Roman period, it is usual to find inscriptions stamped on the base: these consist either of the name of the potter in the genitive case, or of the names of emperors. A list of such inscriptions is given in Birch, *Hist. of Pottery*, appendix ii., but the intention of them seems to be by no means clear. The inscriptions stamped beneath Roman lamps are extremely numerous, and seem to point to various intentions, though this point is somewhat obscure. The most usual is the formula which gives the name or the mark, or both, of the potter; the potter's name is usually in the genitive, the word *officina* or *manu* being understood or expressed: one such lamp bears the inscription "from the manufactory of Publius and Titus at the Porta Trigemina." Another class refers to the purpose for which the lamp was made, such as a dedication to a deity, or a sepulchral inscription, or bears a reference to the Secular games, during the celebration of which the city of Rome was illumined for three successive nights: it is possible that this last class of lamps may have been specially made for the Secular illuminations: the form of inscription in this last case is SAECVL or SAECVLARIA.

The inscriptions stamped on Greek tiles are as yet very little understood, probably on account of the rarity of such inscribed tiles which have come down to us. Some of these inscriptions, at any rate, seem to refer to a date, in a similar formula to that of the amphora handles, *i.e.* ἐπὶ followed by the name of a magistrate: thus, Birch quotes one from Olbia inscribed:

ΕΠΑΡΙΣΤΩΝ(*os*)
ΑΣΤΥΝΟΜΟ(*υ*)
ΠΟΣΕΙΔΩΝΙΟ(*υ or s*)

"(This tile was made) in the aedileship of Ariston." The name following may be the name of the month or of the potter. At Corcyra and elsewhere the stamp is merely ἐπὶ τοῦ δεῖνος, the magistracy, whether Prytanis or otherwise, being implied. One in the British Museum has simply ΕΥΦΑΜΟΥ on the edge, with nothing to show whether this refers to maker or magistrate. Some Athenian tiles have the label ΑΘΕ: and some found at Calymna have ΔΙΟ in intaglio or circular labels with monograms in relief on the body of the tile. Some from Sicily have merely a letter, such as Φ, or an emblem, such as the triskelos. All these inscriptions are pressed in from a complete stamp, probably in metal. No Greek inscribed imbrices have as yet been found.

Many of the Roman tiles are inscribed with the names of the consuls of the year in which they were made; this class ranges in date over a period which embraces the second and part of the third centuries A.D.: they occur on the tiles of Italy alone, and it is supposed that a law passed about the time of Trajan obliged the brick and tile makers to affix their distinctive mark upon their wares, possibly as a guarantee of the quality of the clay. These stamps are generally circular, with an emblem in the



12. Tile stamp. (Birch.)

centre around which the inscription is arranged. The illustration on the preceding page is taken from Birch, fig. 185.

In the centre is a figure of Victory, the potters' emblem: around it, commencing on the outer band, is inscribed OPVS DOL(iare) DE FIGVL(inis) PVBLINIANIS E(X) PR(A)EDIS AEMILIAE [S]SEVERAE: "Potwork from the Publinian potteries, from the estate of Aemilia Severa." According to Birch, "The most complete stamps have the date of the emperor or of the consulship, the name of the estate which supplied the clay, of the pottery which baked it, and of the potter who prepared it; sometimes even of the slave who moulded the tile, and the very dimensions of the tile itself." From the *praedia* or estates which produced the clay, the Roman landed proprietors, usually people of high rank, must have derived a considerable income: a large number of these proprietors are names of females: it is supposed that the extensive proscriptions resulted in a deficiency of male heirs, and the large estates in this way devolved upon females. These *praedia* were doubtless placed under the superintendence of freedmen or slaves. The especial manufactory would be distinguished by a name such as the gentile name Publinian given above, or after an emperor, such as Domitian; and instances occur where a second manufactory of the same proprietor is mentioned. The bricks of Praeneste generally show different stamps from those which are found in Rome and the other cities of Latium. Thus on a brick recently found there is the inscription M · LATER · Q · evidently the name of M. Juventius Laterensis, Quaestor, who is known to have given the games at Praeneste, and who was the personal and political friend of Cicero (*Römische Mitth.* 1887, p. 292).

An important section of these inscriptions are those on the so-called Legionary tiles, *i.e.* those which bear the name of a certain legion, and which are found wherever Roman armies carried their standards in the ancient world. They were probably made by the soldiers themselves, and consequently the name of the maker is seldom added. The stamp is apparently of metal, and usually in the form of a foot or oblong, giving the number and title of the legion. By means of these tiles, it has been possible to trace a great deal of the distribution of the Roman military forces, and the successive changes of their quarters.

The small terracotta cones and pyramids which have been mentioned above are frequently inscribed or stamped with emblems, but these inscriptions give little help in deciding what is the intention of either cone or inscription: sometimes these inscriptions consist of the names of deities; and if the cones were intended to be hung on the necks of cattle, these names might be referred to the deities to whose temple the cattle belonged. Dumont (*Inscr. Cér.* p. 51) supposed that some which are found in tombs may have been placed there in imitation of offerings of food; being led to this conclusion by the inscription ΓΑΥΚΥ (=γλύκυσμα?) and ΜΕΛΙ, which occur on two specimens. A similar case is that of the disks of terracotta pierced for suspension: the British Museum has a series of these from Tarentum, on which the word ⊢HMIOBEΛION, or part of it, is stamped: whether this disk represents a half obol weight of some commodity, as has been suggested, cannot now be ascertained. (See *Hell. Journal*, iv. 156; vii. 41.)

At Naucratis in Egypt, and also elsewhere, a series of circular stamps have been found, made of terracotta, about 3 in. in diameter, with a handle at back: the under-surface has a device in intaglio, usually representing some subject related to grapes or grape gathering. Mr. Petrie, who found a number of these (*Naukratis*, i. p. 45, pl. xxix.), calls them "cake stamps:" it seems probable, however, that they were intended for stamping the stucco or mud cap with which the mouth of an amphora containing wine or other preserves was sealed.

C. Statuary and Terracottas.—This part of the subject is naturally so much connected with the art of statuary proper, that it will be best to refer the reader for all general purposes to Statuary and Terracotta: under this head we shall only refer to the actual methods of working statues and statuettes in clay.

When first the spirit of imitation arises in man in a primitive or savage state, the material most ready and most easily applied is clay: among people of anthropomorphic ideas, it is natural that clay should be very early employed for the imitation of men and animals. The legend of Prometheus, and the use of the word πλάσσω, first for modelling in clay and afterwards for statuary in metal and stone, both point to the parentage of these in the fictile art proper.

In Greece, statuary in terracotta seems never to have attained respectable rank as an independent art: it lived as the necessary adjunct of the sculptor, who especially, if he worked in bronze, had to mould his design in clay; and sometimes even of the painter, for we are told that Zeuxis used to model in terracotta the subjects which he afterwards painted: otherwise, as an independent art, it was relegated to such humble handicraftsmen as the statuette makers (κοροπλάθοι, κοροπλάσται), who made the little figurines (ξόανα) of which so many examples have come down to us from Greek tombs, especially from Tanagra. In early times, however, large terracotta statues seem to have been occasionally set up. Pausanias (i. 2, 5; and i. 3, 1) mentions two such πήλινοι θεοί, which he saw at Athens, and which dated from very early times; also the unbaked statues of the potter Chalkosthenes, after whose factory the Ceramicus at Athens was named, are mentioned by Pliny (xxxv. § 155). These are but isolated examples of an art which in Greece probably went no farther.

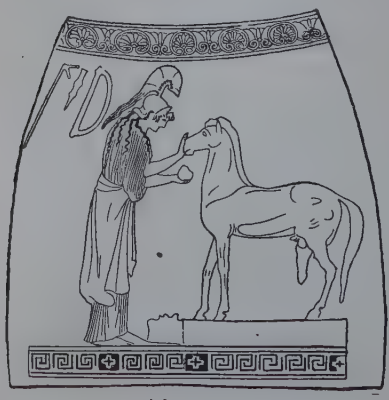
In Italy, on the other hand, terracotta statuary attained much greater importance. The conditions which were mentioned above as bringing this material into use for architecture, held good doubtless for statuary: the limited facilities for obtaining marble caused the early artists of Italy to turn their energies to work in terracotta, which attained there a development which, judging from literary accounts and from actual monuments, must have been considerable. Previously to the period when Italy was flooded with works of Greek art, the Etruscans were as famous for terracotta as for

bronze statuary. We read of the earthen group of a quadriga which stood on the Capitoline temple, and which had come from Veii; of the statue of Jupiter on the Capitol, by a Volscian artist, Turrianus of Fregellae; and the *fictiles dei* of these early times are frequently alluded to in the later Roman writers. Specimens of this art have come down to us in the portrait heads of clay which surmount the cinerary vases of early Etruscan art; and also in the nearly life-sized groups of figures which recline on the lids of the sarcophagi from Chiusi and Perugia, and of which one excellent example is in the British Museum. The difficulty of baking so large a group must have been considerable, and the amount of success which these primitive artists have achieved speaks highly for the skill which they had attained. For religious purposes, the art seems to have given place entirely to work in bronze and marble, but it remained still in use in private life, as we see from the terracotta sarcophagi which continued to be modelled down to late times: and Pliny (xxxv. § 156) mentions a certain Arcesilaus, a friend of Lucullus, who was even in that time a noted modeller in terracotta.

The number of Roman terracottas which have come down to us is very large; but the Roman artists seem to have followed mainly in the lines of the Greeks: their figurines are for the most part direct descendants of the Greek statuettes and in some cases even from the same moulds. They are called *sigilla*, and the makers of them *sigillarii* or *figuli sigillares*. For decorative purposes, they seem to have reverted to the practice of modelling larger statues in terracotta: the British Museum has two such statues from Pompeii, which are of imperial times: but probably these were usually covered with stucco and painted.

For the two great classes of statuary in terracotta, two distinct processes would be necessary: that is to say, the larger statues and groups would be modelled by hand, while the smaller statuettes were for the most part cast from a mould.

The accompanying woodcut represents Athene



13. Athene modelling.

modelling in clay the Trojan horse. Although the horse of the legend was made of wood, and the instruments which hung in the picture are tools for wood-carving, there can be no doubt that the goddess is here represented working in clay, of which a large lump lies at her feet, and a piece is being laid on in her hand: probably the artist wished to represent the preliminary model in clay (*πρόπλασμα, argilla*), which was as necessary a preliminary to sculpture in wood as it was for sculpture in bronze. The process seems to have been much the same as it is at the present day: either the artist modelled his figure entirely freehand, adding piece upon piece of the wet clay, or he had a skeleton or stand of wood (*κάναβος, stipes, crux*), more or less complicated according to the nature of his work, and around this he modelled his clay. The modelling was done with modelling tools and the finger and nail: the rougher work and the preliminary building up, with the hand (*pollice ducere*), the finer work and finishing with the tools: these tools were made of wood, bone, ivory, bronze, &c., and the most usual form is like a stylus, with one end pointed and the other flat. The final touches would be given with the finger-nail, and this, according to the sculptor Polykleitos, was the most crucial part of the operation: from it the expressions were borrowed of *ἐξονυχίζειν, ad unguem facere*, of a work very highly finished.

These larger statues would as a rule be burnt in an oven: and therein would lie the great difficulty: as the moisture evaporated, the clay would naturally shrink, and if every part did not shrink to the same extent, or evenly throughout, the figure would lose its proportions and possibly crack. We have no evidence as to how the ancients avoided these difficulties: in any case, they probably had special contrivances in the oven for regulating the heat, and assuring an even and gradual drying of every part alike. Otherwise, the ovens for these, and likewise for the smaller statuettes, must have been constructed on the same principle as those described above, for the baking of vases.

The idea of casting from a mould was, as described above, applied to various branches of the fictile art: it seems that the ancients made terracotta casts even from statues in marble and bronze, as we do in plaster. Lystratus, brother of the celebrated sculptor Lysippos, is said to have been the first who adopted this process. Some few of the small statuettes are moulded solid, especially the rougher kinds, such as dolls, neurospasta, &c.: but by far the greater number are cast from moulds. For this purpose the finest clay was used, differing of course according to locality: the usual kind is softer and more porous than that of vases, and varies from a deep red to a pale straw colour. The process is as follows: first a model figure, *protypos*, is made with modelling tools, and from this a mould is taken (usually in one, sometimes in two pieces), which is then baked. The figures, *ektypa*, are made by pressing a thin crust of clay into this mould, and bringing a thin crust across the top: the figure would thus be hollow inside, and open at the base; in the back, which as a rule is left unworked, a hole is cut, in order to allow of the clay contracting evenly without cracks or fissures. When dry, the figure was taken out of the mould and the final touches added; fingers, huts, attributes, where

necessary, being separately moulded and attached. It was then ready for the oven, after which the colours were added. It would seem that nearly all ancient works of art in terracotta underwent more or less polychrome decoration, for which see the article PICTURA. [C. S.]

FI'CTIO. Fictions in Roman law are like fictions in English law, of which it has been said that they are "those things that have no real essence in their own body, but are so acknowledged and accepted in law for some especial purpose." The main purpose of fictions is to serve as a means of making new law without involving the difficulty of formulating new rules. They effect this by supposing some fact or condition to exist which is absent, the thing supposed being of such a nature as, being admitted to exist, enables rights or duties to arise or to be put an end to; that is, they extend law by connecting cases outside it with cases covered by it. Legal fictions have often been treated as an object of ridicule (cf. *e.g.* Cic. *in Verr.* ii. 12, 31 on the fiction of civitas explained below, "Judicia hujusmodi; qui cives Romani erant, si Siculi essent: quum Siculos eorum, legibus dari oporteret; qui Siculi, si cives Romani essent"), but historical experience shows that, until legal science is far advanced, they are an indispensable means of effecting legal change.

Fictions were especially congenial to the Roman habit of mind, and we find rules depending on them in all branches of law, — in the *jus sacrum*, where they were used by the pontifices for the purposes of modifying ritualistic and other observances, as well as in *jus profanum*. Fictions especially influenced private law by the use which the praetor made of them in procedure. The word *fictio* itself is a technical term of procedure, signifying a statement, inserted by the praetor in the formula or written instructions which he drew up for transmission to the judex who was to decide the case, of a feigned fact to be taken for the purposes of the decision as if it were real. By means of such *fictiones*, the praetor extended actions to cases to which they were not applicable, according to Jus Civile. Gaius gives us various instances of the extension of law by means of such *fictiones* (Gaius, iv. 34–38). One instance is that of a person who had obtained bonorum possessio or title to an inheritance *ex edicto praetoris*. The bonorum possessor having no civil title as heres had no civil action; he could neither claim to be entitled in law to the property owned by the deceased, nor could he sue for a debt due to the deceased as being legally due to himself. The praetor, however, enabled the bonorum possessor to bring actions by framing *formulae fictitiae*, in which it was feigned that the bonorum possessor was heres (*ficto se herede*). Similarly in the Actio Publiciana the fiction was that the plaintiff had acquired by usucapion the ownership of the thing of which he sought the recovery, in which case he would have been entitled to recover the thing by vindicatio. The formula would run as follows: "Let C. D. be judex. Supposing that the slave who was sold and delivered to Aulus Agerius had continued during a year in his possession, if in that case he would have belonged to Aulus Agerius by the law of the Quirites, then condemn the defendant," &c. A person by being arrogated or a woman by entering into a co-emptio ceased, according to civil law, to be debtors, if they were debtors before. But in order to prevent such capitis deminutio having the effect of defrauding creditors, an *actio fictitia* was given against these debtors, the fictio being that they had suffered no capitis deminutio. Again, some actions, *e.g.* the *actio furti*, could not be brought by or against peregrini, according to the Jus Civile, but the praetor extended these actions to this class of persons by means of a fictio in the formula which obliged the judex to assume that the peregrinus who was suing or being sued was a Roman citizen.

The change from the legis actio to the formulary procedure seems to have been partly carried out by means of *fictiones* (Gaius, iv. 32, 33). The fictio legis Corneliae is an instance of a fictio created by statute. It was necessary that a testator should be civis Romanus at the moment of his death, in order that his will might take effect. If a civis was captured by the enemy and died in captivity, his will was invalid according to this rule, since his civitas was lost by his captivity; but in order to maintain a will in such a case, the Lex Cornelia established a fictio, which supposed the testator to have died in the last moment of his freedom. Fictions gradually disappeared in the later period of Roman law; several which still survived were summarily disposed of by Justinian (*e.g.* Cod. 5, 12, 30; 6, 4, 4; 8, 54, 8;—Ihering, *Geist d. röm. Rechts*). A fiction is sometimes used, not for the purpose of extending or altering the law, but in order to make a legal conception more intelligible. Fictions of this kind are called by some modern writers "dogmatic," the fictions by which legal changes have been carried out being distinguished by the name of "historical." The fiction that a corporation is a person is an instance of a dogmatic fiction. (Demelius, *Die Rechtsfiction*, reviewed by Arndts in *Krit. viertelj. Schrift.* i. 93, &c.; Ihering, *Geist des röm. Rechts*, ii. 284–292; Maine's *Ancient Law*, ch. ii.) [E. A. W.]

FIDEICOMMISSUM was a bequest which a person made by begging his heir or legatee to transfer something to a third person. Such a bequest was one of a fiduciary kind, its execution being entrusted to the good faith of the party to whom the request was made. Fideicommissa were used for some time before they were made legally enforceable, devisees charged with them being at first only under a moral obligation to carry out the wishes of the deceased. This was the position of fideicommissa in the time of Cicero, who distinctly notices the practice of leaving fideicommissa (Cic. *de Fin.* ii. 17, 18): the *commendationes morientium* mentioned by him (*de Fin.* iii. 20, 65) appear to have been fideicommissa. It was not till the time of Augustus that fideicommissa were legally binding. Augustus was induced to enforce them partly by the desire of favouring particular individuals and partly on account of the scandal which some gross breaches of trust had caused. He himself, as heir of Lucius Lentulus, executed a fideicommissum with which he was charged by codicil (Inst. ii. 25, pr.). Jurisdiction over fideicommissa was assigned by Augustus to the consuls. In the time of

Claudius permanent praetores fideicommissarii were appointed, and the power of enforcing fideicommissa was given to the praesides of the provinces. (Suet. *Claud.* 22; Dig. 1, 2, 2, § 32.) Under Titus and subsequent emperors only one praetor fideicommissarius was appointed.

The consuls still retained their jurisdiction over fideicommissa, but only exercised it in important cases (Quintil. *Inst.* iii. 6). Proceedings in respect to fideicommissa always belonged to *extraordinaria*, not to *ordinaria jurisdictio*, i.e. they were not transmitted by a magistratus to a judex, but were entirely under magisterial cognisance. The practice of creating fideicommissa arose from the desire of obtaining greater freedom in respect to the disposition of property after death than the civil law rules of inheritance admitted. The advantages of leaving property by way of fideicommissum rather than by the civil law institution of legatum were numerous (Gaius, ii. 289). A fideicommissum could be more easily created than a legatum. Thus a legatum was not valid unless made by will or by codicil confirmed by will; it was necessary for a testator to use particular forms of words in order to bequeath a legatum and to express his intention in Latin. A fideicommissum, on the other hand, might be left without a will by simple words of request, such as *fideicommitto*, *peto*, *volo dari*, and the like. It might either be contained in written documents called *codicilli*, or expressed orally or even intimated simply by a nod ("etiam nutu relinquere fideicommissum in usu receptum est," Ulp. xxv. 3). It required no particular form of words, and might be expressed in Greek. The informal character of fideicommissa made them specially convenient when a man was called on suddenly to make a disposition of his property. Another advantage of fideicommissa was that they could be imposed on persons who could not be made subject to legata, for only a heres could be charged with a legatum; but a fideicommissum, if it consisted of a particular bequest, might be made binding not only on a heres, but also upon a legatarius. A person to whom a fideicommissum was left might himself be subject to a fideicommissum. A fideicommissum which bound a person to transfer an inheritance could only be charged on a heres, but a heres ab intestato as well as a heres ex testamento might be requested to make such a transfer, whereas the latter kind of heres only could be made subject to a legatum. In order to secure the carrying out of his intentions, a testator might request that, if his will failed from some cause to take effect as a will, his heres ab intestato should carry out its provisions as fideicommissa.

Fideicommissa were much used for the purpose of leaving property to persons who were either altogether incapable of taking directly under a will, or who could not take so much as ordinary persons. This was effected by leaving property to some one who was capable of taking according to civil law, or by allowing property to devolve under the rules of intestacy, and adding a fideicommissum for the benefit of some one who was under a total or partial disability. Fideicommissa were used in order to leave property to peregrini, who could not otherwise take. Gaius, when noticing this use of fideicommissa, remarks that the object of leaving property to persons of this class was a principal cause of the establishment of fideicommissa. (Gaius, ii. 285; cf. Theoph. *Paraphr.* ii. 23, § 1.) Fideicommissa were employed as early as the time of Cicero for making bequests to women in order to evade the Lex Voconia [VOCONIA] (Cic. *de Fin.* ii. 17, 18). Similarly fideicommissa were created for the benefit of caelibes and orbi in order to evade the Lex Papia Poppaea [LEX PAPIA POPPAEA]; also for the purpose of bequeathing property to Latini Juniani, incertae personae, postumi alieni, and corporate bodies. In course of time, however, fideicommissa were put on much the same footing as legata in respect to the persons who could take them. Thus, by a senatusconsultum passed in the time of Hadrian, fideicommissa left to peregrini were made forfeitable to the treasury (Gaius, ii. 285). The senatusconsultum Pegasianum prevented fideicommissa being made a means of evading the Lex Papia Poppaea, by giving fideicommissa left with this object to those persons in the will who had children, and in default of such to the treasury, as in the case of hereditates and legata [BONA CADUCA]. (Gaius, ii. 286 a.) By a senatusconsultum of Hadrian it was declared that incertae personae and postumi alieni should be incapable of taking fideicommissa. In consequence of these changes in the law, Ulpian was able to state it as a rule that only those persons are capable of taking fideicommissa who can take legata (Ulp. xxv. 6). But the distinction that Latini Juniani were capable of taking fideicommissa but not legata, remained till this class of freedmen was abolished by Justinian. It was not possible to institute after the death of a person who became heres another heres to take his place, but a request might be made that the whole or part of an inheritance should, on or after the death of the heres, be transferred to another, in which case the heres of the heres would be bound by a fideicommissum to make the required transfer. By requesting each successive transferee of an inheritance to make it over on his death to some other member of a family, a kind of family settlement might be created. Justinian in his 115th Novell placed restrictions on the power of leaving such family fideicommissa. There was a difference between the effect of manumitting a slave by direct bequest and by fideicommissum; if manumitted in the latter way, the slave became the freedman of the person who had been requested to manumit him, whereas a freedman manumitted directly by will was looked on as the freedman of his deceased master (*libertus orcinus*). A person might be bound by fideicommissum to transfer his own property or that of a third party as well as the property of the deceased. If a person failed to execute a fideicommissum at the proper time, he was liable on account of mesne profits and interest, but interest could not be claimed, as a rule, against a heres who had failed to satisfy a legatum.

The differences between fideicommissa of single things and legata, which existed when Gaius wrote, disappeared in later law. The simplification of the law relating to the mode of creating legata and the requirement of formalities for the creation of fideicommissa was a

considerable step in this direction (Cod. Theod. iv. 4, 1; Cod. Just. vi. 37, 21). The difference in the forms of action for these two kinds of bequest ceased when the libellary procedure was substituted for the formulary. Justinian entirely assimilated legata and fideicommissa (Dig. 1, 30, 1). A fideicommissum of a specific thing did not pass the property in the thing to the fideicommissarius, but only gave him a personal action against the person who was requested to transfer the thing. ("Jus omne fideicommissi non in vindicatione sed in petitione consistit," Paul. *Sent.* iv. 1, 16.) Justinian changed the law on this subject, giving to a fideicommissarius of a specific thing which had belonged to the deceased, as well as to a legatarius, both a personal action and an *actio in rem* for the recovery of the thing (Cod. vi. 43, 1). The object of a fideicommissum might either be the inheritance, whether the whole or a part (*fideicommissaria hereditas*), or it might be a particular bequest (*fideicommissum rei singulae*).

It is necessary to give some account of the history of the law relating to the universal fideicommissum or fideicommissaria hereditas. A heres requested to transfer the whole or part of an inheritance to some one else is called *fiduciarius*, the person to whom the transfer is to be made being termed *fideicommissarius*. The heres fiduciarius by accepting the inheritance became personally bound to transfer it to the fideicommissarius. Originally the fideicommissarius was considered, when the transfer was made to him, to be in the position of a purchaser (*emptoris loco*), it being usual as a mere formality for the inheritance to be sold to him for a single coin (*nummo uno*). The effect of the transaction was to make the fideicommissarius a particular, not a universal successor; for the fiduciarius having once become heres necessarily continued to be heres, and consequently could not get rid of his liability to the creditors of the deceased. Hence the fiduciarius, in order to secure himself against the liability which he incurred if he accepted the inheritance, required before his acceptance that the fideicommissarius should enter into the same stipulations as were usually entered into between the vendor and purchaser of an inheritance, by which it was covenanted that the fiduciarius should be indemnified on account of all liability in respect to the inheritance. On the other hand, it was agreed that the fideicommissarius (*qui recipiebat hereditatem*) should have whatever part of the inheritance might still come into the hands of the heres, and should be allowed to maintain all actions concerning the inheritance in the name of the heres. (Gaius, i. 248–252.)

A great change was made in the relations of the heres fiduciarius and fideicommissarius by the senatusconsultum Trebellianum, which was passed under Nero A.D. 62. This law provided that on the transfer of an inheritance by a heres fiduciarius all rights of action maintainable by or against him should be transferred to and against the fideicommissarius. The praetor allowed the latter to sue and to be sued by means of *actiones utiles*. A heres who made a transfer under this statute practically ceased to be heres, the fideicommissarius being substituted in his place. The fideicommissarius to whom such a transfer was made, became fully liable for the debts of the deceased, and occupied the position of a universal successor. As this statute relieved the fiduciarius from all liability, the covenants which he had previously insisted on were no longer required. Fideicommissa were, however, sometimes lost, because the heres would not accept the inheritance if he got little or no advantage in so doing; the principle of the Quarta Falcidia, which had not previously applied to fideicommissa, but only to legata, was therefore extended to fideicommissa by the senatusconsultum Pegasianum, passed in the time of Vespasian: by this law a heres had the right of deducting one-fourth of the inheritance before transferring a universal or particular fideicommissum. If several co-heredes were charged with fideicommissa, each was entitled to a fourth of his share of the inheritance. If a fiduciarius took advantage of the senatusconsultum Pegasianum by deducting a fourth under it, he was not relieved by the senatusconsultum Trebellianum from all debts and charges (*onera hereditaria*); in this case the fideicommissarius continued to be a singular successor, like a legatarius partiarius or legatee of a part of an inheritance, and so he was required by the fiduciarius to enter into covenants by which he undertook to be answerable for liabilities in proportion to the share of the inheritance which he received (*pro rata parte*). The effect of these two enactments was this: if the heres was required to restore not more than three-fourths of the inheritance, the senatusconsultum Trebellianum took effect, and the heres was relieved from all liability beyond the proportion of the inheritance which was intended for him. If the heres was required to restore more than three-fourths or the whole, the heres took advantage of the senatusconsultum Pegasianum, but then he was not relieved from liability and could only protect himself by covenants with the fideicommissarius. The senatusconsultum Pegasianum gave the fideicommissarius the right to compel the heres to accept the inheritance (*adire*), but in this case all the benefits of the inheritance as well as its burdens attached to the fideicommissarius (Gaius, ii. 258). By the legislation of Justinian the senatusconsultum Pegasianum was merged in the senatusconsultum Trebellianum, and the following rules were established. The heres who was charged with a universal fideicommissum might always retain one-fourth of the inheritance, if so much had not been left to him by the deceased; if the fiduciarius retained one-fourth, all claims on behalf of or against the inheritance were shared between the fiduciarius and fideicommissarius, according to their respective shares. If the fiduciarius refused to accept the inheritance, the fideicommissarius could oblige him by action to do so; if after having been ordered by a court to enter, the fiduciarius continued to abstain, his acceptance was assumed to have been given. A fiduciarius who was compelled to take the inheritance, lost his quarta and any other advantage he might have derived from the inheritance. The express or implied assent of the fiduciarius was sufficient to transfer the inheritance to the fideicommissarius. The fiduciarius was bound to restore the inheritance at the time named by the deceased, or, if no time was named, immediately after

accepting it. He was required to account for all property which had come into his hands, and was entitled to be indemnified for all proper costs and charges which he had sustained with respect to the inheritance; he was answerable for any damage or loss which it had suffered through his *dolus* or *culpa*. Conveyances which the fiduciarius had made of the property of the inheritance were void as against the fideicommissarius. After the transfer had been made to him, the fideicommissarius could maintain the *hereditatis petitio fideicommissaria* against anyone who had possession of the property of the inheritance. (Gaius, ii. 246–289; Ulp. *Fragm.* tit. xxv.; *Inst.* ii. 23, 24; Dig. 30–33, 36; Cod. vi. 37–54; Arndts, *Fortsetzung von Glück*, xlvi. 6–80; Mayer, *Die Lehre von den Legaten Fideicommissen;* Lassalle, *Röm. Erbr.* p. 120, &c.; Rosshirt, *Verm.* i. 120; Heimbach, *Rechtslex.* iv. 286, *s. v.*; Vangerow, *Pandekten*, ii. §§ 528, 556.) [E. A. W.]

FIDEJUSSOR. [INTERCESSIO.]

FIDEPROMISSOR. [INTERCESSIO.]

FIDES. [LYRA.]

FIDI'CULA, or plural -AE, an instrument of torture, consisting of a number of strings (Suet. *Tib.* 62, *Calig.* 33; Mart. v. 51; Cod. Theod. 9, tit. 35, s. 1). The reticence of the ancients on these subjects has been noticed under ECULEUS; there is, however, a passage which throws some light on the mode of its operation (Quintil. *Decl.* 19, § 12, p. 373, Burmann: "tendebam fidiculas,...ut leviter sedibus suis emota compago per singulos artus membra laxaret:" cf. *ib.* 8, pp. 126, 127). We see that, like the *eculeus* and the modern rack, it stretched the limbs until the joints were dislocated (Marquardt, *Privatl.* 180). [W. S.] [W. W.]

FIDU'CIA is a *lex dicta* or supplementary provision sometimes incorporated in a mancipium or *in jure cessio*, whereby a party to whom a right is transferred is obliged to transfer it again at some future time or on some condition being fulfilled. This species of *lex mancipii* or or *jure cessionis* is called *fiducia*, because the obligation which it creates is expressly based on the *fides* of the party to whom the transfer is made (Boeth. *in Top.* p. 340, Or.: "haec mancipatio fiduciaria nominatur idcirco, quod restituendi fides interponitur"); *fiduciam contrahere* is to contract such an obligation; fiducia is also used as equivalent to *res fiduciaria*, meaning the thing which was the object of a *mancipatio* or *in jure cessio fiduciaria:* thus the fiduciarius, or person to whom property is so transferred, is said *fiduciam accipere* (Liv. xxxii. 38, 2; Cic. *Top.* 10, § 42). It follows from the fact of the fiduciary transaction being a *lex dicta* or *lex privata*, that it derived its legal effect from the nuncupatio in a mancipium, or from being a term of an *in jure cessio* (cf. *Tab.* v. 1: "Cum nexum faciet mancipiumque, uti lingua nuncupassit, ita jus est." *Fr. Vat.* 50: "et mancipationem et in jure cessionem lex XII. Tabularum confirmat"). The construction of fiducia that it was a separate agreement annexed (*adjectum*) to a mancipium or *in jure cessio*, and not an integral part of these forms, cannot be accepted, since the enforcement of a *pactum adjectum* was subsequent to the Twelve Tables, and no effect was given at any time to a pact annexed to a formal transaction, such as mancipium. It seems, however, to have become a practice after a time to embody the terms of a fiducia in an independent stipulation, and perhaps the well-known Spanish inscription relating to fiducia describes a subsidiary contract of this kind (*C. I. L.* ii. No. 5042). A fiduciarius, or party who acquired a right but was subject to a fiducia respecting it, was bound either to reconvey to the transferrer ("ut remancipetur, in jure cedatur"), or to convey to a third party, or, in the case of a slave or person *in mancipio*, the obligation might be that they should be manumitted (*ut manumittatur*). If he was guilty of a breach of trust in these respects, he was liable to an *actio fiduciae*, which was an *actio bonae fidei* (Cic. *de Off.* iii. 15, § 61; *ad Fam.* vii. 12, "ut inter bonos bene agier oportet"), involving infamia as well as damages for the loss his dishonesty had caused. Cicero enumerates the *judicium fiduciae* with that of *tutelae* and *societatis* as "judicia summae existimationis et paene capitis" (*pro Rosc. Com.* 6, § 16), where he is evidently alluding to the consequence of infamia. The *actio fiduciae* could only be maintained by the party transferring the right (the *fiduciae dans*) or his heir, and only the fiduciary (or his heir) was subject to it, not a third party to whom the object of the fiducia was conveyed. The fiduciarius was owner of the *res fiduciaria*, but he was bound to hold it as if he were an agent of the *fiduciae dans*. Thus he was liable if he did not take proper care of the *res*, and he had to account for all profits derived from it (Cic. *pro Caecin.* 3, § 7; *Top.* 17, § 66; Cod. Just. iv. 24, 3); on the other hand, he could claim to be indemnified for his expenses in maintaining it. In some respects the *fiduciae dans* was considered to have an interest in the *res* itself, and not simply a claim against the fiduciarius. If he took possession of the *res*, he did not commit *furtum* (Gaius, iii. 201). If he kept possession for a certain time, he could recover the ownership by *usu receptio*, although he did not fulfil the ordinary conditions of usucapion (Gaius, ii. 59). He could bequeath his interest by way of *legatum per praeceptionem*, according to the opinion of the Sabinians, although jurists of this school maintained that a testator could only bequeath his own property by this form of bequest (Gaius, ii. 220); and a testator who conveyed property with a fiducia which he had previously bequeathed, was not considered to have thereby revoked his bequest (Paul. iii. 6, 16). *Res nec mancipi* as well as *res mancipi* might be *res fiduciariae;* and when the object for which they were conveyed was attained, it was necessary that they should be re-conveyed by mancipatio or in jure cessio. If there was only a simple re-delivery, the ownership was not recovered except by usucapion. A fiduciary conveyance was entered into either with a friend (*cum amico*) or with a creditor (*cum creditore*),—with a friend in order to serve some purpose of family law: thus to enable a woman to escape from the burden of tutela there was a *coemptio fiduciae causa* (Gaius, i. 114), and in the process of emancipation there was a fiducia that the filiusfamilias should be manumitted by the person *qui mancipio accepit*. It was common to make a fiducia with a friend in order to secure the safe custody of property (Gaius, ii. 60: "quo tutius nostrae res apud eum sint." Cf. Boeth. *in Top.* p. 340: "fiduciam—accepit—

si quis tempus dubium timens amico potentiori fundum mancipet, ut ei, quum tempus, quod suspectum est, praeterierit, reddat"); and, in fact, this seems to have been the only legal means of making a deposit or a loan of a specific thing according to early law. Fiducia ceased, however, to be used for these purposes when the real contracts of depositum and commodatum were established.

A fiducia was entered into with a creditor for the purpose of mortgaging property to him, the legal estate being conveyed to the mortgagee on the understanding that there should be a re-conveyance when the debt was paid, as in the English common law mortgage. The mortgagor was frequently allowed to remain in possession of the mortgaged property as a kind of tenant at will, and the legal relation thus created, which is called *precarium*, may have originated in this way. A fiducia might be subject to a condition that the mortgagor should forfeit his right to a re-conveyance, if he failed to pay his debt within a certain time (Cic. *pro Flacc.* 21, § 51; *ad Fam.* xiii. 56;—Cat. *de Re Rust.* 146, 2). Such condition was probably the earliest kind of *lex commissoria* (cf. PIGNUS). Fiducia as a form of mortgage continued in use after the forms of pignus and hypotheca were recognised on account of the great security which it gave to the mortgagee. There was frequent mention of it in the writings of the classical jurists, but it has no place in Justinian's legislation, other terms having been substituted for fiducia by the compilers in the passages of the Digest where it would have occurred.

The inscription referred to above is on a bronze tablet, and was found some years ago near the mouth of the Guadalquivir; it contains the terms of a fiduciary mortgage, and is thought to be not later than the second century after Christ (*C. I. L.* ii. 5042; Krüger, *Krit. Unters.* 1870, p. 41 ff.; Hübner in *Hermes*, iii. 283 ff.). (Zachariae, *De Fiducia;* Huschke, *Zeitschr. für gesch. Rechtsw.* xiv. 230; Rein, *Privatr.* 245, 349–351; Bachofen, *Das röm. Pfandrecht*, i. 1, § 2, xix. 4; Dernburg, *Das Pfandrecht*, 1, § 2; Voigt, *XII. Tafeln*, ii. § 86; Degenkolb, *Zeitschr. für Rechtsgesch.* ix. 117 ff.) [G. L.] [E. A. W.]

FIDUCIA'RIA ACTIO. [ACTIO.]

FIGLI'NA ARS. [FICTILE.]

FI'GULUS. [FICTILE.]

FILIUSFAMILIAS. [FAMILIA.]

FI'MBRIAE (*θύσανοι*: in grammarians also *κροσσοί*), thrums; tassels; a fringe.

When the weaver had finished any garment on the loom [TELA], the thrums, *i.e.* the extremities of the threads of the warp, hung in a row at the bottom. In this state they were frequently left, being considered ornamental. Often also, to prevent them from ravelling, and to give a still more artificial and ornamental appearance, they were separated into bundles, each of which was twisted (*στρεπτοῖς θυσάνοις*, Brunck, *Anal.* i. 416 = *Anth. Pal.* vi. 225), and tied in one or more knots. The thrums were thus, by a very simple process, transformed into a row of tassels. The linen shirts, found in Egyptian tombs, sometimes show this ornament among their lower edge, and illustrate, in a very interesting manner, the description of these garments by Herodotus (ii. 81). Among the Greeks and Romans fringes were seldom worn except by females (*κροσσωτὸν χιτῶνα*, Phalaec. *ap.* Ath. x. 440 d = Brunck, *Anal.* ii. 525: cf. Schweighäuser on Ath. vol. x. p. 428; Jacobs on *Anth. Pal.* i. pt. 2, p. 251; Pollux, vii. 64). We find, however, a *κροσσωτὴν ἐφεστρίδα* worn by Lucullus (Plut. *Lucull.* 28); a long-sleeved tunic with *fimbriae* at the wrists, worn by Julius Caesar (Suet. *Jul.* 45; cf. CLAVUS LATUS, p. 454 *b*. The text of Suetonius may, we think, be defended against Marquardt, *Privatl.* 528 n.). Of their manner of displaying them the best idea may be formed by the inspection of the annexed woodcut, taken from a small bronze, representing a Roman lady

Fimbriae. (From an ancient bronze.)

who wears an inner and an outer tunic, the latter being fringed, and over these a large shawl or pallium.

Among barbarous nations the upper garment was often worn by men with a fringe, as is seen very conspicuously in the group of Sarmatians at p. 315 *a*. By crossing the bundles of thrums, and tying them at the points of intersection, a kind of network was produced; the *θυσανὸς δικτυωτός*, hung with bells, which adorned the bier of Alexander the Great, must have been of this description (Diod. xviii. 26). The ancients also manufactured fringes separately, and sewed them to the borders of their garments. They were likewise made of gold thread and other costly materials. Of this kind was the ornament, consisting of a hundred golden tassels, which surrounded the mythical shield of Jupiter, the *αἰγὶς θυσανόεσσα*, and which depended from the girdle of Juno (Hom. *Il.* ii. 448, v. 738, xiv. 181, xv. 229, xvii. 593, xviii. 204, xxi. 400). In consequence of the tendency of wool to form itself into separate bundles like tassels (*θυσανηδόν*, Aelian, *H. A.* xvi. 11), the poets speak of the golden fleece as consisting of them (Pind. *Pyth.* iv. 411; Apoll. Rhod. iv. 1146); and Cicero, declaiming against the effeminacy of Gabinius, applies the same expression to his curled locks of hair (*in Pis.* 11, § 25). [J. Y.] [W. W.]

FINITO'RES. [AGRIMENSORES.]

FI'NIUM REGUNDO'RUM A'CTIO. This was an action having for its original object

the determination of a *controversia de fine*, which was a dispute concerning the boundary of five feet (*finis quinque pedum*) interposed between the allotments (*sortes*) [AGRIMETATIO, p. 87 *b*]. According to the law of the Twelve Tables and the Lex Mamilia, this land on the confines of two holdings, which was contributed by the adjacent proprietors in equal portions, could be used by them in common as a way or for turning the plough and for other purposes, but each was restricted from doing anything in respect of it which might injure the other, and hence there were provisions against planting trees or raising buildings on it. If these restrictive conditions were not observed, or if the limits of the boundary were matter of dispute, the *actio finium regundorum* was the appropriate remedy. The action did not apply to *ager arcifinius* or to land in a town, but only to *ager limitatus*. A dispute about land which was not a *finis* is called *controversia de loco*, as opposed to *controversia de fine*, and was tried by means of an ordinary *vindicatio*. It appears that, when the subject of dispute was a *finis*, a title by usucapion to the land in question could not be set up; but if the dispute was about land beyond the limits of a *finis*, a title by usucapion might be asserted. (Cic. *de Legg.* i. 21, § 55; Isidor. *Orig.* v. 2; Hygin. *de Limit.* p. 40, Goes.) It was provided by the Twelve Tables that three *arbitri* should be appointed to try the *actio finium regundorum*, but by the Lex Mamilia only one was required. (Cic. *l. c.*: cf. Cod. Theod. ii. 26, 3.) Justinian made the *finis* subject to the thirty years' prescription, and extended the *actio finium regundorum* so as to make it embrace *controversiae de loco* as well as *de fine*. Thus the action became the regular means of trying boundary disputes. In making his award, it was first of all the duty of the arbiter to find out and re-establish the old boundary (*depalare*, cf. *C. I. L.* vi. 1, 1268; *terminos ponere*, Dig. 4, 8, 44); but if there was not sufficient evidence of it, he was obliged to treat the land in dispute as common, and to partition it between them. His *adjudicatio* or award constituted a complete title to the land assigned under it. He might condemn either of the parties to pay damages for mesne profits and deterioration of land illegally possessed. Each party was also entitled to compensation for improvements made in the portion of land which did not belong to him (Dig. 10, 1). This action belonged to the class of *duplicia judicia*. [FAMILIAE ERCISCUNDAE ACTIO.] (Dig. 10, 1; Cod. Theod. ii. 26; Cod. Just. iii. 39; Rudorff, *Ueber die Gränzscheidungsklage*, *Zeitschr. für geschichtliche Rechtsw.* vol. x. 343; *Grom. Institutionen in der Schr. d. röm. Feldmesser*, in the collection of Blume, Lachmann, and Rudorff, ii. 433–445; Karlowa, *Beitr. z. Gesch. des röm. Civilprocesses*, 141–162; Voigt, *Zwölf Tafeln*, ii. § 150; Vangerow, *Pandekten*, iii. § 658.) [E. A. W.]

FISCALES. [GLADIATORES, p. 918 *a*.]

FISCUS. In the republican period there was only one public treasury, the Aerarium populi Romani, or Aerarium Saturni, as it was called. On the establishment of the imperial power, there was a division of government between the senate as the representative of the populus and the emperor, and in consequence there was a division of the different branches of the public revenue into two departments. The treasury of the senate retained the name of Aerarium, while that of the emperor received the name of Caesaris fiscus or Fiscus. Fiscus was the large basket in which the Aerarium and great banks kept money (Lex repet. v. 67, 68; Cic. *Verr.* iii. 85, 197: cf. Mommsen, *Staatsr.* ii. 958): in this sense it is opposed to the cista or chest in which private persons generally kept their money. Hence in the time of Augustus the word *fiscus* was applied to the central financial department of each branch (*ratio*) of imperial administration: thus we have the phrases *fiscus Asiaticus* (Orelli, *Inscr.* 2905), *Gallicus* (Henzen, 6651), *Judaicus* (Suet. *Dom.* 12), *frumentarius* (Orelli, 790), *castrensis* (Orelli, 2920), and so Suetonius opposes *fisci* in the plural to *aerarium* (Suet. *Aug.* 101); the word occurs in this sense as late as the time of Hadrian (*C. I. L.* 967). But the superior importance of the central imperial treasury led to the practice of appropriating the word *fiscus* to it. The first distinct use of *fiscus* in this sense is found in the writings of the younger Seneca (*de Ben.* iv. 39, 3; vii. 6, 3: cf. Juv. *Sat.* iv. 54, "res fisci est"): *fiscus* is thus commonly opposed by Tacitus to *aerarium* (*e.g.* Tac. *Ann.* ii. 47, 48; vi. 2 and 17). It is a question whether a central imperial treasury was established by Augustus, or whether it was not of later origin. Hirschfeld maintains that there is no evidence of the existence of such an institution under Augustus, but that there were only separate fisci at this time. He even thinks that there was no fiscus under Tiberius in spite of the language of Tacitus to the contrary, and attributes its establishment to Claudius. The common opinion, which we have adopted, is that the institution of a fiscus was an immediate consequence of the share in the government which Augustus undertook. It is true that the emperor's financial administration was not at first so centralised as it afterwards became, which is the explanation of the fisci ceasing in course of time to be mentioned.

The property of the fiscus was held by the emperor in his public capacity, to be employed for the benefit of the state. The law, however, made no distinction between the rights of the emperor over property intended for public uses and that which he held as a private person ("Res fiscales quasi propriae et privatae principis sunt," Ulp. *Dig.* 43, 8, 2, § 4: cf. Sen. *de Ben.* vii 6; Tac. *Ann.* iv. 6, 15). Accordingly it passed with the inheritance of a deceased emperor to his *heredes*; and was at first administered by the emperor's freedmen and slaves, not by public officials: so, too, the emperor was under no legal duty to render an account of it, as would have been the case if it had been the property of the state. But as a matter of fact the administration of the fiscus was kept quite distinct from that of other imperial property, and was treated as public; accounts of it being published by some of the earlier emperors. Hence the *res fisci* are frequently opposed to the property which the emperor had acquired for his own use, either by title of inheritance (*patrimonium principis*) or by some other title (*res privatae principis*). Thus while the ownership of fiscal property was vested in the emperor, and not in the state, it was incumbent on him to make use of his rights over

such property for the public good; and if his office had terminated, he might have been made responsible by law for failure of duty in this respect (cf. Tac. *Ann.* xiii. 14). In accordance with the system of personal government instituted by Augustus, the fiscus relieved the aerarium from many important public charges. At first the army and navy and the imperial provinces were its principal concern, but new burdens were gradually imposed on it, as of the city corn and water supply, of sacred and public buildings, of the banks and bed of the Tiber, the roads, bridges, and coinage (cf. Statius, iii. 3). The income of the fiscus was derived from the provinces which were assigned to the emperor and from conquered territory, and especially from the land which he held in his own domain, which included Egypt. [PROVINCIA.] The taxes of the senatorial provinces were also to some extent appropriated to the fiscus, and it was also augmented by contributions from the aerarium. Moreover sources of revenue were assigned to it which had previously belonged to the aerarium, as *legata caduca* by a constitution of Caracalla. (Ulp. *Fragm.* xvii. 2.) Gifts from Italian and provincial towns, penalties on account of frauds on the revenue, and forfeitures were also sources of its supply. The emperor frequently subsidised his treasury to a considerable extent from his own private property (cf. *e.g.* Tac. *Ann.* xv. 18). The distinction between the fiscus and the aerarium became merely formal, as the republican treasury lost its independence. Augustus himself did not interfere with the constitution of the Aerarium populi Romani, but he created a special Aerarium militare to provide pensions for veterans, which was supported by the 5 per cent. succession duty (*vicesima hereditatum*), and the duty of 1 per cent. on sales (*centesima rerum venalium*). This subordinate treasury was administered by imperial officers called *praefecti* (Dio Cass. lv. 25). Claudius was the first emperor who assumed the right of nominating an officer to the Aerarium populi. Nero, A.D. 56, appointed two *praefecti aerarii Saturni*. From the time of this latter emperor the distinction between the two treasuries lost its political importance, although the formal consent of the senate to grants of money out of the aerarium was probably required till the time of Diocletian (Frontinus, *de Aquaed.* 115). So long as the formal distinction existed, the law relating to each might be expressed by the terms *jus populi* and *jus fisci* respectively, as it is in Paulus (*Sent. Rec.* v. 12). From the time of Diocletian the word *fiscus* signified generally the treasury of the state, the emperor having concentrated in himself the sovereign power; and so the word *fiscus* had the same wide signification as aerarium in the republican period: accordingly the two words are sometimes used in the Corpus Juris and in earlier writings as synonymous; *fiscus* is, however, frequently interpolated in the Digest for *aerarium*. The administration of the fiscus was similar in many respects to that of the aerarium. It was conducted by imperial officers, called successively *procuratores a rationibus, rationales*, and *comites*, who had numerous assistants—*adjutores a rationibus, tabellarii*, &c. Hadrian first appointed its chief officers from the Equites instead of from his freedmen, according to the previous practice. The fiscus was represented throughout the empire by its procuratores, whose duties were regulated by imperial mandates. Private persons were in the habit of giving information (*nuntiationes*) to the fiscal officers of forfeitures and other claims due to the fiscus, in order that they might obtain a reward. Actions to which the fiscus was a party were maintained by means of its procuratores. Under Augustus such actions were tried in the ordinary way by a magistratus and a judex, like other suits of the same kind between private persons (Tac. *Ann.* iv. 7, 15; Dio Cass. lvii. 23); but this subjection of the fiscus to the ordinary tribunals was not of long continuance. Tiberius in his later years began to remove fiscal causes from their cognisance, and by a senatusconsultum of Claudius jurisdiction over them was given to the imperial procuratores (Suet. *Claud.* 12; Tac. *Ann.* xii. 60), though the governors of provinces also had a concurrent jurisdiction. Each procurator probably had cognisance of the cases arising within his own department, and was competent to decide them himself, there being an appeal, however, to the emperor. Thus the consequence of this change was to exempt fiscal actions from the ordinary procedure of trial by judices, but the Emperor Nerva deprived the procuratores in Rome and Italy of their jurisdiction, and assigned it to a special praetor and judices. The office of praetor fiscalis does not seem to have been of long continuance. The fiscal procuratores had no power of inflicting fines or criminal punishments, or of taking cognisance of ordinary actions; but, as is shown by various imperial enactments and by notices of historians, they frequently paid little attention to these restrictions. Their arbitrary conduct is to be attributed, according to Mommsen, to the quasi-military position which they were allowed to maintain, soldiers being put at their disposal for the purpose of enabling them to enforce payment of taxes.

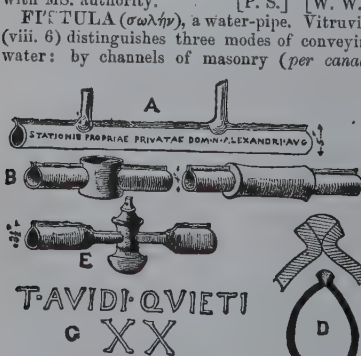
Hadrian instituted the office of *advocatus* or *patronus fisci*, whose duty was to act as counsel for the fiscus. An appointment of those who were to fill this office was made from the advocates attached to each court [ADVOCATUS]. Under Diocletian and his successors the fiscal procedure was altogether distinct from that of ordinary actions, the position of the emperor being changed. The fiscus, as the subject of certain rights, came to be legally regarded as a person, by virtue of the same fiction of law which gave a personal existence to corporations, and to the communities of cities and villages. But the fiscus on account of its relation to the emperor differed in many respects from other persons existing by fiction of law; and as an instance, it was never under any incapacity as to taking an hereditas, which, for a long time, was the case with corporations for the reason given by Ulpian. [COLLEGIUM.]

The fiscus was privileged in various ways. Thus the rule applicable to the aerarium, that the time of usucapion or prescription did not run against it, was extended to the fiscus, and the claims of the fiscus had priority over those of other creditors. It was favoured, too, in being an exclusive right of acquiring certain things, and otherwise. The various ways in which property was acquired by the fiscus are enumerated in the Digest (49, 14, 1), many of which may be

arranged under penalties and forfeitures. Thus, if a man was led to commit suicide, in consequence of having done some criminal act (*flagitium*), or if a man made counterfeit coin, his property was forfeited to the fiscus. Treasure trove (*thesaurus*) which was found in certain places was also subject to a claim on the part of the fiscus. (Dig. 49, 15; Cod. 10, 1; Cod. Theod. 10, 1; Paul. *Sent. Rec.* v. 12; *Fragm. veteris Jurisc.* "*de jure Fisca*," *ap.* Savigny, *System*, vol. ii.; Mommsen, *Staatsr.* ii. 2, p. 957 ff., from which much of the information in the above article has been taken; Hirschfeld, *Untersuchungen;* Heimbach, art. Fiscus in Weiske's *Rechtslexicon.*) [G. L.] [E. A. W.]

FISTU'CA, an instrument used for ramming down pavements and threshing-floors and the foundations of buildings (Cato, *R. R.* 18, 28; Plin. *H. N.* xxxvi. §§ 185, 186, 188; Vitruv. iii. 3, s. 4, § 1; x. 3, s. 2, § 3); and also for driving piles (Caes. *B. G.* iv. 17). When used for the former purpose, that of making earth solid, it was no doubt a mere log of wood (shod perhaps with iron), with handles to lift it up; just like a paviour's rammer. But in the case cited from Caesar, where it was used for driving the piles of his bridge over the Rhine, it is almost evident that it must have been a machine, something like our pile-driving engine (or monkey), by which a heavy log of wood, shod with iron, was lifted up to a considerable height and then let fall on the head of the pile. It is probable that *fistuca* and *festuca* are two forms of the same word and connected with *fustis*. In the passages of Pliny *festuca*, *festucare* are now read with MS. authority. [P. S.] [W. W.]

FI'STULA (σωλήν), a water-pipe. Vitruvius (viii. 6) distinguishes three modes of conveying water: by channels of masonry (*per canales*



Fistulae. (From Middleton's *Rome.*)

structiles), by leaden pipes (*fistulis plumbeis*), and by earthen pipes (*tubulis fictilibus*).* Of these two sorts of pipes the leaden were the more commonly used in distributing the water from aqueducts: though draining-pipes of earthenware were extensively used, as in modern times, and many examples have been found. The lead pipes were made by rolling thick plates, in lengths of ten feet, round a wooden core; the edges were then brought together and soldered with melted lead. The resulting form was not perfectly cylindrical, but pear-shaped in section, having a sort of ridge where the edges of the plate were somewhat roughly joined together. (See fig. D.) The pipes were made of much thicker lead than is the custom now, as much as 20 lbs. to the square foot in existing specimens (Middleton, p. 460); at points where there was heavy hydraulic pressure they were strengthened or replaced by bronze pipes, and the taps and stop-cocks (*epistomia*, figs. E, F) were likewise of that metal.

In the manufacture of these pipes, particular attention was paid to the bore and to the thickness. The accounts of Vitruvius, Frontinus, and other writers are not in perfect accordance; but it appears, from a comparison of them, that two different systems of measurement were adopted,—namely, either by the width of the plate of lead (*lamina* or *lamna*) before it was bent into the shape of a pipe, or by the internal diameter or bore (*lumen*) of the pipe when formed. The former is the system adopted by Vitruvius (*l. c.* § 4); according to him, the leaden plates were cast of a length not less than ten feet, and of a width containing an exact number of *digits* (sixteenths of a foot), which number was of course different for different sized pipes; and then the sizes of the pipes were named from the number of digits in the width of the plates, as in the following table, where the numbers on the right hand indicate the number of pounds which Vitruvius assigns to each ten-feet length of pipe:—

Centenaria,	from a plate	100	digits wide	: 1200 lbs.
Octogenaria	,,	80	,,	: 960 ,,
Quinquagenaria	,,	50	,,	: 600 ,,
Quadragenaria	,,	40	,,	: 480 ,,
Tricenaria	,,	30	,,	: 360 ,,
Vicenaria	,,	20	,,	: 240 ,,
Quindena	,,	15	,,	: 180 ,,
Dena	,,	10	,,	: 120 ,,
Octona	,,	8	,,	: 96* ,,
Quinaria	,,	5	,,	: 60 ,,

If this scale is correct, the thickness of the plates must have been the same for pipes of all sizes; namely, such that each strip of lead, ten feet long and one digit wide, weighed twelve pounds. The account of Vitruvius is followed by Pliny (*H. N.* xxxi. §§ 57, 58) and Palladius (ix. 12).

Frontinus, who enters into the subject much more minutely, objects to the system of Vitruvius as too indefinite, on account of the variation which is made in the shape of the pipe in bending up the plate of lead; and he thinks it more probable that the names were derived from the size of the internal diameters, reckoned

* The etymological distinction between *fistula* and *tubus* seems to be that the former, which originally signified "a flute," was a small pipe, the latter a large one; but, in usage, at least so far as water-pipes are concerned, it seems that *fistula* is applied to a leaden pipe, *tubus* and *tubulus* to one of any other material, especially of terracotta, as in the above and the following passages. (Varr. *R. R.* i. 8; Colum. i. 5; Plin. v. § 128, xvi. § 224, xxxv. § 159; Frontinus, see below).

* Pliny and Palladius, and even the ancient MSS. of Vitruvius, give here C, which, however, is clearly an error of a transcriber who did not perceive the law of the proportion, but who had a fancy for the round number.

in *quadrantes* (the unit being the digit), that is, *in quarters of a digit;* so that the *Quinaria* had a diameter of five-fourths of a digit, or 1¼ digit, and so on, up to the *Vicenaria*, above which the notation was altered, and the names were no longer taken from the number of *linear quarters of a digit* in the *diameter* of the pipe, but from the number of *square quarters of a digit* in its area. The usual limits of size were from the *Quinaria*, adopted by Frontinus as the standard measure (*modulus*) of the whole system, to the *Centenaria*. This writer mentions, however, a size larger than the *centenaria*, the *centum vicenûm;* and one smaller than the *quinaria*, the *digitus rotundus*, or pipe of exactly a digit in bore ("Digitus rotundus habet diametri digitum unum; capit quinariae septuncem semunciam sextulam"; a roundabout way of expressing $\frac{45}{49}$ or $\frac{5}{7}$, Frontin. c. 26 *extr.*). But the largest pipes now extant exceed 300 *quinariae* (Middleton, p. 466. For further details, see Frontinus, *de Aquaed.* 24–63, with the notes of Polenus). Another mode of explaining the nomenclature was by the story that when Agrippa undertook the oversight of the aqueducts, finding the *modulus* inconveniently small, he enlarged it to *five* times its diameter, and hence the origin of the *fistula quinaria* (Frontin. 25). Of these accounts, that of Frontinus is the most generally accepted.

The subject of inscriptions on lead pipes was first noticed by Marini (*Atti de' Fratelli Arvali*, Rome, 1795); but it is much more fully treated in the magnificent work of the Commendatore Lanciani (*I Comentarii di Frontino*, Rome, 1880). Recent excavations in Rome have unearthed immense quantities of these inscribed pipes, many of which have unfortunately been melted down as old lead. From those which have been preserved, Comm. Lanciani has identified 81 sites of houses within the walls, 88 in the suburbs, and has gathered much valuable information as to the distribution of water from the various castella, and many collateral historical and topographical facts. The earliest existing inscriptions date from the reign of Augustus, the latest from that of Valentinian II., A.D. 375–392: nearly all the intervening names are included. They are most numerous in the reigns of Domitian, Nerva, Trajan, Severus and Caracalla; after Decius the number steadily declines. The facts usually recorded on them are the name of the reigning emperor, sometimes the consuls of the year, the *Procurator Aquarum*, the plumber who made the pipe, the owner of the house, the name of the estate, the fact of the water being an imperial concession; and many have numerals, showing the capacity of the pipe in *quinariae* (Middleton, p. 462; who adds a copious selection illustrating the above points, pp. 463–465). Our specimen (fig. A) bears the inscription STATIONIS PROPRIAE PRIVATAE DOM. N. ALEXANDRI AUG.; indicating the private water supply of the imperial palace under Alexander Severus. Another, from the Palatine, has [DOM]VS AUGUSTANAE; while a pipe inscribed IMP. AUG. VESPASIANI . STATIO . VRBANA . AUG. belonged to the public water-works of the city. Respecting the uses of pipes in the aqueducts, see AQUAEDUCTUS, p. 154 *a*.

Of the earthen (terracotta) pipes we know very little. Pliny says that they are best when their thickness is two digits (1⅓ inch), and that each pipe should have its end inserted in the next, and the joints should be cemented; but that leaden pipes should be used where the water rises. The earthen pipes were thought more wholesome than the leaden. (Plin. *H. N.* xxxi. § 57; Vitruv. *l. c.* § 10; Pallad. ix. 11.) Water pipes were also made of leather (Plin. *H. N.* v. § 128; Vitruv. *l. c.* § 8), and of wood (Pallad. *l. c.*), especially of the hollowed trunks of the pine, fir, and alder (Plin. *H. N.* xvi. § 224). [P. S.] [W. W.]

FLABELLUM, *dim.* FLABELLULUM (*ῥιπίς, ῥιπιστήρ, dim. ῥιπίδιον*), a fan. Ancient fans were not so constructed that they might be furled, unfurled, and fluttered, nor were they even carried by the ladies themselves. They were, it is true, of elegant forms, of delicate colours (*prasino flabello*, Mart. iii. 82, 11), and sometimes of costly and splendid materials, such as peacocks' feathers (Propert. iii. 18, 11=ii. 24, 11; Claudian, *in Eutrop.* i. 109; Mart. xiv. 67); but they were stiff and of a fixed shape, and were held by female slaves (*flabelliferae*, Plaut. *Trin.* ii. 1, 22, translating Philemon), by beautiful boys (Strato, *Epigr.* 22), or by eunuchs (Eurip. *Orest.* 1426–1430; Menand. *fr.* 49, Meineke; and as translated by Terence, *Eun.* iii. 5, 47, 50, 54), whose duty it was to wave them so as to produce a cooling breeze. (Brunck, *Anal.* ii. 92.) A gentleman might, nevertheless, take the fan into his own hand, and use it in fanning a lady as a compliment. (Ovid, *A. A.* i. 161; *Amor.* iii. 2, 38.) The woodcut under CATHEDRA shows a female bestowing this attendance upon her mistress. The fan which she holds is apparently made of separate feathers joined at the base, and also united both by a thread passing along the tips and by another stronger thread tied to the middle of the shaft of each feather. Another use of the fan was to drive away flies from living persons, and from articles of food which were either placed upon the table or offered in sacrifice. When intended for a fly-flapper, it was less stiff, and was called *μυιοσόβη, muscarium* (Menand. *l. c.*; Brunck, *Anal.* ii. 388, iii. 92; Mart. *l. c.*); and for this purpose was sometimes made of an ox-tail (Mart. xiv. 69; Aelian, *H. A.* xv. 14). The Emperor Augustus had a slave to fan him during his sleep (Sueton. *Aug.* 82); for the use of fans was not confined to females. In short, the manner of using fans was precisely that which is still practised in China, India, and other parts of the East; and Euripides (*l. c.*) says that the Greeks derived their knowledge of them from "barbarous" countries.

Besides separate feathers, the ancient fan was sometimes made of linen, extended upon a light frame. (Strato, *l. c.*) From the above-cited passage of Euripides and the Scholia upon it, compared with representations of the flabellum in ancient paintings, it also appears to have been made by placing the two wings of a bird back to back, fastening them together in this position, and attaching a handle at the base. (Hence *πτερίναν ῥιπίδα*, Brunck, *Anal.* ii. 258 = *Anth. Pal.* vi. 306: on this unusual prosody, cf. L. and S., *s. v. ῥιπίς*). Further illustrations have been discovered of late years in the Tanagra

terracotta figures (Guhl and Koner, ed. 5, p. 234; Hermann-Blümner, *Privatalterth.* p. 196; cf. Marquardt, *Privatl.* p. 145). The history of fans in all ages and countries has been written by S. Blondel (*Hist. des Éventails*, Paris, 1875) and H. Frunberger (*Gesch. des Fächers*, Leipzig, 1876).

A more homely application of the fan was its use in cookery (Aristoph. *Ach.* 669, 888; FOCUS). In a painting which represents a sacrifice to Isis (*Ant. d'Ercolano*, ii. 60), a priest is seen fanning the fire upon the altar with a triangular flabellum, such as is still used in Italy. This practice gave origin among classical writers to expressions corresponding to ours, meaning to fan the flame of hope (Alciphr. iii. 47), of love (*διπίζειν*, Brunck, ii. 306), or of sedition (Aristoph. *Ran.* 360; Cic. *pro Flacc.* 23, § 54). [J. Y.] [W. W.]

FLAGRUM, *dim.* FLAGELLUM (*μάστιξ*), a whip, scourge.

It may be broadly stated that the corporal punishment of freemen was, like other forms of torture, "abhorrent to Greek manners" [CRUX, p. 567 *a*]. The exceptions noticed by Thalheim (*Rechtsalterth.* p. 127) prove little against this rule. The military and paternal government of Sparta allowed old men to use their walking-sticks (*βακτηρίαι*) on those who were guilty of unseemly conduct in public (*τοὺς ἀκοσμοῦντας*, Dion. Hal. xx. *fr.* 2=13 Kiessling); a very different thing from flogging as commonly understood. We are not surprised to read that Cinadon and his associates, who had planned a wholesale massacre of their fellow-citizens, were scourged on the way to execution (Xen. *Hell.* iii. 3, § 11). But we entirely reject the notion, based only on scholiasts and grammarians and unsupported by contemporary evidence, that the Athenian market was patrolled by men with whips, even if they were only to be used against non-citizens [AGORANOMI]. The strong feeling against *ὕβρις*, or open violence, extended even to slaves ([Xen.] *Rep. Ath.* 1, § 10; Aeschin. *c. Timarch.* § 17). Not only was the use of the *μάστιξ* limited to slaves, but we find no trace of its infliction in public, as among the Romans (Liv. ii. 36). A slave who had been flogged was called *μαστιγίας* (Aristoph. *Eq.* 1228, *Ran.* 501, *Lysistr.* 1240; Philem. *fr.* 143 M.), which of course became a term of mockery and contempt. Through the comic writers, *mastigia* passed into Latin (Plaut. *Capt.* iii. 4, 68, and often; Terent. *Adelph.* v. 2, 6). Among the different kinds of whips we find the *σκυτίνη μάστιξ*, Lat. *lorum* or *scutica* (Anacr. *fr.* 19=21 Bergk[4]); one called *ὑστριχίς* with a lash of bristles (Aristoph. *Ran.* 619; *Pax*, 746); another, the most terrible of all, called *ἀστραγαλωτή*, because strung with *ἀστράγαλοι* or knuckle-bones (Crates, *fr.* 32 M. *ap.* Poll. x. 54; Lucian, *Asin.* 38, p. 606 R.; Posidon. *ap.* Ath. iv. 153 a).

At Rome the scourging of citizens had been forbidden from very early times (Liv. x. 9; Cic. *Rab. Perd.* 4, § 12; *in Verr.* v. 66, § 170). Unprivileged persons, and especially slaves, were scourged in a variety of ways, of which the flagellum was the worst (*horribili flagello*, Hor. *Sat.* i. 3, 119). It was a "knout" or "cat," with lashes of knotted cord, or even wire; like the *ἀστραγαλωτὴ* of the Greeks, it might be loaded with knuckle-bones (*tali*, whence *talaria*, sc. *flagella*, Senec. *de Ira*, iii. 19, § 1), or other cruel aggravations (cf. Apul. *Met.* viii. p. 173). The cut below represents a scourge taken from a bas-relief of the statue of Cybele in the Capitoline Museum at Rome. The infliction of punishment with it upon the naked back of the sufferer (Juv. vi. 477) was sometimes fatal (Hor. *Sat.* i. 2, 41), and was carried into execution by a class of persons, themselves slaves, who were called *lorarii*. Some flagella found at Herculaneum consist of several short chains with knobs of metal at the end, attached to a short handle. Rich, who figures one of them, thinks that this sort was the *flagrum*, the other the *flagellum*; other writers treat flagrum and flagellum as equivalent (Marquardt, *Privatl.* 179, n. 3; Becker-Göll, *Gallus*, ii. 176). The stimuli mentioned by Plautus are probably goads or other sharp-pointed instruments used separately (Göll), not spikes fastened to the flagellum (Marquardt); so *μαστιγούμενος καὶ κεντούμενος*, Xen. *l. c.* Less severe forms of corporal punishment were with the cane (*νάρθηξ*, *ferula*), the leathern strap (*habena*, *scutica*, *lorum*, Hor. *Sat.* i. 3, 119; *Ep.* i. 16, 47, ii. 2, 15; cf. *bubulis exuviis*, Plaut. *Most.* iv. 1, 26); the rope's end (Hor. *Epod.* 4, 3, where the *Hiberici funes* are made of esparto grass, and different from the flagella of *v.* 11). During the Saturnalia the scourge was deposited under the seal of the master. We likewise find that some gladiators fought with the flagellum, as in the coin here introduced: it has two lashes, as is also the case with some driving-whips figured in ancient paintings.

Flagellum.

For the *virgae* of the lictors, see FASCES. For corporal punishment in schools, *ferulae* and *lora* are mentioned (Juv. i. 15, with Mayor's note; Mart. x. 62); see also a curious painting from Herculaneum figured in Rich, *s. v.* "Ludus," and in Milman's *Horace*. [J. Y.] [W. W.]

FLAMEN, the name for any Roman priest who was devoted to the service of one particular god (DIVISQUE ALIIS ALII SACERDOTES, OMNIBUS PONTIFICES, SINGULIS FLAMINES SUNTO, Cic. *de Leg.* ii. 8, § 20), and who received a distinguishing epithet from the deity to whom he ministered (*Horum*, sc. flaminum, *singuli cognomina habent ab eo Deo quoi sacra faciunt*, Varr. *L. L.* v. 84). The ancients derived the word from *filum*, as if *filamen*, from the peculiarity of their head-dress (Varr. *l. c.*; Fest. *Epit.* 87; Serv. *ad Aen.* viii. 664, x. 270; Dion. Hal. ii. 64) or from *pilleus* (Plut. *Num.* 7). The real derivation, it is tolerably certain, is from *flare* in a transitive sense, to "blow up" a fire; the flamen was always a *sacrificing* priest. The office is called

flaminium in the MSS. and editions of Cicero and Livy; inscriptions, and the Medicean MS. of Tacitus (*Ann.* iv. 16), give *flamonium*, undoubtedly the more correct form; rarely *flaminatus* (Inscrr.).

The most dignified flamens were those attached to Diiovis, Mars, and Quirinus, the *Dialis, Martialis*, and *Quirinalis*. The two first are said by Plutarch (*l. c.*) to have been established by Romulus; but the greater number of authorities agree in referring the institution of the whole three, in common with all other matters connected with state religion, to Numa (Liv. i. 20; Dion. Hal. ii. 64 ff.). The number was eventually increased to fifteen (Fest. p. 154 b): the three original flamens were always chosen from among the patricians, and styled *Majores* (Gaius, i. 112); the rest from the plebeians, with the epithet *Minores* (Fest. *Epit.* p. 151). Two rude lines of Ennius (*ap.* Varr. *L. L.* vii. 44) preserve the names of six of these, appointed, says the poet, by Numa,—

> *Volturnalem, Palatualem, Furrinalem,*
> *Floralemque, Falacrem et Pomonalem fecit*
> *Hic idem.....*

to which we may add the *Flamen Volcanalis* (Varr. *L. L.* v. 84), the *Flamen Portunalis* (Fest. p. 217 a), and the *Flamen Carmentalis* (Cic. *Brut.* 14, § 56). We find mention of the *Virbialis, Laurentialis, Larinalis* and *Lucullaris*, which would raise the number of names to sixteen; but there is nothing to prove that these four were Roman and not merely provincial priests. The most distinguished of all the flamens was the *Dialis;* the lowest in rank the *Pomonalis* (Fest. p. 154 b).

Towards the end of the Republic the Lesser Flamens seem not to have been fully kept up; there is no record of the mode of their election, and some of the names were almost forgotten (Varr. *L. L.* vi. 19). Of the flamens in general we are told that their characteristic dress was the apex [APEX], the laena [LAENA], and a laurel wreath; that they were inaugurated (it does not follow that they were appointed) at the Comitia Calata (Gell. xv. 27; COMITIA, p. 504 *b*); and that they were at all times subject to the authority of the Pontifex Maximus, against whom, however, they sometimes appealed to the people (Liv. *Epit.* xix., xxxvii. 51; Val. Max. i. 1, § 2). The office was understood to last for life; but a flamen might be compelled to resign (*flamonio abire*) for a breach of duty, or even on account of the occurrence of an ill-omened accident while discharging his functions (Liv. xxvi. 23; Val. Max. *l. c.* § 4). The three Greater Flamens were all, it is probable, elected like the Dialis, respecting whose appointment we have the fullest details; though in other respects they led a much less ceremonious life. When a vacancy occurred, three persons of patrician descent, whose parents had been married by the rite of *confarreatio* [MATRIMONIUM], were nominated by the college of pontiffs, and one of these chosen and solemnly installed by the Pontifex Maximus (Tac. *Ann.* iv. 16; Liv. xxvii. 8, cf. xxix. 38; Val. Max. vi. 9, § 3); he was not allowed to refuse, and the word *capere* applied to this act seems to indicate that he was regarded as a prisoner of the god, forcibly impressed for his service. From that time forward he was emancipated from the control of his father, and became *sui juris* (Gaius, i. 130; Ulpian, *Fragm.* x. 5; Tac. *Ann.* i. c.).

The Dialis enjoyed many peculiar honours, counterbalanced by the most burdensome restrictions in the whole compass even of Roman ceremonial religion. A long catalogue of the latter has been compiled by Aulus Gellius (x. 15) from the works of Fabius Pictor and Masurius Sabinus, while Plutarch, in his *Roman Questions* (Nos. 44, 50, 109–113), endeavours to explain their import. The object was evidently to make him, in a literal sense, *Jovi adsiduum sacerdotem;* to compel constant attention to the duties of the priesthood, and to leave no temptation to neglect them. Other priests were obliged to be equally careful when engaged in performing sacred rites; but the Dialis was always on parade, and always in full dress. He had a right to the *toga praetexta*, the *sella curulis*, and to a seat in the senate by virtue of his office; but in early times he was altogether precluded from seeking any civil magistracy, and at a later period the restriction was only partially relaxed. He might not mount upon horseback, nor even touch a horse, nor look upon an army marshalled (*classem procinctam*, Gell. *l. c.*) without the pomoerium; was not allowed to swear an oath (Liv. xxxi. 50; Fest. *Epit.* p. 104), nor to be out of the city for a single night (Liv. v. 52): a regulation so far modified in imperial times, that an absence of two nights was allowed, not more than twice a year, and with the consent of the Pontifex Maximus (Tac. *Ann.* ii. 58, 71). Thus it was impossible for him to undertake the government of a province, and he was seldom elected to the consulship. His right of sitting in the senate, even, had long fallen into abeyance, when it was revived by the claim of C. Valerius Flaccus in B.C. 209 (Liv. xxvii. 8; compare i. 20). In other respects his privileges were curiously mixed up with the corresponding restrictions: in both we can trace the working of the same principles. As every day was a holiday with him (*cotidie feriatus est*, Gell.) he was not allowed either to work himself or to see others working. Whenever he went out, he wore the special apex called *albogalerus*, with an olive-branch twined with white wool (*filum*) attached to its point (*apiculum*); the *laena*, a thick woollen praetexta, woven by the hands of his wife; in one hand he carried a sacrificial knife [SECESPITA], in the other a wand called *commetacula*, with which he kept the people at a distance. For the same purpose he was preceded by a lictor and by criers called *praeciae* or *praeclamitatores*, at whose bidding every one laid aside his work. As emblematic of the divine freedom, he could neither look upon, touch, nor name anything suggestive of bonds or imprisonment: hence he had no knots on any part of his attire, which was fastened instead with clasps (*fibulae*); his ring had to be split so as not to completely encircle his finger (*anulo . . . pervio et casso*, Gell. *l. c.*); he was forbidden to name ivy, on account of its binding properties, or to walk along a path over-canopied by vines, for a similar reason. [These last two prohibitions are wrongly explained by Plutarch: he was under no restrictions as to the use of wine.] If one in bonds took refuge in his house, the chains were immediately struck off, conveyed through the

impluvium to the roof, and thence cast down into the street; if a criminal on his way to punishment met him (as was also the case with the Vestals), he could neither be scourged nor executed on that day. None but a free man might cut his hair; his beard might only be trimmed with a knife of bronze, the ancient and more sacred metal; the clippings of his hair, and the parings of his nails, were buried beneath a *felix arbor*. All day long he could not take off his head-dress out of doors (his doing so in the house was a concession in later times); nor strip off his tunic, that he might not be exposed *sub oculis Jovis*. No one might sleep in his bed, the legs of which were smeared with fine clay; a box containing sacrificial cakes (*capsula cum strue atque ferto*, Gell.) always stood beside it. The clay on the feet of the bed has been ingeniously explained by Mr. J. G. Frazer; it was an "accommodation" of an old rule which required him to sleep on the ground (*Class. Rev.* ii. 322). Again, he was forbidden to touch or name anything unclean or suggestive of uncleanness, such as a dead body or a *bustum* [FUNUS], though he was not prevented from attending a funeral; a dog, a she-goat (because liable to epilepsy [!], Plut. *Q. R.* 111), beans (because sacred to the dead, Fest. *Epit.* p. 87; LEMURIA), raw flesh, or fermented dough (*fermentata farina*, Gell.), because fermentation implies corruption. To cooked meat or leavened bread when baked there was, it seems, no objection.

Flaminica was the name given to the wife of the Dialis. He was required to wed a virgin according to the ceremonies of *confarreatio*, which regulation also applied to the two other flamines majores (Serv. *ad Aen.* iv. 104, 374; Gaius, i. 112); and he could not marry a second time. Hence, since her assistance was essential to many sacrifices, a divorce was not permitted, and if she died the Dialis was obliged to resign. Their children, if they had any, assisted them in their sacred duties; if not, their place was supplied by *camilli* and *camillae*, who were required to be *patrimi et matrimi*, and in early times to be the offspring of a confarreate marriage [CAMILLI]. The regulations imposed upon the flaminica were similar to those of her husband. In public, her dress consisted of a dyed robe (*venenato operitur*); her hair was plaited up with a purple band in a conical form [TUTULUS]; and her head was covered with a veil (*flammeum*) and a *rica*, the nature of which is somewhat doubtful [RICA]. She likewise carried the *secespita*. She was prohibited from mounting a staircase consisting of more than three steps (the text of Aulus Gellius is uncertain, but the object must have been to prevent her ankles from being seen); and when she went to the *argei* [ARGEI], she neither combed nor arranged her hair. On each of the nundinae a ram was sacrificed to Jupiter in the regia by the flaminica (Macrob. i. 16).

Flaminia, according to Festus and A. Gellius, was the house of the Dialis, from which it was unlawful to carry out fire except for sacred purposes. The name *flaminia* was also given, according to Festus, to a little or perhaps subordinate priestess (*sacerdotula*) who assisted the *flaminica* in her duties.

After the death of the flamen Merula, who was chosen consul suffectus on the expulsion of Cinna (Vell. Pat. ii. 20; Val. Max. ix. 12, § 5), and who, upon the restoration of the Marian faction, shed his own blood in the sanctuary (B.C. 87), calling down curses on his enemies with his dying breath (Vell. Pat. ii. 22), the priesthood remained vacant until the consecration of Servius Maluginensis (B.C. 11) by Augustus, then Pontifex Maximus. Julius Caesar had indeed been nominated in his 17th year, but was never installed; and during the whole of the above period the duties of the office were discharged by the Pontifex Maximus. (Suet. *Jul.* c. 1, compared with Vell. Pat. ii. 43, and the Commentators. See also Suet. *Aug.* 31; Dio Cass. liv. 36; Tac. *Ann.* iii. 58. The last-quoted historian, if the text be correct, states that the interruption lasted for 72 years only.)

The municipal towns also had their flamens. Thus the celebrated affray between Milo and Clodius took place while the former was on his way to Lanuvium, of which he was then dictator, to declare the election of a flamen (*ad flaminem prodendum*, Cic. *pro Mil.* 10, § 27). After the deification of the emperors, flamens were appointed to offer sacrifices to them both in Rome and in the provinces. Julius Caesar accepted a flamen in his lifetime (Suet. *Jul.* 76; Cic. *Phil.* ii. 43, § 110); Augustus refused all divine honours within the borders of Italy, but after his death the flamen Augustalis appears (cf. AUGUSTALES). These *flamines Divorum* did not, as has been sometimes thought, form a collegium with the *sodales*, but stood in direct relations only with the Pontifex Maximus, *i.e.* with the emperor himself. We find flamens to emperors who had no *sodales*, as to Julius, Nerva (Plin. *Paneg.* 11), Trajan (*flamen Ulpialis*, *C. I. L.* vi. 1383, Wilm. 1175); and the imperial flamens were required to be patricians, the *sodales* were not. The former were, in fact, mostly taken from the imperial family, *e.g.* the Caesars Germanicus and Nero (Orelli, 660, 664), L. Silanus the victim of Claudius and Agrippina (*C. I. G.* 369), the younger Pertinax (Capitol. *Pert.* 15). In the case of Antoninus Pius, the "flamen ex affinibus" is clearly distinguished from the "sodales ex amicissimis" (Capitol. *M. Ant. Phil.* 7 *extr.*). We do not find flamens assigned to any but actual emperors, excluding other deified persons; nor to empresses, with the exception of the elder Faustina, who received more than one *flaminica* in her husband's lifetime (Capitol. *Ant. Pi.* 6). With the emperors the appointment of a flamen was the natural accompaniment of consecration; and it can only be accidental that no records are preserved of the flamens of such favourite emperors as Vespasian, Titus, and Alexander Severus. Inscriptions show that, following the analogy of the earlier flamens (Dialis, Martialis, Quirinalis, not Jovis, Martis, Quirini), the flamens of the empire were not called Julii, Augusti, Claudii, &c., but Juliani (Orell. 2242), Augustales (Orell. 2378), Claudiales (Wilmanns, 1174). (Compare Marquardt, *Staatsverw.* iii. 313–319, 453–455; H. Dessau, *de sodalibus et flaminibus Augustalibus*, Berlin, 1877, and in *Ephem. Epigr.* iii. 205 ff.; AUGUSTALES, p. 258 *b*.) [W. R.] [W. W.]

FLAMMEA'RII. [FLAMMEUM.]

FLAMME'OLUM. [FLAMMEUM.]

FLA'MMEUM (sc. *velum*), a flame-coloured

veil, worn by a Roman bride, the colour of which is described as *luteus* (Plin. *H. N.* xxi. § 46; "lutea flammea," Lucan, ii. 361). The diminutive *flammeolum* (Juv. x. 334), used of the bridal veil of Messalina, probably indicates only a veil of finer texture than usual. It was a long veil covering the head, and, with the exception of the face, descending over the back to the feet, whence it is described by the grammarians as a kind of dress ("flammea genus amicti," Schol. *ad* Juv. vi. 225; "vestimentum," Fest. p. 92, 16; "flammeo amicitur nubens," Fest. p. 89, 3). It is so represented in works of art, and is frequently mentioned by the Roman writers in connexion with marriage ("flammeum cape," Cat. lx. 8; "flammea sumit," Juv. ii. 124; "flammea texuntur sponsae," Mart. xi. 78, 3; "puellae caput involverat flammeo," Petron. 26, 1). Though the flammeum did not entirely cover the face, yet from its falling over the forehead usually it is described as concealing the countenance ("velare vultus," Lucan, *l. c.*; Mart. xii. 42, 3). When the bride was brought into the nuptial chamber, the veil was removed by the bridegroom (Claudian, *de Laud. Stilich.* ii. 368).

Bride with the Flammeum. (From the Aldobrandine Marriage.)

Festus says (p. 89) that the bride wore the *flammeum* because it was always used by the Flaminica, the wife of the Flamen, who could not obtain a divorce. But this is not correct. It has been pointed out by Rossbach that the *flammeum* was part of the dress of the Flaminica, because it was in ancient times worn by all Roman matrons in performing sacrificial rites. It was originally identical with the *ricinium* and *rica*, except in colour, which is also described as a portion of the dress of the Flaminica, though subsequently the *ricinium* was made smaller and became only a head-dress. [RICINIUM.]

The *flammeum* being a symbol of marriage, *flammea conterit* is said of a Roman matron who changes her husband repeatedly (Juv. vi. 225). The *flammeum* continued to be worn by the bride in the imperial period down to the fourth and fifth centuries, and along with the *palla* was the characteristic dress of the bride (Claudian, *in Nupt. Hon. et Mar.* 284; Mart. Capell. v. p. 538, Kopp). The use of the veil in the marriage ceremony was adopted in the Christian Church, and is described by Tertullian (*de Veland. Virgin.* c. 11) as a praiseworthy heathen custom. The colour of the Christian veil was purple and white, though the name *flammeum* was sometimes used (St. Ambros. *de Virg.* c. 15; *de Inst. Virg.* c. 17). [See *Dict. Christ. Ant.* ii. p. 1108.]

The *flammearii* in Plautus (*Aul.* iii. 5, 36) are usually supposed to be the makers of the *flammeum* or the bridal veil; but as they are mentioned by Plautus along with the *violarii*, they are more probably the dyers of the colour, and are so explained by Festus (p. 89, 11), "flammearii, infectores flammei coloris." This colour, as we have seen, is called *luteus* from *lutum*, "weld" (*reseda luteola*, Linn.). (Marquardt, *Privatl.* pp. 43, 489; Becker-Göll, *Gallus*, ii. p. 29; Blümner, *Techn.* i. p. 243; Rossbach, *Röm. Hochzeit*, &c., Leipz. 1871.) [W. S.]

FLEXU'MINES. [EQUITES.]

FLORA'LIA, or Florales Ludi, a festival which was celebrated at Rome in honour of Flora or Chloris. It was said to have been instituted in 238 B.C., on the occasion of the dedication of a temple to Flora by the aediles L. and M. Publicius in the Circus Maximus (*C. I. L.* i. 392), at the command of an oracle in the Sibylline books, for the purpose of obtaining from the goddess the protection of the blossoms (*ut omnia bene deflorescerent*, Plin. *H. N.* xviii. § 286: compare Vell. Pat. i. 14; Varr. *de Re Rust.* i. 1). In the consulship of L. Postumius Albinus and M. Popilius Laenas (173 B.C.), it was made an annual festival, at the command of the senate, by the aedile C. Servilius (Mommsen, *Röm. Münzw.* p. 645; compare Ovid, *Fast.* v. 329, &c.), as the blossoms in that year had severely suffered from winds, hail, and rain. By degrees it was extended to six days (April 28—May 3). The celebration was, as usual, conducted by the aediles (Cic. *in Verr.* v. 14, 36; Valer. Max. ii. 10, § 8), and was carried on with excessive merriment, drinking, and lascivious games (Mart. i. 3; Senec. *Epist.* 96). From Valerius Maximus (cf. Schol. *Juv.* vi. 250; Senec. *Epist.* 97, 8) we learn that theatrical and mimic representations formed a principal part of the various amusements, and that it was customary for the assembled people on this occasion to demand the female actors to appear naked on the stage, and to amuse the multitude with their indecent gestures and dances. This indecency is probably the only ground on which the absurd story of its origin, related by Lactantius (*Institut.* i. 20), is founded. The last day was devoted to a beast-hunt in the circus, but there were no races. Similar festivals, chiefly in spring and autumn, are in southern countries seasons for rejoicing, and, as it were, called forth by the season of the year itself, without any distinct connexion with any particular divinity; they are to this day very popular in Italy (Voss. *ad* Verg. *Georg.* ii. 385), and in ancient times we find them celebrated from the southern to the northern extremity of Italy. (See ANTHESPHORIA, and Justin, xliii. 4.) The Floralia were originally festivals of the country people (Preller, *Röm. Myth.* 379), which were afterwards, in Italy as in Greece, introduced into the towns, where they naturally assumed a more dissolute and licentious character, while the country people continued to celebrate them in their old and merry but innocent manner. And it is highly probable that such festivals did not become connected with the worship of any particular deity until a comparatively late period. (Buttmann, *Mythol.* ii. p. 54.) This

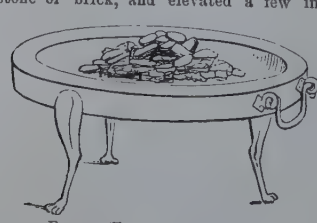
would account for the late introduction of the Floralia at Rome, as well as for the manner in which we find them celebrated there. (See Spanheim, *de Praest. et Usu Numism.* ii. p. 145, &c.) [L. S.] [A. S. W.]

FOCA'LE, a covering for the throat (*fauces*), sometimes drawn also over the ears (Mart. iv. 41), made of wool and worn by infirm and delicate persons. Its use by others was regarded as effeminate (Hor. *Sat.* ii. 3, 255; Senec. *Nat. Quaest.* iv. 13; Quintil. xi. 3, § 144; Mart. xiv. 142). [J. Y.] [W. W.]

FOCUS, dim. **FO'CULUS** (*ἑστία*: *ἐσχάρα*, *ἐσχάρις*, dim. *ἐσχάριον*), a fire-place; a hearth; a brasier. The fire-place, while serving all the requirements of ordinary life, possessed a sacred character both among the Greeks and Romans. In the primitive Greek house the *ἐσχάρα* stood against, or near, the back wall of the *μέγαρον*, the kitchen and living-room of the family: in the more spacious dwellings of a later age it was transferred, with other objects of domestic worship, to a small private chapel, vaulted so as to resemble the Tholos (*θόλος*), the dome-shaped *ἑστία* of the state (Hermann-Blümner, *Privatalt.* p. 151, where the identity of *ἑστία* and *ἐσχάρα* is maintained; Guhl and Koner, ed. 5, p. 97). The well-known use of the hearth as a sanctuary for suppliants occurs as early as Homer (*Od.* vii. 153–169: cf. Apoll. Rhod. iv. 693; Thucyd. i. 136).

Among the Romans the fire-place was dedicated to the Lares of each family (Plut. *Aul.* ii. 8, 16; Cato, *de R. R.* 15; Ov. *Fast.* i. 135, vi. 302); a consecration which did not interfere with its homely uses (Hor. *Epod.* 2, 43; *Epist.* i. 5, 7; Ov. *Met.* viii. 673; Senec. *Cons. ad Helv.* 10, § 7). On festivals the housewife decorated the hearth with garlands (Cato, *de R. R.* 143; Ov. *Trist.* v. 5, 10); a woollen fillet was sometimes added, nor were animal sacrifices unknown (Propert. v. 6, 1–6). The phrase "pro aris et focis" expressed attachment to all that was most dear and venerable (Cic. *N. D.* iii. 40, § 94; Flor. iii. 13). At Rome, likewise, the progress of wealth and refinement led to the removal of the focus and penates to an inner apartment (Marquardt, *Privatl.* 234): the change from the single *atrium* or "house-place" to the more elaborate arrangement of a separate dining-room, culina, and Lararium is described under DOMUS, p. 670 *a*, 672 *b*. In the Pompeian houses we see the *atrium*, now become a reception room, adorned with a fountain and a marble table [CARTIBULUM], but no longer with a hearth.

The focus was usually a fixture, constructed of stone or brick, and elevated a few inches



Focus. (From British Museum.)

above the ground; see the first figure on p. 672 *a*. It was also frequently made of bronze, variously ornamented, and could then be carried from room to room. One is shown under BALNEAE, p. 276 *b*: another, found at Caere in Etruria, and preserved in the British Museum, is represented in the annexed woodcut.

The small portable brasier or chafing-dish, called *foculus* or *ἐσχάριον*, was especially used in sacrifices; and the same name was applied to the hollow or fire-pan at the top of an altar (Liv. ii. 12; Cic. *pro Domo*, 47, § 123; ARA). The movable focus or foculus was also employed in the kitchen (Plaut. *Capt.* iv. 2, 68; Juv. iii. 262), and for keeping things hot was brought into the dining-room (Senec. *Ep.* 78, § 23). The treasures of Herculaneum and Pompeii are rich in illustrations of this kind of focus, whether pictorial or in bronze vessels actually preserved. See CALDARIUM, and the second cut under AUTHEPSA. [J. Y.] [W. W.]

FOEDERA'TAE CIVITA'TES, FOEDERA'TI, SO'CII. In extending her influence and dominions beyond the seven hills, Rome followed two alternative courses. One was to conclude a treaty of alliance with a community between which and herself there had previously been no relation; the other was to reduce such community to complete subjection by conquest or enforced surrender (Liv. xxxiv. 17; iv. 30; viii. 2). Where there was a treaty of alliance (*foedus*), the allied community was described by the terms prefixed to this note. At first of course such allies were exclusively Italian; in particular the Socii and Latini, who forced on the Social War B.C. 90, though no town which had obtained the Roman civitas, or which was a Roman or Latin colony [COLONIA], was said to be foederata. But even long before that war Rome had attached allies to herself by treaty outside Italy, both states governed on the republican principle, and foreign princes (*e.g.* Ptolemaeus Philadelphus, B.C. 273, Dio Cass. 147; and Hiero of Syracuse, a year later, Polyb. i. 16). After the extension of the Roman imperium into the provinces, two kinds of foederati populi or civitates have to be distinguished: those whose territory lay within the bounds of a Roman province, and those which were genuinely foreign (Dig. 49, 15, 7). The latter, however, after the subjection of the kings of Macedon and Syria, were constantly becoming mere tribute payers to Rome (Liv. xlii. 6; xlv. 13, 44), and as a general rule had to be content with concealing their practical vassalage (Sallust, *Jug.* 14; Florus, iii. 1) under the thin disguise of "friends and allies of the Roman people" (Caesar, *B. G.* i. 3, 35, 43; iv. 12; vii. 31;—Cic. *pro lege Manilia*, 5, 12).

The foedera were of three orders (Dig. 49, 15; 5, 2), stipulating merely for friendship between the contracting parties, or for reciprocal hospitality, or for military subvention. Those of the first order (Polyb. iii. 22; Liv. xxxviii. 38) provided that the two states should not engage in war with one another without first making every attempt at an amicable settlement (*e.g.* the treaty with Alba, Dionys. iii. 3), and contained regulations as to the sojourn of the citizens of each on the territory of the other, and the measure of legal protection they should enjoy (*e.g.* Carthage, Polyb. iii. 22–24). Other terms in such treaties, especially when concluded after a war, are exemplified by those with Carthage after the Sicilian

(Polyb. i. 62, iii. 27) and Second Punic wars (Polyb. xv. 18; Liv. xxx. 37), with Philip of Macedon (Polyb. xviii. 27; Liv. xxxiii. 30), and with Antiochus (Polyb. xxii. 26; Liv. xxxviii. 38). Treaties of the second class, which bargained for greater intimacy between the two states, are exemplified by that with the Aedui (Caesar, *B. G.* i. 31). Those providing for military assistance varied with the power and eminence of the allied state: sometimes they placed the parties on an absolute equality (Liv. xxxiv. 57)—*e.g.* those with Camerinum and Heraclea (Liv. xxviii. 45; Cic. *pro Balb.* 20, 47; *pro Archia* 4, 9); with the Aetolians (Liv. xxvi. 24), the Jews (Josephus, *Ant. Jud.* xii. 10, 6), and Rhodians (Appian, *Bell. Civ.* iv. 65, 70): in other cases the socius was subordinated to Rome, being required to "respect her majesty" (Cic. *pro Balb.* 16, 35; Dig. 49, 15, 7, 1): it remained free, but practically was at Rome's orders, as a client at those of his patron (Proculus in Dig. *loc. cit.*), though the Romans admitted their obligation to afford full protection (Liv. xxx. 42; Caesar, *B. G.* i. 43; Hirtius, *de bell. Alex.* 34, 36), and included the socius in their own treaties with neighbouring peoples (Polyb. iii. 22 *sq.*, xv. 18; Liv. xxx. 37, xxxviii. 11, 38).

The condition of the socii and foederati was originally one of tolerable independence, subject to the obligation of furnishing a contingent to the Roman army; but it was continuously depressed by the increasing power of Rome, and the resulting discontent culminated in the Social War, at the termination of which the leges Julia and Plautia Papiria brought the Roman civitas within the reach of all who were domiciled in Italy [CIVITAS], from whose territories this class of community now disappeared. Civitates foederatae seem, however, to have acquired the benefits of these statutes only on condition of becoming *fundus* (Cic. *pro Balb.* 8, 19).

There were also foederatae civitates in most of the provinces, their treaty of course being anterior to the formation of the province itself: thus there were three in both Sicily and Baetica, and others in Asia Minor: Athens, Rhodes, and Tyre were also federate towns, and Cicero (*pro Scauro*, 44) regards it as a dishonour to Sardinia that in all that island there was no town which "was free and united by friendship with the Roman people." These federate towns in the provinces enjoyed certain privileges not shared by the ordinary provincial town. Their citizens were exempted from payment of the land impost (*vectigal*, Cic. *in Verr.* iii. 6, 13; 40, 91), and perhaps from some of the other ordinary taxes of the state; and they possessed *αὐτονομία*, the independent control of their own affairs, with some measure of legislative and judicial power, excluding the authority of the provincial governor; but this perhaps was more theoretical than practical, especially when a Roman army came their way (Plutarch, *Pomp.* 10). The plebiscitum called Lex Antonia which conferred these rights about 72 B.C. on Termessus in Pisidia, and which has been partially deciphered on bronze, is printed by Ritschl, *Priscae Lat. Monum. Epigr.* xxxi., and Orelli, *Inscriptiones*, i. 204. It is hardly necessary to say that the foederatae civitates were forbidden to embark on any independent foreign policy. They were free to adopt the civil law of Rome in whole or part: thus even before the Social War it was not unusual for the Socii and Latini to adopt Roman leges into their own system, and Cicero (*pro Balbo*, 8, 19) mentions the Lex Furia testamentaria and the Lex Voconia de mulierum hereditatibus, and adds that there were other instances. In such cases the state which adopted a Roman statute was said "in eam legem fundus fieri;" but of course it did not thereby obtain for its citizens any privileges with respect to the Roman state.

But the tendency to uniformity which accompanied the consolidation of the empire favoured the extinction of the provincial foederatae civitates, and they gradually disappeared: many of them voluntarily became coloniae (*e.g.* Tauromenium in Sicily), and others municipia (*e.g.* Messana, Pliny, iii. 8; Gades, Saguntum, and Malaga).

(Zumpt, *Studia Romana*, p. 315; Marquardt, *Staatsverwaltung*, i. 348; Savigny, *Volkschluss der Tafel von Heraclea, Zeitschrift*, vol. ix.; Walter, *Geschichte des römischen Rechts*, §§ 94, 95.) [J. B. M.]

FOEDUS. [FOEDERATAE CIVITATES.]

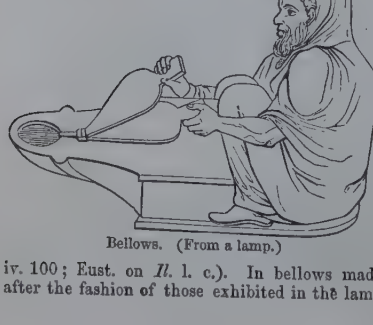
FOENUS. [FENUS.]

FOLLIS, dim. FOLLI'CULUS, an inflated ball of leather, no doubt originally the skin of a quadruped filled with air. The Roman games of ball (Marquardt reckons five of them) are described under PILA. The follis was the largest as well as the lightest and softest ball in use, as the *pila* was the hardest, the *paganica* being intermediate between the two (Mart. xiv. 45; cf. vii. 32). According to Marquardt, the follis might be either filled with air (*κενή*) or lightly stuffed with feathers; but this is perhaps a wrong inference, as the *plumea pondera follis* (Mart. iv. 19) may simply mean "light as a feather;" and it is only the *paganica* and *pila* which are expressly stated to have been so stuffed. We must not think, however, of the tightly-blown modern football; it was much more like a child's ball, so soft that it could hurt no one, and hence is recommended as a gentle exercise, fit for small boys and old men, but to which *juvenes* would not condescend (Mart. xiv. 47). The *folliculus* (*τὸ φούλλικλον καλούμενον*) is said to have been invented by one Atticus of Naples, a teacher of gymnastics (*παιδοτρίβης*), for the benefit of Pompeius Magnus (Athen. i. p. 14 f). Augustus, who was rather delicate in health, took to it comparatively early in life, soon after the civil wars (Suet. *Aug.* 83). For the *follis pugilatorius* of Plautus (*Rud.* iii. 4, 16), see CORYCUS. (Becker-Göll, *Gallus*, iii. 171 ff.; Marquardt, *Privatl.* 819; Guhl and Koner, ed. 5, p. 680.) The term *follis* is also applied to a leather purse or bag (Plaut. *Aul.* ii. 4, 23; Juv. xiii. 61, xiv. 281); and the diminutive *folliculus* to the swollen capsule of a plant, the husk of a seed, or anything of similar appearance (Senec. *Nat. Quaest.* v. 18, § 3; *Ep.* 124, § 11; Tertull. *de Res. Carn.* 52).

Under the later empire, follis was the name of a small debased coin (see As, last paragraph). In the absence of a better currency, large sums had to be paid in this coinage, which for the purpose was done up in bags, also called *folles*, analogous to the "purses of piastres" still used in reckoning in the East. The number of coins

that went to a bag was probably 500, and its worth $\frac{1}{12}$ of a solidus, or less than 1*s.* 1½*d.* From this the follis became, under Constantine and his successors, a "money of account," which was used in reckoning gold and silver as well as copper (Euseb. *H. E.* x. 6, § 1; Cod. Theod. vi. 2, 8; vi. 4, 21). The silver unit in Constantine's system was the *miliarense*, representing the value of $\frac{1}{1050}$ of a pound of gold, now coined into 72 gold *solidi*. The follis of silver contained 125 *miliarensia*, $\frac{1}{8}$ of a pound of gold, or 9 *solidi*. So debased was the coinage at this time, and so high the premium on gold, that the denarius, the unit of copper, had dwindled to $\frac{1}{6000}$ of a gold coin, the solidus, worth no more than the English mark or about 13*s.* 4*d.*; while in the impoverished last days of the Western Empire as many as 7200 denarii went to a solidus (*Novella* of Valentinian III., A.D. 445, tit. 14, § 1). One of the compulsory presents to the emperor, exacted from senators, was also called follis (Marquardt, *Staatsverw.* iii. 236 n.). Many points about the mode of reckoning by folles still remain obscure: the above facts may be regarded as tolerably well established. (Mommsen, *Münzw.* p. 839; Hultsch, *Metrol.* pp. 251, 252; and especially Marquardt, *Staatsverw.* iii. pp. 42-47).

Two inflated skins, constituting *a pair of bellows*, and having valves adjusted to the natural apertures at one part for admitting the air, and a pipe inserted into another part for its emission, were an essential piece of furniture in every forge and foundry (*Il.* xviii. 372, 409, 470; Verg. *Aen.* viii. 449). The Greek word is usually φῦσαι from Homer downward, poetically πρηστῆρες, Apoll. Rhod. iv. 775: the ζώπυρα of Ephorus (*ap.* Strab. vii. p. 303), sometimes translated "bellows" (as by L. and S., ed. 7), are more probably some sort of tinder, touchwood, or "kindlers," Lat. *fomes*, though Photius and Suidas likewise explain ζωπύρια or -εῖα by φῦσαι. According to the nature and extent of the work to be done the bellows were made of the hides of oxen (*taurinis follibus*, Verg. *Georg.* iv. 171), or of goats (*hircinis*, Hor. *Sat.* i. 4, 19), and other smaller animals. The Homeric bellows were small, and used in large numbers; there was one to every melting-pot or crucible (*Il.* xviii. 470). So in Herodotus (i. 68) δύο φῦσαι are not "a pair of bellows," but, as the context shows, two distinct pairs, each sending forth a separate blast. The nozzle of the bellows was called ἀκροφύσιον or ἀκροστόμιον (Thucyd.

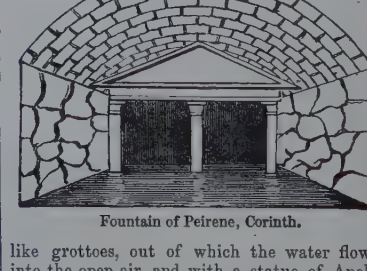


Bellows. (From a lamp.)

iv. 100; Eust. on *Il.* l. c.). In bellows made after the fashion of those exhibited in the lamp here introduced from Bartoli (*Ant. Lucerne*, iii. 21), we may imagine the skin to have been placed between the two boards so as to produce a machine like that which we now employ. [J. Y.] [W. W.]

FONS (κρήνη) signifies originally a natural spring of water, but both the Greeks and Romans had artificial fountains, made either by covering and decorating a spring with buildings and sculpture, or by making a jet or stream of water, supplied by an elevated cistern, play into an artificial basin. Such fountains served the double purpose of use and ornament. Among the Greeks, they formed the only public supply of water except the rain-water which was collected in cisterns [AQUAEDUCTUS]; and at Rome, the poorer people, who could not afford to have water laid on to their houses, no doubt procured it from the public fountains.

Several examples of natural springs, converted into ornamental fountains, in the cities of Greece, have been mentioned under AQUAEDUCTUS. They were covered to keep them pure and cool, and the covering was frequently in the form of a monopteral temple: there were also statues, the subjects of which were suggested by the circumstance that every fountain was sacred to some divinity, or they were taken from the whole range of mythological legends. That at Megara, erected by Theagenes, is described by Pausanias as worth seeing for its size, its beauty, and the number of its columns (i. 40, § 1). That of Peirene at Corinth was adorned with covered cisterns of white marble



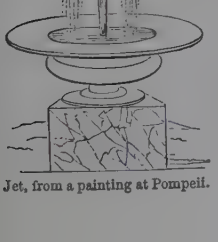
Fountain of Peirene, Corinth.

like grottoes, out of which the water flowed into the open air, and with a statue of Apollo, and was enclosed with a wall, on which was painted the slaughter of the suitors of Ulysses (Paus. ii. 3, § 3; see a paper by Göttling, on the present state of this fountain, and of the *Craneion*, with an engraving of the source of the Peirene, in Gerhard's *Archäologische Zeitung* for 1844, pp. 326, 328; the engraving is given above). Corinth contained numerous other fountains; over one of which was a statue of Bellerophon and Pegasus, with the water flowing out of one of the horse's hoofs (*ib.* § 5); over another, that of Glauce, was the Odeium (*ib.* § 6); and another was adorned with a bronze statue of Poseidon, with a dolphin at his feet, out of the mouth of which the water flowed (Paus. ii. 2, § 7, s. 8). In the same city was another fountain on a still grander scale; namely, that of Lerna, which was surrounded by a colonnade with seats for those who desired a cool retreat in summer; the water was no doubt collected in a spacious basin in the centre

(*ib.* iv. § 5; see also 5, § 1). Several other fountains of a similar kind to these are described or referred to by Pausanias (ii. 27; iv. 31, 33, 34; vii. 5, 21), among which two deserve special mention, as they were within temples; namely, that in the temple of Erechtheus at Athens, and of Poseidon at Mantineia, which were salt-water springs (i. 26, § 5; viii. 10, § 4). Vitruvius mentions the fountain of Salmacis as among the admirable works of art at Halicarnassus (ii. 8, § 12).

The Romans also erected edifices of various degrees of splendour over natural springs, such as the so-called grotto of Egeria, near Rome, where the natural cave is converted by the architect into a sort of temple (comp. Plin. *H. N.* xxxvi. § 154), and the baptistery of Constantine, now called *S. Giovanni in Fonte*, adjoining the Lateran. A simple mode of decorating less considerable springs was by covering them with a vault, in the top of which was an opening, surrounded by a balustrade, or by a low wall adorned with marble bas-reliefs, one example of which, among many, is seen in a relief representing the twelve gods, now in the Capitoline Museum. In all cases, a cistern was constructed to contain the water, either by cutting it out of the living rock, or (if the spring did not rise out of rock) by building it of masonry. Vitruvius discusses at length the different sorts of springs, and gives minute rules for testing the goodness of the spring, and for the construction of the cisterns (viii. 3, 7). The observations of Vitruvius apply chiefly to those springs and cisterns which formed the sources of the aqueducts.

At Rome, a very large proportion of the immense supply of water brought to the city by the aqueducts was devoted to the public fountains, which were divided into two classes; namely, *lacus*, ponds or reservoirs, and *salientes*, jets of water, besides which many of the castella were so constructed as to be also fountains. (See AQUAEDUCTUS, p. 155 *b*, and the woodcut called the "Trophies of Marius.") Agrippa, who during his aedileship paid special attention to the restoration of the Roman waterworks, is said to have constructed 700 *lacus*, 500 *salientes* (old edd. read 105), and 130 *castella*, of which very many were magnificently adorned; they were decorated with 300 bronze or marble statues, and 400 marble columns (Plin. *H. N.* xxxvi. § 121). There were also many small private fountains in the houses and villas of the wealthy (Plin. *Epist.* v. 6). At Pompeii the fountains are extremely numerous, and that not only in the streets and public places, especially at the junctions of streets (*in biviis, in triviis*), but also in private houses. The engraving on p. 152 *b* represents a section of one of these fountains, in which the water pours into a basin; that now given, in which the water is thrown up in a jet, is taken from an arabesque painting on the wall of a house at Pompeii: in the painting, the vase and pedestal rise out of a sheet of water, which may be supposed to represent the *impluvium* in the atrium of a house. (Respecting the fountains of Pompeii, see *Pompeii*, vol. i. p. 131, vol. ii. pp. 71, 78; and Sir W. Gell's *Pompeiana*, vol. i. pp. 390, 395, plates 50, 53.) The proof which these fountains afford, of the acquaintance of the ancients with the chief law of hydrostatics, is noticed under AQUAEDUCTUS, p. 152 *a*.



Jet, from a painting at Pompeii.

The forms given to fountains were as numerous as the varieties of taste and fancy. The large flat vases were a common form, and they are found of 5, 10, 20, and 30 feet in diameter, cut out of a single piece of some hard stone, such as porphyry, granite, basanite, breccia, alabaster, and marble. An ingenious and elegant variety, of which there is a specimen in the Capitoline Museum, is a tripod, up the centre of which the jet passes, the legs being hollow to carry off the water again. Very often the water was made to flow out of bronze statues, especially of boys, and of Tritons, Nereids, Satyrs, and such beings: several of these statues have been found at Pompeii; and four of them are engraved in *Pompeii*, vol. i. p. 104, one of which is given below. On the Monte Cavallo, at Rome, is a colossal statue of a river-god, probably the Rhine, which was formerly in the forum of Augustus; it pours a stream of water into a basin of granite twenty-seven feet in diameter. The celebrated group known as the Toro Farnese, now in the Naples Museum, probably once adorned a fountain. Mythological subjects were

Bronze Fountain. (Pompeii.)

also sculptured over the fountains, as among the Greeks; thus at Rome there were the fountains of Ganymede and Prometheus, and the Nymphaeum of Jupiter. (Stieglitz, *Archäol. d. Baukunst*, vol. ii. pt. 2, pp. 76, 79; Hirt, *Lehre der Gebäude*, pp. 399, 403.) [P. S.] [W. W.]

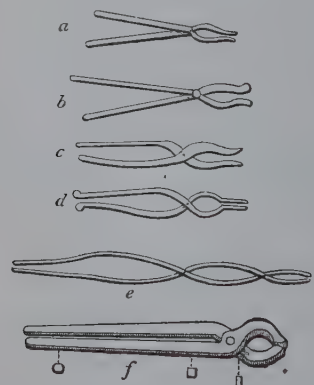
FORCEPS, tongs, pincers, nippers or pliers, were used in antiquity for the same purposes, and with many of the same varieties of shape, as in modern times.

1. A pair of tongs (*πυράγρα, θερμαστρίς*), for

taking heated metal out of the fire or holding it upon the anvil; used by smiths, and therefore attributed to Vulcan and the Cyclopes: see cuts under INCUS and MALLEUS. (Hom. *Il.* xviii. 477, *Od.* iii. 434; Callim. *Hymn. in Del.* 144; Verg. *Georg.* iv. 175, *Aen.* viii. 453 *forcipe curva*, Ov. *Met.* xii. 277.)

2. As a surgical instrument, a forceps (λαβίς, Hippocr.). Several specimens found at Pompeii are figured under CHIRURGIA, p. 415 *a*, and by Guhl and Koner, p. 707, ed. 5. Among special kinds may be mentioned one for extracting spear- or arrow-heads from wounds (Verg. *Aen.* xii. 404, where Servius gives ἀρδιοθήρα as the Greek equivalent); another for drawing teeth (Cels. vii. 12, § 1), in Greek ὀδοντάγρα, described at some length by Aristotle (*Mechan.* 21), who, here at least, uses θερμαστρὶς as apparently an equivalent term; a variety for extracting the roots of teeth (Cels. *l. c.*), for which ῥιζάγρα is quoted from Paulus Aegineta.

3. In military language, a tenaille; in which sense, however, FORFEX is more used (Amm. Marc. xvi. 11, § 3).



Forcipes. (From ancient monuments, Blümner.)

a, *b*, and *e*, from vase-paintings; *c*, from the altar of Vulcan at Veii; *d*, from a bas-relief; *f*, from an original now in the Zürich Museum.

The word was derived by the ancient etymologists from *forvus* or *formus*, "hot" (Fest. pp. 84, 91, M.; Serv. *ad* Verg. *ll. cc.*); this however, though accepted in some modern dictionaries of repute, as well as by Curtius, *Gr. Etym.* 486, is appropriate only to one of its meanings. It is hardly possible to separate forceps from *forfex* and *forpex*; and the first syllable in each is best explained with Donaldson (*Varron.*[2] p. 297) as referring to the "opening" or "door" (*foris*) which these instruments make in order to grasp the object. (Blümner, *Technol.* &c. ii. pp. 192, 193.) [W. S.] [W. W.]

FORDICI'DIA, the second of the two festivals of the Curiae (the first being the FORNACALIA), held on the 15th of April. Cows in calf (*fordae*, *hordae boves*, Varro, Ovid, Festus) were sacrificed under the direction of the Pontiffs and Vestals, some in the Capitol, others in the thirty curies (apparently one for each), others again outside the walls of Rome. The unborn calves were extracted and burnt separately by the senior Vestal (*Virgo Vestalis maxima*), and these ashes, together with the blood of the October horse, were used six days later for purposes of lustration at the PARILIA (Ov. *Fast.* iv. 629–640, cf. 733 ff.).

The Fordicidia was one of a series of spring festivals, all celebrated at the opening season of the year on behalf of the fertility of the crops and the increase of cattle. Other forms of the word are *Fordicalia* (J. Lydus, *de Mensib.* iv. 49), *Hordicalia* (Varr. *R. R.* ii. 5, § 6), *Hordicidia* (Fest. *Epit.* p. 102 M.); but all the Calendars, and Varro, *L. L.* vi. 15, have *Fordicidia*. Of the two forms of the adjective, *forda* or *horda bos*, *forda* is the older (cf. *fasena* = *harena*) and better attested (Ovid; Varro, *L. L.*). (Marquardt, *Staatsverw.* iii. 192; cf. pp. 273 n., 331, 350.) [W. W.]

FORES. [JANUA.]

FORFEX, *dim.* FORFICULA (ψαλίς, *dim.* ψαλίδιον), shears (Serv. *in* Verg. *Aen.* viii. 453), used (1) in shearing sheep, as represented in the annexed woodcut, which is taken from a carnelian in the Stosch collection of antique gems at Berlin; (2) in cutting hair (Schol. in Eurip. *Orest.* 954; Brunck, *Anal.* iii. 9; Verg. *Catal.* viii. 9; *ferro bidenti, Ciris*, 213); (3) in clipping hedges, myrtles, and other shrubs (ψαλιστοὶ μυρρινῶνες, Hierocles, *ap.* Stob. *Serm.* 65, p. 415).

Forfex, shears. (From a gem.)

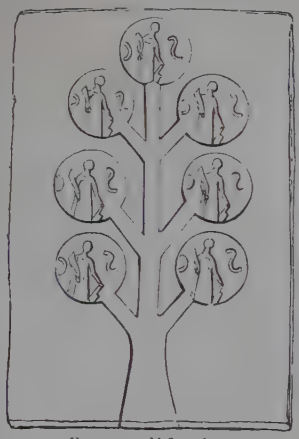
In military manœuvres the forfex was a tenaille, *i.e.* a body of troops arranged in the form of a V, so as to receive and overcome the opposite body, called a *cuneus* (Gell. x. 9).

In architecture the term ψαλὶς denoted a construction which was probably the origin of the arch, consisting of two stones leaning against each other so as to form an acute angle overhead, as is seen in the ruins of Tiryns and other prehistoric buildings (Plat. *Legg.* xii. 947 D; Diod. Sic. ii. 9; see the second cut under ARCUS, p. 171 *b*). Later the ψαλὶς is hardly to be distinguished from the true arch; see references in L. and S., ed. 7. [CAMARA.] [J. Y.] [W. W.]

FORI. [NAVIS; CIRCUS, p. 430 *a*.]

FORMA, *dim.* FORMULA, FORMELLA (τύπος), a pattern, a mould; any contrivance adapted to convey its own shape to some plastic or flexible material, including moulds for making pottery, pastry, cheese, bricks, and coins. Several moulds for use in cookery are among the kitchen utensils found at Pompeii. The moulds for coins were made of a kind of stone, which was indestructible by heat (Plin. *H. N.* xxxvi. § 168). The mode of pouring into them the melted metal for casting the coins will be best understood from the woodcut on next page, which represents one side of a mould, engraved by Seroux d'Agincourt. For the moulds used in casting terra-cottas, see ECTYPUS. Moulds were likewise employed in making walls of the kind now called *pisé*, i.e. clay cast in wooden frames, which were built in Africa, in Spain, and about Tarentum (Varr. *de R. R.* i. 14; Pallad. i. 34; *parietes formacei*, Plin. *H. N.* xxxv. § 169). The shoemaker's last was also called *forma* (Hor. *Sat.* ii. 3, 106), *formula* (Amm. Marc. xxxi. 2, § 6), and *tentipel-*

lium (Festus, *s. v.*), in Greek καλόπους (Plat. *Symp.* 191 A). The spouts and channels of



Forma, mould for coins.

aqueducts are called *formae*, perhaps from their resemblance to some of the moulds included in the above enumeration (Frontin. *de Aquaeduct.* 75, 126). [J. Y.] [W. W.]

FO'RMULA. [ACTIO.]

FORNACA'LIA, a festival in honour of Fornax, the goddess of furnaces, in order that the corn might be properly baked (Festus, *s. v.*). This ancient festival is said to have been instituted by Numa (Plin. *H. N.* xviii. § 8), and, like the FORDICIDIA, was celebrated by the Curies, probably in the Forum. The time for its celebration was proclaimed every year by the Curio Maximus, who announced on tablets, which were placed in the Forum, the different part which each curia had to take in the celebration of the festival. Those persons who did not know to what curia they belonged, performed the sacred rites on the *Quirinalia*, called from this circumstance the *Stultorum feriae*, which fell on the 17th of February. The Fornacalia usually preceded this festival, but sometimes coincided with it. It would seem that only plebeians could be ignorant of what curia they belonged to. (Ovid, *Fasti*, ii. 513–532; Varr. *L. L.* vi. 13, with Müller's note; Festus, s. vv. *Quirinalia, Stultorum feriae;* Marquardt, *Staatsverw.* iii. 190 f.) The Fornacalia continued to be celebrated in the time of Lactantius (Lactant. i. 20, § 35). [W. S.] [W. W.]

FORNAX, *dim.* FORNA'CULA, FURNUS (κάμινος, *dim.* καμίνιον), a kiln; an oven; a furnace. The construction of the kilns used for baking earthenware [FICTILE] may be seen in the annexed woodcut, which represents part of a Roman pottery kiln discovered near Castor, in Northamptonshire. The dome-shaped roof has been destroyed; but the flat circular floor on which the earthenware was set to be baked is preserved entire. The middle of this floor is supported by a thick column of brick-work, which is encircled by the oven (*furnus*, κλίβανος). The entrance to the oven (*praefurnium*) is seen in front. For the account of another oven found at Heddernheim, see FICTILE, p. 845. The lower part of a smelting-furnace, shaped like an inverted bell, and sunk into the earth, with an opening and a channel at the bottom for the dis-

Fornax, a kiln. (Discovered near Castor, in Northamptonshire.)

charge of the melted metal, has been discovered near Arles (Florencourt, *Ueber die Bergwerke der Alten*, p. 30). In Spain these furnaces were raised to a great height, in order that the noxious fumes might be carried off (Strabo, iii. p. 146). They were also provided with long flues (*longinquae fornacis cuniculo*, Plin. *H. N.* ix. § 133), and with chambers (*camerae*) for the purpose of collecting more plentifully the oxides and other matters by sublimation (*Ibid.* xxxiv. §§ 101, 128, 135, 136, 142, 144). In the primitive forges known to Homer, there was no furnace, only melting-pots (χόανοι), each with their separate bellows (*Il.* xviii. 470; FOLLIS). Melting-pots or crucibles have been found at Castor, and at different places in Egypt, in form and material very like those which we now employ (Wilkinson, *Anc. Egypt.* ii. 235, ed. Birch, 1878). A glass-house, or furnace for making glass, was called ὑελουργεῖον (Dioscor. v. 182).

Furnaces of an appropriate construction were erected for casting large statues of bronze (Claud. *de Laud. Stil.* ii. 176), and for making lamp-black (Vitruv. vii. 10). [ATRAMENTUM.] The lime-kiln (*fornax calcaria*) is described by Cato (*de R. R.* 38; see also Plin. *H. N.* xvii. § 53; Vitruv. vii. 3). For the *furnus* used in heating baths, see p. 279.

The early Romans recognised, under the name of Fornax, a divinity who presided over ovens and furnaces [FORNACALIA]. [J. Y.] [W. W.]

FORNIX, in its primary sense, is synonymous with ARCUS (Senec. *Ep.* 90), but more commonly implies an arched vault, constituting both roof and ceiling to the apartment which it encloses (Cic. *Top.* 4, § 22).

From the roof alone, the same word came to signify the chamber itself, in which sense it designates a long narrow vault, covered by an arch of brick or masonry (*tectum fornicatum*), similar to those which occupy the ground-floors of some modern Roman palaces. Three such cells are represented in the annexed woodcut, from the remains of a villa at Mola di Gaeta, which

passes for the Formian Villa of Cicero. They are covered internally with a coating of stucco,

Fornices, vaults. (From a villa at Mola di Gaeta.)

tastily ornamented, and painted in streaks of azure, pink, and yellow.

Being small and dark, and situated upon the level of the street, these vaults were occupied by prostitutes (Hor. *Sat.* i. 2, 30; Juv. *Sat.* iii. 156, x. 239, xi. 171; compare Suet. *Jul.* 49), whence comes the meaning of the word *fornicatio* in the ecclesiastical writers, and its English derivative.

A detached triumphal arch, like those of Titus, Sept. Severus, and Constantine, is never called *fornix*, always *arcus triumphalis;* but the former name is applied to ornamental or honorary arches spanning a street, and connected with the adjacent buildings. The two oldest were erected, one in the Forum Boarium and the other in the Circus Maximus, and adorned with trophies by L. Stertinius, who did not even ask for a triumph, B.C. 196 (Liv. xxxiii. 27); the next on the slope of the Capitol by Scipio Africanus, B.C. 190 (Liv. xxxvii. 3). The most frequently mentioned is the *fornix Fabianus* or *Fabii*, on the Sacra Via just where it begins to ascend towards the Arch of Titus (Cic. *de Or.* ii. 66, § 267; *Act. i. in Verr.* 7, § 19; *pro Planc.* 7, § 17); on some slight remains of it discovered in modern times, cf. Middleton, *Anc. Rome in* 1885, p. 207. The fine arch pierced in the wall of the Forum of Augustus (Middleton, p. 258), and now called *Arco de' Pantani*, is of this description, as is also the archway which forms one of the entrances to the Forum at Pompeii. A street in Rome which led to the Campus Martius was called Via Fornicata (Liv. xxii. 36), probably on account of the ornamental arches built across it.

Fornix is also a sallyport in the walls (Liv. xxxvi. 23; cf. xliv. 11); one of the towers of Pompeii, figured by Rich, *s. v.* Fornix, has such an arch at the foot of it. [A. R.] [W. W.]

FORPEX, a pair of curling irons, is sometimes treated as a mere corruption of FORCEPS; and in an obscure passage of Suetonius (*Aug.* 75) both the reading and the sense are doubtful. But the derivation from *pecto* is obviously appropriate; and it seems to have been an old word (Cat. *R. R.* x. 3) revived, like so many others, by late authors (Sidon. Apoll. *Epith.* xv. 184). In the classical period its place was taken by *calamistri* [CALAMISTRUM]. [W. W.]

FORUM. As the plan of the present work does not include a topographical description of the various fora at Rome, the following article only contains a brief statement of the purposes which they served.

Forum originally signifies an open space (*area*) before any building, especially before a sepulcrum (Festus, *s. v.*; Cic. *de Legg.* ii. 24, § 61); the word is no doubt connected with *foris*, and so means any place "out of doors." The characteristic features of a Roman forum were, that it was a levelled space of ground of an oblong form, and surrounded by buildings, houses, temples, basilicas or porticoes (Vitruv. v. 1, 2). The forum at Pompeii, now completely excavated and showing very handsome architectural surroundings, will afford a good general notion of the usual appearance of these places and the way they were laid out. A forum was originally used as a place where justice was administered, and where goods were exhibited for sale (Varr. *L. L.* v. 145, M.). We have accordingly to distinguish between two kinds of fora; of which some were exclusively devoted to commercial purposes and were real market-places, while others were places of meeting for the popular assembly and for the courts of justice. Mercantile business, however, was not altogether excluded from the latter, and it was especially the bankers and usurers who kept their shops in the buildings and porticoes by which they were surrounded. The latter kinds of fora were sometimes called *fora judicialia*, to distinguish them from the mere market-places.

Among the fora judicialia the most important was the *Forum Romanum*, which was simply called *forum*, as long as it was the only one of its kind which existed at Rome. At a late period of the republic, and during the empire, when other fora judicialia were built, the Forum Romanum was distinguished from them by the epithets *vetus* or *magnum*. It was situated between the Palatine, the Capitoline, and the Quirinal hills, and its extent was seven jugera, whence Varro (*de R. R.* i. 2) calls it the "Septem jugera forensia." It was originally a swamp or marsh, but was said to have been filled up by Romulus and Tatius, and to have been set apart as a place for the administration of justice, for holding the assemblies of the people, and for the transaction of other kinds of public business. The memory of its original state was preserved to the latest times by the legend of the Lacus Curtius (Liv. i. 12; Varr. *L. L.* v. 148; Dion. Hal. ii. 42; Plut. *Rom.* 18); but in reality it was drained by the construction of the Cloaca Maxima in the time of the last kings [CLOACA; EMISSARIUM]. In the larger sense, as applied to the whole valley surrounded by the three hills just named, the forum included the comitium, or the place of assembly for the curiae (Varr. *L. L.* v. 155, M.), which was separated from the forum in its narrower sense, or the place of assembly for the comitia tributa, by the Rostra. (Niebuhr, *Hist. of Rome*, i. p. 291, note 746, and p. 426, note 990; Walter, *Gesch. des röm. Rechts*, p. 83; Göttling, *Röm. Staatsverf.* p. 155.) These ancient rostra were an elevated platform (*suggestum*), from which the orators addressed the people, and which derived their name from the circumstance that, after the subjugation of Latium, its sides were adorned with the beaks (*rostra*) of the ships of the Antiates (Liv. viii. 14). In subsequent times, when the curiae had lost their importance, the accurate distinction between comitium and forum likewise ceased, and the comitia tributa were sometimes held in the Circus Flaminius; but towards the end of the republic the forum seems to have been chiefly used for judicial proceedings, and as a money market; hence Cicero (*de Orat.* i. 36, § 167) distinguishes between a speaker in the popular assembly (*orator*) and the

mere pleader: "Ego istos non modo oratoris nomine, sed ne foro quidem dignos putarim." The orators when addressing the people from the rostra, and even the tribunes of the people in the early times of the republic, used to front the comitium and the curia; but C. Gracchus (Plut. *C. Gracch.* 5), or, according to Varro (*de R. R.* i. 2) and Cicero (*de Am.* 25, § 96), C. Licinius, introduced the custom of facing the forum, thereby acknowledging the sovereignty of the people. In 308 B.C. the Romans adorned the forum, or rather the bankers' shops (*argentarias*) around, with gilt shields which they had taken from the Samnites; and this custom of adorning the forum with these shields and other ornaments was subsequently always observed during the time of the Ludi Romani, when the Aediles rode in their chariots (*tensae*) in solemn procession around the forum. (Liv. ix. 40; Cic. *in Verr.* i. 54, § 141, and iii. 4, § 9.) After the victory of C. Duilius over the Carthaginians the forum was adorned with the celebrated columna rostrata [COLUMNA, p. 495 *a*]. In the upper part of the forum, or the comitium, the laws of the Twelve Tables were exhibited for public inspection, and it was probably in the same part that in 304 B.C. Cn. Flavius exhibited the Fasti, written on white tables (*in albo*), that every citizen might be able to know the days on which the law allowed the administration of justice. (Liv. ix. 46.) Besides the ordinary business which was carried on in the forum, we read that gladiatorial games were held in it (Vitruv. v. 1, 2), and that prisoners of war and faithless colonists or legionaries were put to death there. (Liv. vii. 19; ix. 24; xxviii. 28.) Down to the latest times of the republic, the forum was the usual place where funeral games were given; on these occasions it was temporarily enclosed with wooden railings (Cic. *pro Sest.* 58, § 124; CANCELLI).

Before the end of the Second Punic War a small portion only of the space between the Palatine, the north-eastern end of the Capitoline, and the Quirinal was occupied as a Forum or public place of meeting. It does not appear that even in the populous times of the later republic the open space of the Forum was ever enlarged; but overcrowding was in some measure prevented by the building of open basilicas, beginning with the Basilica Porcia in the censorship of Cato, B.C. 184. With the growth of provincial business the courts of law and public buildings must have become more and more inadequate (Burn, p. 75). Out of this state of things arose, in the period between Julius Caesar and Trajan, the Five Imperial Fora.

1. The first of these, and the second forum judiciarium, was built by the dictator Caesar out of the spoils of the Gallic war, and was called *Forum Caesaris* or *Julii*. The site chosen was exceptionally crowded and valuable, immediately to the north-east of the Forum Romanum, and a hundred million sesterces were paid for it. The levelling of the ground cost large additional sums; in the centre stood the magnificent temple of Venus Genetrix, the tutelary goddess of his family, which he had vowed at the battle of Pharsalia (Suet. *Jul.* 26; Plin. *H. N.* xxxv. § 156, xxxvi. § 103; Dio Cass. xliii. 22). For plans of this and the other imperial fora, see Burn, p. 126; Middleton, p. 253. Nothing now remains of this forum but five half-buried arches, figured by Middleton, p. 255.

2. The *Forum Augusti*, the next in date, stood back from the Forum Julii in the same N.E. direction. The central area was occupied by the temple of Mars Ultor, commemorating the battle of Philippi, though it was not finished until forty years later, and dedicated in B.C. 2. (Vell. Pat. ii. 100, § 2.) Augustus further adorned his forum with statues of the most distinguished men of the republic, and issued a decree that only the *judicia publica* and the *sortitiones judicum* should take place in it. (Suet. *Aug.* 29 and 31; compare Dio Cass. lvi. 27; Plin. *H. N.* xxxvi. § 102; Vell. Pat. ii. 39; Ovid, *ex Pont.* iv. 15, 16; Martial, iii. 38, 3; Seneca, *de Ira*, ii. 9; Stat. *Silv.* iv. 9, 15.) After the Forum Augusti had severely suffered by fire, it was restored by Hadrian. (Spart. *Hadr.* 19.)

3. The *Forum Pacis* was built to enclose the Temple of Peace, dedicated by Vespasian A.D. 75. It commemorated the close of the civil wars which had filled the short reigns of Galba, Otho, and Vitellius, the undisputed authority of the emperor, and the taking of Jerusalem (Suet. *Vesp.* 9; Dio Cass. lxvi. 15). According to Pliny (*H. N.* xxxvi. § 102) the three most magnificent buildings in Rome were the basilica of Paullus, the forum of Augustus, and Vespasian's temple of Peace. The site was to the south-east of the Forum of Augustus, but did not quite join it; a wide street from the Subura to the Forum Romanum being left between. This narrow strip afterwards became the Forum Transitorium of Nerva. There are no remains of the Temple of Peace, and the slight existing remains of the forum are referred by Middleton, on account of their construction, to a restoration by Sept. Severus after a fire in the reign of Commodus.

4. The situation of the forum of Nerva has been already indicated. It was called *Transitorium*, on account of the highway which ran through it; or *Palladium*, from containing a temple of Minerva. The two Corinthian columns buried to about half their height, and now called *Colonnacce*, belonged to this temple; part of the outer wall of the forum is also extant, built to correspond with the forum of Augustus both in construction and height (about 100 feet).

5. The *Forum Trajani* was probably the most magnificent of all. It occupied a large space between the Capitoline and Quirinal hills, the latter of which was cut back to a height of 100 Roman feet, as shown by the inscription on the Column of Trajan (for the true explanation of this inscription, see Middleton, p. 270). The entrance was at the lower or southern end, where a triumphal arch, surmounted by a statue of Trajan in a six-horse chariot, divided it from the forum of Augustus. The open space (*area fori*, Gell. xiii. 25, § 2) was surrounded by a double row of porticoes, and enlarged by four enormous apses or semicircular extensions, one of which can still be traced in the slope of the Quirinal. In the centre stood the Basilica Ulpia, which fills the greater part of the modern *Foro Trajano;* beyond it was a cloistered court (*atrium*) surrounding the celebrated column which bears Trajan's name, and flanked by two libraries—one for Greek, the other for Latin

MSS.; at the upper end it was closed by the temple of Trajan, dedicated by his successor. For full topographical details, see Burn, pp. 141–153; Middleton, pp. 268–281.

Fora of Sallust, of Aurelian, and of Diocletian are mentioned in the regionary catalogues, but are mere names to us.

Different from these fora were the numerous markets at Rome, more useful than ornamental, and some of them reaching back to a very high antiquity. The most important was the *Forum Boarium*, or cattle market, occupying a large space between the Velabrum and the Tiber; the notion that it derived its name from the statue of an ox, whencesoever imported (Ov. *Fast.* vi. 477; Plin. *H. N.* xxxiv. § 10), can hardly be right, as it was almost certainly so named long before statues were introduced at Rome. Another legend connected the name with the oxen of Hercules, stolen by Cacus (Propert. v. 9, 19–20). Others which took their names from the goods sold in them were the *forum olitorium* and *piscatorium*, for vegetables and fish (Varr. *L. L.* v. 146; Col. viii. 19), *suarium* for pigs (Dig. 1, 12, 1), *cupedinis* (Varr. *L. L.* v. 41) or *cupedinarium* (Symm. *Ep.* viii. 19) for dainties. On the whole subject see Burn, *Rome and the Campagna*, chaps. v. vi. vii. xii.; Middleton, *Ancient Rome in* 1885, chaps. v. vi. viii. [L. S.] [W. W.]

FOSSA. [CASTRA.]

FRAMEA. [HASTA.]

FRENUM (χαλινός), a bridle, including the bit, headstall, and reins. It was properly the bit as distinct from the reins (ἡνίαι); but in Xenophon (*de Re Eq.* 6, § 7), where he is instructing the groom in the mode of putting it on, χαλινὸς is the whole bridle, the several parts of it the ἡνίαι, στόμιον, and head-piece (κορυφαία). So, in Latin, *frena* in the plural is used for the whole bridle. The invention was mythically ascribed to Athena, who gave it to Bellerophon as the means of subduing Pegasus (Pind. *Ol.* xiii. 85 ff.). The annexed woodcut, from an

Pegasus receiving the bridle.

antique, represents the winged horse submitting to receive it as he slaked his thirst at the fountain of Peirene. In reference to this event, Athena was worshipped at Corinth under the titles Ἵππία and Χαλινῖτις (Paus. ii. 4, §§ 1, 5). The several parts of the bridle, more especially the bit, are engraved from ancient authorities in the treatises of Invernizi (*de Frenis*), Ginzrot (*Ueber Wagen und Fahrwerke*), and Bracy Clark (*Chalinology*, Lond. 1835). Illustrations have been already given under AMPYX, CARPENTUM, CLITELLAE, CURRUS, and EPHIPPIA; to these we add a beautiful specimen from the Castellani Collection in the British Museum. This is of bronze, and was found in Southern Italy; it is believed to date from pre-historic times, and shows the high antiquity of the ornamental bridles described below [cf. CATENA].

Ancient bronze bridle. (British Museum.)

The bit (στόμιον, Xen. *l. c.*, Aesch. *Prom.* 1009; rarely δῆγμα, Brunck, *Anal.* ii. 237 = *Anth. Pal.* vi. 233: in Latin *frenum* is the only word in use, but *oreae* is quoted from Titinius, *ap.* Fest. *s. v.*) was commonly made of several pieces, and flexible, so as not to hurt the horse's mouth; for the Greeks considered a kind and gentle treatment the best discipline, although, when the horse was intractable, they taught it submission by means of a curb armed with sharp points. Xenophon recommends the use of two bits, a snaffle (λεῖος χαλινός) and a curb (ὁ ἕτερος), the latter with sharp prickles (ἐχῖνοι, *op. cit.* 10, § 6). From the resemblance to wolves' teeth, a bit of this kind was called *lupatum* in Latin (Verg. *Georg.* iii. 208; Hor. *Carm.* i. 8, 7; Ov. *Amor.* i. 2, 15). The bit was held in its place by a strap (ὑποχαλινιδία, sc. ἡνία), or a curb-chain (ψάλιον, Aristoph. *Pax*, 155); a halter or thong, distinct from the reins, was sometimes fastened to this chain or strap by means of a ring, and was used to lead the horse (ῥυταγωγεύς: all three words in Xen. 7, § 1). The upper part of the bridle, by which it was fastened behind the ears, is called by Xenophon κορυφαία (3, § 2; 6, § 7), and it included the AMPYX, which was often ornamental. The cheek-pieces (παρήϊον, Hom. *Il.* iv. 142; παραγναθίδιον, Eustath. *ad loc.*), which joined this headstall to the bit, were also in some cases richly adorned, especially among the nations of Asia; in the passage of Homer the material is stained ivory. The bit, which, though commonly of bronze or iron, was sometimes silver or gold (χρυσοχαλίνων πάταγον ψαλίων, Aristoph. *l. c.*; *fulvum mandunt sub dentibus aurum*,

Verg. *Aen.* vii. 279). These precious metals were also either embossed (*frena caelata*, Apul. *de Deo Socr.* p. 54 Elm. = 173 Oud.), or set with jewels (*gemmata monilia*, on the horse of Honorius, Claud. *Epigr.* 18, 9 = 23, 9).

Not only was the bridle dispensed with in the management of creatures invented by the imagination of the poet (Aesch. *Prom.* 287), but of some which were actually trained by man to go without it. Thus the Numidian DESULTOR guided his two horses by the whip, and the Gallic ESSEDARIUS, on the banks of the Rhone, directed and animated his mules entirely by the voice (*frenorumque vicem lingua virilis agit*, Claud. *Epigr.* 1, 10). [J. Y.] [W. W.]

FRIGIDA'RIUM. [BALNEAE, pp. 275, 279.]

FRITILLUS (*φιμός, πύργος*), a dice-box. The dice were sometimes thrown from the hand, but (to prevent cheating) more usually from a dice-box. This was of a cylindrical shape, but, unlike those now in use, tapered towards the top: hence it was called *φιμός* (Aeschin. *c. Timarch.* § 59; Diphil. *fr.* 74 M.) from the resemblance to a muzzle; perhaps also *κημός*, a funnel (see the Lexicons). Another name, from the tower-like shape, was *πύργος* (see the epigram of Agathias quoted under DUODECIM SCRIPTA, l. 23), in Latin *pyrgus* (*Anthol. Lat.* iii. 77, No. 915 Meyer, 193 Riese; Sidon. Apoll. *Epist.* viii. 12), *turricula* (Mart. xiv. 16), *phimus* (Hor. *Sat.* ii. 7, 15), but most commonly *fritillus* (Senec. *Apocol.* 14, § 4; 15, § 1; Mart. iv. 14, xiv. 1; Juv. xiv. 5). It was furnished inside with parallel indentations like steps (*gradus*, Auson. *Comm. Prof.* i. 27; Sidon. Apoll. *l. c.*; *Anthol. Lat.* l. c.), which gave a better spin to the dice. The material was wood (*δουράτεος*, Agathias; *cava buxa*, Auson.), ivory (Sidon. Apoll.), or horn (Schol. Juv. *l. c.*). Some have thought that the *phimus* was a funnel used for dropping the dice into the *fritillus* or *pyrgus*; see Salmasius on *Hist. Aug.* ii. 755 ff., ed. 1671, or the quotations in Orellius on Hor. *l. c.*, in Mayor on Juv. *l. c.* There seems no intelligible reason why two instruments should have been used; *φιμὸς* is the regular word for a dice-box in classical Greek; and common-sense criticism cuts through such pedantries. The notion is rightly rejected by Orellius, Marquardt, Becker and Göll. In Agathias (*l. c.*) the *ἠθμὸς* is no doubt the funnel-shaped upper end of the *πύργος*, not a separate box. The *orca* of Persius (*Sat.* iii. 50) has been identified with the fritillus, but probably refers to a different game (Conington *ad loc.*). (Becker-Göll, *Gallus*, iii. 458; Marquardt, *Privatl.* 825; Guhl and Koner, ed. 5, pp. 353, 672.) [J. Y.] [W. W.]

FRONT'ALE. [AMPYX.]

FRUCTUS. [USUSFRUCTUS.]

FRUMENTA'RIAE LEGES. From the earliest times the supply of corn at Rome was considered one of the duties of the government. Not only was it expected that the government should take care that the corn-market (*annona*) was properly supplied, but likewise that in all seasons of scarcity they should purchase corn in the surrounding countries, and sell it to the people at a moderate price (Liv. ii. 9, 34; iv. 12, 52; x. 11, &c.; xxvi. 40;—Cic. *pro Dom.* 5). This price, which is spoken of as *annona vetus* (Liv. ii. 34), could not rise much, without exciting formidable discontent; and the administration was in all such cases considered to have neglected one of its most important duties. The superintendence of the corn-market belonged in ordinary times to the aediles; but when great scarcity prevailed, an extraordinary officer was appointed for the purpose, under the title of *Praefectus Annonae* (Liv. ii. 27, 5; iv. 12, 8). With the decay of agriculture in Italy, which followed the importation of corn from the provinces, and the decrease of the free population, the government had to pay still further attention to the supply of corn for the city. In addition to this, an indigent population gradually increased in Rome, which could not even purchase corn at the moderate price at which it was usually sold, and who demanded to be fed at the expense of the state. Even in early times it had been usual for the state on certain occasions, and for wealthy individuals who wished to obtain popularity and influence, to make occasional donations of corn to the people (*donatio, largitio, divisio;* subsequently called *frumentatio*). (Mommsen, *Rom. Hist.* ii. 372.) But such donations were only casual; and it was not till the year B.C. 123 that the first legal provision was made for supplying the poor at Rome with corn at a price much below its market value. In that year C. Sempronius Gracchus brought forward the first *Lex Frumentaria*, by which each citizen was entitled to receive every month a certain quantity of wheat (*triticum*) at the price of 6⅓ asses for the modius, which was equal to nearly 1 peck English.* (Liv. *Epit.* 60; Appian, *B. C.* i. 21; Plut. *C. Gracchus*, 5; Vell. Pat. ii. 6; Cic. *pro Sest.* 48, 103.) This was only a trifle more than half the market price, since in the time of Cicero 3 sesterces = 12 asses were considered a low sum for a modius of wheat (Boeckh, *Metrol. Untersch.* p. 420), and 4 sesterces was about the average price (Dureau de la Malle, *Écon. Pol.* i. 109). It must not be supposed that each person was allowed to receive as much as he pleased every month; the quantity must of course have been fixed, and was probably five modii monthly, as in later times. This quantity was only given to fathers of families; but it was not confined to the poor, as Plutarch (*l. c.*) would imply, for every citizen had a right to it, whether he were rich or poor (*ἑκάστῳ τῶν δημοτῶν*, Appian, *l. c.*; *viritim*, Cic. *Tusc. Disp.* iii. 20, 48); and even Piso, who had been consul, applied for his share at the distribution (Cic. *l. c.*). It appears, however, from the anecdote which Cicero relates about Piso, that each citizen had to apply in person, a regulation which would of itself deter most of the rich. The example that had been set by Gracchus was too tempting not to be followed, although the consequences of such a measure were equally prejudicial to the public finances and the public morality. It emptied the treasury, and at the same time taught the poor to become state-

* The older reading in Cic. *pro Sest.* 25, 55, was *semissibus et trientibus*, but the better MSS. here have *senis*, and the Schol. Bob. (p. 300 Or.) has in the lemma *senis*, and in the explanation *senos*. Hence recent editors rightly adopt this reading. Similarly the reading of the older editions of Livy (*Epit.* lx.), *semisse et triente*, is now corrected, according to the indications of the MSS., into *senis et triente*. (Cf. Mommsen, *Die Römischen Tribus*, p. 179, n. 4, and p. 182, n. 18.)

paupers instead of depending upon their own exertions for obtaining a living, and crowded the city with an idle population.

The demagogue Appuleius Saturninus went still further. In B.C. 100 he brought forward his Lex Appuleia, by which the state was to sell corn at $\frac{5}{6}$ths of an as for the modius. The city quaestor Q. Caepio pointed out that the treasury could not bear such an expense (cf. Mommsen, *Gesch. d. Röm. Münzwesen*, p. 560), and the most violent opposition was offered to the measure. It is doubtful whether it ever passed into a law; and it is at all events certain that it was never carried into execution (Auctor *ad Herenn.* i. 12, 21: comp. Cic. *de Leg.* ii. 6, 14). The Lex Livia, which was proposed by the tribune M. Livius Drusus in B.C. 91, was likewise never carried into effect, as it was annulled by the senate, together with all his other laws, as passed in opposition to the auspices. Of the provisions of this Lex Frumentaria we have no account (Liv. *Epit.* lxxi.). About the same time, either shortly before or shortly after the Lex Livia (Mommsen, *Tribus*, p. 181), the tribune M. Octavius, supported by the aristocracy, brought forward the Lex Octavia, which modified the law of Gracchus to some extent, so that the public treasury did not suffer so much. He probably either raised the price of the corn, or diminished the number of modii which each citizen was entitled to receive. (Cic. *Brut.* 62, 222; *de Off.* ii. 21, 172.) Sulla went still further, and by his Lex Cornelia, B.C. 82, did away altogether with these distributions of corn, so that in the language which Sallust puts into the mouth of Lepidus, *populus Romanus—ne servilia quidem alimenta reliqua habet.* (Sall. *Hist. Fragm.* i. 45, 11, Kritz.) But the senate soon found it inexpedient to deprive the people of their customary largesses, as the popular party began to increase in power; and it was accordingly at the desire of the senate that the consuls of B.C. 73 brought forward the Lex Terentia Cassia, which was probably only a renewal of the Lex Sempronia, with one or two additions respecting the manner in which the state was to obtain the corn. The law enacted that each Roman citizen should receive 5 modii a month at the price of $6\frac{1}{3}$ asses for each modius. It appears from the various orations of Cicero, that by this law the provinces were obliged to furnish the greater part of the corn at a fixed price, which was paid by the Roman treasury, and that the governors of the provinces had to take care that the proper quantity of corn was supplied. (Cic. *Verr.* iii. 70, 163; v. 21, 52; *pro Sest.* 25, 55; Ascon. *in Pis.* 4, p. 9, ed. Orelli.) Occasionally extraordinary distributions of corn were made in virtue of decrees of the senate. (Cic. *Verr.* l. c.; Plut. *Cat. Min.* 26, *Caes.* 8.)

All the Leges Frumentariae that have been hitherto mentioned had *sold* corn to the people, although at a price much below what the state had paid for it; but as the great party-leaders towards the close of the republic were ready to purchase the support of the people at any sacrifice to the state, the distribution of corn became at length quite gratuitous. Caesar, in his consulship, B.C. 59, had threatened to make it so (Cic. *ad Att.* ii. 19; cf. *pro Dom.* 10, 25); and this threat was carried into execution in the following year, B.C. 58, by the Lex Clodia of the tribune Clodius. The corn was thus in future distributed without any payment; and the abolition of the payment cost the state a fifth part of its revenues. (Cic. *pro Sest.* 25, 55, with Schol. Bob. p. 301, ed. Orelli; Ascon. *in Pis.* 4, p. 9; Dio Cass. xxxviii. 13.) In B.C. 57, Pompey received by the Lex Cornelia Caecilia the superintendence of the corn-market (*cura annonae*) for a period of five years; but no alteration was made in the distribution of corn by virtue of this measure. The only extension which he gave to the distribution was by allowing those citizens whose names had not hitherto been entered in the lists of the censors, to share in the bounty of the state. (Dio Cass. xxxix. 24.) At this time the distribution of corn must have cost the state nearly £700,000 a year.

The dangerous consequences of such a system did not escape the penetration of Caesar; and accordingly, when he became master of the Roman world, he resolved to remedy the evils attending it, as far as he was able. He did not venture to abolish altogether these distributions of corn, but he did the next best thing in his power, which was reducing the number of the recipients. During the civil wars numbers of persons who had no claim to the Roman franchise had settled at Rome, in order to obtain a share in the distributions of corn. The first thing, therefore, that Caesar did was to have an accurate list made out of all the corn-receivers, and to exclude from this privilege every person who could not prove that he was a Roman citizen. By this measure the 320,000 persons who had previously received the corn were at once reduced to 150,000.* Having thus reduced the number of corn-receivers to 150,000, he enacted that this number should not be exceeded for the future, and that vacancies that occurred by death should be filled up every year by lot by the praetor urbanus. (Suet. *Caes.* 55; Dio Cass. xliii. 21.) It is further exceedingly probable that as a general rule the corn was not given even to these 150,000, but sold at a low price, as had been the case at an earlier period; and that it was only to the utterly destitute that the corn was supplied gratuitously: the latter class of persons were furnished with tickets, called *tesserae nummariae* or *frumentariae*. Thus we find it stated (Suet. *Octav.* 41) that Augustus, on one occasion, doubled the number of the *tesserae frumentariae*. If, therefore, the corn was as a general rule not given, but sold, we may conclude that every citizen was entitled to be enrolled in the 150,000 corn-receivers, independently of his fortune. The opposite opinion has been maintained by many modern writers; but the arguments which have been brought forward by Mommsen (*Die Römischen Tribus*, p. 187) and others, render the above supposition exceedingly probable.

The useful regulations of Caesar fell into neglect after his death, and the number of corn-receivers was soon increased beyond the limits of 150,000, which had been fixed by the dictator. This we learn from the Monumentum

* It must be borne in mind that this was not a census, as Plutarch (*Caes.* 55) and Appian (*B. C.* ii. 102) state, but simply an enumeration of the corn-receivers.

Ancyranum, in which Augustus (c. 15) enumerates the number of persons to whom he had given congiaria at different times; and there can be no doubt that the receivers of the congiaria and of the public corn were the same. Thus, in B.C. 44, and on the three following occasions, he distributed the congiaria to 250,000 persons; and in B.C. 5, the number of recipients had amounted to 320,000. At length, in B.C. 2, Augustus reduced the number of recipients to 200,000, and renewed many of Caesar's regulations. (Suet. *Octav.* 40; Dio Cass. lv. 10.) He had, indeed, thought of abolishing the system of corn-distributions altogether on account of their injurious influence upon Italian agriculture, but had not persevered in his intention from the conviction that the practice would again be introduced by his successors. (Suet. *Octav.* 42.) The chief regulations of Augustus seem to have been:—1. That every citizen should receive monthly a certain quantity of corn (probably 5 modii) on the payment of a certain small sum. As the number of recipients was fixed by Augustus at 200,000, there were consequently 12,000,000 modii distributed every year. Occasionally, in seasons of scarcity, or in order to confer a particular favour, Augustus made these distributions quite gratuitous: they then became congiaria. [CONGIARIUM.] 2. That those who were completely indigent should receive the corn gratuitously, as Julius Caesar had determined, and should be furnished for the purpose with *tesserae nummariae* or *frumentariae*, which entitled them to the corn without payment. (Suet. *Octav.* 41.)

The system which had been established by Augustus was followed by his successors; but as it was always one of the first maxims of the state policy of the Roman emperors to prevent any disturbance in the capital, they frequently lowered the price of the public corn, and frequently distributed it gratuitously as a *congiarium*. Hence the cry of the populace, *panem et circenses*. No emperor ventured to abolish the public distributions of corn: the most that he dared do, was to raise the price at which it was sold. When, therefore, we find it stated in Dio Cassius (lxii. 18), that Nero did away with the distributions of corn after the burning of Rome, we cannot understand this literally, but must suppose that he either raised the price of the commodity, or, what is more probable, obliged those poor to pay for it who had previously received it gratuitously. The care which the emperors took to keep Rome well supplied with corn is frequently referred to in their coins by the legends, *Annona*, *Ubertas*, *Abundantia*, *Liberalitas*, &c. We find in a coin of Nerva the legend *plebei urbanae frumento constituto*. (Eckhel, vol. vi. p. 406.)

In course of time, the sale of the corn by the state seems to have ceased altogether, and the distribution became altogether gratuitous. Every corn-receiver was therefore now provided with a *tessera*, and this tessera, when once granted to him, became his property. Hence it came to pass that he was not only allowed to keep the tessera for life, but even to dispose of it by sale, and bequeath it by will. (Dig. 5, 1, 52; 39, 1, 49; 39, 1, 87.) Every citizen living in Rome, even freedmen and criminals (Senec. *de Benef.* iv. 28, 2), was competent to hold a tessera with the exception of senators. Further, as the corn had been originally distributed to the people according to the thirty-five tribes into which they were divided, the corn-receivers in each tribe formed a kind of corporation, which came eventually to be looked upon as the tribe, when the tribes had lost all political significance. Hence the purchase of a tessera became equivalent to the purchase of a place in a tribe; and accordingly we find in the Digest the expressions *emere tribum* and *emere tesseram* used as synonymous (Dig. 32, 1, 35). Some fifty of these tesserae are still known to exist (Marquardt, ii. p. 124, note).

Another change was also introduced at a later period, which rendered the bounty still more acceptable to the people. Instead of distributing the corn every month, wheaten bread, called *annona civica*, was given to the people. It is uncertain at what time this change was introduced, but it seems to have been the custom before the reign of Aurelian (A.D. 270–275), as it is related of this emperor that on his return from his Eastern expedition he distributed among the people a larger quantity of bread, and of a different form from that which had been usually given. (Vopisc. *Aurel.* 35; Zosim. i. 61.) The bread was baked by the Pistores, who delivered it to the various depôts in the city, from which it was fetched away on certain days by the holders of the tesserae. (Orelli, *Inscript.* no. 3358.) These depôts had steps (*gradus*) leading to them, whence the bread was called *panis gradilis*; and there were the strictest regulations that the bread should only be distributed from these steps, and should never be obtained at the baker's. (Cod. Theod. xiv. 17, 3, 4.) When Constantine transferred the seat of government to Constantinople, the system of gratuitous distribution of bread was also transferred to that city; and in order to encourage the building of houses, all householders were entitled to a share of the imperial bounty. (Zosim. iii. 32; Socrat. *H. E.* ii. 13; Sozom. iii. 7; Cod. Theod. xiv. 17.) The distribution of bread at Rome was, however, still continued; and the care which the later emperors took that both Rome and Constantinople should be properly supplied with corn, may be seen by the regulations in the Cod. Theod. xiv. tit. 15, *De Canone Frumentario urbis Romae*, and tit. 16, *De Frumento Urbis Constantinopolitanae*. The superintendence of the corn-market, under the emperors, belonged to the *Praefectus Annonae*.

Many points connected with this subject have been necessarily omitted in consequence of our limits. The reader who wishes for further information is referred to: Contarini, *De Frum. Rom. Largitione*, in the Thesaurus of Graevius, vol. viii. p. 923; Dirksen, *Civilist. Abhandlungen*, vol. ii. p. 163 ff.; Mommsen, *Die Römischen Tribus*, Altona, 1844; Kuhn, *Ueber die Korneinfuhr in Rom im Alterthum*, in the *Zeitschr. für d. Alterthumsw.* 1845, pp. 993–1008, 1073–1084; Rein *ap.* Pauly, s. v. *Largitio*; Höckh, *Röm. Gesch.* vol. i. pt. ii., pp. 138 ff., 384 ff.; Walter, *Gesch. des Röm. Rechts*, ed. 2, §§ 276–278, 360, 361; and especially Hirschfeld, *Die Getreideverwaltung in der röm. Kaiserzeit*; and Marquardt, *Staatsverw.* ii. 106–132.

[W. S.] [A. S. W.]

FRUMENTA'RII, sc. *negotiatores*, corn-dealers or corn-merchants (Cic. *de Off.* iii. 13, § 57; Liv. iv. 12). The latter passage shows their unpopularity in times of scarcity; they were liable to the same charges of "forestalling and regrating" as the Athenian *σιτοπῶλαι*, and, we may be reminded, as the corn-dealers of modern Europe, England included, until the present century [SITOS]. On the Frumentarii of the legions, see EXERCITUS, p. 793 *a*; on the commissariat in general, p. 812 *a*. A few further particulars may be given here. The frumentarii mentioned by Caesar, or rather Hirtius (*B. G.* viii. 35), are not, as sometimes stated, Roman legionary officers, but Gauls supplying the enemy; and it is uncertain when they were first introduced into the Roman armies. The earliest notice of their employment as spies occurs under Hadrian (Spart. *Hadr.* 11); not only in the provinces, but in Rome itself, they were constantly sending private reports to the emperor (Capitolin. *Macrin.* 12, *Commod.* 4, *Max. et Balb.* 10; Trebell. Poll. *Claud.* 17). This led naturally to false accusation and blackmailing (*cuncta foede diripiebant*, Aurel. Vict. *de Caes.* 39, § 44); and their office was at length abolished by Diocletian. (Cf. Marquardt, *Staatsverw.* ii.[2] 492–3 = ii.[1] 476–7; Henzen, in *Bull. dell' Inst.* 1884, pp. 21–29.) [W. S.] [W. W.]

FRUMENTA'TIO. [FRUMENTARIAE LEGES.]

FUCUS (*φῦκος*) was the general term to signify the paint which the Greek and Roman ladies employed in painting their cheeks, eyebrows, and other parts of their faces. The practice of painting the face was very general among the Greek ladies, and probably came into fashion in consequence of their sedentary mode of life, which robbed their complexions of their natural freshness, and induced them to have recourse to artificial means for restoring the red and white of nature. This at the least is the reason given by some of the ancient writers themselves. (Xen. *Oecon.* 10, § 10; Phintys, *ap.* Stob. *Flor.* lxxiv. 61.) The practice, however, was of great antiquity among the Greeks, and was probably first introduced among the Asiatic Ionians from the East, where the custom has prevailed from the earliest times. The resemblance between the Heb. *pūch*, "paint," and *φῦκος*, is probably not accidental; the connexion is accepted by Gesenius, *s. v.*, the original meaning of both words being sea-weed, from which an alkaline dye was prepared. Compare Keren-hap-puch = *Cornu stibii*, Job xlii. 14; and *Dict. of Bible*, art. "Paint."

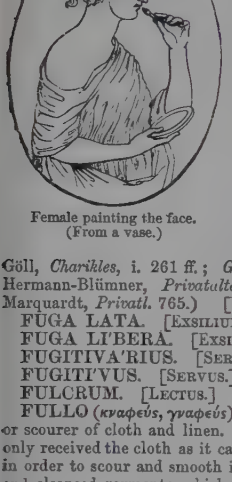
In the Homeric poems both sexes use oil freely after washing [UNGUENTA], but there is no mention of paint or other cosmetics; the phrase *ἐπιχρίσασα παρειάς* (*Od.* xviii. 172) is explained by *ἐπιχρίεσθαι ἀλοιφῇ* in *v.* 179. The ladies at Athens, as might have been expected, did not always paint their faces when at home, but only had recourse to this adornment when they went abroad, or wished to appear beautiful or captivating. Of this we have a striking example in the speech of Lysias on the murder of Eratosthenes, in which it is related (§ 17) that the wife, on leaving her husband to visit her paramour, painted herself, which the husband observed on the following morning, remarking, *ἔδοξε δέ μοι ἡ γυνὴ ἐψιμυθιῶσθαι*. (Comp. Aristoph. *Lysistr.* 149, *Eccl.* 878, *Plut.* 1064; Plut. *Alcib.* 39.) In order to produce a fair complexion, white lead (*ψιμύθιον*, *cerussa*) was employed (Alexis, *fr.* 96, 17 M.; Xen. *Oecon.* 10, § 2; Aristoph. *Eccl.* 878, 929; Nicostr. *ap.* Stob. *Flor.* lxxiv. 62). In order to give a blooming tinge to the cheeks, "rouge" was prepared from vegetable reds: a plant named *ἄγχουσα*, pure Att. *ἔγχουσα* (Aristoph. *Lysistr.* 48; Xen. *l. c.*), now variously called anchusa, alkanet, oxtongue or bugloss, the root of which yielded the dye; *παιδέρως*, a flower (apparently not identified) resembling the rosy hue on the cheeks of young children (Alexis, *fr.* 96, 18 M.; Alciphr. *Ep.* i. 33, iii. 11); the crushed fruit of the mulberry (*συκάμινον*, Eubul. *fr.* 97 M.; Philippid. *fr.* 19 M.; Phot. *Lex.* p. 547, 7); and *φῦκος*, used for paint in general, but properly a seaweed, moss or lichen (Aristoph. *fr.* 309 Dind. = 316 M.; and possibly Theocr. xv. 16, but cf. FULLO). Modern cosmetics are not always free from noxious drugs; and besides *ψιμύθιον* already mentioned, red lead (*μιλτός*, *minium*, Xen. *l. c.* § 5) and mineral alkali (*νίτρον*, Att. *λίτρον*, Aristoph., Theocr. *ll. cc.*) were employed. The usual word for applying paint is *ἐντρίβεσθαι*, "to rub in," whence the dyes themselves are called *ἐντρίμματα* (Plut. *Crass.* 24). The eyebrows and eyelids were stained black with *στίμμι* or *στίμμις*, *stibium*, a sulphuret of antimony, which is still employed by the Turkish ladies for the same purpose. (Pollux, v. 101.) The eyebrows were likewise stained with *ἄσβολος*, a preparation of soot. Thus Alexis says (*l. c.* 16),

τὰς ὀφρῦς πυρρὰς ἔχει τις· ζωγραφοῦσιν ἀσβόλῳ.

(Comp. Juv. ii. 93 ff.) Ladies who used paint were occasionally betrayed by perspiration, tears, &c., of which a humorous picture is given by the comic poet Eubulus (*l. c.*), and by Xenophon (*l. c.* § 8; cf. Plaut. *Most.* i. 3, 119). It would appear from Xenophon (*l. c.* § 5) that even in his time men sometimes used paint, and in later times it may have been still more common: Demetrius Phalereus is expressly said to have done so. (Duris, *ap.* Athen. xii. p. 542 d.)

Among the Romans the art of painting the complexion was carried to a still greater extent than among the Greeks; and even Ovid did not disdain to write a poem on the subject, which he calls (*A. Am.* iii. 206) "parvus sed cura grande libellus opus;" though the genuineness of the fragment of the *Medicamina Faciei*, ascribed to this poet, is doubtful. The Roman ladies even went so far as to paint with blue the veins on the temple, as has been inferred from Propertius (ii. 18, 31 = iii. 9, 31 = iii. 11, 9, L. Müller), "si caeruleo quaedam sua tempora fuco tinxerit;" though this is susceptible of another explanation. The favourite rouge was from a kind of moss (*lichen rocella*, Linn.); another was *purpurissum*, a mixed composition (Plaut. *Most.* i. 3, 104; *Truc.* ii. 3, 35; Plin. *H. N.* xxxv. § 49). For the more repulsive substances used as cosmetics, see Orellius on Hor. *Epod.* 12, 11; Clem. Al. *Paed.* iii. p. 255 P., *κροκοδείλων ἀποπάτοις χρώμεναι καὶ σηπεδόνων ἀφροῖς ἐγχριόμεναι*. The ridiculous use of patches (*splenia*), which were common among the English ladies in the reign of Queen Anne and the first Georges, was not unknown to the Roman ladies. (Mart. ii. 29, 9; viii. 33, 22; x. 22;—Plin. *Ep.* vi. 2.)

The more effeminate of the male sex at Rome also employed paint. Cicero speaks (*in Pison.* 11, § 25) of the *cerussatae buccae* of his enemy, the consul Piso; where, however, as *buccae* are more likely to be rouged than whitened, *purpurissatae* is a not improbable conjecture (Marquardt).



Female painting the face. (From a vase.)

On a Greek vase (Tischbein, *Engravings*, ii. 58) we see the figure of a female engaged in putting the paint upon her face with a small brush. (Comp. Böttiger, *Sabina*, i. 24 ff., 51 ff.; Becker-Göll, *Charikles*, i. 261 ff.; *Gallus*, iii. 164 ff.; Hermann-Blümner, *Privatalterth.* p. 200 ff.; Marquardt, *Privatl.* 765.) [W. S.] [W. W.]

FUGA LATA. [Exsilium.]

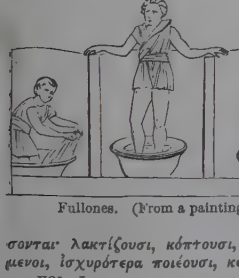
FUGA LI'BERA. [Exsilium.]

FUGITIVA'RIUS. [Servus.]

FUGITI'VUS. [Servus.]

FULCRUM. [Lectus.]

FULLO (*κναφεύς, γναφεύς*), a fuller, a washer or scourer of cloth and linen. The fullones not only received the cloth as it came from the loom in order to scour and smooth it, but also washed and cleansed garments which had been already worn. As the Romans generally wore woollen dresses, which were often of a light colour, they frequently needed, in the hot climate of Italy, a thorough purification. The way in which this was done has been described by Pliny and other ancient writers, but is most clearly explained by some paintings which have been found on the walls of a fullonica at Pompeii. Two of these paintings are given by Gell (*Pompeiana*, vol. ii. pll. 51, 52), and the whole of them in the *Museo Borbonico* (vol. iv. pll. 49, 50); from the latter of which works the following cuts have been taken. The clothes were first washed, which was done in tubs or vats (*lacus, lacunae*), or mortars (*pilae fullonicae*, Cat. *R. R.* 10, § 5; 14, § 2), where they were trodden upon and stamped by the feet of the fullones, whence Seneca (*Ep.* 15) speaks of *saltus fullonicus*. The various operations of the *κναφεῖς* are described by Hippocrates (*de Diaeta*, i. 14): *καὶ οἱ γναφέες τῶν τὸ διαπράσσονται· λακτίζουσι, κόπτουσι, ἔλκουσι λυμαινόμενοι, ἰσχυρότερα ποιέουσι, κείροντες τὰ ὑπερέχοντα καὶ παραπλέκοντες καλλίω ποιέουσι.* The foregoing woodcut represents four persons thus employed, of whom three are boys, probably under the superintendence of the man. Their dress is tucked up, leaving the legs bare; the boys seem to have done their work, and to be wringing the articles on which they had been employed.



Fullones. (From a painting at Pompeii.)

The ancients were not acquainted with soap until the time of Pliny, who once mentions *sapo* as a Gallic invention (*H. N.* xxviii. § 191); they used in its stead different kinds of alkaline detergents (*ῥύμματα*, Plat. *Rep.* iv. 429 E). The following were the principal substances employed:—1. A species of lye or potash called *κονία*, Lat. *lixivium* (Plat. *Rep.* iv. 430 A; Aristoph. *Ach.* 18, *Ran.* 712; Pollux, vii. 39). 2. Nitrum, or native carbonate of soda (*νίτρον*, Att. *λίτρον*), of which Pliny (*H. N.* xxxi. § 106 ff.) gives a long account. The best *nitrum* came from Chalastra or Chalestra in Macedonia, whence *χαλεστραῖον*, scil. *λίτρον* (Plat. *l. c.*; Plin. *l. c.* §§ 107, 115); it was also found in Egypt in large quantities, but of inferior quality (Herod. ii. 86; Plin. *l. c.* §§ 109, 111). The *νίτρον καὶ φῦκος* of Theocritus (*Idyll.* xv. 16), sometimes explained as cosmetics, are more probably a mineral and a vegetable alkali used for washing wool; *κονία* was prepared from nitrum (Aristoph. *Ran.* 712). 3. Fuller's earth (*creta fullonia*, Plin. *H. N.* xvii. § 46), a sort of alkaline marl, of which there were many varieties; the most celebrated was from the island of Cimolos (*Κιμωλία γῆ*, Aristoph. *Ran.* 713; Theophr. *Char.* 10 and 18; Strab. x. p. 484; Ov. *Met.* vii. 463; and especially Plin. *H. N.* xxxv. §§ 195–198). The Sardinian was also good, but destructive to colours, and hence only suitable for white garments or for the first rough washing of those which were afterwards to be smartened-up (*poliri*, Plin. *l. c.*; *cogi, conciliari*, Varr. *L. L.* vi. 43) with Umbrian or Cimolian earth. We must distinguish between fuller's earth, mixed with the water in which the clothes were washed, and the ordinary *creta*, used like pipe-clay for whitening the togas of the *candidati* (Plaut. *Aulul.* iv. 9, 6). 4. The urine of men and animals, mentioned in this connexion by Mnesitheus, an Athenian physician of (probably) the fourth century B.C. (*ap.* Athen. xi. 484 a), but in more general use among the Romans. The fullones derived their supply of it from the public latrines (Mart. vi. 93, xii. 48; Dolium); and they are supposed by Casaubon and others to have paid the *urinae vectigal* raised by Vespasian (Suet. *Vesp.* 23).

After the clothes had been washed, they were hung out to dry, and were allowed to be placed in the street before the doors of the fullonica. (Dig. 43, tit. 10, s. 1, § 4.) When dry, the wool was brushed and carded to raise the nap, sometimes with the skin of a hedgehog (Plin. *H. N.* viii. § 135), and sometimes with some plants of the teasel kind (*γναφικὴ ἀκάνθη*, Dioscor. *Mat. Med.* iv. 160; *spina fullonia*, Plin. *H. N.* xvi. § 244, xxiv. § 111, xxvii. § 92). The carding instrument is called in Greek *κνάφος* (Schol. *ad* Aristoph. *Plut.* 166), in Latin *aena* (Plin. *ll. cc.*). The clothes were then hung on a vessel of basket-work (*vimínea cavea*), under which sulphur was placed in order to whiten the cloth; for it was well known that many colours were

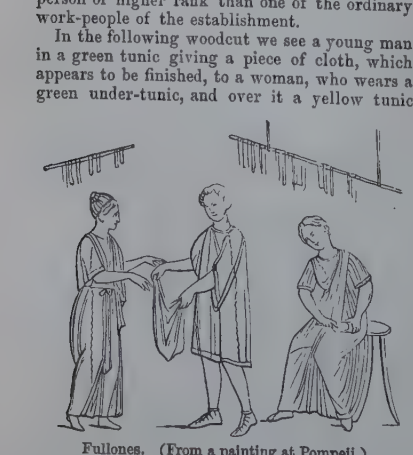
destroyed by the volatile steam of sulphur. (Apul. *Met.* ix. p. 208; Plin. *H. N.* xxxv. § 175; Pollux, vii. 41.) The preceding account is well illustrated by the first of the two following woodcuts.

On the left we see a fullo brushing or carding a white tunic, suspended over a rope, with a card or brush, which bears considerable resem-

Fullones. (From a painting at Pompeii.)

blance to a modern horse-brush. On the right, another man carries a frame of wicker-work, which was without doubt intended for the purpose described above; he has also a pot in his hand, perhaps intended for holding the sulphur. On his head he wears a kind of garland, which is supposed to be an olive garland, and above him an owl is represented sitting. It is thought that the olive garland and the owl indicate that the establishment was under the patronage of Minerva, the tutelary goddess of the loom. On the left, a well-dressed female is sitting, examining a piece of work which a younger girl brings to her. A *reticulum* [see p. 499 *a*] upon her head, a necklace, and bracelets denote a person of higher rank than one of the ordinary work-people of the establishment.

In the following woodcut we see a young man in a green tunic giving a piece of cloth, which appears to be finished, to a woman, who wears a green under-tunic, and over it a yellow tunic



Fullones. (From a painting at Pompeii.)

with red stripes. On the right is another female in a white tunic, who appears to be engaged in cleaning one of the cards or brushes. Among these paintings there was a press, worked by two upright screws, in which the cloth was placed to be smoothened. A drawing of this press is given on p. 464 *a*.

The establishment or workshop of the fullers was called *Fullonica* (Dig. 39, tit. 3, s. 3), *Fullonicum* (Dig. 7, tit. 1, s. 13, § 8), or *Fullonium* (Amm. Marc. xiv. 11, § 31); *fullonum officina* (Plin. *H. N.* xxxv. § 175). Of such establishments there were great numbers in Rome, for the Romans do not appear to have washed at home even their linen clothes (Martial, xiv. 51). The word πλύνειν denoted the washing of linen, and κναφεύειν or γναφεύειν the washing of woollen clothes. (Athen. xi. p. 582 *d*; Pollux, vii. 39, 40, 41; Eustath. *ad Od.* xxiv. 148, p. 1956, 41.) To large farms a fullonica was sometimes attached, in which the work was performed by the slaves who belonged to the *familia rustica* (Varro, *R. R.* i. 16). Woollen garments which had been once washed were considered to be less valuable than they were previously (Petron. 30; Lamprid. *Heliog.* 26); hence Martial (x. 11) speaks of a toga *lota terque quaterque* as a poor present.

The trade of the fullers was considered so important that the censors C. Flaminius and L. Aemilius, B.C. 220, prescribed the mode in which the dresses were to be washed (Plin. *H. N.* xxxv. § 197). Like the other principal trades in Rome, the Fullones formed a *collegium* or *sodalicium* (Fabretti, *Insc.* p. 278; Orelli, 3291 = Mommsen, *Inscr. Regn. Neap.* 2208; Orelli, 4056, 4091) under the protection of Minerva, the patroness of handicrafts (Id. 4091, 7240). As regards legal liability, the fullo was answerable for the property while it was in his possession; and if he returned by mistake a different garment from the one he had received, he was subject to an action *ex locato;* to which action he was also liable if the garment was injured (Dig. 19, tit. 2, s. 13, § 6; s. 60, § 2; 12, tit. 7, s. 2).

(Schöttgen, *Antiquitates Triturae et Fulloniae*, Traj. ad Rhen. 1727; Beckmann, *Hist. of Inventions*, ii. 92 ff., ed. Bohn; Becker-Göll, *Charikles*, i. 316; *Gallus*, iii. 306 ff.; Hermann-Blümner, *Privatalterth.* 415; Marquardt, *Privatl.* 511; and especially Blümner, *Technol.* i. 157 ff.)

[W. S.] [W. W.]

FULLO'NICA. [FULLO.]

FUMA'RIUM. [VINUM.]

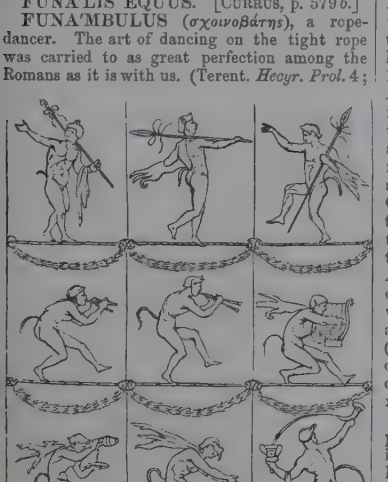
FUNA'LE, the neuter form, is probably to be distinguished from FUNALIS, and means a chandelier or other contrivance for holding a number of lights (Verg. *Aen.* i. 727; Hor. *Od.* iii. 26, 7; Ov. *Met.* xii. 247). This distinction has not always been drawn, and we give in full the evidence upon which it rests. Servius (on *Aen.* l. c. referring to Varro): "Nonnulli apud veteres candelabra dicta tradunt [funalia], quae in capitibus uncinos haberent, quibus affigi solebant vel candelae vel funes pice delibuti: quae interdum erant minora, ut gestari manu et praeferri magistratibus a cena remeantibus possent." In the last words there is clearly a reference to the story of Duilius (Cic. *de Sen.* 13, § 44; Val. Max. iii. 6, § 4; Sil. vi. 667). Donatus (on Ter. *Andr.* i. 1, 88): "[funus] quod a funalibus dictum est, id est, uncis vel cuneis candelabrorum;" the rest of the passage is corrupt.

Isidor. *Orig.* xx. 10, § 5: "Funalia candelabra apud veteres, quibus funiculi cera vel hujusmodi alimento luminis obliti figebantur. Idem itaque et stimuli praeacuti funalia dicebantur." The mention of *unci, uncini, cunei, stimuli* in these passages is strongly suggestive of the "coronae" often seen in foreign churches, for holding wax lights stuck on spikes. The smaller sort (Serv.) were portable, and carried a single taper. (Marquardt, *Privatl.* 690; Becker-Göll, *Gallus*, ii. 392 *f.*) [W. W.]

FUNA'LIS, a link or taper, used in the same manner as a torch [FAX], but made of papyrus and other fibrous plants, twisted like a rope, and smeared with pitch and wax. It was indeed, as Antipater describes it, "a light coated with wax" (λαμπὰς κηροχίτων, Brunck, *Anal.* ii. 112 = *Anth. Pal.* vi. 249). *Cereus* is both adjective and substantive, and either an epithet or a synonym of funalis: "funalem cereum," Val. Max. iii. 6, § 4; "delectabatur cereo (old edd. *crebro*) [funali] et tibicine," Cic. *de Sen.* 13, § 44, where *funali* is bracketed, perhaps unnecessarily, as a gloss on *cereo* (Reid); *cereus* subst., Plaut. *Curc.* i. 1, 9; Cic. *de Off.* iii. 20, § 80; Senec. *de Brev. Vit.* extr.; *Epist.* 122, § 10; Mart. v. 18, xiv. 42; Macrob *Sat.* i. 7, § 33. Funales are sculptured upon an ancient sepulchral marble preserved in the church of Santa Giustina at Padua (Pignor. *de Servis*, p. 259) and figured by Rich (*s. v.* "Funale"). At the Saturnalia they were presented by clients to their superiors, and were lighted in honour of Saturn (Antipater, *l. c.*; Macrob. *l. c.*), sometimes on other occasions (Cic. *de Off.* l. c.). Compare the preceding article. [J. Y.] [W. W.]

FUNA'LIS EQUUS. [CURRUS, p. 579 *b*.]

FUNA'MBULUS (σχοινοβάτης), a rope-dancer. The art of dancing on the tight rope was carried to as great perfection among the Romans as it is with us. (Terent. *Hecyr. Prol.* 4;



Rope-dancers. (From a painting at Herculaneum.)

Hor. *Epist.* ii. 1, 210; Juv. iii. 77; xiv. 265, 272, with Mayor's note.) If we may judge from a series of paintings discovered in the excavations (*Ant. d'Ercol.* tom. iii. pp 160–165), from which the figures in the preceding woodcut are selected, the performers placed themselves in an endless variety of graceful and sportive attitudes, and represented the characters of bacchanals, satyrs, and other imaginary beings. Three of the persons here exhibited hold the thyrsus, which may have served for a balancing pole; two are performing on the double pipe, and one on the lyre: two others are pouring wine into vessels of different forms. They all have their heads enveloped in skins or caps, probably intended as a protection in case of falling. The Emperor M. Aurelius, in consequence of the fall of a boy, caused feather-beds (*culcitras*) to be laid under the rope to obviate the danger of such accidents. (Capitol. *M. Ant. Phil.* 12.) One of the most difficult exploits was running down the rope (Sueton. *Nero*, 11) at the conclusion of the performance. It was a strange attempt of Germanicus and of the Emperor Galba to exhibit elephants walking on the rope. (Plin. *H. N.* viii. § 5; Sueton. *Galb.* 6; Sen. *Epist.* 86.) [J. Y.] [W. W.]

FUNDA (σφενδόνη), a sling. The light troops of the Greek and Roman armies included a certain proportion of slingers (*funditores*, σφενδονῆται). In the earliest times, however, the sling appears not to have been used by the Greeks. It is not mentioned in the Iliad; for in the only passage (*Il.* xiii. 600) in which the word σφενδόνη occurs, it is used in its original signification of a bandage. But in the times of the Persian wars slingers had come into use; for among the other troops which Gelon offered to send to the assistance of the Greeks against Xerxes, mention is made of 2000 slingers (Herod. vii. 158); and that the sling was then familiar to the Greeks is also evident from allusions in literature (Archil. *fr.* 3, Bergk; Aesch. *Agam.* 1010; Eurip. *Phoen.* 1142; Aristoph. *Av.* 1185). At the same time it must be stated that we rarely read of slingers in these wars; the use of the sling was a barbarian rather than a Greek accomplishment, and found in the highest perfection among Egyptians and Persians, as later among the Spaniards and Baleares. Among the Greeks the Acarnanians, a backward people, attained to the greatest expertness in the use of this weapon (Thuc. ii. 81); and at a later time the Achaeans, especially the inhabitants of Aegium, Patrae, and Dyme, were celebrated as expert slingers. The slings of these Achaeans were made of three thongs (*scutalia*) of leather, and not of one only, like those of other nations (Liv. xxxviii. 29). To the same period, the days of the Achaean league, is ascribed the invention of the κεστροσφενδόνη (*cestrosphendone*, Liv. xlii. 65), described below.

In the early Roman army, slingers formed a part of the fifth or lowest Servian class (Dionys. iv. 17; Liv. i. 43; Fest. *Epit.* p. 369 M.: cf. EXERCITUS, p. 782 *a*; Marquardt, *Staatsverw.* ii. 317); but in the great days of the Punic and Macedonian wars they were no longer to be found in the legions, and the Balearic slingers of Hannibal were opposed by Greek, Syrian, and African auxiliaries (Marquardt, *ib.* 332–3). The people who enjoyed the greatest celebrity as slingers were the natives of the Balearic islands. Their skill in the use of this weapon is

said to have arisen from the circumstance that, when they were children, their mothers obliged them to obtain their food by striking it with a sling. (Veget. *de Re Mil.* i. 16; Strab. iii. p. 168.) Most slings were made of leather, but the Balearic were manufactured out of a kind of rush (Strab. *l. c.*). The manner in which the sling was wielded may be seen in the annexed figure (Bartoli, *Col. Traj.* tav. 46) of a soldier

Soldier with sling. (From the Column of Trajan.)

with a supply of stones in the sinus of his pallium, and with his arm extended in order to whirl the sling about his head (Verg. *Aen.* ix. 587, 588; xi. 579). Besides stones, bullets, called *glandes* (μολυβδίδες), of a form between acorns and almonds, were cast in moulds to be thrown with slings (Lucret. vi. 176; Ovid, *Met.* ii. 727, vii. 777, xiv. 825, 826). They have been found on the plain of Marathon and in other parts of Greece, and are remarkable for the inscriptions and devices which they exhibit, such as thunderbolts, the names of persons, and the word ΔΕΞΑΙ, meaning "Take this." (Mommsen, in *Zeitschrift für die Alterthumswissenschaft*, 1846, p. 782; Guhl and Koner, ed. 5, p. 324.) The ridiculous notion that these bullets melted in the air was widely diffused in the ancient world, and not confined to poetry (Lucret. *l. c.*; Verg. *Aen.* ix. 588; Ov. *Met.* ii. 727, xiv. 826): even the father of science maintains it (Aristot. *de Caelo*, ii. 7: οἷον καὶ ἐπὶ τῶν φερομένων βελῶν· ταῦτα γὰρ αὐτὰ ἐκπυροῦται οὕτως ὥστε τήκεσθαι τὰς μολυβδίδας). It may have arisen, as Pauly points out (*s. v.* "Funditores"), from the flattening of the soft metal when it strikes a hard surface. Another missile was called *κέστρος*, a particular kind of bolt with an iron head six inches long, attached to a wooden shaft nine inches long, and the thickness of a man's finger; it was furnished with three short wooden wings, resembling the feathers of an arrow, and was discharged from a sling with two *scutalia*, called κεστροσφενδόνη (Liv. xlii. 65; Polyb. xxvii. *fr.* 9 *ap.* Suid. *s. v.* κέστρος: Livy here evidently translates Polybius).

Besides slings, stones thrown with the hand alone were likewise used in ancient warfare: the Libyans carried no other weapons than three darts and a bag full of stones (Diod. Sic. iii. 49). The Athenian ψιλοὶ annoyed the Spartans in Sphacteria, τοξεύμασι καὶ ἀκοντίοις καὶ λίθοις καὶ σφενδόναις (Thucyd. iv. 32), where λίθοι seem to be hand-thrown stones; πετροβόλοι are mentioned, Xen. *Hell.* ii. 4, § 12. We find them also among the later Romans (Veget. i. 16, ii. 23).

From the resemblance to a sling, funda also means (1) a casting-net, ἀμφίβλησπρον (Verg. *Georg.* i. 141); (2) a purse or money-bag, from the way it was slung (Macrob. *Sat.* ii. 4, § 31); (3) the bezel of a ring, *i.e.* the rim in which the gem is set, and which holds it as a sling does its stone (Rich): *praestantiores* [*iaspides*] *funda cluduntur ut sint patentes ab utraque parte nec praeter margines quicquam auro amplectente*, a good description of a setting *à jour* (Plin. *H. N.* xxxvii. § 116; cf. § 126). [J. Y.] [W. W.]

FUNDITO'RES. [FUNDA.]

FUNDUS. The primary signification of this word appears to be the bottom or foundation of a thing; and its elementary part (*fud-*) seems to be the same as that of πυθμήν (Curtius, *Gr. Etym.* 263). Some would include βυθὸς in the comparison; but that word is connected with βαθὺς and βένθος, a different root (*ib.* 466). The conjectures of the Latin writers as to the etymology of *fundus* may be safely neglected. Fundus is often used as applied to land, the solid substratum of all man's labours, and means land belonging to a private owner (*locus privatus*). The land constituting a fundus might be situated either in the town or country (cf. Isid. *Orig.* xv. 13, 4: "fundus et urbanum aedificium et rusticum intelligendum est"); but fundus commonly means a country estate only. According to Florentinus (Dig. 50, 16, § 111), the term *fundus* comprised all land and constructions on it; but usage had restricted the name of *aedes* to city houses, *villae* to rural houses, *area* to a plot of land in a city not built upon, *ager* to a plot of ground in the country, and *fundus* to *ager cum aedificiis*. In its more proper sense, however, *ager* only includes the arable land of a fundus. This definition of *fundus* may be compared with the uses of that word by Horace and other writers. In one passage (*Ep.* i. 2, 47) Horace uses *domus* with fundus to denote the land and home of a family, *domus* being apparently there used as equivalent to *aedes*. The term *fundus* often occurred in Roman wills and conveyances, the testator frequently indicating the fundus to which his last dispositions referred, by some name such as Sempronianus, Sejanus; sometimes also with reference to a particular tract of country, as "fundus Trebatianus qui est in regione Atellana" (Brissonius, *de Fundis*, vii. 80). A fundus was sometimes devised *cum omni instrumento*, with its stock and implements of husbandry. Occasionally a question arose as to the extent of the word *instrumentum* between or among the parties who derived their claim from a testator (Dig. 33, 17, 12).

Fundus has a derived sense which flows easily enough from its primary meaning. "Fundus," says Festus, "dicitur, populus esse rei, quam alienat, hoc. est auctor" [AUCTOR]. Compare Plautus, *Trin.* v. 1, 7 (*fundus potior*). In this sense *fundus esse* is to warrant or confirm a thing; and in Gellius (xix. 8) there is the expression "sententiae legisque fundus subscriptorque fieri." [G. L.] [E. A. W.]

FUNUS. It is proposed in the following article to give a brief account of Greek and Roman funerals, and of the different rites and ceremonies connected with death and burial.

The tombs, their contents, and the monuments placed over them will be explained in the article SEPULCRUM.

1. GREEK. The Greeks attached great importance to the burial of the dead. They believed that souls could not enter the Elysian fields till their bodies had been buried; and accordingly we find the shade of Elpenor in the Odyssey (xi. 66, &c.) earnestly imploring Ulysses to bury his body. Ulysses also, when in danger of shipwreck, deplores that he had not fallen before Troy, as he should in that case have obtained an honourable burial (*Od.* v. 311). So strong was this feeling among the Greeks, that it was considered a religious duty to throw earth upon a dead body which a person might happen to find unburied (Ael. *V. H.* v. 14); and among the Athenians, those children who were released from all other obligations to unworthy parents were nevertheless bound to bury them by one of Solon's laws. (Aesch. *c. Timarch.* § 14.) The neglect of burying one's relatives is frequently mentioned by the orators as a grave charge against the moral character of a man ([Dem.] *c. Aristog.* i. p. 787, § 54; Lys. *c. Phil.* § 21, *c. Alcib.* i. § 27), since the burial of the body by the relations of the dead was considered a religious duty by the universal law of the Greeks. Sophocles represents Antigone as disregarding all consequences in order to bury the dead body of her brother Polyneices, which Creon, the king of Thebes, had commanded to be left unburied. The common expressions for the funeral rites, *τὰ δίκαια*, *νόμιμα* or *νομιζόμενα*, *προσήκοντα*, show that the dead had, as it were, a legal and moral claim to burial.

Lucian, in his treatise *de Luctu*, gives a connected account of the customs connected with Greek funerals; and since this account does not differ materially from the information derived from the notices scattered through earlier literature, we may infer that no great change took place in the funeral customs of Greece in historical times.

At the moment of death the eyes and mouth were closed by one of those present (Hom. *Od.* xxiv. 296; Plat. *Phaed.* 118). According to Lucian (*de Luctu*, 10, p. 926), the obol to serve as Charon's fare was at once placed in the mouth of the corpse. This coin was also called *δανάκη* (Hesych. *s. v.*). The custom is first mentioned by Aristophanes (*Ran.* 139), and does not appear to have been in use at a very early date. Confirmation of the practice is given by actual discoveries, for coins are frequently found in Greek tombs, and in some between the teeth of the skeleton. (Seyffert, *de Nummis in ore defunctorum repertis*, Dresden, 1712; Pottier et Reinach, *La Nécropole de Myrina*, p. 106. Other references in Hermann-Blümner, *Privatalterth.* p. 367.) The body was then washed (Plat. *Phaed.* 115 A; Eurip. *Phoen.* 1319, 1667), anointed with perfumes (Hom. *Il.* xviii. 350), and clothed in rich garments, generally white in colour (Paus. iv. 13, 3; Artemidor. ii. 3; Hom. *Il.* xviii. 353). These were buried or burnt with the body, but the number of them was limited by a law of Solon (Plut. *Sol.* 21). A wreath of flowers was placed upon the head (Eur. *Phoen.* 1632; Ar. *Eccl.* 538, *Lys.* 602). Golden wreaths, in imitation of laurel or other foliage, were sometimes used, and have been found in graves. (*La Nécropole de Myrina*, p. 105; Stephani, *Compte Rendu*, 1875, p. 17.)

The corpse, thus prepared, was laid out (*πρόθεσις*, *προτίθεσθαι*) on a bed (*κλίνη*), which appears to have been of the ordinary kind, with a pillow (*προσκεφάλαιον*) for supporting the head and back (Lys. *c. Eratosth.* § 18). By a law of Solon it was ordered that the *πρόθεσις* should take place inside the house (Lex *ap.* Dem. *c. Macart.* p. 1071, § 62). As among the Romans, the feet were turned towards the door (Hom. *Il.* xix. 212; Hesych. *s. v. διὲκ θυρῶν· τοὺς νεκροὺς οὕτω φασὶν ἐδράζεσθαι, ἔξω τοὺς πόδας ἔχοντας πρὸς τὰς αὐλείους θύρας*). Vases of a special kind (*λήκυθοι*), probably containing perfumes, were placed beside the body (Ar. *Eccl.* 1032, 538; Schol. Plat. *Hipp. Min.* 368 C, *λήκυθον δὲ ἀγγεῖόν τί φασιν οἱ Ἀττικοὶ ἐν ᾧ τοῖς νεκροῖς ἔφερον τὸ μύρον*). Lekythi were also buried with the coffin, and a large number of them have been found in graves in Attica. Their usual shape is shown in the woodcut under AMPULLA, Vol. I., p. 116 *a*. A few of them are in the ordinary black- and red-figured styles, but the greater number are of a special ware of great beauty, manufactured for funeral purposes. In this ware the ground is white, and scenes are painted upon it in bright colours, in a freer and less rigid style than in the vases with red or black figures. The scene most commonly represented is the bringing of offerings to the tomb; but in other cases we have a picture of some part of the funeral ceremonies, or of Charon preparing to ferry the shade across the Styx. The woodcuts accompanying this article which represent the *πρόθεσις* and the offerings at the tomb are taken from vase-paintings of this class. (See E. Pottier, *Étude sur les Lécythes blancs Attiques, à représentations funéraires*, Paris, 1883; Benndorf, *Griechische und Sicilische Vasenbilder*, Berlin, 1869, &c.; Jahn, *Beschreibung der Vasensammlung K. Ludwigs*, cxxxi. ff.) A honey-cake (*μελιτοῦττα*), intended as a sop for Cerberus, was also placed by the side of the corpse (Ar. *Lys.* 601, and Schol. *in loc.*, *Ἡ μελιτοῦττα ἐδίδοτο τοῖς νεκροῖς ὡς εἰς τὸν Κέρβερον*). Before the door a vessel of water was placed (*ἀρδάνιον*), in order that persons who had been in the house might purify themselves from the pollution of death by sprinkling water on their persons (Ar. *Eccl.* 1033; Poll. viii. 65; Eur. *Alc.* 98).

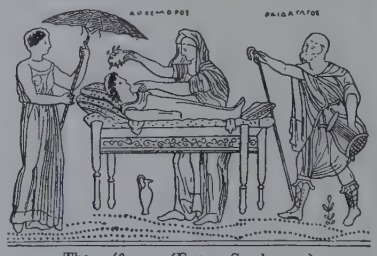
The near relations of the deceased assembled round the bed on which he was laid, and uttered loud lamentations. Representations of such scenes have been found. Although more violent signs of grief were forbidden by Solon (Plut. *Solon*, c. 21; Cic. *de Legg.* ii. 23, 59), we find that Lucian (*de Luctu*, 12) mentions as accompaniments of the *πρόθεσις*, not only groaning and wailing, but also beating of breasts, tearing of hair, laceration of cheeks, rending of garments, and sprinkling of ashes upon the head. It was perhaps with the object of limiting the time for these excesses of grief that Solon ordained that the burial should take place on the day after the *πρόθεσις*, before sunrise (Demosth. *c. Macart.* l. c.), and that Plato (*Legg.* xii. 959 A) laid down that the *πρόθεσις* should not last longer than was necessary to show that death had really taken place. Solon also commanded that no females under 60 years of

age except the nearest relations (*ἐντὸς ἀνεψιαδῶν*) should be allowed to be present while the corpse was in the house (Demosth. *l. c.*). It appears that singers were hired to lead the mourning chant at the *πρόθεσις* (Hom. *Il.* xxiv. 719 ff.; Lucian, *de Luctu*, 20).

The accompanying woodcut, representing the *πρόθεσις*, is taken from Pottier, *op. cit.* pl. i.

The *πρόθεσις*. (From a Greek vase.)

The corpse lies upon a couch, and is covered with a rich garment. The head alone is unveiled, and is surrounded with a fillet. Two female figures stand beside the couch, with gestures of grief. One of them carries a tray or basket, across which two taeniae are laid. Other taeniae are placed across the couch. In the background is a mirror, or fan, perhaps intended for the keeping away of flies (cf. Dio Cass. lxxiv. 4, 2; Cod. Just. vii. 6, 5). A list of other illustrations of the *πρόθεσις* is given by Pottier, p. 12, and Benndorf, *Gr. u. Sic. Vasenb.* p. 6. It is sufficient here to mention the Archemoros vase, a large amphora found at Ruvo (Gerhard, *Archemoros u. die Hesperiden*, pl. i.; Baumeister, *Denkmäler*, p. 114). In this the corpse of the boy Archemoros is laid upon a couch. One female places a wreath upon his head, while another holds a parasol over him. The *παιδαγωγὸς* stands at the foot of the couch, and two of the attendants carry tables upon which are vases of various kinds with taeniae attached. The centre group is alone given in the cut annexed.



The *πρόθεσις*. (From a Greek vase.)

The funeral (*ἐκφορά*, *ἐκφέρειν*) took place legally, as has been already remarked, on the day following the *πρόθεσις*. It might, however, be put off several days to allow of the arrival of distant friends (Plut. *Timol.* 39). The early morning was the usual time (Plato, *Legg.* xii. 960 A; Cic. *de Legg.* ii. 26, 66; Heracl. *Alleg. Hom.* c. 68, *ἦν δὲ παλαιὸν ἔθος τὰ σώματα τῶν καμνόντων ἐπειδὰν ἀναπαύσηται τοῦ βίου, μήτε νύκτωρ ἐκκομίζειν μήθ' ὅταν ὑπὲρ γῆς τὸ*

The *ἐκφορά*. (From a stamped terracotta plaque found at the Piraeus.)

μεσημβρινὸν ἐπιτείνηται θάλπος· ἀλλὰ πρὸς βαθὺν ὄρθρον ἀπύροις ἡλίου ἀκτῖσιν ἀνιόντος.) The body was carried on the couch on which it had been lying. In the inscription from Keos (Köhler, *Mittheil. d. Arch. Inst. in Athen*, 1876, 139 ff., l. 10; Dittenberger, *Sylloge*, 468) we find the direction that the corpse should be covered and carried in silence (*τὸν θανόντα φέρειν κατακεκαλυμμένον σιωπῇ μέχρι τὸ σῆμα*), but there is nothing to show that this was general. The bier was borne either by hired bearers (*νεκροφόροι*, Poll. vii. 195), or, in cases where it was decided to honour the dead, by specially selected citizens (*e.g.* in the case of Timoleon, Plut. *Timol.* 39). The men walked before the corpse, and the women behind (Dem. *l. c.*), and it appears that musicians were hired to play mournful tunes on the flute and sing dirges (*θρῆνοι*) at the *ἐκφορὰ* as well as at the *πρόθεσις* (Plat. *Legg.* vii. 800 E; Hesych. *s. v.*

Καρίναι; Poll. iv. 75). Those who accompanied the funeral wore mourning garments of a black or dark colour (Hom. *Il.* xxiv. 93; Eurip. *Alc.* 427; Id. *Hel.* 1088; Xen. *Hell.* i. 7, 6; Plut. *Pericl.* 38). In an inscription from Gambreum in the neighbourhood of Pergamum (*C. I. G.* ii. 3562; Dittenberger, 470) it is enjoined that the women should wear dark clothes (*ἐσθῆς φαιά*), while men and boys have the alternative of wearing white. The head was also shaved or the hair cut as a sign of grief (Hom. *Od.* iv. 197; *Il.* xxiii. 46, 135, 141, 146; Bion. *Idyll.* i. 81; Aesch. *Cho.* 7; Plutarch, *Consol. ad Ux.* 4, and some of the passages cited above as to the colour of the dress).

Representations of the *ἐκφορὰ* are rare. The foregoing woodcut represents a stamped terra-cotta plaque found at the Piraeus (in the collection of M. Rayet, *Convoi Funèbre*, No. 75). The corpse lies upon a couch. The head is bare; the rest of the body covered. The couch is placed upon a car drawn by two horses (more usually mules). Mourners accompany it with gestures of grief. A female attendant carries upon her head a vessel, probably to serve for libations. Another attendant plays upon the double flute. (Other representations: Micali, *Monumenti per servire alla storia degli ant. popoli Italiani*, pl. 96, 1; *Monumenti d. Inst.* ix. 39, 40.)

It was the custom, at Athens at any rate, to hold public funerals for those who had fallen in war. Thucydides (ii. 34) describes with some minuteness the proceedings usual on such occasions. The *πρόθεσις* of the bones took place on a platform (or perhaps in a booth or tent) erected for the purpose in some public place (*τὰ μὲν ὀστᾶ προτίθενται πρότριτα σκηνὴν ποιήσαντες*). On the day of the funeral, coffins of cypress wood, one for each tribe, were carried upon waggons. Each coffin contained the bones of the members of the tribe to which it was assigned. An empty couch, adorned as for a funeral, was borne in the procession to represent those whose bodies had not been found. The procession was accompanied by any citizens and aliens who wished to attend, and by women who were related to those who had fallen. In Greece, funeral orations were only pronounced at public funerals of the kind described, not, as at Rome, over individuals, even though they were specially distinguished (Dion. Hal. v. 17). This custom seems to have arisen about the time of the Persian wars (Dion. Hal. *l. c.*), and the two best known occasions of its use are those on which Pericles was the selected orator. The first of these was after the Samian war (B.C. 439), and the second at the end of the first year of the Peloponnesian war (Thuc. ii. 34 ff.). In other respects the procedure at a public funeral does not seem to have differed from that in use at private burials.

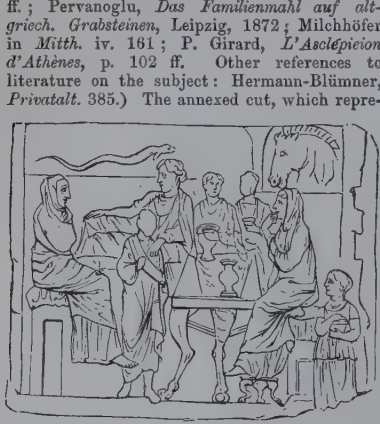
In spite of the statement of Lucian (*de Luctu*, 21) that the Greeks burnt their dead and the Persians buried them, it is certain, both from literary evidence and also from the excavation of tombs, that burning and burying were both practised by the Greeks. The word *θάπτειν* is used of the burial of the ashes after cremation, but *κατορύττειν* refers only to the burial of an unburnt body. Hence when in the *Phaedo* (115 E) Socrates speaks of his body as *ἢ καιόμενον ἢ κατορυττόμενον*, it is clear that both methods were in use. We hear of burial also among the Spartans (Plut. *Lyc.* 27; Thucyd. i. 134). In Homer we have no mention of any burial without burning; but in graves at Mycenae skeletons were found which showed no traces of fire. Evidence both of burning and burying has been found in graves of a later date in many parts of the Greek world (for references, see Hermann-Blümner, *Privatalterth.* p. 375). In particular the cemetery of Myrina may be mentioned, where the careful investigations of MM. Reinach and Pottier showed that burning and burial had been in use simultaneously, and that burial had been far the commoner way (*La Nécropole de Myrina*, p. 73).

The pile of wood (*πυρά*) upon which the body was burnt, was sometimes erected over the grave in which the ashes were to be buried. This is proved by the fact that at Myrina the sides of some of the tombs showed traces of fire. We have a full description of cremation in the Homeric period in *Il.* xxiii. 161 ff., where Achilles celebrates the funeral of Patroclus. The pyre is made a hundred feet in length and breadth, and the bodies of sheep, oxen, horses, dogs, and twelve Trojan captives are placed upon it. Honey and perfumes are also poured upon it before it is lighted. From Lucian it appears that similar sacrifices were customary at a much later time (*πόσοι γὰρ καὶ ἵππους καὶ παλλακίδας, οἱ δὲ καὶ οἰνοχόους ἐπικατέσφαξαν καὶ ἐσθῆτα καὶ τὸν ἄλλον κόσμον συγκατέφλεξαν ἢ συγκατώρυξαν, de Luctu*, 14). When the pyre was burnt down, the remains of the fire were quenched with wine, and the relatives and friends collected the bones or ashes (*Il.* xxiv. 791. Illustrated on vases: Gerhard, *Ant. Bildw.* pl. 31 = Baumeister, *Denkm.* p. 307, fig. 322; and *Bull. Napol.* iii. 14 = Baumeister, *Denkm.* p. 308, fig. 323). The remains thus collected were placed in a receptacle sometimes of gold, but generally of a less precious material, and buried. A description of these receptacles, of the other articles placed in the tomb, and of the tomb itself will be found in the article SEPULCRUM.

When bodies were buried without previous cremation, they were generally placed in coffins, which were called by various names, as *σοροί, πύελοι, ληνοί, λάρνακες, δροῖται*, though some of these names were also applied to the urns in which the bones were collected. The lowering of a coffin into the grave is represented in a vase-painting. (*Mon. Inst.* viii. pl. 4, 1 b; Baumeister, *Denkm.* p. 306.) For further information upon this point, see Stackelberg (*Die Gräber der Hellenen*, pl. 7, 8) and art. SEPULCRUM.

Immediately after the funeral was over, the relations partook of a feast which was called *περίδειπνον* or *νεκρόδειπνον* (Luc. *de Luctu*, 24; Cic. *de Legg.* ii. 25, 63; Hegesipp. *ap.* Athen. vii. 290 c). It was the custom that this feast should be given at the house of the nearest relative (Dem. *de Cor.* p. 321, § 355, *δέον ποιεῖν αὐτοὺς τὸ περίδειπνον ὡς παρ' οἰκειοτάτῳ τῶν τετελευτηκότων*). A number of bas-reliefs have been found representing a meal or banquet. These are known as "banquet-reliefs"; and it is often supposed that we have in them a picture of the *περίδειπνον*. This view, however,

cannot be considered as established. (See P. Gardner, *A Sepulchral Relief from Tarentum*, J. H. S. v. p. 105; Welcker, *Alte Denkmäler*, ii. 242 ff.; Lebas, *Monum. d'Antiq. figur.* p. 89 ff.; Pervanoglu, *Das Familienmahl auf altgriech. Grabsteinen*, Leipzig, 1872; Milchhöfer in *Mitth.* iv. 161; P. Girard, *L'Asclépieion d'Athènes*, p. 102 ff. Other references to literature on the subject: Hermann-Blümner, *Privatalt.* 385.) The annexed cut, which represents a relief of this class, is taken from the *Marmora Oxon.* i. tab. 52, No. 135.

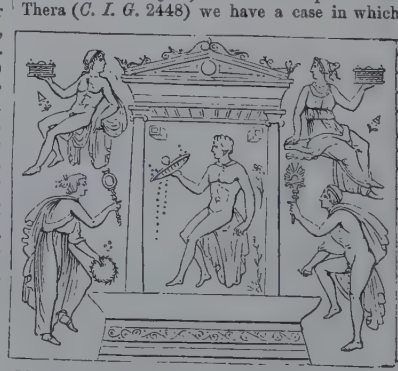


Funeral Banquet. (From a bas-relief.)

Other ceremonies were performed on the third, the ninth, and the thirtieth days after the funeral, and were called respectively *τρίτα*, *ἔνατα*, and *τριακὰς* or *τριακάδες*. (Pollux, viii. 146. See also Schömann on Isaeus, p. 217.) Aristoph. (*Lysistr.* 611, with Schol.) alludes to the *τρίτα*. The *ἔνατα* are sometimes mentioned in connexion with the *τρίτα* (Isaeus, *Menecl.* § 36), sometimes separately (Id. *Cir.* § 39). The rites on the thirtieth day (Pollux, *l. c.* and i. 66, iii. 102; Lexx. *s. v. τριακάς*) included a repetition of the funeral feast (Bekk. *Anecd.* p. 268, 19, *καθέδραι, ὑποδοχαὶ ἀνθρώπων· τῇ τριακοστῇ γὰρ ἡμέρᾳ τοῦ ἀποθανόντος οἱ προσήκοντες ἅπαντες καὶ ἀναγκαῖοι συνελθόντες κοινῇ ἐδείπνουν ἐπὶ τῷ ἀποθανόντι, καὶ τοῦτο καθέδρα ἐκαλεῖτο*). The *τριακοστεῖα* are forbidden in the inscription from Keos (*Mitth.* i. 139; Dittenberger, *Sylloge*, No. 468).

It was also the custom to bring offerings to the tomb on certain days in each year (*ἐναγίζειν καθ' ἕκαστον ἐνιαυτόν*, Isaeus, *Menecl.* § 46; Plat. *Legg.* iv. 717 E: *τὰ ἐνιαύσια* in the inscr. from Keos). Herodotus mentions that these annual sacrifices to the dead were called *γενέσια* (iv. 26), from which it is inferred that they were offered on the birthday of the deceased (compare Diog. Laert. x. 18). The name *νεκύσια* was also used in the same sense (Hesychius, *Γενέσια, ἑορτὴ πένθιμος Ἀθηναίοις· οἱ δὲ τὰ νεκύσια. καὶ ἐν τῇ ἡμέρᾳ, τῇ γῇ θύουσι*). The ceremonies which were performed at these stated intervals might be used at any other time, if for some reason it was necessary to appease the departed spirit. The word *ἐναγίζειν* was used for the act of offering, *ἐναγίσματα* for the things offered on these occasions. These consisted of libations (*χοαί*) of wine, oil, milk, honey mixed with water or milk (Aesch. *Pers.* 609 ff.; Eur. *Or.* 113 ff.), which were poured upon the ground (*γάποτοι*, Aesch. *Pers.* 621, *Choeph.* 97). Elaborate banquets were sometimes prepared, burnt in honour of the dead, and buried in a trench (Lucian. *Char.* 22). Wreaths were also placed upon the grave-stones, and they were anointed with perfumes (*ib.*).

The best idea of the rites performed at the grave is given by the numerous representations of them on Lekythi of the class already described. About 600 of these Lekythi have been found, and of these five-sixths bear representations of the bringing of offerings to the tomb. There is little variation in the scene. In the centre is the tomb, generally marked by a *stele*, sometimes by a mound. The *stele* is adorned with *taeniae*, by which sometimes Lekythi are suspended. Several persons on either side of the *stele* bring offerings of wreaths, *taeniae*, vases, birds, fruits, libations, and so forth. These persons are generally standing, but sometimes one is sitting on the pedestal on which the *stele* stands, or on a seat placed beside it. The following cut, which represents one of these scenes, is taken from Millin, *Peint. de Vases*, vol. ii. pl. 27. The tomb is in the form of a *ἡρῷον*, and upon it is a representation of the deceased. References to works in which vases of this class have been published are given by Pottier, *Étude sur les Lécythes blancs Attiques à représentations funéraires*, p. 51. Much importance was attached to the due performance of these annual rites (Isaeus, *de Men. Her.* § 46; *de Apoll. Her.* § 30; *de Philoct. Her.* § 51). In an inscription from Thera (*C. I. G.* 2448) we have a case in which



Offerings presented at the tomb. (From a Greek vase.)

a woman Epikteta left by will a sum of money for the purpose of celebrating annual sacrifices at her tomb.

The period of mourning varied in length at different places. At Athens the *τριακὰς* seems to have ended it, on the thirtieth day after the funeral (Lysias, *de caede Erat.* § 14). At Sparta it only lasted eleven days (Plut. *Lycurg.* 27). In the inscription from Gambreum near Pergamum, it is ordered that men are to lay aside mourning in the fourth month, women in the fifth (*C. I. G.* 3562; Dittenberger, 470, l. 10, *ἐπιτελεῖν δὲ τὰ νόμιμα τοῖς ἀποιχομένοις ἕσχατον ἐν τρισὶ μησίν, τῷ δὲ τετάρτῳ λύειν τὰ πένθη τοὺς ἄνδρας, τὰς δὲ γυναῖκας τῷ πέμπτῳ*).

Certain special rites were used in particular cases. A spear was carried in front of the body of any person who had died a violent death, as a symbol of the revenge which was to follow the murderer ([Dem.] *in Euerg. et Mnes.*

p. 1160, § 87; Eur. *Troad.* 1148; Lexx. *s. v.* ἐπενεγκεῖν δόρυ). In the case of those who had committed suicide, the hand which had done the deed was cut off and buried separately. (Aeschin. *in Ctes.* § 244, καὶ ἐάν τις αὐτὸν διαχρήσηται τὴν χεῖρα τὴν τοῦτο πράξασαν χωρὶς τοῦ σώματος θάπτομεν). Certain criminals, who were put to death by the state, were also deprived of burial, which was considered to be an additional punishment (Plut. *Them.* 22; Thuc. i. 134). The bodies of those persons who had been struck by lightning were regarded as sacred (ἱεροὶ νεκροί); they were not buried with others (Eur. *Suppl.* 935), but usually on the spot where they had been struck (Artemid. *Oneirocr.* ii. 9, p. 146). [BIDENTAL.]

It has been already mentioned that in public funerals of those killed in war, an empty couch was carried in the procession to represent those whose bodies had not been found. In other cases, where a person was supposed to be dead, though his body was not found, funeral rites were performed for him (Eur. *Hel.* 1241 ff.; Charit. iv. 1). If such a person was afterwards found to be alive, he was considered impure, and was not allowed to enter temples till certain rites had been performed. These rites consisted in an imitation of birth and the ceremonies connected with it. The δευτερόποτμος or ὑστερόποτμος (these were the names which were given to ὁ δεύτερον διὰ γυναικείου κόλπου διαδύς, Hesych. *s. v.*) was washed, wrapped in swaddling clothes, and fed with milk. Having been thus born again into life, he was freed from his impurity (Plut. *Q. R.* 5).

[Much of the literature bearing on special points has been referred to in the course of this article. For a general account of the subject, the most important books are J. Meursius, *de Funere;* Stackelberg, *Die Gräber der Hellenen;* Becker, *Charicles*, 4th English edition, pp. 383–402 = Becker-Göll, iii. 114–167; Wachsmuth, *Das alte Griechenland im neuen*, pp. 105–125—the ancient customs compared with the modern—and especially Hermann-Blümner, *Privatalterth.* p. 361 ff., where further references to literature on the subject will be found.]

2. ROMAN. Among the Romans also the burial of the dead was a most solemn duty. It was incumbent upon anyone who found an unburied body at least to cast earth upon it three times (Hor. *Od.* i. 28; Quintil. *Declam.* 5, 6; Petron. 114). If no funeral rites had been performed, the soul of the dead man could not be received among the shades, and wandered homeless upon the earth (Tertull. *de An.* 56, "Creditum est insepultos non ante ad inferos redigi, quam justa perceperint;" Plaut. *Mostell.* 499; Serv. *ad Aen.* iv. 386).

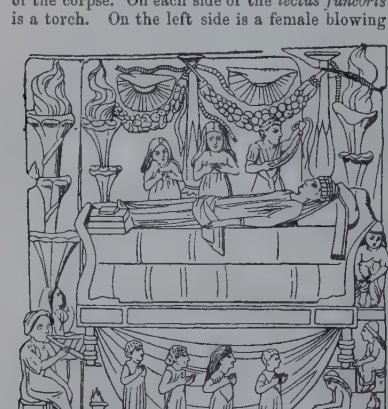
A near relation of the dying person caught the last breath in his mouth (Verg. *Aen.* iv. 684; Cic. *Verr.* v. 45, 118, and perhaps Ov. *Trist.* iv. 3, 41). As soon as he was dead his eyes were closed by one of those present (*claudere oculos*, Lucan. *Phars.* iii. 740; *premere*, Verg. *Aen.* ix. 187; *condere*, Ov. *Trist.* iii. 3, 44; *tegere*, *ib.* iv. 3, 44; *operire*, Plin. *N. H.* xi. § 150). This is shown on a relief on a sepulchral urn from Volterra (*Arch. Ztg.* 1846, plate 47; Baumeister's *Denkm.* p. 309). Then followed the *conclamatio*, variously explained as (1) a cry *in articulo mortis*, which seems probable from Propert. v. 7, 23; Ov. *Trist.* iii. 3, 43: (2) the recall of the dead by uttering his or her name three times, in order to ascertain the fact of death if there was no answer, a custom still in use at the death-bed of a pope: (3) as commonly understood, the lamentation for the dead when there was no longer any possibility of doubt; thus Marquardt (*Privatl.* 336). The

The *Conclamatio*, or lamentation for the dead. (From a Roman relief.)

mourners called repeatedly the name of the deceased, with loud cries, and exclamations such as *vale* (Lucan. *Phars.* ii. 22; Catull. ci.; Ov. *Met.* x. 62; *Fasti*, iv. 852). We may infer from a Roman relief (Baumeister, *Denkm.* p. 309, after Clarac, *Mus. de Sculpt.* pl. 154) which seems to represent the *conclamatio*, that horns were blown at the same time.

The body was then washed with warm water (Verg. *Aen.* vi. 218) and anointed with perfumes and spices (Persius, iii. 103; Ov. *Fast.* iv. 853). That this took place after the *conclamatio* we learn from Amm. Marc. xxx. 10: "Post conclamata imperatoris suprema, corpusque curatum ad sepulturam." The corpse was then clothed either in the toga (Juv. iii. 173, and Mayor's note; Mart. ix. 57, 8; Paulus, *Dig.* xv. 3, 19; Artemidor. *Oneirocr.* ii. 3), or in the state robes of any office which had been held by the deceased (Liv. xxxiv. 7; Polyb. vi. 53). The garments in which the corpse was clothed were sometimes splendid and costly (*vestes purpureae*, Verg. *Aen.* vi. 221; *pretiosae*, Val. Max. v. 5, 4. For gold stuffs found in tombs, see Raoul-Rochette,

Troisième Mém. sur les Ant. chrét. des Catacombes, Mém. de l'Acad. d'Inscr. xiii. 1838, pp. 641–650, 735, 736). Precious ornaments were often added. Rings, for example, are often found in graves, and we learn from Prop. iv. 7, 9 ("et solitam digito beryllon adederat ignis"), that they were sometimes burnt with the body. If the deceased had, when alive, received a crown as a reward for bravery or for success in the games of the circus, it was placed upon his head (Cic. *de Legg.* ii. 24, 60; Plin. *H. N.* xxi. 7; Serv. *ad Aen.* xi. 80). Gold wreaths have in several cases been found with skeletons (*Bull. dell' Inst.* 1835, 203–205; Raoul-Rochette, p. 653). Flowers were also used for the adornment of the couch on which the corpse was laid; and a censer (*acerra*) was placed beside it (Fest. *Epit.* p. 18). The annexed cut from a Roman relief in the Lateran Museum (Baumeister, p. 239, after *Mon. Inst.* v. tav. 6) represents the *lectus funebris*, on which the corpse of a female lies dressed. Two female mourners (*praeficae*) stand behind, and by their side a man in the act of putting a garland on the head of the corpse. On each side of the *lectus funebris* is a torch. On the left side is a female blowing



The Lectus Funebris. (From a Roman relief.)

the flute, and above another with folded hands; on the right side sit three females, wearing the pilleus (probably manumitted slaves): below is the family of the deceased. Among the Romans, as among the Greeks, it was customary to place a small coin in the mouth of the deceased, for the purpose of paying Charon's passage-money. This is alluded to by Juvenal (iii. 267) and Propertius (iv. 11, 7), but not by earlier writers. Coins, however, have been found in graves of an earlier date than the Second Punic War (*C. I. L.* i. p. 27); and in graves at Praeneste, dating from the third century B.C., coins were actually found in the mouths of the skeletons (*Annali*, 1835, p. 76; *C. I. L.* i. p. 28). In the imperial times the practice was common and widely extended.

The preparations necessary for the due laying out of the body were performed by the *Pollinctores* (Plaut. *Asin.* v. 2, 60; *Poen. Prol.* 63). Two derivations of this word are given by the ancients, both equally improbable, but giving an indication of the functions of the *pollinctor*: "Dicti autem pollinctores quasi pollutorum unctores" (Fulgentius, *de Serm. Ant.* 3); "a polline, quo mortuis os oblinebant ne livor appareret extincti" (Serv. *ad Aen.* ix. 483). It is probable also that the *pollinctor* took the mould of the dead man's face, from which the wax *imago* was made, to be kept in the *atrium* of the house by his descendants, and used in funeral processions in a way shortly to be described. The *pollinctor* was furnished by the *Libitinarius* or undertaker, who entered into a contract for conducting the whole funeral. The latter got his name from the fact that he exercised his business at the temple or grove of Libitina, the goddess of corpses and funerals: ἐπίσκοπον τῶν περὶ τοὺς θνήσκοντας ὁσίων θεὸν οὖσαν (Plut. *Num.* 12, § 1; *Quaest. Rom.* 23; Liv. xl. 19, xli. 21; Mayor's note on Juv. xii. 121). Deaths were also registered at this temple (Suet. *Ner.* 39; Dion. Halic. iv. 15); and the offering called *lucar Libitinae* was made [LUCAR]. Undertakers are said *exercere Libitinam* (Val. Max. v. 2, 10), and the expressions *vitare Libitinam*, *evadere Libitinam* are used in the sense of escaping death (Hor. *Carm.* iii. 30, 6: cf. *Sat.* ii. 6, 19; Juv. xii. 121).

When the body had been thus prepared and adorned, it was laid upon a couch of state, generally in the *atrium* of the house, with the feet towards the door (Plin. *H. N.* vii. § 146; Pers. iii. 105). Outside the door of the house were placed branches of cypress or pine (Plin. *H. N.* xvi. §§ 40 and 139; Serv. *ad Aen.* iii. 64), for the purpose of warning those who might be polluted by entering a house in which was a corpse (Servius, *l. c.*). The cypress was apparently only used by those of good position ("et non plebeios luctus testata cupressus," Lucan, iii. 442). We are told by Servius (*ad Aen.* v. 64) that the corpse lay in state for seven days before burial. This can only have been the case in exceptional circumstances, when some form of embalming was used.

Funerals were conducted by the family of the deceased (*funus privatum*) except in cases where a public funeral (*funus publicum*) was voted, either by the senate (Cic. *Phil.* ix. 7) or in provincial towns by the *decuriones*, as a mark of honour or respect to the deceased. (The formula "Hinc decuriones funus publicum . . . locum sepulturae decreverunt" occurs in inscriptions: Mommsen, *I. N.* 5250; *C. I. L.* iii. 3055, 3128, 3137: see Wilmanns, 296 ff., and variations of the formulae given there.) We find this honour paid in the case of foreign kings who died in Italy, as Syphax and Perseus (Val. Max. v. 1, 1); and men who had fallen in the service of their country, as Hirtius and Pansa (Val. Max. v. 2, 10). In imperial times it became commoner. Sometimes, though a *funus publicum* was not voted, a subscription was raised to meet the funeral expenses, as in the cases of Menenius Agrippa (Liv. ii. 33, 12), Valerius Publicola (Liv. iii. 18, 16), and Q. Fabius Maximus (Val. Max. v. 2, 3). A particular kind of funeral was appropriate to each grade of the magistracy; the highest being the *censorium funus* (Tac. *Ann.* iv. 15, vi. 27, xiii. 2; *Hist.* iv. 47).

A public invitation was given to all im-

portant funerals by a herald (*praeco*). Hence the phrases *funus indicere*, *funus indictivum* (Suet. *Jul.* 84; Cic. *de Legg.* ii. 24, 61; Varro, *L. L.* v. 160, vii. 42; Festus, p. 334 b, 27, and *Epit.* p. 106, *s. v.*). The formula of invitation has been preserved: "Ollus Quiris leto datus. Exsequias, quibus est commodum, ire jam tempus est. Ollus ex aedibus effertur." (Varro, *ll. cc.*; Festus, p. 254 d, 34: cf. Ov. *Am.* ii. 6, 2; Sil. Ital. xv. 395; Ter. *Phorm.* v. 9, 37.) *Translaticium funus* is used for an unceremonious burial (Suet. *Ner.* 33).

In ancient times all funerals took place by night (Serv. *ad Aen.* xi. 143, "apud Romanos moris fuit ut noctu efferrentur ad funalia"); in later times only those of children (*acerba funera*; Serv. *l. c.* "moris Romani erat ut impuberes noctu efferrentur ad faces;" Sen. *de brev. Vit.* 20, 5; *de Tranq. Animi*, ii. 7), and poor people whose means did not admit of sufficient display for the day-time (Fest. *Epit.* p. 368; Mart. viii. 75). The Emperor Julian issued an edict ordering that all funerals should take place at night, in order that the ordinary business of the day and the worship of the gods might not be interrupted. That funerals in the day-time were a serious obstruction we learn from Hor. *Ep.* i. 6, 42. The torches with which funerals were always accompanied were probably a relic of burial by night, though no doubt they also served for lighting the pyre. (Verg. *Aen.* xi. 142, vii. 337; Tac. *Ann.* iii. 4, at the funeral of Germanicus, "conlucentes per Campum Martis faces;" Pers. iii. 102; Mart. viii. 43; Prop. v. 11, 46, "Viximus insignes inter utramque facem.")

An opportunity for the display of splendour was given by the funeral procession, and was so largely used by families of wealth and position, that we find sumptuary laws to regulate such expenses among the Tables of the Decemviri (Cic. *de Legg.* ii. 23, 59) and the enactments of Sulla (Plut. *Sull.* 35). The order of the funeral procession was regulated by the *designator* or *dissignator*, whose attendants were dressed in black. Their being called "lictors" by Horace appears to be only a joke (*Ep.* i. 7, 5, where Acron says, "Designatores dicuntur qui ad Lucum Libitinae funeri praestanti conducuntur ut defuncti cum honore efferantur"). The order in which the various parts of the procession came is uncertain, but it is generally supposed that at the head of it were the Musicians (*siticines*, Ateius Capito *ap.* Gell. xx. 2), who made use of *tubae* (Gell. *l. c.*; Ovid. *Am.* ii. 6, 6), *tibiae* (Stat. *Theb.* vi. 121; Suet. *Jul.* 84; Ov. *Fast.* vi. 653), and *cornua* (Hor. *Sat.* i. 6, 44). The number of *tibicines* was by the Twelve Tables limited to ten (Cic. *de Legg.* ii. 23, 59). Then followed (at any rate in earlier times) the mourning women, called *Praeficae* (Non. p. 66: "Praeficae dicebantur apud veteres quae adhiberi solent funeri mercede conductae ut et flerent et fortia facta laudarent," Hor. *A. P.* 431; Varr. *L. L.* vii. 70), who sang the *naenia* or *lessus*, a mournful song in praise of the dead man (Cic. *de Legg.* ii. 24, 62; Varr. *de Vita P. R.* lib. iv.). These *Praeficae* are probably represented (before the funeral procession, while the body is still lying in state) in an Etruscan relief (Abeken, *Mittelitalien*, pl. viii.), which is reproduced in the woodcut below.

Then followed in some cases dancers and mimes (Dion. Hal. vii. 72, *εἶδον δὲ καὶ ἐν ἀνδρῶν ἐπισήμων ταφαῖς ἅμα ταῖς ἄλλαις πομπαῖς προηγουμένους τῆς κλίνης τοὺς σατυριστὰς*

The Praeficae. (From an Etruscan relief.)

χοροὺς κινουμένους τὴν σικίννην ὄρχησιν, μάλιστα δ' ἐν τοῖς τῶν εὐδαιμόνων κήδεσιν: artifices scenici, Suet. *Jul.* 84), who were allowed, as in a triumph, free licence of jesting. We learn from Suetonius (*Vesp.* 19) that it was the custom for the *archimimus* to wear a mask in the likeness of the deceased, to imitate his speech and manners, and even to make jests at his expense.

The most striking part of the procession was probably formed by the *imagines*. We are told by Polybius (vi. 53) that the *imagines*, or wax masks representing distinguished ancestors of the deceased, were brought out from their resting-place in the *atrium*, and each was worn by a man chosen to resemble as nearly as possible the person whom he was supposed to represent, and clothed in the dress of the office which the prototype of the mask had held. Each rode upon a chariot, and was accompanied with due pomp of lictors and other insignia of his office. Thus all the distinguished ancestors of the dead man were present in effigy at his funeral ("semper defuncto aliquo totus aderat familiae ejus qui unquam fuerat populus," Plin. *H. N.* xxxv. § 6). If he was of good birth, many families to which he was related were represented by their *imagines* (Tac. *Ann.* iii. 76; iv. 9), and the actual number was sometimes very great. At the funeral of Marcellus there are said to have been 600 (Serv. *ad Aen.* vi. 802).

Sometimes as a special honour spoils, crowns, and other records of victories and triumphs were carried before the bier. This was done in the case of Augustus (Tac. *Ann.* i. 8; Dio Cass. lvi. 34) and Coriolanus (Dion. Hal. viii. 59). The procession was also swelled by the slaves who were liberated by the will of the deceased, all with shorn heads, wearing the *pilleus* (Liv. xxxviii. 55; Appian, *Mithr.* 2; Cod. Just. 7, 6, 5: "Sed et qui domini funus pileati antecedunt vel in ipso lectulo stantes cadaver ventilare videntur, si hoc ex voluntate fiat vel testatoris vel heredis, fiant ilico cives Romani"). The bier itself was sometimes carried by these liberated slaves (Pers. iii. 106).

The body was placed uncovered on a bier or couch (*feretrum*, *torus*), which in great funerals was elaborately decorated (Suet. *Jul.* 84). In some cases, probably when decay had begun to disfigure the features, the body was placed in a coffin (*capulus*), and a waxen representation (*effigies*) was exposed to view instead (Tac. *Ann.*

iii. 5; Sil. Ital. x. 568; Appian, *B. C.* ii. 147; Dio Cass. lvi. 34, lxxiv. 4, 2; Herodian, iv. 2, 2). The bier was carried, as mentioned above, by liberated slaves, by near relations (Velleius, i. 11; Plin. *H. N.* vii. § 146; Cic. *Tusc.* i. 35, 85; Val. Max. vii. 1, 1; Hor. *Sat.* ii. 5, 86), or, in the case of emperors, by magistrates and senators (Suet. *Jul.* 84, *Aug.* 100; Tac. *Ann.* i. 8).

In the burial of the poor and of slaves of course all this pomp was absent. Hired bearers (*vespillones*), six (Mart. vi. 77, 10) or four (*ib.* viii. 75, 9) in number, carried the body in a simple wooden coffin or bier, which was not buried with the body (*sandapila*, Mart. ii. 81, ix. 2, 12; *popularis sandapila*, Suet. *Dom.* 17; *orciniana sponda*, Mart. x. 5, 9; *vilis arca*, Hor. *Sat.* i. 8, 9).

The relations of the deceased followed behind the bier, dressed in mourning. The sons of the deceased had their heads veiled, while the daughters went uncovered and with dishevelled hair (Plut. *Quaest. Rom.* 11). Mourning was shown by very much the same signs as in modern times, viz. by the absence of adornment and the wearing of black garments (Juv. x. 245; Prop. v. 7, 28; Tac. *Ann.* iii. 2; *pullus*, Juv. iii. 213). Under the Emperors white seems to have been substituted for black as the mourning colour for women (Plut. *Quaest. Rom.* 26; Herodian, iv. 2, 3; Stat. *Silv.* iii. 3, 3). The women were also in the habit of crying aloud, tearing their hair and lacerating their cheeks in the funeral procession itself (Prop. iii. 13, 27; Serv. *ad Aen.* iii. 67, "Varro dicit mulieres in exsequiis et luctu ideo solitas ora lacerare, ut sanguine ostenso inferis satisfaciant").

In this order the funeral train proceeded to the forum. There it halted before the rostra, the wearers of the *imagines* took their seats upon curule chairs, and the *laudatio funebris* was pronounced, generally by a close relation of the deceased (Polyb. vi. 53; Dion. Hal. v. 17, xi. 39; Plut. *Lucull.* 43; Hor. *Sat.* i. 6, 43); though in the case of a *funus publicum* this function might be assigned by a *senatusconsultum* to one of the magistrates (Quintil. *Instit.* iii. 7, 2). Dionysius (*l. c.*) expressly tells us that the *laudatio* was entirely different from the ἔπαινος, which in Greece was pronounced over the grave of soldiers who had been killed in war; for the *laudatio* was used in the case of all distinguished men, whether soldiers or statesmen, and without regard to the way in which they had died. The custom at Rome was very ancient. The earliest instance recorded is the panegyric delivered by Publicola over his colleague Brutus (B.C. 509); from that time onwards it is frequently mentioned both in republican and imperial times, and there are traces of it even after the introduction of Christianity. These funeral orations were preserved (Cic. *Brut.* 16, 61) and sometimes published (Plut. *Fab.* 24; Plin. *H. N.* vii. § 139; Suet. *Jul.* 6), but Cicero and Livy both point out that they were untrustworthy as records of fact (Cic. *Brut.* 16, 61, "his laudationibus historia rerum nostrarum est facta mendosior;" Liv. viii. 40, 4, "Vitiatam memoriam funebribus laudibus reor").

The honour of the *laudatio* seems to have been given by special decree or permission in each case, and not by any defined qualification (Dion. Hal. ix. 54; Tac. *Ann.* iii. 76). Women were not excluded from it; though there was some uncertainty, even among the ancients, as to the date at which the usage was first extended to them (Plut. *Camill.* 8; Liv. v. 50, 5; Cic. *de Or.* ii. 11, 44).

From the forum the procession moved on to the place of burning or burial, which, according to a law of the Twelve Tables, was obliged to be outside the city, though special exceptions were sometimes made (Cic. *de Legg.* ii. 23, 58). [SEPULCRUM.] Both burning and burial were in use among the Romans. Cicero (*de Legg.* ii. 22, 56) and Pliny (*H. N.* vii. § 187) both hold the view that burial was the more ancient custom. Pliny further says that burning was introduced because it was found that the bodies of those killed in distant countries and buried there were dug up and scattered by the enemy. We may conjecture, however, that the change was partly brought about by motives of health and convenience. In certain families the practice of burial was kept up, after burning had become general. Sulla was the first of the Cornelii to be burnt. The reason, according to Cicero and Pliny, of the departure from the custom of his family was, that he feared lest his own bones should receive the same treatment as he had given to those of Marius. In later times burning became far more common than burial, though the latter was always used in the case of children who died before they had cut their teeth ("Hominem priusquam genito dente cremari mos gentium non est," Plin. *H. N.* vii. 72; Juv. xv. 140), and in the case of those who had been struck by lightning. [BIDENTAL.] It seems also that persons of the poorest classes were always buried. After the introduction of Christianity, and probably through its influence, burial again came into use instead of burning. *Sarcophagi*, which are rare in the first century at Rome, become common in the third and fourth, and Macrobius (at the end of the fourth cent.) says that burning was no longer in use in his time ("licet urendi corpora defunctorum usus nostro saeculo nullus sit").

The view that burial was older than cremation is confirmed by some Roman customs. According to Pontifical law, the essential part of the funeral ceremony was the casting of earth upon the face of the corpse (Cic. *de Legg.* ii. 22, 57, "priusquam in os injecta gleba est, locus ille ubi crematum est corpus nihil habet religionis"). Again, when a body was to be burnt, it was the custom to cut off some portion of it, called *os resectum*, which was subsequently buried (Fest. *Epit.* p. 148, "Membrum abscidi mortuo dicebatur, quum digitus ejus decidebatur, ad quod servatum justa fierent, reliquo corpore combusto;" Cic. *de Legg.* ii. 22, 57; Varr. *L. L.* v. 23; Plut. *Q. R.* 24, 60, 79; Reinach and Pottier, *La Nécropole de Myrina*, p. 75). By this means the newer and more convenient method was adopted, while the ancient regulation which prescribed burial was still carried out.

The remaining rites varied, according as the body was to be buried or burnt. In the case of burial the body was placed in the grave either on the bier on which it had been carried, or in a sarcophagus. Numerous objects were also placed in the grave. (For an account of them

and of the different kinds of graves, see SEPULCRUM.) The ceremonies which followed had the double object of making the grave a *locus religiosus*, and of purifying the family and house which had been defiled by the presence of a corpse. Earth was thrown upon the face of the dead (Cic. *de Legg.* ii. 22, 57), a pig was sacrificed (*ib.*), and an offering was made to the Lares (*ib.* 22, 55). The day on which these sacrifices took place was called *feriae denicales* (Fest. *Epit.* p. 70). A funeral feast called *silicernium* was also held, apparently on the day of the funeral, and by the grave (Varr. *ap.* Non. p. 48, 8). The period of mourning lasted nine days (*novendiale*), though it is uncertain whether this period was reckoned from the day of death or the day of burial (Serv. *ad Aen.* v. 64; Porphyr. *ad* Hor. *Epod.* 17, 48; Apuleius, *Met.* ix. 30, 31). At the end of this period a *sacrificium novendiale* was offered to the dead (Porphyr. *l. c.*), and a *cena novendialis* was held (Tac. *Ann.* vi. 5).

The burning of a body sometimes took place at the spot where the ashes were to be interred. In this case the funeral pile (*rogus, pyra*) was erected over the trench which was subsequently to be the grave (*bustum*). The body, however, was often burnt at a place near the monument, specially destined for this purpose, *ustrinum, ustrina* (Fest. *Epit.* p. 32). The pyre was built of wood, in the form of an altar (Verg. *Aen.* vi. 177, and Servius *in loc.*). A law of the Twelve Tables ordered that it should not be smoothed with an axe ("rogum ascia ne polito," Cic. *de Legg.* ii. 23, 59). They were sometimes painted (Plin. *H. N.* xxxv. § 49), the sides might be covered with dark leaves (Verg. *Aen.* vi. 216), and cypress-trees were placed in front (Verg. *l. c.*; Ov. *Trist.* iii. 13, 21; Sil. Ital. x. 535). On the top of the pile the corpse was placed, with the couch on which it had been carried (Tibull. i. 1, 61). Many things were placed on the pyre by the relations and mourners, such as clothes, arms (Lucan, ix. 175), ornaments, hunting nets and apparatus (see a will preserved in an inscription, Wilmanns, 315), horses, dogs, birds (Plin. *Ep.* iv. 2). It was also sprinkled with perfumes, gums, and spices (Stat. *Silv.* ii. 1, 158; v. 1, 210; Mart. x. 97; Lucan, viii. 729; Plin. *H. N.* xii. § 83), though *sumptuosa respersio* was forbidden by the Twelve Tables (Cic. *de Legg.* ii. 24, 60).

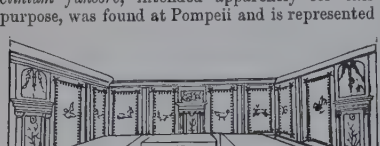
The pyre was lighted by one of the relations, with face turned away (Verg. *Aen.* vi. 224). When it was burnt down, the glowing ashes were extinguished with water or wine (Verg. *Aen.* vi. 226; Stat. *Silv.* ii. 6, 90; Plin. *H. N.* xiv. § 12). Those who had taken part in the funeral uttered a last farewell (Verg. *Aen.* ii. 644, i. 219, iii. 68, xi. 97, and Servius' notes) and departed, while the nearest relations remained to collect the bones and ashes when they were dry. This was probably done as a rule on the day of the funeral. The case of Augustus (Dio Cass. lvi. 42) seems to have been exceptional. The bones were sprinkled with wine (though it is not certain that this sprinkling is to be separated from that mentioned above), dried with a linen cloth, and placed in an urn or box with perfumes and spices (for a description of the various kinds of receptacle used, see SEPULCRUM). Tibullus describes minutely this part of the funeral (iii. 2, 19 ff. See also Ov. *Trist.* iii. 3, 69; *Fast.* iii. 561). The urn was then placed in the sepulchre [SEPULCRUM].

It has already been mentioned that if the body was burnt, the *os resectum* was buried separately. The ceremonies of the *feriae denicales* were used, as in the case of the burial, including the throwing of earth upon the remains of the dead (Cic. *de Legg.* ii. 22, 57). It does not appear at what moment this was done; but the object of it was to consecrate the place of burial, to make it a *locus religiosus*. After the bones and ashes of the deceased had been placed in the urn, the persons present were thrice sprinkled by a priest with pure water from a branch of olive or laurel, for the purpose of purification (Verg. *Aen.* vi. 229; Serv. *in loc.*); after which they were dismissed by the *praefica* or some other person, by the solemn word *Ilicet*, that is, *ire licet* (Serv. *l. c.*). In the case of burning the practices connected with the *silicernium* and the *novendiale* seem to have been the same as in the case of burial (see above). When those who had accompanied the funeral returned home, they underwent a purification called *suffitio*, which consisted in being sprinkled with water and stepping over a fire (Festus, p. 3, s. v. *Aqua et igni*). It was then also perhaps that the house was swept with a special kind of broom. ("Nam exverrae sunt, purgatio quaedam domus, ex qua mortuus ad sepulturam ferendus est, quae fit per everriationem certo genere scoparum adhibito, ab extra verrendo dictarum," Festus, p. 58, s. v. *Everriator.*)

In the case of important funerals, scenic or gladiatorial exhibitions were often given. Gladiatorial combats were originally specially appropriated to funerals, and the word *munus* is used in a special sense for these exhibitions, as a service due to the dead (Tertull. *Spect.* c. 12). *Munera* in connexion with funerals are frequently mentioned by Livy (*Epit.* 16; xxiii. 30; xxxi. 50; xxxix. 46; xli. 28) and others (Suet. *Jul.* 26; Plin. *H. N.* xxxiii. § 53; Cic. *pro Sest.* 58, 124, &c.). Provision was sometimes made for these shows in the will (*C. I. L.* i. 1199 = Wilmanns, 2037; Cic. *in Vatin.* 15, 37; *pro Sulla*, 19, 54; Hor. *Sat.* ii. 3, 84). Scenic exhibitions were less common; but the Didascalia to the *Adelphi* of Terence tells us that that play was performed at the *ludi funebres* of Aemilius Paullus (B.C. 160), and we are informed by Livy that *ludi scenici* as well as gladiatorial combats were exhibited at the death of T. Flamininus (B.C. 174). We also hear of distributions of food (*visceratio*, Liv. viii. 22, xxxix. 46, xli. 28) and public banquets (Suet. *Jul.* 26; Liv. xli. 28).

It remains to give some account of the annual rites performed at the tombs in honour of the *manes*. Certain days in February (13th–21st) were set apart as *dies parentales*, or *parentalia*. The last of these days was specially known as *feralia* (Ov. *Fast.* ii. 569; Cic. *ad Att.* 8, 14, 1; Liv. xxxv. 7). The ceremonies performed at this time are described by Ovid (*Fast.* ii. 533 ff.). Offerings to the Manes (*inferiae*) were brought to the tomb. These consisted of wine and milk (Verg. *Aen.* v. 77, 98, iii. 66; Sil. Ital. xvi. 309), honey and oil (Wilmanns, 883 = Orelli, 642), the blood of victims, especially of black sheep, pigs and cattle (Verg. *Aen.* iii. 67, v. 96;

Arnob. vii. 20), various fruits, bread, salt (Ovid, *l. c.*; Plutarch, *Crass.* 19), and eggs (Juv. v. 84). The tomb was also adorned with wreaths and flowers, especially roses and violets (Ov. *l. c.*; Suet. *Ner.* 57; Verg. *Aen.* v. 79, vi. 884; Tibull. ii. 6, 32, &c.). A meal was also eaten at the grave (Cic. *pro Flacco*, 38, 95). A *triclinium funebre*, intended apparently for this purpose, was found at Pompeii and is represented



Funeral Triclinium at Pompeii.

in the accompanying woodcut. During the *dies parentales* temples were shut and marriages forbidden (Ov. *Fast.* ii. 557 ff.), and the magistrates laid aside the insignia of their office (Lydus, *de Mens.* iv. 24). The terms *parentare*, *parentatio*, were also applied to similar rites performed on other days of the year, such as the day of birth, death, or burial of the person to be honoured. Special days were also appropriated to roses and violets (*rosatio*, *rosaria*, *rosalia*; *violatio*; Plin. *H. N.* xxi. § 11, and frequently in inscriptions: Wilmanns, *Index*, p. 695; *C. I. L.* 2046, 2072, 2090, 2176, 2135, &c.; vi. 9626, 10239, 10248, &c.).

(Kirchmann, *De funeribus Romanorum*, 1637; Becker, *Gallus*, 4th English edit., pp. 505–523 = Becker-Göll, iii. 481–547; Raoul-Rochette, *Troisième Mémoire sur les Antiquités chrétiennes des Catacombes*, in *Mém. de l'Acad. des Inscriptions*, vol. xiii., 1838, pp. 529–788; and especially Marquardt, *Privatl.* pp. 340–385.) [SEPULCRUM.] [H. B. S.]

FURCA, dim. FURCULA, FURCILLA (*δίκρανον*, *δίκρουν ξύλον*), a fork. 1. A two-pronged fork used for various agricultural purposes, *e.g.* haymaking (Varr. *R. R.* i. 49, § 1). It is this kind which gave rise to the proverbial expression "to turn out with a pitchfork," *i.e.* forcibly and without ceremony (*δικροῖς ὠθεῖν*, Aristoph. *Pax*, 637; *δικράνοις ἐξωθεῖν*, Lucian, *Tim.* 12; *furcillis extrudimur*, Cic. *ad Att.* xvi. 2, § 4; *musae furcillis praecipitem ejiciunt*, Catull. cv. 2; *naturam expellas furca*, Hor. *Ep.* i. 10, 24). 2. A wooden fork used as a prop, *e.g.* for vines (Verg. *Georg.* i. 264; ii. 359); for planks to stand on in the Circus Maximus (Liv. i. 35, § 9); for supporting a two-wheeled carriage while the animals were being yoked to it (Greek *στήριγξ*, Lys. *ap.* Poll. x. 157); or as explained by Plutarch of props in general (*ἐκαλεῖτο δὲ φούρκιφερ· ὃ γὰρ Ἕλληνες ὑποστάτην καὶ στήριγμα, τοῦτο Ῥωμαῖοι φούρκαν ὀνομάζουσι, Coriol.* 24). 3. The end of the pole of a carriage, forked like a Λ where it joins the axle (Ginzrot, *Wagen und Fahrwerke*, i. 96). This, Marquardt thinks, was the original furca placed round the necks of slaves as an old domestic punishment (*Privatl.* 182). 4. From the earliest times the furca was a well-known instrument for punishing not only slaves, but freemen (Liv. i. 26). Here, however, we must distinguish between the punishment awarded to Horatius at his first trial, which was scourging under a furca followed by hanging (not crucifixion: see CRUX, p. 567 *a*), and the punishment believed in later times to have been *more majorum*, in which the criminal was scourged to death (Tac. *Ann.* ii. 32, xvi. 11; Suet. *Nero* 49 [where it is described]; Aurel. Vict. *Epit.* 5). In these cases the furca was a piece of wood in the form of the letter Λ, which was placed upon the shoulders of the offender, whose hands were tied to it. Slaves were frequently flogged in this way, and were obliged to carry about the furca wherever they went (Liv. ii. 36; Cic. *de Div.* i. 26, § 55; Plut. *Cor.* l. c.; cf. Plaut. *Cas.* ii. 6, 37, *Pers.* v. 2, 78; Donat. *ad* Terent. *Andr.* iii. 5, 12); whence furcifer as a term of reproach (Cic. *in Vatin.* 6, § 15; Hor. *Sat.* ii. 7, 22). A somewhat similar instrument was used in carrying burdens on the neck, and occurs in the reliefs of the Column of Trajan. For the furca in crucifixion, see PATIBULUM. 5. The question of the use of table forks in antiquity has lately been re-opened, but the negative conclusions of Beckmann (*Hist. of Inventions*, ii. 407–414, ed. Bohn) have not been seriously shaken. Forks were doubtless used for kitchen purposes, such as taking down meat from the *carnarium* (Petron. 95), carving, &c.; but the fact that forks for eating are neither mentioned by authors, represented in paintings or sculptures, nor found among the ample domestic stores of Herculaneum and Pompeii, was rightly judged decisive of the question. Some doubtful and unverified exceptions are discussed by Beckmann (*l. c.* p. 411), and more recently by Marquardt (*Privatl.* 308 n.). Some slightly better evidence is now produced. Two silver forks of tasteful design were dug up in Rome in 1874, and pronounced by Castellani to be of the second century; from which date, he thinks, forks were in constant use among the cultivated classes: a bronze fork was also found at Rome, and an iron one at Rondineto, in 1878. Marquardt, while recording these facts, remarks cautiously that further discoveries will perhaps yield a solution. The use of fingers is too well attested to be easily disposed of; cf. CENA, pp. 394 *a*, 397 *a*. (Rich, *s. v.*; Marquardt, *Privatl.* 182 f., 307 f.)

[W. S.] [W. W.]

FU'RCIFER. [FURCA.]

FURIO'SUS. [CURATOR.]

FURNUS. [FORNAX.]

FUROR. [CURATOR.]

FURTI ACTIO. [FURTUM.]

FURTUM, "theft," is the act of unlawfully handling a thing capable of being stolen, with the wrongful intention either of entirely appropriating it, or only of making use of it, or of obtaining possession of it, for the sake of gain. Thus it is defined by Paulus (Dig. 47, 2, 1, 3: cf. Inst. iv. 1, 1) as being "contrectatio rei fraudulosa lucri faciendi gratia vel ipsius rei vel etiam usus ejus possessionisve." Movable things only could be objects of furtum, for the opinion of some jurists that there could be furtum of land did not prevail (Dig. 41, 3, 38: cf. Gell. *Noct. Att.* xi. 18). Things without an owner (*res nullius*) as were animals *ferae naturae* in a free state, and things abandoned by their owner, could not be stolen; but everything subject to the will of a paterfamilias, which was not *res immobilis*, was capable of furtum,

including free persons under power as well as slaves.

There could be no furtum unless there was an *animus furandi*, or wrongful intention of appropriating property ("furtum ex affectu consistit," Gaius, ii. 50): consequently a person who took the property of another in the belief that it was his own did not commit it. It was not, however, necessary that a person taking a thing should know whose property it was: the bare knowledge of a finder of lost property that it belonged to some one was sufficient to make him liable if he appropriated it. The intention had to be directed to gain; hence an act of interference with the property of another, done merely in a sportive way or maliciously, was not furtum.

An impubes might commit furtum if he was of sufficient capacity to understand what he was doing, and there was a presumption of such capacity if he was bordering on the state of puberty. The *animus furandi*, however clearly manifested by overt acts, did not make a person liable, unless it was accompanied by a *rei contrectatio*. The *contrectatio* consisted in moving a thing from its place; on its taking place the act of furtum was complete, although the design of appropriating the thing was immediately abandoned; but it was requisite that the act should be contrary to the wish of the party whose property was affected by it (*invito domino*), since otherwise the principle "volenti non fit injuria" was applicable. A person was guilty of theft who assisted in carrying it out, though he did not himself handle the *res*, as if a man should jostle you in order to give another the opportunity of taking your money; or drive away your sheep or cattle in order that another might get possession of them: but merely to instigate a furtum without taking part in its execution was not furtum. Furtum might take place in various ways. In its earliest form it may have been confined to acts similar to those which constitute theft and robbery in English law, but it came to have a much wider scope. A man might commit the offence by converting property entrusted to him to his own use (*intervertere, intercipere*), as by unlawfully alienating it. If the intention was only to make a wrongful use of a *res aliena*, it was *furtum usus*. A depositarius would commit a *furtum usus* if he made use of the thing deposited with him. To use a thing lent for use in a different way to that for which it was lent was also *furtum usus*. A debtor might commit furtum by taking possession of a thing which he had given as a pledge (*pignori*) to a creditor; or by taking his property when in the possession of a bonâ-fide possessor, instead of recovering it by means of *vindicatio*. These are cases of *furtum possessionis*. Thus not only a *res aliena* might be an object of furtum, but it was possible in certain cases for an owner to commit furtum in respect of his own property. Accordingly the definition of Paulus is "rei contrectatio fraudulosa" without the addition of "alienae." The distinction between furtum rei, usus, and possessionis was not intended as a classification of theft into three distinct kinds, but only to indicate the extent of the meaning of the term *furtum*. This is well explained by Vangerow, *Pandekten*, iii. § 679.

Furtum was either *manifestum* or *nec manifestum*. It was clearly *manifestum* when the person was caught in the act, and it is probable that at first such furtum did not extend beyond this limit. In various other cases, however, there came to be a difference of opinion as to whether the furtum was manifestum or not. Some jurists thought that it was only furtum manifestum if the *fur* was caught in the place where the theft was committed; others went so far as to hold that it was furtum manifestum if the *fur* was found at any time with the thing stolen in his hands; but this opinion was rejected, and an intermediate one adopted by Justinian, that it was sufficient if the *fur* was detected before he reached the place to which he designed to carry the thing (Gaius, iii. 184; Inst. iv. 1, 3). That which was not furtum manifestum was nec manifestum.

The punishment for furtum manifestum was by the law of the Twelve Tables capital; that is, it affected the caput or legal capacity of the delinquent: a freeman was flogged and assigned as a bondsman (*addictus*) to the injured party, unless he could buy off the claim of the latter to vengeance (Cic. *pro Tull.* § 50; Gell. xx. 1; Gaius, iii. 189): a slave was flogged and thrown from the Tarpeian rock. The Edict of the Praetor subsequently substituted for this punishment an *actio quadrupli*, which entitled the injured party to claim from the thief fourfold the value of the thing stolen. The penalty of the Twelve Tables, in the case of furtum nec manifestum, was *duplum;* that is, double the value of the thing. The reason of this difference of penalty seems to be, that a person who detected a thief in the act would be likely to punish him more severely than if he was discovered afterwards, and in order to prevent the injured party from taking the law into his own hands the same distinction of punishment is adopted by the state. The notion of furtum manifestum is also found in German law (Grimm, *Rechtsalterth.* 637). The action by which the twofold or fourfold penalty was recovered on account of furtum is called *actio furti*. It was brought by the person interested in the safe custody of the thing ("cujus interest rem salvam fore"), who might be its owner or a bonâ fide possessor of it, or one having a real right in it other than that of ownership, or, as the law came to be established, a person simply holding it as bailee under a contract. The owner of a thing, therefore, had not necessarily this action. A creditor might even have this action against the owner of a thing pledged, if the latter unlawfully deprived him of possession. A person to whom a thing was delivered in order to work upon it, as in the case of clothes given to a tailor to mend, could bring this action against the thief, and the owner could not, for the owner could recover over from the tailor, and so had no interest in the thing not being stolen. But if the tailor was not a solvent person, the owner had the *actio furti*, for then he had an interest. The rule was originally the same in the case of a gratuitous loan for use (*commodatum*), but Justinian allowed the lender to elect whether he would sue the borrower on the contract or maintain *actio furti* against the *fur*.

In the case of *depositum*, the depositee did not

undertake the safe custody of the thing (*custodiam praestare*), and he was under no liability except in the case of *dolus*, or of *culpa lata* which was not distinguished from *dolus;* consequently, if the deposited thing was stolen, the depositor alone had the *actio furti*. If a peregrinus committed furtum, he was made liable to this action by the fiction of his being a Roman citizen, and by the same fiction he had a right of action if his property was stolen (Gaius, iv. 37). Recovery of a penalty being the object of the *actio furti*, it could only be maintained against the *fur* himself, not against his heredes. Besides his claim to a twofold or fourfold penalty, the injured party had an action for the recovery of damages, which is called *condictio furtiva*. This action might be brought by the owner of the *res furtiva*, by the bonâ-fide possessor of it, or by anyone who had a real right in it, but not by a mere bailee. The defendant in this action was the *fur*, or, in the event of his death, his heredes.

The question whether the *condictio furtiva* is to be regarded as a delictal or simply as a restitutory action has been much discussed. The fact of the defendant being liable for any loss caused by the furtum, although he has made no gain by it, shows that the action has something of a delictal character. (Windscheid, *Pandekten*, § 359, n. 18.) It is to be noticed that the *condictio furtiva* constituted an exception to the rule that no one could maintain *condictio* on account of property of which he was owner ("nemo rem suam condicere potest"), the exception having been allowed, "odio furum quo magis pluribus actionibus teneantur" (Inst. iv. 6, 14). As the ownership of the thing was not affected by furtum, so it could be recovered from any innocent holder to whom the thief had transferred it. It was a provision of the Twelve Tables that a *res furtiva* could not be acquired by usucapion.

Furtum was not a criminal offence in the time of the republic, but only a civil wrong (cf. Maine, *Ancient Law*, ch. x.); subsequently the injured party was given the alternative of instituting a criminal prosecution or of suing for the twofold or fourfold penalty (Dig. 47, 1, 3; 47, 2, 57, 1). According to the law of the Twelve Tables, if a man was killed whilst committing theft by night, he was lawfully killed; in the daytime he might not be killed unless he resisted with a deadly weapon (*telum*). In the pursuit of a thief the hue and cry might be raised (cf. Petron. *Sat.* 13, 8, "per aliquot vicos secutae fugientem, Prende furem clamant"). The owner of the stolen property conducted the search for it (*quaestio*), questioning anyone he suspected of having it (Plaut. *Poen.* i. 1, 51 f.; Paul. ii. 31, 22); and, if the answer was unsatisfactory, claiming the right of searching the house where he supposed his property to be. Anyone who prevented a person from searching for a furtum or stolen thing was liable to the *actio furti prohibiti*, the penalty being fourfold the value of the thing. The action was given by the Edict, the law of the Twelve Tables having affixed no special penalty in this case, though intentionally concealing stolen property may perhaps have been treated as furtum under it. The Twelve Tables prescribed a solemn form of search for stolen property (*lance et licio quaerere*), which probably originated in *jus sacrum*. A person who went to search the house of another must be naked (*nudus*), all but a cloth (*licium*, not *linteum* as in the MS. of Gaius) round his middle, and must hold a dish (*lancem*) in his hands. Voigt (*XII. Tafeln*, ii. § 139) however maintains that *nudus* does not here mean a naked person, but one having only a tunica on, and no toga.

Various explanations are given by ancient writers of this formal proceeding. (Gaius, iii. 192–194; Gell. xi. 18, § 9; xvi. 10, § 8; Paul. Diac. p. 117, 2: cf. Vangerow, *de furto concepto;* Voigt, *XII. Tafeln*, ii. § 139.) Gaius, who regards the whole proceeding as an absurdity, notices and criticises some of these; the most satisfactory account of the dish is that it was intended to occupy the hands of the searcher, so as to prevent him from introducing property and then asserting that it had been stolen. Plato (*Legg.* xii. 954 A) and Aristophanes (*Nub.* 497–9) notice a similar custom as prevailing in Greece (Meier and Schömann, *Att. Proc.* 485); traces of it are also found in early German law (Grimm, *Rechtsalterth.* 640 f.; *Zeitschr. f. gesch. Rechtswiss.* ii. 91; Sohm, *Proz. der Lex Salica*, 65 ff.). Gellius states that this mode of search was put an end to by the Lex Aebutia, and it is probable that even before this enactment the search was as a rule conducted simply in the presence of witnesses. If the search was successful, and the thing was found in the possession of the *fur* himself, he was treated as a *fur manifestus;* if it was found in the possession of a person who was not the thief, such person, although an innocent receiver of the property, was liable to an action called *furti concepti*, by which the finder recovered three times the value of the thing. If a man gave you a stolen thing in order that it might be found (*conciperetur*) in your possession, rather than in his, this was called *furtum oblatum*, and you had an *actio furti oblati* against him, even if he was not the *fur*, by which a threefold penalty was recovered. The *actiones furti concepti*, *oblati*, and *prohibiti* were no longer in use in the time of Justinian (Inst. iv. 1, 4), but a person who received property which he knew to have been stolen was liable to the *actio furti*, and the search for stolen property was conducted by public officials only (Dig. 4, 1, 3).

He who took the property of another by force was guilty of furtum; but in the case of this species of furtum, which is called *rapina*, the praetor gave a special action, known as *actio vi bonorum raptorum*. The origin of this action is referred by Cicero (*pro Tull.* c. 8) to the time of the civil wars, when robbery with violence became common. (Savigny, *Ueber Cic. pro Tull.*, Zeitsch. für gesch. Rechtsw. v. 3, 1825; Huschke, *Analecta*, 1826, ii.) Accordingly the edict was originally directed against those who with bodies of armed men ("hominibus armatis coactisque") did injury to the property of another or carried it off ("quid aut rapuerint aut damni dederint"). Subsequently it was found convenient to widen the scope of the action by leaving out the word *armatis*. Thus this word is not found in the edict as cited in the Digest (Dig. 48, 8, 2, pr.). The application of the edict would still, however, have been very limited, if it had been confined to cases

where numbers were engaged in the violence or robbery; and so the jurists by a somewhat strained interpretation extended the edict to the case of a single man committing robbery or damage with violence (Dig. 47, 8, 2, 7, Mommsen's ed.), where Savigny would read "hoc enim quod ait 'hominibus coactis' sic accipere debemus 'etiam hominibus coactis,' ut sive solus vim fecerit sive etiam hominibus coactis vel armatis vel inermibus hoc edicto teneatur." The edict originally comprehended devastation of property carried out by violence (*damnum*) as well as robbery (*rapina*); in fact, it seems probable that the special object of the edict was to prevent such high-handed acts of violence as are committed by powerful men in times of disturbance. Under the empire such damnum ceased to be common, so *rapina* became the ordinary offence for which this edict was used, and ultimately the only one; hence in Ulpian's time the action was simply called *vi bonorum raptorum*. In Justinian's legislation the action applied to robbery only, and there was no trace of the other part of the edict. This instructive illustration of the gradual adaptation, even of the edictal law, to circumstances, is given by Savigny, who adopts the above emendation of Dig. 47, 8, 2, 7, by Heyse. By the *actio vi bonorum raptorum* fourfold was recovered, but this included damages as well as penalty.

The following are peculiar kinds of *actiones furti*:—

1. *Actio de tigno juncto*, against a person who employed another person's timber in his building, by which, according to the Twelve Tables, double the value of the materials was recovered. (Dig. 41, 1, 7, 10: cf. Huschke, *ad Leg. XII. Tab. de tign. junct.*; Puchta, *Kleine civilistiche Schriften*, 392, &c.; Voigt, *XII. Tafeln*, ii. § 139.) 2. *Actio de distrahendis rationibus*, also given by the Twelve Tables, on account of the abstraction of the property of a ward by his guardian. 3. *Actio rerum amotarum*, action brought by a man against a woman who had been his wife on account of acts which would have constituted theft if not committed by a wife (Dig. 25, 2, 1).

The special kind of furtum which consisted in cattle lifting, appears to have been originally called *peculatus* (Varro, *L. L.* v. 19, 95; Festus, 237a, 13) [ABIGEI], but in later times *peculatus* is the crime of stealing or embezzling money appropriated to religious or public purposes. (Inst. iv. 1; Dig. 47, 2; Cod. 6, 2; Gaius, iii. 183–209; Gell. xi. 18; Rein, *Das röm. Privatrecht*, 736–754; Puchta, *Institutionen*, iii. § 277; Savigny, *Obligationenrecht*, ii. 300–311; Dollmann, *Die Entwendung*, u. s. w.; Voigt, *XII. Tafeln*, ii. §§ 138, 139, 140; Vangerow, *Pandekten*, iii. § 679; Windscheid, *Pandekten*, §§ 452, 453; Müller, *Institutionen*, § 129; Böcking, *Römisches Privatrecht*, ii. § 31; Keller, *Inst.* § 159; Kuntze, *Inst.* i. 717, 17, ii. 500–4; Danz, *Lehrbuch*, u. s. w. § 15.) [E. A. W.]

FU'SCINA (*τρίαινα*), a trident; more commonly called *tridens*, meaning *tridens stimulus*, because it was originally a three-pronged goad, used to incite horses to greater swiftness. Neptune was supposed to be armed with it when he drove his chariot, and it thus became his usual attribute, no doubt with an allusion also to the use of the same instrument in spearing fish. It is represented in the second cut on p. 416. (Hom. *Il.* xii. 27, *Od.* iv. 506, v. 292; Verg. *Georg.* i. 13, *Aen.* i. 138, 145, ii. 610; Cic. *N. D.* i. 36, § 101; Philostr. *Imag.* ii. 14.) The trident was also attributed to Nereus (Verg. *Aen.* ii. 418) and to the Tritons (Att. *ap* Cic. *N. D.* ii. 35, § 89; Mart. *de Spect.* 26, 3.)

In the contests of gladiators the *Retiarius* was armed with a trident. (Juv. ii. 143, viii. 203.) [GLADIATOR.] [J. Y.] [W. W.]

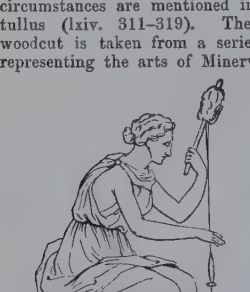
FUSTUA'RIUM (*ξυλοκοπία*), called also *fusti percutere*, was a capital punishment inflicted upon Roman soldiers for the highest military offences. It is thus described by Polybius (vi. 37):—When a soldier was condemned, the tribune touched him slightly with a stick, upon which all the soldiers of the legion fell upon him with sticks and stones, and generally killed him upon the spot. If however he escaped, for he was allowed to fly, he could not return to his native country, nor did any of his relatives dare to receive him into their houses. The fustuarium occurs throughout Roman history, in the earliest and latest times. It was inflicted for desertion, cowardice in action, quitting a man's commander, his standard, or his post (Liv. v. 6, § 14; Cic. *Phil.* iii. 6, § 14; Tac. *Ann.* iii. 21; Serv. *ad Aen.* vi. 825); as also for any neglect of duty, such as failure to pass the watchword, &c. which might endanger the safety of an army (Polyb. *l. c.*). Its infliction upon a *primuspilus* by Calvinus, proconsul of Spain in B.C. 39, is mentioned as unusual, and a revival of antique severity (Vell. Pat. ii. 78 *extr.*). (Cf. Marquardt, *Staatsverw.* ii. 553: EXERCITUS, p. 811 *b*.)

This punishment must be distinguished from the *vitis*, the badge of a centurion's authority, and used by him at his discretion upon the heads and shoulders of *gregarii milites* in keeping them up to their work (Juv. viii. 247). Different also from the fustuarium was the *animadversio fustium*, which was a corporal punishment inflicted under the emperors upon free men, but only those of the lower orders (*tenuiores*, Dig. 48, 19, 28, 2). It was a less severe punishment than the flogging with flagella, which punishment was confined to slaves. (Dig. 48, 19, 10; 47, 10, 45.) [FLAGRUM.] [W. S.] [W. W.]

FUSUS (*ἄτρακτος*), the spindle, was always, when in use, accompanied by the distaff (*colus*, *ἠλακάτη*), as an indispensable part of the same apparatus. (Ovid, *Met.* iv. 220–229.) The wool, flax, or other material, having been prepared for spinning, and having sometimes been dyed (*ἰοδνεφὲς εἶρος ἔχουσα*, Hom. *Od.* iv. 135), was rolled into a ball (*τολύπη*, *glomus*, Hor. *Epist.* i. 13, 14; Ovid, *Met.* vi. 19), which was, however, sufficiently loose to allow the fibres to be easily drawn out by the hand of the spinner. The upper part of the distaff was then inserted into this mass of flax or wool, and the lower part was held in the left hand (as in the illustration), or stuck into the girdle, so as to leave both hands free (as in a mosaic figured by Rich, *s. v.* "Neo"). The fibres were drawn out, and at the same time spirally twisted, chiefly by the use of the forefinger and thumb of the right hand (*δακτύλοις ἔλισσε*, Eurip. *Orest.* 1432; *pollice docto*, Claud. *de Prob. Cons.* 177); and the thread (*filum*, *stamen*, *νῆμα*) so produced was wound upon the spindle

until the quantity was as great as it would carry.

The spindle was a stick, 10 or 12 inches long, having at the top a slit or catch (*dens*, *ἄγκιστρον*) in which the thread was fixed, so that the weight of the spindle might continually carry down the thread as it was formed. Its lower extremity was inserted into a small wheel called the whorl (*verticillus*, Plin. *H. N.* xxxvii. § 37), made of wood, stone, or metal (see woodcut), the use of which was to keep the spindle more steady and to promote its rotation: for the spinner, who was commonly a female, every now and then twirled round the spindle with her right hand (Herod. v. 12; Ovid, *Met.* vi. 22), so as to twist the thread still more completely; and whenever, by its continual prolongation, it let down the spindle to the ground, she took it out of the slit, wound it upon the spindle, and, having replaced it in the slit, drew out and twisted another length. All these circumstances are mentioned in detail by Catullus (lxiv. 311–319). The accompanying woodcut is taken from a series of bas-reliefs representing the arts of Minerva upon a frieze of the Forum of Nerva at Rome. It shows the operation of spinning, at the moment when the woman has drawn out a sufficient length of yarn to twist it by whirling the spindle with her right thumb and forefinger, and previously to the act of taking it out of the slit to wind it upon the bobbin (*πήνιον*) already formed.



Spinning. (From a relief.)

The distaff was about three times the length of the spindle, strong and thick in proportion, commonly either a stick or a reed, with an expansion near the top for holding the ball. It was sometimes of richer materials and ornamented. Theocritus has left a poem (*Idyll.* xxviii.) written on sending an ivory distaff to the wife of a friend. Golden spindles were sent as presents to ladies of high rank (Hom. *Od.* iv. 131; Herod. iv. 162); and a golden distaff is attributed by Homer and Pindar to goddesses, and other females of remarkable dignity, who are called *χρυσηλάκατοι*.

It was usual to have a basket to hold the distaff and spindle, with the balls of wool prepared for spinning, and the bobbins already spun. (Brunck, *Anal.* ii. 12=*Anth. Pal.* vi. 160; Ovid, *Met.* xii. 475.) [CALATHUS.]

In the rural districts of Italy women were forbidden to spin, or even carry a spindle openly, when they were travelling on foot, the act being considered of evil omen. (Plin. *H. N.* xxviii. § 28.) The distaff and spindle, with the wool and thread upon them (*colus compta*), were carried in bridal processions; and were often suspended by females as offerings of religious gratitude, especially in old age, or on relinquishing the constant use of them. Thus the reputed spindle and distaff of Tanaquil were preserved at Rome as relics in the time of Varro. (Plin. *H. N.* viii. § 194.) [DONARIA.] They were most frequently dedicated to Pallas, the patroness of spinning and of the arts connected with it. This goddess was herself rudely sculptured with a distaff and spindle in the Trojan Palladium (Apollod. iii. 12, 3). They were also exhibited in the representations of the three Fates, who were conceived, by their spinning, to determine the life of every man; and at the same time by singing, as females usually did whilst they sat together at their work, to predict his future lot (Catull. *l. c.*).

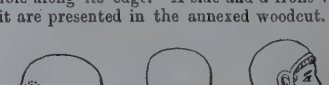
[J. Y.] [W. W.]

G.

GABINUS CINCTUS. [TOGA.]

GAESUM. [HASTA.]

GA'LEA (*κράνος*, poet. *κόρυς*, *πήληξ*), a helmet, a casque. The helmet was originally made of skin or leather, whence is supposed to have arisen its appellation, *κυνέη*, meaning properly a helmet of dog-skin, but applied to caps or helmets made of the hide of other animals, not necessarily worn as armour (*ταυρείη*, *κτιδέη*, Hom. *Il.* x. 258, 335; *αἰγείη*, *Od.* xxiv. 230; Herod. vii. 77: compare *κράνη σκύτινα*, Xen. *Anab.* v. 4, § 13; *galea lupina*, Prop. iv. 11, 19), and even to those which were entirely of bronze or iron (*πάγχαλκος*, *Od.* xviii. 377). The leathern basis of the helmet was also very commonly strengthened and adorned by the addition of either bronze or gold, which is expressed by such epithets as *χαλκήρης*, *εὔχαλκος*, *χρυσείη*. The helmet of Hector was made of three such layers (*τρίπτυχος*, Hom. *Il.* xi. 352). Helmets which had a metallic basis (*κράνη χαλκᾶ*, Xen. *Anab.* i. 2, § 16) were in Latin properly called *cassides* (Isid. *Orig.* xviii. 14; Tac. *Germ.* 6; Caesar, *B. G.* iii. 45), although the terms *galea* and *cassis* are often confounded. A casque (*cassis*) found at Pompeii is preserved in the collection at Goodrich Court, Herefordshire. (Skelton, *Engraved Illust.* i. pl. 44.) The perforations for the lining (cf. CREA) and exterior border are visible along its edge. A side and a front view of it are presented in the annexed woodcut. A



Helmets. (From the collection at Goodrich Court.)

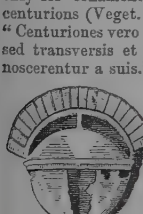
casque very like this, and inscribed with an archaic dedication to Zeus, was fished up from the bed of the Alpheus, near Olympia, and is now in the British Museum (*C. I. G.* No. 29). Among the materials used for the lining of helmets were felt (*πῖλος*, Hom. *Il.* x. 265) and sponge (Aristot. *H. A.* v. 16).

The helmet, especially that of skin or leather,

was sometimes a mere cap conformed to the shape of the head, without either crest or any other ornament (ἄφαλόν τε καὶ ἄλοφον, *Il.* x. 358). In this state it was probably used in hunting (*galea venatoria*, C. Nep. *Dat.* iii. 2), and was called καταΐτυξ (Hom. *Il.* l. c.), in Latin CUDO. The preceding woodcut shows an example of it as worn by Diomede in a small Greek bronze, which is also in the collection at Goodrich Court. (Skelton, *l. c.*) The additions by which the external appearance of the helmet was varied, and which served both for ornament and protection, were the following:—

1. The φάλος, which was either single, double (ἀμφίφαλος, δίφαλος, Hom. *Il.* v. 743, xi. 41), or quadruple (τετράφαλος, Hom. *Il.* xii. 384; xxii. 314). It has been held (Liddell and Scott, *s. v.*) that the φάλος was the projecting peak of the helmet. According to this view, τετράφαλος is admittedly unintelligible (L. and S. *loc. cit.*), and it is certain that the φάλος was a ridge of metal, afterwards called κῶνος (Buttmann), which served as a support for the crest. The φάλος is well shown in the cut at p. 189 *b* [LORICA]. Instances occur where there are two or more such ridges. (See Helbig, *Das Homerische Epos*, p. 207.) In the cut below, from a gem with the head of Athene Parthenos, the φάλοι are represented by a Sphinx and two Pegasi.

2. The helmet thus adorned was very commonly surmounted by the crest (*crista*, λόφος, Hom. *Il.* xxii. 316), which was often of horsehair (ἱπποσυρις, ἱπποδάσεια, Hom. *Il. cc.*; λόφων ἔθειραι, Theocr. xxii. 186; *hirsuta juba*, Propert. iv. 11, 19), and made so as to look imposing and terrible (Hom. *Il.* iii. 337; Verg. *Aen.* viii. 620), as well as handsome (*ib.* ix. 365; εὔλοφος, Heliod. *Aeth.* vii.). The helmet often had two or even three crests. (Aesch. *Sept. c. Theb.* 384. Compare the cut below with the head of Athene, having a helmet with a triple crest.) In the Roman army of later times the crest served not only for ornament, but also to distinguish the centurions (Veget. ii. 13). Cf. Vegetius, ii. 16: "Centuriones vero habebant . . . galeas ferreas, sed transversis et argentatis cristis, ut celerius noscerentur a suis." Compare the annexed cut from a part of a centurion's tomb, from Petronell, showing the transverse crest.

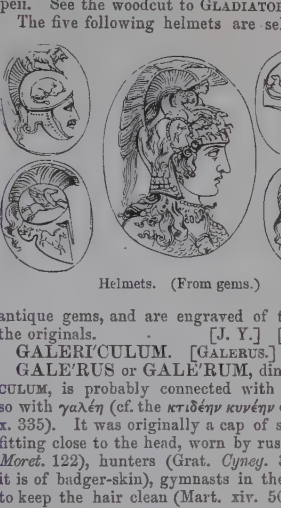


Galea. (Baumeister.)

3. The two cheek-pieces (*bucculae*, Juv. x. 134; παραγναθίδες, Eustath. *in Il.* v. 743), which were usually attached to the helmet by hinges, so as to be lifted up and down. They had buttons or ties at their extremities for fastening the helmet on the head. (Val. Flacc. vi. 626.) A strap passed under the wearer's chin, in the case of the Homeric helmet (*Il.* iii. 371), but apparently cheek-pieces were not movable. The cheek-pieces were often elaborately adorned with reliefs. (Cf. *Antiq. du Bosp. Cimm.* pl. xxviii. fig. 1; Baumeister, fig. 2214.)

4. The beaver, or visor, a peculiar form of which is supposed to have been the αὐλῶπις τρυφάλεια, *i.e.* the perforated beaver. (Hom. *Il.* xi. 353: cf. Hesych. *s. v.*, and Helbig, *Das Homerische Epos*, p. 205.) The gladiators wore helmets somewhat of this kind (Juv. viii. 203), and specimens of them, not unlike those worn in the Middle Ages, have been found at Pompeii. See the woodcut to GLADIATORES.

The five following helmets are selected from



Helmets. (From gems.)

antique gems, and are engraved of the size of the originals. [J. Y.] [A. H. S.]

GALERI'CULUM. [GALERUS.]

GALE'RUS or GALE'RUM, dim. GALERICULUM, is probably connected with *galea*, and so with γαλέη (cf. the κτιδέην κυνέην of Hom. *Il.* x. 335). It was originally a cap of skin or fur, fitting close to the head, worn by rustics (Verg. *Moret.* 122), hunters (Grat. *Cyneg.* 340, where it is of badger-skin), gymnasts in the palaestra to keep the hair clean (Mart. xiv. 50), and by the old inhabitants of Latium instead of a helmet (Verg. *Aen.* vii. 688; cf. CUDO). For the galerus worn by various priests, *e.g.* the Pontifices Salii and Flamines, and the *albogalerus* or *albus galerus* of the Dialis, see APEX, and compare Juv. viii. 208; Apul. *Apol.* 22, p. 441; Gell. x. 15 *extr.* The word is also applied to a wig, the *empti capilli* of Ovid (*A. Am.* iii. 165; cf. CALIENDRUM); worn not only from vanity or to conceal baldness (Suet. *Oth.* 12), but for the sake of disguise by profligates of both sexes in their nocturnal rambles (Suet. *Ner.* 26 = *capillamentum*, Id. *Calig.* 11; Juv. vi. 120 with the Schol.); and on the stage as part of the make-up (Guhl and Koner, ed. 5, p. 762). (Rich, *s. v.*; Becker-Göll, *Gallus*, iii. 240.) [W. S.] [W. W.]

GALLI (Γάλλοι, in post-Roman authors only), the eunuch priests of Cybele or the Great Mother, whose worship, so far as it can be traced historically, had its original seat in Phrygia (Marmor Parium, *ap.* C. Müller, *Fragm.* i. 544, [βρέτας θ]εῶν μητρὸς ἐφάνη ἐν Κυβέλοις, where it is placed under the reign of Erichthonius, king of Attica, B.C. 1506; Strabo, x. pp. 469, 472, xii. p. 567, where the names Κυβέλη, Διινδυμήνη, &c., are said to be derived from Phrygian localities; Κυβέλην ἀπὸ τοῦ τόπου, Diodor. iii. 58). The myths of Marsyas and Hyagnis, the reputed inventors of the flute, gather round the same region, and are doubtless connected with the use of that instrument in the orgiastic worship of Cybele (cf. *Dict. Biogr.* art. *Marsyas*). The Phrygian language was Indo-European, as appears from the extant inscriptions (Rawlinson's *Herodotus*, vol. i. App. p. 666); and the worship of Cybele has been thought to be also Indo-European; Zend names have been traced in it—Berecyntus = *Berezat*, Corybantes = *Gereuantô* (Labatut in *Rev. Numism. Belge*, 1868, p. 286). Other names, however, are of distinctly Semitic affinities; Rhea perhaps = the Babylonian Ri (Mulita or Mylitta, Raw-

linson, *l. c.* p. 605), and Nana more certainly = the Babylonian *Nana*, modern Syrian *Nani* (*ib.* p. 635). Whatever its origin, this cultus spread rapidly over the whole of Asia Minor: Cyzicus was one of its oldest seats, where it is visited by Anacharsis in the sixth century B.C. (Herod. iv. 76; cf. the *ὄρος ἱρὸν μητρὸς Δινδυμήνης*, i. 80); another was Sardis, where a temple of *Κυβήβη* occurs (Herod. v. 102); but it was especially connected in historic times with Pessinus, in the country afterwards called Galatia, where also, as at Cyzicus, there was a mountain called Dindymon and where Attis was said to be buried (Paus. i. 4, § 5). The name Agdistis was applied both to the mountain which overhung Pessinus (Strabo, xii. p. 567; Paus. *l. c.*) and to the goddess herself (Strabo, x. p. 469). (Ellis, *Comm.* on Catull. lxiii. p. 202.)

The origin of the name of Galli is not absolutely certain, but it was doubtless a native Phrygian word: of course it has nothing to do with the Galatae or Gauls, whose first appearance in these countries dates only from B.C. 278. There is no reason to reject the tradition which derives it from a river in Phrygia: there were two small rivers called Gallus, both tributaries of the Sangarius, and the one which flows by Pessinus must be meant, whose water was fabled to cause this particular form of religious madness. (Ov. *Fast.* iv. 363; Plin. *H. N.* v. § 147, xi. § 261, xxxi. § 9; Herodian, i. 11; Fest. *s. v.* Galli.) A form *gallantes*, as if from *gallare*, "to rave like a priest of Cybele," is cited from Varro (*ap.* Non. p. 119, 5). In their wild, enthusiastic, and boisterous rites the Galli recalled the legends of the Corybantes (Hor. *Carm.* i. 16, 5 ff.; Lucan, i. 565 ff.). According to an ancient custom, they were always castrated (*spadones, semimares, semiviri, nec viri nec feminae*), and it would seem that, impelled by religious enthusiasm, they performed this operation on themselves (Ov. *Fast.* iv. 237; Plin. *H. N.* xi. § 261, xxxv. § 165; Martial, iii. 81, xi. 74; Juv. vi. 512 ff.).

The worship of the Magna Mater was introduced at Rome in B.C. 204, towards the close of the Second Punic War. In the previous year an oracle had been produced from the Sibylline books, that the enemy (Hannibal) might be driven from Italy if the Idaean mother were brought to Rome from Pessinus; and an embassy had been sent to Attalus of Pergamum, the only ally the Romans had in Asia, to request his good offices (Liv. xxix. 10). Attalus made over to the Romans a sacred stone of no great size, probably an aërolite, which the Pessinuntines declared to be the mother of the gods; and on the way the oracle of Delphi was consulted as to the ceremonies to be observed (c. 11). The story of the selection of P. Scipio (the first who was called Nasica) as "the best man in the state" for the honour of receiving it, and the ordeal by which Claudia proved her chastity, is told by Livy in the succeeding chapters (12–14) and by Ovid in the *Fasti*. The temple of the Magna Mater was dedicated in B.C. 191, when the same Scipio was consul (Liv. xxxvi. 36). For the festival then instituted, the college of priests with an *archigallus* and a *sacerdos maxima* at its head, and the priestly dress, see MEGALESIA; and cf. Marquardt, *Staatsverw.* iii. 378–9. As might be expected from their extraordinary fanaticism, the Galli were a poor and despised class of people; for while no other priests were allowed to beg, the *famuli Idaeae matris* were allowed to do so on certain days (Cic. *de Legg.* ii. 9, § 22; 16, § 40; AGYRTAE). The magnificent Attis of Catullus (*Carm.* lxiii.) with Ellis' notes, and Ovid's account of the Megalesia (*Fast.* iv. 179–372), should be read in their entirety; to these, therefore, we have given no detailed references. [L. S.] [W. W.]

GA'LLICAE, sc. *soleae* or *crepidae*, were a kind of low shoes intermediate between the *calcei*, which were half-boots, and the *soleae*, which did not cover the foot at all. They thus resembled the CREPIDAE, but were reckoned by the Latin writers among the SOLEAE; the question to which class they belong is discussed in Gell. xiii. 22 (21), § 5. Two specimens, from Gaulish figures on a relief found at Rome, are given by Rich (*s. v.*); one of these is without any fastening, like a slipper, the other laced in front. The wearing of gallicae, as of other *soleae*, was accounted negligent if not effeminate; a point which comes out in the only two classical passages where they are mentioned. In Gellius (xiii. 22) the story is told of one Castricius, a professor of rhetoric under Hadrian, who rebuked his pupils for coming to his lecture *tunicis et lacernis indutos et gallicis calciatos;* not wearing the toga might be excused by custom, but coming *soleati* was altogether wanting in decorum. So Cicero contrasts his own travelling dress with that of Antonius, *cum calceis et toga, nullis nec gallicis nec lacerna* (*Phil.* ii. 30, § 76). The etiquette which prescribed the wearing of calcei within the city, and in official dress everywhere, has been noticed under CALCEUS: we add Cic. *in Verr.* v. 33, § 86; *in Pis.* 6, § 13. Under the later empire gallicae were much more generally worn, and various sorts are mentioned as in common use among the price-lists of the Edict of Diocletian ("gallicae viriles rusticanae bisoles, gallicae viriles monosoles, gallicae cursoriae," *Ed. Diocl.* 9, 12 ff.; Marquardt, *Privatl.* 577). [W. W.]

GALLIN'ARIUM. [AGRICULTURA, p. 78 *b*.]

GAME'LIA (*γαμηλία*). The father of the bridegroom or the bridegroom himself gave a feast (*γαμηλία*, Hesych. *s. v. δεῖπνον ὃ τοῖς φράτορσιν ἑποίει ὁ γαμῶν*), accompanied by offerings (*ἢ ἐπὶ γάμῳ θυσία ἐν τοῖς φράτερσι γαμηλία*, Pollux, iii. 42; cf. viii. 107), to the members of his phratry, or rather to the *οἰκεῖοι* amongst the phratores (*γαμηλίαν εἰσενεγκεῖν ὑπέρ τινος*, Dem. *c. Eubul.* p. 1312, § 43, cf. p. 1320, § 69; Isae. *Or.* 3 [*Pyrrh.*], §§ 76, 79; *Or.* 8 [*Ciron.*], §§ 18, 20), on which occasion the bride was introduced to and enrolled amongst the phratores. (Harpocr. *s. v. ἡ εἰς τοὺς φράτορας εἰσαγωγὴ τῶν γυναικῶν*. Cf. *Etym. M.* p. 220, 50 ff.) Thus she became a sharer in her husband's *sacra*. This ceremony probably took place in the month of Gamelion (Meier, *de gentil. Attic.* 2, p. 10; Mommsen, *Heortol.* p. 344); see also Athen. v. p. 186 *b*, *ὡς νενόμισται ἄγειν συμπόσια περὶ τοὺς γάμους, τῶν τε γαμηλίων θεῶν ἕνεκα καὶ τῆς οἱονεὶ μαρτυρίας*. In Mommsen's opinion there is no difference in meaning between *ἡ γαμηλία* and *τὰ γαμήλια* (which is explained by Eranius Philo, p. 164, *τὰ τελούμενα ἐν τῇ ἡμέρᾳ ἐν ᾗ ὁ γάμος τελεῖται*; cf. Stephanus, *s. v.*). Later on

the newly-married woman was introduced to the wives of the demotae by a feast at the Thesmophoria (*ὑπέρ τινος Θεσμοφόρια ἑστιᾶν τὰς γυναῖκας*, Isae. *Pyrrh.* § 80), after which the women of her deme might choose her to be one of the two entrusted with the conduct of the festival (*ἄρχειν εἰς τὰ Θεσμοφόρια*, Isae. *Ciron.* § 19).

Buermann (*Suppl. Jahrb. für. kl. Philol.* 1878, p. 569 ff.) is of opinion that both the wife and the *παλλακὴ* were betrothed (*ἐγγύησις*) by the *κύριος*, but that the wife alone was introduced to the phratores (*γαμηλία*); but as Philippi points out (*Jahrb. für kl. Phil.* 1879, p. 417), the distinction between *ἐγγυᾶσθαι* and *γαμεῖν*, as indicated by B., is not borne out by the use made of these words by the orators. [L. S.] [H. H.]

GA'MORI (*γάμοροι*). [GEOMORI.]

GAMOS (*γάμος*). [MATRIMONIUM.]

GA'NEA. [CAUPONA, p. 388 *b*.]

GAU'SAPE, GAU'SAPA, or GAU'SAPUM, a kind of thick cloth, baize, or frieze, with the nap much longer on one side than the other. In the time of Lucilius (*ap.* Priscian. ix. p. 870 P.) and in that of Horace (*Sat.* ii. 8, 11), a purple gausape was used for wiping dinner-tables between the courses, while Martial (xiv. 138) speaks of it as a table-cover to protect the costly tables of his time: hence it has been inferred that the use of table-cloths was unknown at the earlier period, but had come in with the growth of luxury at the latter (Becker-Göll, *Gallus*, iii. 388). It was used for beds as a counterpane (Mart. xiv. 147), and as a mantle or wrapper after taking a bath (Petron. 28), or in general as a protection against rain and cold (Senec. *Ep.* 53, § 3; Mart. vi. 59). The *paenula* (q. v.) might be either of fur (Mart. xiv. 130) or of gausape (*ib.* 145); the latter, he says, was so bright and comfortable that (like our flannel) it was equally suitable for summer and winter wear. When Pliny tells us (*H. N.* viii. § 193) that gausapa only came into use in his father's time, he probably refers to garments made of it; yet Ovid already speaks of it as worn by both sexes, though naturally it was an eccentric material for a well-dressed lady (*A. Am.* ii. 300). We need not suppose that the *villosa lintea* (*gausapa villosa* in the lemma) of Martial, xiv. 138, were of linen; the word *linteum* can mean any stuff, *e.g.* cotton cloth (Plin. *H. N.* xii. § 39). As Martial (xiv. 152) calls it *gausapa quadrata*, we have reason to suppose that, like the Scotch plaid, it was always, for whatever purpose it might be used, a square or oblong piece of cloth. (See Böttiger, *Sabina*, ii. p. 102.)

Persius calls a perfumed beard *balanatum gausape* (iv. 37), and red or yellow wigs, such as were made of the hair of Germans and fashionable under the empire, *lutea gausapa* (vi. 46); see, however, Conington's note on the latter passage. [L. S.] [W. W.]

GELEONTES (*γελέοντες*), the name of one of the four old-Ionic tribes in Attica. We shall here discuss only the form and etymological meaning of the word, treating the political organisation under GENOS and TRIBUS (Greek).

The four names of the tribes are not peculiar to Attica; they occur in other Ionic states, as at Cyzicus and Teos (Schömann, *Antiq.* i. 129, E. T.; Gilbert, *Staatsalterth.* i. 109, n.). The other three names—*Ὅπλητες*, *Ἀργαδεῖς* or *Ἐργαδεῖς*, and *Αἰγικορεῖς*—point not obscurely to some system of castes or hereditary occupations; and the fourth tribe must no doubt be explained in a similar manner (*ὁ δὲ [Ἴων] πρῶτον μὲν εἰς τέτταρας φυλὰς διεῖλε τὸ πλῆθος, εἶτα εἰς τέτταρας βίους*, Strabo, viii. p. 383; see also Plut. *Sol.* 23; Plat. *Tim.* 24 A). We are not to suppose that the limitations of caste existed in Attica in historic times, though Plato's ideal republic is essentially a caste system, based on what he believed to have once been the rule in Greece. The name comes down to us under different forms: Herodotus (v. 66) is a witness for *γελέοντες*, Euripides (*Τελέων μὲν ἔσται πρῶτος*, *Ion*, 1579, where however Dindorf after Canter reads *Γελέων*), and Pollux (viii. 111) for *τελέοντες*: while in Plutarch (*l. c.*) the MSS. vary between *τελέοντες* and *γεδέοντες* [Sintenis corrects *γελέοντες*], and in Stephanus Byzantinus (*s. v. Αἰγικορεῖς*) between *γελέοντες* and *τελέοντες*. The letters Γ and Τ, Λ and Δ are so easily confused that these variations prove nothing, and many scholars have preferred *τελέοντες* as capable of the readiest explanation; either "priests" or, following Plutarch, "cultivators" (*γεωργοί*), from different senses of the verb *τελεῖν*. The fact that our two oldest and best authorities, Herodotus and Euripides, agree in ranking this tribe first among the four, makes the latter view impossible; a priestly caste, taking precedence of the *Ὅπλητες* or military men, is at least conceivable. But the unerring evidence of inscriptions is decisive in favour of the less intelligible form *γελέοντες*: in the Cyzicene marble and at Teos (*C. I. G.* ii. 928, 3078–9, 3664–5), as well as in Athens itself (*Διὸς Γελέοντος ἱεροκήρυξ*, in Ross, *Demen* p. vii. = *C. I. A.* iii. 2). It remains to assign a meaning to the word; and the bearing on this question of a gloss in Hesychius (*γελεῖν· λάμπειν, ἀνθεῖν*) was seen long ago by Hemsterhuis. He explained it as the "noble" or "illustrious," and was followed by Wesseling (on Herod. *l. c.*), Creuzer (*Mythol.* iii. 62), and Schömann (*Assemblies*, 1819, as well as *Staatsalterth.* 1871). The word has been thoroughly discussed of late years by Bergk (*Neue Jahrb. für Philol.* lxv. 401), and especially by Hugo Weber (*Etym. Untersuch.* 40 ff.; cf. Curtius, *Gr. Etym.* 173); it belongs to a widely diffused root expressive of "shining," seen in *glacies*, Germ. *glänzen*, Eng. *glass*, *glance*, *glint*, perhaps also in *γάλα* and *gelu*. The Geleontes, the (self-styled) brilliant or shining ones, were situated in the best part of the country, the neighbourhood of Athens itself [DEMUS, p. 615 *b*].

This difficulty was left unsolved not only by Thirlwall and Grote, but by such recent writers as Stein (on Herod. *l. c.*) and Liddell and Scott (ed. 7, *s. v. τελέοντες*); it has therefore been thought worth while to give full proofs. (Schömann, *Assemblies*, p. 356 = 336 tr. Paley; *Antiq.* i. 318, 319, E. T.; Gilbert, *Staatsalterth.* i. 109.) [W. W.]

GELOTOPOII. [PARASITI.]

GEMMA, a gem or precious stone (Greek, *λίθος*: there is no Greek word for gems as distinguished from ordinary stones. On the supposed rule of the grammarians that *λίθος*, a precious stone, is feminine, consult Liddell and Scott, *s. v.*).

The desire to possess the precious or semi-precious stones, whether as ornaments or as objects of superstition, is universally prevalent. In any nation, however, it is limited by the geographical conditions, and by the degree of mechanical skill available. At the early stage of civilisation represented on Greek soil by the graves of Mycenae and kindred deposits, the stones found are of no great rarity, but are shaped and polished in a way that proves considerable mastery over hard materials. Thus objects of agate, rock-crystal, sard, and amethyst are elaborately worked and engraved. (Schliemann, *Mycenae*, figs. 307–315; Lolling, *Kuppelgrab bei Menidi*, pl. vi.; *Cat. of Gems in Brit. Mus.* 104–109.) In Homer, however, there are no traces of the use of gems, as there is not any good reason for supposing them to be intended by the *ἕρματα τρίγληνα μορόεντα* of *Iliad*, xiv. 182; *Od.* xviii. 297. (See Buchholz, *Homerische Realien*, ii. p. 214.) It has long been observed that Homer was unacquainted with the use of seals (Pliny, *H. N.* xxxiii. § 12), and the nearest approach in Homer to the use of gems as ornaments is the employment of the attractive and easily worked amber in jewellery (*Od.* xv. 460, xviii. 295; Helbig, *Das homerische Epos*, p. 183). From these facts it may be inferred that the art of working in hard stones was lost after the Mycenaean period; and this conclusion is confirmed by statistics as to the very early gems known as the "gems of the Islands" [see SCALPTURA]. These gems are found both among Mycenaean and early Greek deposits. But while in the former case they are often of the hard stones mentioned above, in the latter case they are of soft materials, such as steatite. (See Dümmler, *Mittheilungen des Arch. Inst. in Athen*, xi. p. 177.)

The Greeks of historical times had a restricted choice of precious stones, until the conquests of Alexander had opened up intercourse with India. The stone of Polycrates was an emerald, according to Herodotus (iii. 41); but a sardonyx, according to Pliny (*H. N.* xxxvii. § 4). In the treasure lists of the temples of the Acropolis of Athens, the only gems mentioned are the jasper, sard, and onyx, together with the *χρυσίτης λίθος*, or gold ore. (Compare with this list Plato, *Phaedo*, 110 D, *τὰ ἀγαπώμενα, ... σάρδιά τε καὶ ἰάσπιδας καὶ σμαράγδους.*) The gems mentioned in the treasure lists were for the most part set in rings or used as seals, and were therefore of small size. An onyx, however, is mentioned in a list for 398 B.C., which represented a *τραγέλαφος* and weighed 5 oz. (*C. I. A.* 652 b, l. 12). Another onyx is mentioned in the list for 385 B.C. (*C. I. A.* 667, l. 20), which apparently weighed 42 oz. (But cf. Boeckh, *Staatshaushaltung*, ii.[3] 247.) Perhaps one of these stones is the "great onyx" reported as broken in the list for 344 B.C. (*C. I. A.* 701, l. 57; cf. *C. I. A.* 676, l. 18).

The state of knowledge as to gems about the time of Alexander is represented by the work of Theophrastus *Περὶ Λίθων*, the only surviving systematic treatise on the subject in Greek. Though written in 315 B.C., the book has not felt the influence of Alexander's campaigns. Theophrastus surveys, however, the whole basin of the Mediterranean, and Asia Minor. He makes one allusion to Bactria, and a doubtful one to India. The number of gems available for the engraver is now become considerable. Theophrastus enumerates among stones suitable for engraving the emerald, sard, carbuncle (*ἄνθραξ*), lapis-lazuli (*σάπφειρος*: see below), jacinth (*λυγκούριον*), topaz [?] (*ὑαλοειδής*), chrysoprase [?] (*ὄμφαξ*), rock-crystal, and amethyst. Among the lost works of Aristotle was a treatise with the same title as that of Theophrastus, of very doubtful authenticity. (Heitz, *Die verlorenen Schriften des Aristoteles.*)

For accounts of the extraordinary profusion of precious stones in the East, and among the successors of Alexander, compare Diod. Sic. xviii. 26; Athenaeus, xi. p. 781; Strabo, xv. p. 718, and other passages quoted by Krause, *Pyrgoteles*, p. 113. The extravagant luxury of the Romans of the Empire rivalled that of the Diadochi. Thus Heliogabalus wore gems engraved by the best artists, on his shoes. (Lamprid. *Heliog.* 23; cf. Plin. *H. N.* ix. § 117, and other passages quoted by Krause, *Pyrgoteles*, p. 114.)

This passion on the part of the wealthy for precious stones was naturally favourable to the growth of mineralogical knowledge. Pliny quotes a large number of writers who had treated of gems between Theophrastus and himself. Some of these writers (as Zenothemis, Plin. *H. N.* xxxvii. § 87) seem to have had a personal knowledge of India (cf. King, *Precious Stones*, p. 1). Pliny devotes the 37th or final book of his Natural History to gems, regarding them as the most perfect works of nature. The book consists of an historical introduction (§§ 1–5); of an account of the most important gems, arranged by colours (§§ 6–54); of an account of minor gems in alphabetical order. The book concludes with a few general instructions for detecting fraud. This book is the best representative of ancient science in this branch of mineralogy. In attempting to form from it an estimate of the ancient science, we must neglect the false medicine, sometimes rejected by Pliny (*H. N.* xxxvii. § 53), the magical superstitions, and the trade mysteries (cf. *H. N.* xxxvii. § 57, on the difficulty of breaking diamonds). We then find that the ancients were remarkably close observers of gems, availing themselves of all methods, short of chemical analysis and other instruments of modern physical research. It is said of Democritus that "ne lapidum ... vis lateret, aetatem inter experimenta consumpsit" (Petron. *Sat.* c. 88). Moreover, in the case of precious stones, minuteness of observation was stimulated by the desire of guarding against or of committing a fraud (*H. N.* xxxvii. § 197 ff.). Besides a minute study of colours of gems, frequently illustrated by Pliny's felicitous comparisons, the tests enumerated involve a study of weight (*H. N.* xxxvii. §§ 98, 199), consistency (*corpore*, § 199), hardness (§§ 98, 113, 200), conductivity (§§ 128, 199), transparency (§ 198 and *passim*), diffractive power (§§ 87, 136), friction (§ 189), crystallography (§§ 26, 56, 76, 137, 144, 171, 178), taste (§§ 162, 173), and smell (§§ 139, 145, 147, 174, 185).

There are no traces in Theophrastus of magical properties attributed to gems. In Pliny, the doctrines of the *Magi* are frequently quoted, but usually with ridicule. (Cf. *H. N.*

xxxvii. §§ 118, 142 ff. and *passim.*) Some of the medicinal virtues of gems apparently accepted by Pliny, may appear little better than the doctrines of the Magi. But while Pliny is not in a position to criticise the alleged virtues of gems applied as medicines, he consistently rejects their supernatural powers under other conditions. The magical system is seen fully developed in the *Lithica* of Orpheus. This poem claims to be a statement of the magic properties of gems made by the seer Theodamas to the poet Orpheus. The work is assigned by Tyrwhitt to a time subsequent to the edict of Constantius against magic, in 357 A.D. (cf. lines 73, 74), and not long after Valens. (Tyrwhitt, Περὶ λίθων, *poema Orpheo adscriptum*, London, 1781.) In this view Tyrwhitt is followed by subsequent editors, although Krause (*Pyrgoteles*, p. 6) assigns the work to the 5th century B.C.; and King (*Precious Stones*, pp. 4, 397) dates it "at least as early as the 2nd century B.C." King gives an English verse translation (*Precious Stones*, p. 375).

On the later developments of the magical system of Orpheus until mediaeval times, see King, *Precious Stones*, p. 6.

Much confusion and uncertainty exist as to the true nomenclature of gems. Both in ancient and modern times there has been considerable looseness of usage as to the meaning of names. In many instances where the ancient word exists in modern language, it denotes a stone entirely different from that originally signified. For example, *σάπφειρος* is certainly the *lapis-lazuli*, and has no connexion with the sapphire. The correct equivalents of the ancient names are generally given after King and others, in Liddell and Scott's Lexicon (ed. 7).

Literature.—Krause, *Pyrgoteles, oder die edlen Steine der Alten* (learned, but untrustworthy); Lenz, *Mineralogie der alten Griechen und Römer*, Gotha, 1861; C. W. King, *Natural History of Precious Stones and Gems, and of Precious Metals*, London, 1865; Blümner, *Technologie*, iii. 227. On the use of gems in rings, see ANULUS; on the art of gem engraving, see SCALPTURA. [A. H. S.]

GENE'SIA. [FUNUS, p. 888 *a*.]

GE'NIUS. See *Dict. Gr. and Rom. Biogr.*

GENOS (*γένος*). The word *γένος*, connected etymologically with *γένω*, *γίγνομαι*, has reference primarily to birth; and when applied to mark the connexion between a number of individuals, may equally denote the closest natural ties of a common family (*αἷμά τε καὶ γένος*, Hom. *Od.* viii. 503), or the widest natural ties of the race or nation (*ἐξ Ἰθακῆς γένος εἰμί*, *ib.* xv. 267). This connotation is still retained in the word when it is applied to denote certain minor forms of association existing between citizens in the same Greek state, marked by the common performance of certain civil and religious duties, and distinct from the larger and more definitely political forms of association such as the tribe (*φυλή*)—since the latter may, from their purely political significance, be artificially created, and based on the arbitrary distinctions of locality or rank. It is true that it is a common characteristic of Greek civil organisation to take the family as the typical form of unity, and in the creation of new state divisions to imitate its most salient characteristics, the common eponymous hero, from which, in the family or gens, the descent was traced, and the common rites and sacrifices. But to the Greek mind, a common hero and common religious rites were the natural outcome of the narrower or the wider family bonds, those of the *οἰκία* or of the *γένος*. They might be applied artificially in such creations as the tribe or deme. But that the Greeks never merged the one conception into the other is shown by facts of history. Cleisthenes, the Athenian reformer, while he distributed his new citizens into tribes and demes, and possibly into phratries, could not enrol them in the existing *γένη* (Schömann, *Antiq.* i. 364 E. T.). Foreigners obtaining the freedom of the city were, as we know, though necessarily admitted to a tribe or deme, and for certain purposes into a phratry, never enrolled in a *γένος* ([Dem.] *c. Neaer.* p. 1380, § 104); and even within the Athenian *γένη* themselves there was a distinction between the ancient members of the gentes, the *γεννῆται* (Harpocrat. *s. v. γεννῆται*, *οἱ ἐξ ἀρχῆς εἰς τὰ καλούμενα γένη κατανεμηθέντες*: Hesych. *s. v. γεννῆται*) and the *ὀργεῶνες*, those standing without this circle, who shared only in some of the sacred rites of the gens (Suid., Phot. *s. v. ὀργεῶνες*). This distinction could only have originated with the sense that these ancient members of the gens were connected through true family ties; and if we knew as much about the gentes of the Greek world generally as about those of Attica, we should probably find the same distinction between their members: between those, that is, who had a belief that they were ultimately related and those who had no ground for such a belief: not merely between those who shared in an original distribution of the members of the state and those who shared later in such a distribution. If even we accept the statement of Pollux (viii. 111) that the Athenian *γεννῆται* were in no way related (*οἱ μετέχοντες τοῦ γένους*, *γεννῆται καὶ ὁμογάλακτες*, *γένει μὲν οὐ προσήκοντες*, *ἐκ δὲ τῆς συνόδου οὕτω προσαγορευόμενοι*), which is merely the statement of a fact which he or his authorities believed, and does not necessarily represent the belief of the *γεννῆται* themselves, yet the bonds which united the gens, the transmitted sacred rites and the eponymous hero, had to the Greek mind the force of true family bonds. The hero or god of the gens became the mythical ancestor of the gens, as we see in the case of Hecataeus of Miletus, whose sixteenth ancestor was a god (Herod. ii. 143), the god no doubt of the *γένος* to which he belonged. Again, to get at the *origines* (*τὰ ἀνέκαθεν*) of a man, we have only to point to the god worshipped by his gens, as Herodotus points to the worship of the Carian Zeus by the *συγγενεῖς* of Isagoras the Athenian, as a sign of his descent (Herod. v. 66); while, in this passage of Herodotus, the word *συγγενεῖς*, which ordinarily meant "kinsmen" in Greece, is used as precisely equivalent to *γεννῆται*, and is distinguished from his *οἰκία*, the circle of his more immediate relations (for a similar use, cf. Isae. *Or.* 7). Peculiar rites in a Greek gens were similarly taken as a mark of some ultimate racial connexion between its members. Thus the Gephyraei at Athens, the race to which Harmodius and

Aristogeiton belonged, perpetuated the tradition of their common Phoenician descent by their peculiar sanctuaries and rites in which no other Athenian shared (Herod. v. 57 and 61); while the Athenians, accepting this race token, excluded the Gephyraei from certain minor privileges (Herod. v. 61; Thuc. vi. 56, 1, Arnold's note); no doubt from those religious privileges which were the mark of pure Ionian descent. The mythical head of the gens, the eponymous god or hero, who created the common race, and with it the transmitted priesthoods and the common rites, is known to us mainly in connexion with the greater *γένη*, those that claimed connexion with some superhuman being whose power was recognised by the whole state, or even by the whole Greek world; but it cannot be doubted that the same would be true of every *γένος* in Attica, and probably in Greece, and that the humbler gentes had their common rites, and their ancestral god or hero, as well as the more celebrated (Grote, *Hist. of Greece*, pt. ii. ch. x.). The distinctive marks of a gens were, then, this common mythical ancestry, the common rites and common assemblies (*σύνοδοι*, Pollux, *l. c.*) of its members. The reason why religious community always remained in Greece the main test of membership of a gens was that the common gentile name, which in Rome was the original test of gentilitas [GENS], was not borne along with the individual name by the Greeks. The bond of union between the *γεννῆται* was thus almost exclusively the common religious ancestry, and it is to this source that the other characteristics which distinguished the more prominent gentes in Greece may be traced. Community of religious ancestry gave rise to community of worship, and the importance of the ancestry and worship determined the importance of the gens. Thus the position of the kings at Sparta in historical times depended largely on their sole connexion with Zeus through Heracles his son (Herod. vi. 56); and through this connexion they were regarded as the link which bound the whole state to the king of heaven (Thuc. v. 16, 2, *Διὸς υἱοῦ ἡμιθέου τὸ σπέρμα*). Hence, too, the importance of some of the greater Attic gentes; the Butadae, or the true Butadae (*Ἐτεοβουτάδαι*) as they called themselves, after Cleisthenes had applied their name to the deme in which the greater part of their gens was resident, who, from their hereditary connexion with the worship of Athene Polias and Poseidon Erechtheus, furnished the holders of two of the greatest priesthoods of Athens (Aeschin. *de Fals. Leg.* § 147; Suid. *s. v.* *Ἐτεοβουτάδαι*: *Etym. Mag.* s. v. *id.*). Community of worship might further lead, not merely to the transmission of important priesthoods, but to the inheritance of certain peculiar duties and privileges which the founder of the gens had learnt from his patron deity. Thus the Eumolpidae and Ceryces at Athens were the sole exponents of the mystic ritual of the Eleusinian Demeter (Dem. *c. Androt.* p. 601, § 27; Thuc. viii. 53, 2). The Asclepiadae of Cos with their transmitted medical skill (Steph. Byz. *s. v.* *Κῶς*), the Homeridae of Chios with the gift of poetry (Harpocrat. *s. v.* *Ὁμηρίδαι*), and the Iamidae and Tellidae of Elis with that of prophecy (Herod. v. 44; ix. 33 and 37), are all instances of similar transmitted gifts associated with transmitted cults. Some of these gentes, such as the Asclepiadae and Homeridae, may have developed into schools, and lost, to some extent, the notion of common parentage. But in Sparta, where such peculiarly endowed gentes are numerous, the conceptions of hereditary privilege and actual descent were indissolubly connected. The Talthybiadae at Sparta, the state-heralds, were all *ἀπόγονοι Ταλθυβίου* (Herod. vii. 134); and this was also the case with the hereditary flute-players (*αὐλητα*ί) and cooks (*μάγειροι*), who handed down their profession from father to son (*κατὰ τὰ πάτρια τελέουσι*, Herod. vi. 60). This was almost a caste system, although marriage without the gens was apparently not forbidden. The pure caste system is met with in Greece in the case of a genuine *δυναστεία*, where the acquisition of supreme power by the gens was accompanied by a rule that all the marriages of its members should be made within it, as in the case of the Bacchiadae, the ruling gens at Corinth (Herod. v. 92, *ἐβίδοσαν δὲ καὶ ἤγοντο ἐξ ἀλλήλων*). In these instances community of blood-relationship and ancestry was very strongly marked. But such cases were exceptional in Greece. As a rule the chief token of descent was community in those peculiar sacred rights which had been connected from time immemorial with the life of the gens, dated back to its foundation, and were associated in idea with its mythical founder. The gens cannot be regarded, as it certainly never regarded itself, as the arbitrary formation of a legislator in founding his state. The statement of Pollux that the *γεννῆται* at Athens were not necessarily related does not conflict with the supposed natural origin of the gens; for in Greece, as in Rome, and in early societies generally, there are artificial modes of recruiting a gens, such as that by adoption (Maine, *Ancient Law*, pp. 130, 131); and by this means even the descendants of newly-created citizens might be admitted into an Athenian gens, if they were already connected with it through marriage (Schömann, *Antiq.* i. pp. 364, 365); while even where blood-relationship did exist between the different *οἰκίαι*, it would not be clearly marked in Greece through the lapse of the common gentile name. Greek speculation, however, which aimed at analysing the complex fact of the state into its simpler component elements, recognised in the *γένος* a development of the common origin which created the *οἰκία* or original unit. Aristotle (*Pol.* i. 2, 5) traces the development of the *πόλις* from the house through the village (*κώμη*). That the ideas of the *κώμη* and the *γένος* are here identical is shown by the use of the word *ὁμογάλακτες*, which is equivalent to *γεννῆται* (Pollux, viii. 111), and includes the *παῖδων παῖδες*, and all collateral descendants, to describe the members of the *κώμη*. This *κώμη* or *γένος* is the widest natural unity, the extension of the family to its furthest limits (*κατὰ φύσιν ἔοικεν ἡ κώμη ἀποικία οἰκίας εἶναι*, Arist. *l. c.*: cf. Cic. *de Off.* i. 17). This is a valuable statement, as throwing light upon the Greek conception of the gens—that is, that there was a closer unity of natural relations to be found within it than in the state; but since the method pursued by Aristotle is analytic and not historical, it throws no light on the real historical development of the gens into the *πόλις*,

which is a process that cannot be restored by conjecture.

Of the political significance of the γένη of Greece as a whole we can say very little. It is only in the case of the Athenian γένη that we have any full description of their relations to the other divisions of the state, and of the rights and duties of the gens. But in Greek states generally politically privileged γένη are of frequent occurrence. When such exist, the government is to a greater or less degree a δυναστεία. This was the case at Corinth under the Bacchiadae; at Sparta as regards the two kings, and possibly as regards the board of γέροντες, according to one interpretation of a passage in Aristotle (*Pol.* v. 6, 11; but see Jowett *in loc.*); in Crete as regards the election of the Cosmi, who were chosen from certain privileged γένη (Arist. *Pol.* ii. 10, 10); and in Thessaly, the normal government of which was a δυναστεία of certain families, such as the Aleuadae (Thuc. iv. 78, 3; Herod. vii. 6; Plat. *Menо*, p. 70 B). These are all instances of privileged gentes, to which superiority of birth or wealth had given superiority of power. In none of these cases is the gens taken directly as the basis of government. Even in Sparta, where the γέροντες, it is supposed, were chosen from certain prominent families in the state (I. Müller, *Handb.* iv. 1, p. 82), the gens would have only an accidental political significance. That the γέροντες were connected with the thirty ὠβαί seems shown by the Rhetra of Lycurgus quoted by Plutarch (*Lycurg.* 6). Herodotus, who does not mention the obe, says that Lycurgus divided the people into τριακάδες (Herod. i. 65). At Athens τριακάδες meant, either the γένος, each φυλή being divided into thirty of these (Pollux, viii. 111), or a similar fractional subdivision of the deme (Boeckh, *C. I.* n. 101, p. 140). The obes at Sparta represent divisions of the five local phylae (*C. I. G.* 1272, 1274). It is probable that the τριακάδες represented ultimate divisions of the people, like the γένη of Attica; but it is difficult to see how such generic divisions could have borne any relation to the local division of the obe. The significance of the gens at Sparta is quite unknown, as also the meaning of the twenty-seven phratries, which we are told existed there (Athen. iv. p. 141).

In the accounts of the Athenian as in those of the Roman gentes, we find a symmetrical division and distribution of the gentes into the larger units of the state, in Athens into the phratry or trittys and the tribe. Such a distribution could hardly have been realised in fact, when we consider the nature of the gens; while we are never told of any such original distribution by an early lawgiver, nor were they interfered with by later reformers, such as Cleisthenes. They are said to have been connected with the four Ionian tribes of Attica (Arist. *ap.* Schol. Plat. *Axioch.* p. 465; Pollux, viii. 111), each of these tribes being divided into three phratries, and each phratry into thirty gentes. That they were ever connected with the trittys, as is stated in one of the above accounts (Arist. *l. c.*), is improbable. The trittys was a subdivision of the tribe for political, as the phratry for social and religious, purposes; it was probably local, and its lowest subdivision was the smallest political unit, the naucrary (Schömann on Grote, p. 14). The trittys disappears with the political reform of Cleisthenes: the phratries and gentes, as social units, still remained intact, for it is not probable that Cleisthenes increased the numbers of the phratries (Schömann, *Antiq. of Greece*, i. p. 363; cf. I. Müller, *Handb.* iv. 1, p. 144). The gens and the phratry belong to the same category of state divisions; they are divisions whose rights and duties are those of private law. While the gens is a community, the members of which recognised a common ancestor and cultus, the phratry was an association of several such gentes recognising that cultus—the worship of Apollo Patroos and Zeus Herkeios—which was common to all the gentes, and the participation in which was a certain sign of citizenship (Phot. *s. v.* Ἕρκειος Ζεύς: μετὴν δὲ τῆς πολιτείας οἷς εἴη Ζεὺς Ἕρκειος: Harpocrat., Suid., s. v. *id.*; Harpocrat. *s. v.* Ἀπόλλων Πατρῷος: Dem. *c. Eubul.* p. 1315, § 54), as is shown by the question that was required to be answered as the δοκιμασία of the Archons, εἰ Ἀπόλλων ἐστιν αὐτοῖς καὶ Ζεὺς Ἕρκιος; (Pollux, viii. 85.) It would seem then that every citizen, whether born in or admitted to the citizenship, belonged to a phratry in so far as he shared in the worship of these gods, and he no doubt had his name enrolled as a participator in a phratry. But probably the created citizen (δημοποίητος) did not possess those rights of the phratry which depended on the fiction of relationship,—the right, for instance, of pursuing the murderer of one's φράτωρ (Dem. *c. Macart.* p. 1069, § 57), and this is what Aristophanes means by saying that the new citizens had no phrators or only barbarous ones (Aristoph. *Ran.* 419; *Aves*, 765;—Niebuhr, *Hist. of Rome*, vol. i. p. 312). An admitted citizen, then, was a member of the phratry so far as he shared in the two universal cults, but was not, strictly speaking, a φράτωρ: while a natural citizen could name three degrees of relationship, as being member of a gens and of a phratry. He had first συγγενεῖς, kinsmen where the blood-descent could be proved; γενῆται, where the common descent was believed, but could not be proved; and φράτορες, where the relationship was merely that of religious unity, carrying with it certain natural rights and obligations between the members called by this name (Dem. *in Eubul.* p. 1306, § 24). The συγγενεῖς as such, in the later sense of the word, had no form of association: it was a distinction within the gens, the only outward form of family unity. Thus the gens had a family register (γραμματεῖον) in which the names of the children of the members were enrolled; the father of the child taking an oath that it had been begotten in union with an Athenian wife duly wedded to him. The reception into the gens was performed at the same time as the reception into the phratry, on the Cureotis, the third day of the Apaturia; and the registers of the phratry and of the gens were apparently identical. The meeting at the Apaturia was properly a meeting for the reception of φράτορες: but if a child admitted into the phratry satisfied all the conditions of being a member of the gens, he became, by this reception, a γεννήτης, and hence a second register for the gens was not required. Yet if we suppose, as we must, that citizens not born so were admitted for religious purposes

into the phratry, there must have been members on the phratric register that were not members of a gens: and hence the *φρατερικὸν γραμματεῖον* and *κοινὸν γραμματεῖον* are identical (*C. I. A.* ii. 841 b; Isae. *Or.* 7 [*Apollod.*], § 13, *ἐμὲ ἐποίησατο υἱὸν ζῶν αὐτὸς καὶ εἰς τοὺς γεννήτας καὶ εἰς τοὺς φράτορας ἐνέγραψε*), for the registration signified at the least possession of full citizen rights, although it might signify the possession of full gentile rights. The oath mentioned above as necessary for admission to the gens was the oath for admission into the phratry (Isae. vii. § 16, *ἢ μὴν ἐξ ἀστῆς καὶ ἐγγυητῆς γυναικὸς εἰσάγειν*: Dem. *in Eubul.* p. 1315, § 54, *ὁ πατὴρ ὀμόσας τὸν νόμιμον τοῖς φράτορσιν ὅρκον ἀστὸν ἐξ ἀστῆς ἐγγυητῆς αὐτῷ γεγενημένον εἶναι*), and the same ceremonies, the sacrifice and the voting of the phrators applied to both alike, since admission to the phratry necessarily implied admission to the gens, and rejection from the former rejection from the latter; those rejected by the phrators, and by that act declared *νόθοι*, were of necessity excluded from the gens. Similarly all the duties that we read of as belonging to the phrators must have applied *à fortiori* to the gennetes: the duty, for instance, of taking vengeance on a murderer, which attached to the phrators of the murdered man (Draco, *fragm.* ed. Denkenbürger, n. 45; Dem. *c. Macart.* p. 1069, § 57), must have belonged in the first place to the *ἀγχιστεῖς*, in the next to the *γεννῆται*. As the *φρατρίαρχος* stood at the head of the phratry, so at the head of the gens stood the *ἄρχων τοῦ γένους*, who was at the same time high priest of the gens (*C. I. A.* 1276, *ἄρχων τοῦ γένους*: *ib.* 1278, *ἀρχιερεὺς καὶ γενε-[ἀρχης]*). During the democracy, and probably at an earlier period, there was the distinction noticed above between *γεννῆται* and *ὁμογάλακτες*, true members of the gens, and *ὀργεῶνες*, members of the cult. Every phrator was either one or the other of these (Phot. *s. v. ὀργεῶνες*: Suid. *s. v. id. τοὺς δὲ φράτορας ἐπάναγκες δέχεσθαι καὶ τοὺς ὀργεῶνας καὶ τοὺς ὁμογάλακτας*). Every phrator would be an *ὀργεὼν* so far as he shared in the rites of Apollo Patroos and Zeus Herkeios; whether he could share in other sacred rites of a particular gens, without having the family rights of the gens, is doubtful. (Dig. 47, 22, where *ἱερῶν ὀργίων γεννῆται*—for *ἢ ναῦται*, Nieb.—may imply membership of the gens so far as the rites are concerned.) The true *γεννῆται*, we are told, were the original members of the gens (Harpocrat. *s. v. γεννῆται, supra*). It is a possible supposition that the Eupatrids were the original *γεννῆται*, as the patricians were the original *gentiles* of Rome, and that membership of the gens to the other *ἔθνη* of the state merely consisted in participation in its rites. In any case it was the nucleus of original full citizens of Athens that constituted the gennetes; and it is probable that at Athens, as at Rome, we see an expansion of the gens; and that consequently there would have been *ὀργεῶνες* participating in the rites of particular gentes, and perhaps also in the *λέσχαι* [LESCHE], besides those participating in the two great cults which were proof of membership of a phratry. Within the circle of the *γεννῆται*, who regarded themselves as connected by blood, we have the inner circle of the *ἀγχιστεῖς*, who were obviously so connected. The *ἀγχιστεία* marked the limits of direct inheritance in cases of intestacy, and extended to the children of cousins *ἀνεψιῶν παῖδες* (Dem. *c. Macart.* p. 1058, § 27); within this circle the Agnates took precedence over the Cognates. This is a mark of the patriarchal organisation of the Athenian gens, at least in historical times, as recognised by Solon in his laws of inheritance (Plut. *Sol.* 21: for their development, cf. Isae. p. 85; McLellan, *Studies in Ancient Hist.* p. 209). A token of the same system is the survival of the *ἄρχων τοῦ γένους* as a factor in the Greek gens; and as the Greek theorists regarded the father as the king of the family, so they regarded the eldest father as the natural head of the gens (Arist. *Pol.* i. 2, 6, *πᾶσα γὰρ οἰκία βασιλεύεται ὑπὸ τοῦ πρεσβυτάτου, ὥστε καὶ αἱ ἀποικίαι—i.e.* the *κώμη* or *γένος*—*διὰ τὴν συγγένειαν*): and it is shown further by the fact that the ideal *patria potestas* in which the Roman gens culminated, was represented in the Athenian and in the Greek gens throughout by the eponymous hero. (On the proportions of eponymi to eponymae in the earliest Greek societies, *v.* McLellan, *id.* p. 229.) On the other hand, descent through the mother has been thought to be implied in the curious law of Athens that half-brothers and sisters by the same father might marry, but not those by the same mother (*ἐξεῖναι γαμεῖν τὰς ἐκ πατέρων ἀδελφάς*, Leg. Attic. vi. 1, *ἡ*: McLellan, *id.* p. 209). But the object of this law was apparently merely to keep together the property of the family. The necessity existed in the case of a common father, whose property would be divided; in the case of a common mother, where the property would be that of her two husbands, it did not exist; it tended then to keep the property within the father's gens, and thus bears out the theory of descent from the father. Athenian law had many other regulations for the purpose of keeping property together chiefly through the marriage of near relations (Schömann, *Antiq.* i. p. 356), and was equally careful in preserving the existence of the family (*οἰκία*); chiefly through the re-establishment by one of the sons of a married heiress of her father's house (Schömann, l. c.; *Att. Proc.* p. 469; Dem. *c. Macart.* arg.). By this means the property and the *ἱερὰ* were kept within the gens: and outside the circle of *ἀγχιστεῖς* the *γεννῆται* had the inheritance in the last resort, like the gentiles at Rome (Schömann, *Antiq.* i. 364).

[Grote, *History of Greece*, Part ii. ch. x.; Niebuhr, *History of Rome*, vol. i. p. 305 ff.; Philippi, *Beitrag zur Gesch. des Attisch. Bürgerrechts*, pp. 205–227; Iwan Müller, *Handb.* iv. 1, pp. 144, 145; Gilbert, *Staatsalterthümer*, i. pp. 199–202, 302 ff.; Schömann, *Antiquities of Greece*, i. pp. 357–365; Schömann on Grote, *ad init.* (on the early Attic Tribes). On the early family, *v.* Maine, *Ancient Law*, pp. 122, 123, 133, 134, 147–150; and McLellan, *Studies in Ancient History*, p. 195 *sq.* (Kinship in Ancient Greece).] [A. H. G.]

GENS. The word *gens*, connected etymologically with *geno* and *gigno*, signifies primarily an aggregate of individuals forming a political union and sprung from a common source. It is thus applied either to the whole or to part of a community, in either case with special reference to common descent. Nationality is defined by Cicero (*de Off.* i. 17, 53) as consisting in com-

munity of *gens, natio, linguz;* and in this sense of common origin, the most marked characteristic of a distinct nationality, it is constantly applied to whole peoples, as in the expressions *gens Numidarum, gens Aegyptiorum,* and in the juristic formula of *jus gentium.* The word may, however, denote a narrower form of common descent than that implied in nationality. Wider than the union of the family, and narrower than the bonds of the state or tribe, the gens at Rome was a social union which had, as its theoretical basis, the notion of descent from a common ancestor. The juristic theory of the gens may be expressed by saying that all the individuals constituting it would, if their descent could be traced far enough upwards, have ultimately come within the *patria potestas* of this one common ancestor; and would, accordingly, have borne a common name ("gentilis dicitur ex eodem genere ortus et is qui simili nomine appellatur," Festus, s. v. *gentilis,* p. 94). The first of these elements, common descent, was of necessity a doubtful tie. In most cases it would have been impossible to trace; and accordingly it is the second element, community of name, which, through being taken as a test of the former, was the distinctive and only certain mark of the right to participation in a gens. Those individuals who could through this token lay claim to share in a common gens were called *gentiles:* their relation towards one another and to the gens as a whole was called *gentilitas.* The very essence of the distinction between the relation of *gentilitas* and the relation of *agnatio* is to be sought in the fact that, when the common descent could be traced through all its stages, and the common *patria potestas* in which it ended fixed, there the individuals connected by this bond were *agnati:* when the common descent was only an imaginary fact based on the possession of a common name, the individuals so connected were called *gentiles.* Yet the latter name necessarily includes the former, only differing from it in being wider and less specific. A theory which draws a sharp distinction between the two must deny to the word *gens* the idea of common descent, which really lies at the basis of the conception; and is expressed, not only etymologically by the term itself, but by the outward tokens of the common *sacra,* and common right of inheritance, for which mere community of name, unaccompanied by the idea of descent, could have furnished no justification. The subsequent narrowing of these terms *gentilis* and *gentilitas* through the expansion of the gens not having been accompanied by a corresponding expansion of all the rights implied in it, is connected with the relation of the patrician and plebeian elements to one another in the Roman state. Originally, however, the expression "gentiles mihi sunt qui meo nomine appellantur" (Cincius, *ap.* Fest. *l.c.*) must have been capable of being uttered by everyone who was deemed a member of a gens, and formed indeed his only obvious claim to this position. This is equivalent to saying that the Roman gentes were all originally patrician. For the unit of the gens was the house (*familia*); and the most important members of the gens, those alone who would be capable of exercising such rights in private law as the gens possessed in its collective capacity, would be the *patres* or full heads of households. Assuming the truth of the most probable account of the origin of the Roman patriciate,—namely, that it represented those who were originally the sole full members of the Roman state, and who alone possessed the status of *patres* (whence *patricii,* Mommsen, *Staatsr.* iii. 13),—it follows that the Roman gentes were, as represented by tradition, originally exclusively patrician, and that the terms *gentilis* and *gentilitas* connoted a perfect equality of status among the members of the several *familiae* forming the gens. The restricted meaning which these words came to have in the Roman civil law originated with the evolution of the later plebeian rights. To the original gentes of Rome, those formed by the association of *patres* properly so called, there had from the first been attached a heterogeneous mass of half-free residents in Rome. An element in the state, but yet not in the strict sense a part of the state, these plebeians lived in a state of protected freedom, and in a partial dependence on the full citizens who alone constituted the gens. In this body two main elements may be distinguished: foreigners who had come to Rome on the *jus exsulandi;* emancipated slaves and their descendants [PLEBS]. Amongst this body there was clearly the same capacity for distinction as that which in the patrician aggregate formed the ground of division into gentes. There were groups of individuals who bore a common name and owned a common descent; and the common name and common descent would become more marked as years went on. Their original unity might only have been the unity of dependence on a common patrician house, but, as plebeian rights as such came to be recognised in contradistinction to patrician, the unity of name and blood in the former would be as distinct as its unity in the latter; and the original dependents on the patrician gens would form a *stirps* of their own. In the case of the patrician gens on which they were dependent wholly dying out, the plebeians who bore this name would be the sole representatives of the gens. But sometimes, as in the case of the Claudii, the patrician gens might stand side by side with the plebeian *stirps,* and it is in these circumstances that the question as to the applicability of the terms *gentilis* and *gentilitas* originated. That a patrician Claudius would have been a gentilis, not only to the members of his own order, but to the plebeian Claudii who bore his name, is clear. The question is, whether the reverse was true, whether a plebeian Claudius Marcellus could claim to be a gentilis. The answer is probably in the affirmative, so far as concerned the plebeians as a whole. That certain members of the plebeian order were excluded from *gentilitas* appears in the definition of this term by Scaevola, as quoted by Cicero (*Top.* 6, 29). The requirements of a gentilis are there stated as being, firstly, community of name; secondly, the condition of being the son of an *ingenuus,* which, as it is distinguished from the condition next mentioned, has here probably the signification merely of being born of one who is in a state of freedom, according to the definition in the Institutes (i. tit. 4, "Ingenuus qui statim ut nascitur liber est"), and not what was probably its original meaning, full membership of

the gens based on the fact that one's remote ancestors had never been in a state of slavery (Ortolan, i. § 17). This is fully stated in the third condition given by Cicero, "quorum majorum nemo servitutem servivit;" and lastly we have the requirement that no *capitis deminutio* should have been suffered by the person claiming to be a gentilis. It is clear that the third condition which required the ultimate ancestors of a gentilis to have been freemen would have excluded many of the plebeian houses, which had sprung originally from emancipated slaves. But this would not prevent many of the plebeians that had no trace of servile blood in their veins from being gentiles of all who bore their common name. We find that gentile inheritances were shared by the plebeian Minucii (Cic. *in Verr.* i. 45, 115), and gentile sepulchres shared by the plebeian Popilii (*de Leg.* ii. 22, 55); and though it is true that from the patrician point of view, as shown by the words of Decius Mus ("semper ista audita sunt eadem, vos soli gentem habetis"), there would have been no such thing as a plebeian gens, but only a *stirps*, which was an offshoot of the original patrician house, still connected with it by the tie of dependence; and though the presumption, in the case of the co-existence of plebeian and patrician gentes of the same name, was apparently that the former had once been clients of the latter, as in the case of the Claudii and Claudii Marcelli (Cic. *de Orat.* i. 39, 176; PLEBS), yet these are not sufficient proofs of the denial of gentilitas to plebeians as a whole: the less so as the only professedly exact definition of gentilis which has come down to us does not contain a sufficient number of restrictive conditions to exclude all the plebeian elements in the state.

Any attempt to understand the nature of the Roman gens and the theory on which it rested can only be made by comparing it with the other subdivisions of the Roman people. As has been stated above, the gens rested in theory on a natural basis. It represents the widest limits of blood-relationship possible. The gens, then, is intimately connected with those other units, the *familia* and *agnati*, that rest on the basis of kinship. Its distinction from these is the distinction between wider and narrower groups, not between included and excluded elements respectively; the fact being that, as Ortolan states it, the members of a gens might stand to one another in the relation of *agnati*, *gentiles*, and *cognati*, while they possessed a common genealogy, whether natural or civil, peculiarly their own (Ortolan, iii. tit. ii. 1032). The attempt to construct the gens, as Niebuhr did, by an exclusion of these family groups, ends necessarily in making the gens an important political factor in the Roman community, and tracing its origin to the requirements not of private but of public life. "The numerical scale of the gentes," says Niebuhr (*Hist. Rome*, i. p. 319), "is an irrefragable proof that the Roman gentes were not more ancient than the constitution, but corporations formed by a legislator in harmony with the rest of his scheme;" and he further held (*ib.* p. 333) that the gens voted as one in the Comitia Curiata, basing his conclusion on a doubtful expression of Laelius Felix (*ap.* Gell. xv 27), who says, "Cum ex generibus hominum suffragium feratur, curiata comitia esse," *genus* being taken as an equivalent, as it not unfrequently is, to *gens*. To maintain that the gens was a political union without blood-relationship or connexion through the *patria potestas* (Niebuhr, *Hist. Rome*, i. p. 314) is to bring it into closer relation with the *curia* and the *tribus* than with the family: to make it a definitely artificial and not a quasi-natural association, and to give it a political importance which there is little evidence to show that it ever possessed. The small amount of corporate action possessed by the gens, and the utter absence of representative power characterising it, which will be touched on subsequently, lead us to suspect that it never could have been an important political factor in the state. Its rights are those of private not of public law, and there are but two exceptions to this general principle, one an apparent exception that rests on traditional accounts,—namely, the political distinction with which the traditional history presents us, between the *gentes majores* and the *gentes minores;* the other a real exception, that rests on modern conjecture, and which is contained in the theory that at one time the gentes were represented in the senate, or at least made the basis for its formation. The distinction between *gentes majores* and *gentes minores* is one that existed within the original patrician gentes. It is said to have originated, in the reign of Tarquinius Priscus, with the reception of fresh members into the body of the patrician senate (Cic. *de Repub.* ii. 20, 36; Liv. i. 35, 6), the members now received being called the *patres majorum gentium* as opposed to the *patres minorum gentium* or original members; and it is further stated that there was a difference of rank observed within the senate between the older and later members, the former having precedence in debate (Cic. *de Repub.* l. c. "majorum gentium quos priores sententiam rogabant"). If we accept this account as historically true, it furnishes no real evidence that the senate was ever organised on the basis of the gentes, or that a difference in grade in the gentes caused a difference in grade in the senate. The more probable conclusion is, that the senate had in the earlier regal period been composed of *patres* chosen from the original full members of the Roman state, from the first gentes therefore that formed this body; that, after the arrival and settlement of fresh gentes, a conservatism was still observed, the patres who entered the senate, no doubt on the nomination of the king, being chosen from this body; that at a later period, which tradition puts in the reign of Tarquin, the advisability was felt of a more unfettered choice of patres; and that consequently these were chosen from the newer gentes. The titles *majores*, *minores* applied to these gentes may simply denote their comparative antiquity; but it is possible that the titles may have arisen, as Cicero suggests in the passage of the *de Republica*, from the respective positions their members had within the senatorial body. The patres now chosen would have a less favoured position as compared with the older patres, and this position would reflect on the position of the gentes to which they belonged; so that, so far from a difference of political position in the gentes giving rise to a difference of position in

the senate, the case would be precisely the reverse; and the gentes would only accidentally possess this reflected political character. The memory of this distinction had not died out down to a late period of the Republic, and probably lasted as long as the patrician gentes themselves. We are told by Cicero that the patrician Papirii belonged to the *minores gentes* (*ad Fam.* ix. 21, 2), the only name we know as belonging to this category. The names of the *gentes majores* are not mentioned, but Mommsen conjectures that they may be those who furnished *principes senatus*, such as the Aemilii, Claudii, Cornelii, Fabii, Manlii, and Valerii (*Staatsr.* iii. 31; *Forsch.* i. 259).

The theory that the gentes originally formed the basis of representation in the Roman senate originates mainly with the consideration of the close correspondence of numbers between the gentes and the senate. The full numbers of both are given by tradition as 300; while the symmetrical divisions of the gentes into the 30 curiae, 10 to each, and of the curiae into the three original tribes of the state, seem, if we accept it, to point to a definitely political organisation. This is further supported by the theory that the Roman state was a gradual amalgamation of three domains (*tribus*) into one; and the rise of the senate from 100, its original number as constituted by Romulus, to 300 as its final number, is accounted for by the gradual amalgamation of these three tribes with their 100 gentes each, the *gentes minores* being sometimes identified with the gentes of the last-admitted of these tribes, that of the Luceres (Ortolan, i. § 33); while a parallel to the original centumviral constitution of the senate before the *συνοικισμὸς* is found in the *centumviri* of the Italian municipia, supposed to be derived from the same invariable division of a *tribus*, or community, into 100 gentes (Mommsen, *Hist. Rome*, i. p. 73). The connexion of the gentes with senatorial representation is therefore not without some theoretical support, although it is never distinctly stated by ancient writers, and it crosses, though it does not absolutely conflict with, the more probable account that the senators were nominated by the king. The chief objections are to be found in the political character it gives to the gens, a character it did not bear in historical times, and also in the symmetrical principle of division such a system implies, a principle which conflicts with the nature of the origin of the gens, which is based not on an artificial but on a natural unity. The political division of the *curia* is not into gentes, according to the best tradition, but into *decuriae*, which is more probably the meaning of the *δεκάδες* of Dionysius (ii. 7) than gentes; and that there was ever a fixed and normal number for the gentes of Rome, which must from their natural character have fluctuated considerably, is improbable (Mommsen, *Staatsr.* iii. 12). Yet that there may have been some original connexion between the gentes and the senate, not definitely political but accidental, such as that traced in the case of the gentes majores and minores, it is quite possible to imagine.

That the gentes had not, or, if they had, could not have retained, the fixed numbers which the above-mentioned political distribution attributes to them, is shown by the fact that it was possible for new gentes to be added to the community, and even for old gentes to quit it. Thus the reception by the original Roman community of at least six gentes that had once belonged to the parent state of Alba—the Cloelii, Curiatii, Geganii, Julii, Quinctilii (or Quinctii), and Servilii—is mentioned by our authorities (Liv. i. 30; Dionys. iii. 29); and not only were Latin races so received, but Sabine races as well, such as the Valerii (Dionys. ii. 46). These new gentes are spoken of as being *cooptatae in patres* (Liv. iv. 4, "nobilitatem vestram per cooptationem in patres habetis;" Suet. *Tib.* 1, "gens Claudia in patricios cooptata"). This expression probably means nothing more than that their position in the state was conferred on them by a vote of the Comitia Curiata, all the constituents of which were originally *patres*, and therefore the only *gentiles*; so that the alternative expressions of Livy of *cooptatio in patres* and *jussu populi* to describe a reception of this kind, may be taken as denoting the same act. This is not, however, to assign any corporate action to the gens as such. Their corporate action in this case only rests on the original exclusive participation of their members in the *comitia populi*; and such an act would require, as every popular act did, the co-operation of the Roman magistrate,—that is, in early times of the king. We do, indeed, get references to the reception of gentes, to the reception of individuals into gentes, and even to the transference of gentes from the plebeian to the patrician order by the act of the curiae or the king alone, as in the case of Servius and Numa, who are said to have been transferred by the populus from the ranks of the *δῆμος* to those of the *πατρίκιοι* (Dionys. iv. 13), and in that of a whole gens, the Octavii being raised by Servius Tullius to the patrician order (Suet. *Aug.* 2). But in all these cases, if they are not merely hypothetical, we must probably understand a joint working of the magistrate and the people. The only mode by which the king or magistrate could have in any way raised the position of a plebeian gens would have been to choose some of its members for the senate, as the first consuls are said to have done (Dionys. v. 13), but even this would not have rendered them patrician. They would have been *patres* in the sense of senators, had the word attained that meaning at this early time, but not *patres* in the sense of heads of households. That the plebeian community at Rome could at this period have been called *gentes* at all is improbable; the gens is a union of *familiae*, and therefore a union of *patres*; the refusal of the title *patres* to this class, the origin of the distinction between *patricii* and *plebeii*, excludes the idea of their union into gentes. To speak of the *plebeia gens* of the Octavii becoming a *patricia gens* is therefore an anachronism; but this does not exclude the possibility of a division of the plebeian community being "coopted" into the gentes by the original Comitia Curiata on the proposal of a magistrate. The reception of fresh gentes ceased, in the course of the Republic, because there was no political assembly composed exclusively of members who fulfilled all the conditions of being gentiles. When we get the conferring of the patriciate again revived, as it was by the dictator Caesar, the power to confer it was received from a vote of the popu-

lus; although it afterwards became one of the privileges of the Roman *princeps* (Mommsen, *Staatsr.* iv. 1046). As a gens might be received into the Roman community, so a *gens* might quit it. The only instance of the expulsion of a gens is that of the Tarquinii, and the decree that this whole gens had forfeited its right to be a member of the Roman state was passed by the populus (Liv. ii. 2, "Brutus ad populum tulit ut omnes Tarquiniae gentis exsules essent;" Varro, *ap. Nonium*, p. 222 M., "omnes Tarquinios ejicerent, ne quam reditionis per gentilitatem spem haberent").

The account we have of whole gentes being received into Rome is accompanied by the account that the members of a gens originally kept together in their settlement at Rome. Thus, in the case of the migratory gens of the Claudii, we are told that, on the reception of the *civitas*, they received as well a special tract of territory across the Anio for the settlement of themselves and their clients (Liv. ii. 16; Suet. *Tib.* 1), to be divided up into allotments for the various *familiae* constituting the gens (Dionys. v. 40). This at once suggests an original connexion between the gens and the soil; the fact, that is, that the unity of the gens was one not merely natural (γενική), but also local (τοπική). On this fact, which there is no reason to doubt, and on the traces supplied by juristic tradition of the earliest modes of possession at Rome, a theory has been constructed that the gens originally held a common ownership of the soil. Mommsen points out that the earliest names for Roman territorial possessions are *heredium*, *ager publicus*, and *ager privatus*. The *heredium* was the personal property of the citizen as such, consisting only of two jugera, an amount clearly insufficient for the support of a family; the permittance of private possession of this limited allotment is attributed to Romulus (Varro, *R. R.* i. 10, 2; Plin. *H. N.* xviii. § 7), and seems a modification of some kind of original common possession. The *ager publicus* is the property of the populus Romanus, and the *ager privatus*, if it exclude the *heredium*, can only have been the property of some division of the populus, in all probability of its natural division, the gens. Again, that the terms which denote individual possession (*manus*, *mancipium*) referred originally only to movable property and not to fixed property in land is certain (Mommsen, *Staatsr.* iii. p. 23), and point to a time when some aggregate wider than the family was the owner of the soil. It is tempting to consider this aggregate to have been originally the gens, the only natural unit wider than the family, especially in view of the later rights of inheritance possessed by the gentiles. There is little in the traditional history, however, to bear out the hypothesis. The only one of the larger divisions of the state to which fixed land assignments are said to have been made, was, according to Dionysius (ii. 7), the curia (φράτρα), not the gens; and in the accounts of the early distribution of conquered land, the assignation is represented as being made to individuals (*viritim*, Cic. *de Repub.* ii. 14, 16), not to a larger aggregate. If we hold that the gens was once the common possessor of the *ager privatus* at Rome, the mode of possession can only be a matter of the purest conjecture; whether the system was one of vicarious enjoyment of land allotments, or of a life-tenure in such allotments, or even of heritable but inalienable allotments, the alternatives presented by Mommsen (*l. c.* p. 26), it is impossible to determine.

But, uncertain as the theory of this original common possession is, there were certain reversionary rights of inheritance possessed by the gentiles which may be a relic of such a system. In the case of failure of a *suus heres*, a man's property passed to his *agnati*, and on the failure of *agnati* to the *gentiles*. This order of succession is found laid down in the laws of the Twelve Tables, "Si agnatus nec escit gentiles familiam habento," and would have applied from the first to the patricians who were the only original gentiles. It is in this connexion that the importance of the definition of *gentilitas* asserts itself; and since, as has been shown, a considerable portion of the plebeians would have been gentiles, they would have enjoyed, equally with the patricians, this right of inheritance (see above: cf. Cic. *in Verr.* i. 45, 115). We find this right of the gentiles to inherit in the last resort lasting down to the end of the Republic (Suet. *Jul.* 1); but it was extinct in the time of Gaius (*Inst.* iii. 17), in the second century A.D. It must have been an inheritance by individuals, not, as may once have been the case, by a corporation; and the property must have been divided amongst the members who proved their claims to be gentiles. But the gentiles had rights in their collective capacity as well. The guardianship of the insane was in their hands as laid down by the laws of the Twelve Tables, "Si furiosus escit, ast ei custos ne escit, adgnatum gentiliumque in eo pecuniaque ejus potestas esto." The same reversionary rights of guardianship over women and children belonged to the gentiles (Cic. *pro Domo*, 13, 15; *C. I. L.* vi. 1527; and Mommsen on this Inscription, *Staatsr.* iii. 28, n. 1). Such a *tutela* must have given the gentiles all the rights of a person in Roman law, and it is difficult to see how it could have been exercised except through some personal representative of the gens. In this respect, however, the gens is regarded as capable of corporate action — a capacity of which there are few manifestations in its history. One of these is contained in the accounts we have of the gens as a whole repudiating the use of a *praenomen*, on which dishonour had been cast by the actions of one of its possessors. Thus we read of the patrician Claudii repudiating by common agreement (*consensu*) the praenomen of Lucius, because two of its bearers had been convicted of theft and murder respectively (Suet. *Tib.* 1), and again of the patrician Manlii renouncing by common decision (*decreto*) the praenomen of Marcus (Cic. *Phil.* i. 13, 32). Such an act must have been purely a matter of agreement, and must have depended on the mere will of the members to observe it, since there could have been no legal sanction to render it binding. The circle of the gens was drawn closer by the common worship and sacrifices that belonged to special gentes as such. Their maintenance was regarded as a fact of extreme importance: not so much perhaps out of regard for the welfare of particular gentes, as from the fact that if the special *sacra* of a race died out, the community would lose the favour of the divinity to which

they belonged. It is this fact which explains the close connexion of gentile *sacra* with property and inheritances (Maine, *Ancient Law*, pp. 6 and 27). Property in the last resort went to the gentiles; the sacra, that they might be maintained, were a necessary burden associated with it. That the sacra might pass out of the family was of little importance; had they passed out of the gens, there was no security for their continuance, and hence the difficulties that beset the marriage of a woman outside the gens (*gentis enuptio*), as shown in the case related by Livy (xxxix. 19, 5), of Fecenia Hispalla, who was permitted, as a reward for her disclosure of the Bacchanalian conspiracy, to have control of her property and marry without the gens. For by the old Roman law of marriage the property of a woman passed wholly under the power of her husband; and with this dissociation of property from the gens there was a danger of a corresponding dissociation, and consequent non-continuance of the sacra. The same feeling is shown in the marriage of the patrician Verginia with a plebeian, in which case she was allowed to have no further share in the sacra of her family (Liv. x. 23); and one of the forms observed in cases of change of gens, such as that by *adrogatio*, was the *sacrorum detestatio*, or public declaration that the individual seeking this change ceased to claim any participation in the sacra of his race (Mommsen, *Staatsr.* iii. p. 39); while, in cases of adoption requiring a similar change of gens, it was the duty of the pontifices to inquire how the continuity of the sacred rites might be maintained (Cic. *pro Domo*, 13, 35; *de Leg.* 2, 22).

How peculiar rites became attached to particular gentes it is not easy to determine. In some cases they may have gone back to the ante-Roman traditions of the gens, as may have been the case with the peculiar sacrifices of the Claudii (Festus, s. v. *propudi*, p. 238), who are said to have entered the Roman community at a comparatively late period. But we are told that in many cases these *sacra* were in the nature of acquired cults imposed by the community on family groups (Cincius, *ap.* Arnob. iii. 38, "solere Romanos religiones urbium superatarum partim privatim per familias spargere, partim publice consecrare"); and, if this were so, many of these gentile cults would not have had a natural growth, and "would have had as slender a connexion with the gens as the exercise of his office had with the person of the magistrate" (Mommsen, *Staatsr.* iii. p. 19). The worship of Apollo by the Julia gens is probably an instance of such an acquired cult. Connected, as has been seen, with the question of the *sacra gentilicia* is the question of the changing of his gens by an individual. Membership of a gens is either natural, as that by birth, or artificial; and all the artificial modes of membership, such as adoption, adrogation or marriage, are necessarily also modes of exchanging one gens for another. As regards birth, in the time of the exclusively patrician gentes, and before the extension of the *jus connubii* to the plebs (Liv. iv. 1), marriage with a patrician mother, and by the ceremony of *confarreatio*, was necessary to constitute gentilitas for the child. This form of religious marriage also necessitated a change of gens on the part of the wife. Dionysius (ii. 5) tells us that a woman married by the *confarreatio* (*κατὰ τοὺς ἱέρους νόμους*) became a sharer in the property and sacra of her husband (*ἀνδρὶ κοινωνὸν ἁπάντων χρημάτων τε καὶ ἱερῶν*), and there is some slight trace of her originally changing her gentile name as well (Plut. *Qu. Rom.* 30). A similar change of gens, accompanied by a change of citizenship, must have befallen the woman who married by *confarreatio* a member of another community which had the *jus connubii* with Rome. The religious was soon replaced by the secular marriage, requiring mere consensus on the part of the contracting parties; and where the *confarreatio* was still necessary, as in the case of wives of religious officers, such as the Flamen Dialis, we sometimes find the assumption by a wife of her husband's gentilitas in a modified form. She was in her husband's power (*in potestate viri*) only *sacrorum causa* (Tac. *Ann.* iv. 16). The ordinary marriage by consensus did not lead to a woman's being in the potestas of her husband, except this was assumed by prescriptive right or by *coemptio*. In this case she became a member of the family; but that the logical conclusion was pressed, and that she became a member of the gens, is doubtful, and we must conclude with Mommsen that the anomaly resulted "of a Cornelia being in the power of an Aemilius, a patrician in that of a plebeian, even a Praenestine woman in that of a Roman burgess" (*Staatsr.* iii. p. 36).

The artificial assumption of new family ties through adoption and adrogation might necessitate a change in the gens. Adoption by will, which replaced that through fictitious sale, and adrogation, or the definite renouncing of old family ties by a man who is *sui juris* for the purpose of seeking others, were performed, first through the action of the pontifices, to consider the question of the continuity of the *sacra*, next through the action of the curies, for the purpose of declaring the change of family or gens, and the fact that the rights of the old ones were renounced before those of the new one were assumed (Servius *in Aen.* ii. 156, "consuetudo apud antiquos fuit, ut qui in familiam vel gentem transiret prius se abdicaret ab ea in qua fuerat et sic ab alia acciperetur"). A new gens in these cases is acquired through a new familia. In the case of the recall of the dictator Camillus, if, with Mommsen, we take the proceedings in the Comitia Curiata mentioned by Livy (v. 46) to refer, not to his appointment as dictator, but to his re-investment with his personal rights, this would be an instance of the attainment of a gens, without the intermediate attainment of a fresh familia (Mommsen, *Staatsr.* iii. 41; ADOPTIO; ADROGATIO).

[Mommsen, *Römisches Staatsrecht*, iii. i. pp. 15–42; Becker, *Handb. der Römischen Alterthümer*, Th. ii., Abth. 1; Lange, *Römische Alterthümer*, Bd. i., Abschn. ii. (*Das Gentilrecht*); Niebuhr, *Hist. of Rome*, i. pp. 306 ff. Ortolan's view of the relation of *gentilitas* to *agnatio*, differing from that taken in this article, will be found in his *History of Roman Law* (transl.), p. 588, and in the third volume of that work comprising the commentary on the Institutes of Justinian, tit. ii. § 1.] [A. H. G.]

GENTI'LES. [GENS, p. 907 *a*.]

GENTI'LITAS. [GENS, p. 907 *a*.]

GEO'MORI (*γεωμόροι*; Doric, *γάμοροι*) is

the name of the second of the three classes into which the inhabitants of Attica were anciently divided (Plut. *Thes.* 25; Pollux, viii. 111). Aristotle (*ap.* Schol. Plat. *Axioch.* and in C. Müller, *Fragm. Hist.* ii. 106) calls them γεωργοί. This class, together with the third, the δημιουργοί, was excluded from the great civil and priestly offices which belonged exclusively to the Eupatrids, so that there was a great distinction between the first and the two inferior classes; it is not too much to say, indeed, that the Eupatrids were the only fully enfranchised citizens (Gilbert, p. 115). The relation of these three classes to the four old-Ionic tribes and the phratries is touched upon under EUPATRIDAE. On this, and on the kindred question of the precise status of the γεωμόροι, only conjectural results can be arrived at. The name may either signify independent land-owners, or peasants who cultivated the lands of others as tenants. The γεωμόροι have, accordingly, by some writers been thought to be free land-owners, while others have conceived them to have been a class of tenants. It seems, however, inconsistent with the state of affairs in Attica, as well as with the manner in which the name γεωμόροι was used in other Greek states, to suppose that the whole class consisted of the latter only; there were undoubtedly among them a considerable number of freemen who cultivated their own lands, but had by their birth no claims to the rights and privileges of the nobles (Ruhnken on Timaeus, *s. v.* γεωμόροι: Valckenaer on Herod. v. 77, vi. 22; Arnold on Thucyd. viii. 21). The distinction between the γεωμόροι and the δημιουργοὶ was perhaps social rather than political; for in the strictly political point of view both were unimportant, and may at best have been summoned now and then to popular assemblies, like the commonalty in the states described by Homer. This would account for the fact that Dionysius (ii. 8) only mentions two classes of Attic citizens; one corresponding to the Roman patricians, the other to the plebeians. But there was a social stigma attached to those who worked for wages (βάνανσοι καὶ θῆτες, Aristot. *Pol.* iii. p. 1278, 12; καὶ τὸν μὲν γεωργικὸν δῆμον ὁρῶμεν ὄντα, τὸν δὲ ἀγοραῖον, τὸν δὲ βάνανσον, *ib.* iv. p. 1289 b, 32) which placed them below the poorest cultivator or small farmer. Some inferiority is expressed by the term ἐπιγεωμόροι, also applied to the δημιουργοί (*Etym. M.* p. 395, 54; *Lex. Seguer.* p. 257). (Thirlwall, ii. 14; Grote, pt. ii. ch. 10, ii. 280; Schömann, *Antiq.* i. 321, E. T.; Gilbert, *Staatsalterth.* i. 111 ff.)

In Samos the name γεωμόροι was applied to the oligarchical party, consisting of the wealthy and powerful. (Thucyd. viii. 21; Plut. *Quaest. Gr.* 57; Müller, *Dor.* iii. 1, § 4.) In Syracuse the aristocratical party was likewise called γεωμόροι or γαμόροι, in opposition to the δῆμος. (Herod. vii. 155; Hesych. *s. v.* Γάμοροι; Müller, *Dor.* iii. 4, § 4; Göller, *de Situ et Orig. Syrac.* p. 9: cf. Grote, ii. 244; Schömann, *Antiq.* i. 126, 171, E. T.) [L. S.] [W. W.]

GERAERAE. [DIONYSIA.]

GERANOS. [HYPORCHEMA.]

GERMA'NI. [COGNATI.]

GEROU'SIA (γερουσία), the council of elders (γέροντες), was the name of the Senate in most Doric states, and was especially used to signify the Senate at Sparta. In connexion with this subject it is proposed to give a general view of the Spartan constitution, and to explain the functions of its legislative and administrative elements. In the later ages of Spartan history one of the most prominent of these was the college of the five ephors; but as an account of the Ephoralty is given in a separate article [EPHORI], we shall confine our inquiries to the kings, the γέροντες or councillors, and the ἐκκλησία or assembly of Spartan freemen.

I. *The Kings.* The kingly authority at Sparta was, as it is well known, coeval with the settlement of the Dorians in the Peloponnesus, and confined to the descendants of Aristodemus, one of the Heracleid leaders, under whom, according to the Spartan legend, the conquest of Laconia was achieved. To him were born twin sons, Eurysthenes and Procles; and from this cause arose the divided royalty, the sovereignty being always shared by the representatives of the two families which claimed descent from them (Herod. vi. 52). A purely formal precedence, involving no substantial inequality of power, was granted to the elder branch, known as the house of the Agiadae or Agidae (the former is more correct: Schömann, p. 225 n.), from Agis son of Eurysthenes; while the other was styled that of the Eurypontidae from Eurypon, a grandson of Procles. Such was the national legend; but the notion that both kings were Heracleids finds little favour from recent criticism (cf. Thumser, p. 158, n. 9). It is more likely that the second house represented another family; and that of the Theban Aegidae, who are believed on other grounds to have taken part in the συνοικισμὸς or Dorian conquest of Sparta, is by far the most probable. The burial-places of the two royal families were in quite different quarters of the city of Sparta (Paus. iii. 12, § 8; 14, § 2); there was a traditional rivalry between them, and they appear never to have intermarried with one another. The double royalty no doubt originated in some circumstances of the earliest times which have not come down to us: that it was the result of a deliberate plan, on the part of the nobles, for weakening the kingly authority by dividing it, is not likely, though such a feeling may have tended to keep up the institution when once established.

The monarchy passed by hereditary descent, not unconditionally to the eldest son, but to the one who was born first during the reign of his father (Herod. vii. 3), and whose mother was of genuine Spartan descent. Marriages with foreigners were interdicted on political grounds; the kings were not to strengthen themselves at the expense of the constitution by means of union with other leading families. If no sons were born, or if the heir to the crown were incapacitated through some serious bodily defect, the nearest agnate succeeded; he it was, also, who acted as guardian and regent (πρόδικος) during a minority. Some of the most famous Spartan careers, for instance those of Lycurgus the legislator and Pausanias the victor at Plataea, arose out of this office of πρόδικος.

The requirement that the kings should be free from bodily defects was a necessary consequence of their priestly character. It was their duty either to perform in person, or to superintend,

all the public sacrifices offered on behalf of the state; while in addition to this they held two special priesthoods, those of Zeus Uranius and Zeus Lacedaemon (Herod. vi. 56). For the support of the royal dignity, and of the hospitalities which it involved, public or domain lands were assigned to them in the districts of the perioeci, or provincial subjects, and certain perquisites belonged to them whenever any animal was slain in sacrifice. Besides this, the kings were entitled to various payments in kind (*πασῶν τῶν συῶν ἀπὸ τόκου χοῖρον*), that they might never be in want of victims to sacrifice; in addition to which they received, twice a month from the state, a *ἱρήϊον τέλειον*, to be offered as a sacrifice to Apollo, and then served up at the royal table. Whenever also any of the citizens made a public sacrifice to the gods, the kings were invited to the feast, and honoured above the other guests: a double portion of food was given to them, and they commenced the libations to the gods (Herod. vi. 57). All these distinctions are of a simple and antiquated character, and, so far as they go, prove that the Spartan sovereignty was a continuation of the heroic or Homeric. The distinctions and privileges granted to the king as commander of the forces in war, lead to the same conclusion. These were greater than he enjoyed at home. He was guarded by a body of at least 100 chosen men, more usually 300 (Herod. i. 67; Thucyd. v. 72); and his table was maintained at the public expense: he might sacrifice in his sacerdotal capacity as many victims as he chose, the skins and chines of which were his perquisites; and he was assisted by so many subordinate officers that he had nothing else to do, except to act as priest and strategus. (Xen. *de Rep. Lac.* 13, 15; Herod. vi. 55.)

On the death of a Spartan king the funeral solemnities were celebrated by the whole community. The markets were closed for three days, and all public business was suspended for ten: horsemen went round the country to carry the tidings, and a fixed number of the perioeci, or provincials, were obliged to come from all parts of the country to the city, where, with the Spartans and Helots and their wives, to the number of many thousands, they made loud lamentations, and proclaimed the virtues of the deceased king as superior to those of all his predecessors. (Herod. *l. c.*) At the end of the ten days mourning was changed into festivity, and the accession of the new king was celebrated: the occasion was signalised by the remission of all debts due from private individuals to the state or the king; the words of Herodotus (*ὁ ἐσιὼν ἐλευθεροῖ*, vi. 59) suggest that they were not cancelled, but paid by the new monarch as *largesse*.

In comparison with their dignity and honours, the constitutional powers of the kings were very limited. Their official title seems to have been, not *βασιλεῖς*, but *ἀρχαγέται* and *βαγοί*: the former indicating their presidency of the senate (*γερουσίαν σὺν ἀρχαγέταις καταστήσαντα*, Rhetra *ap.* Plut. *Lycurg.* 6), the latter probably from *ἄγω* with the digamma (*βαγὸς—καὶ βασιλεὺς καὶ στρατηγός· Λάκωνες*, Hesych.; cf. Boeckh on *C. I. G.* i. 83).

In the *γερουσία*, it is probable, their votes counted for no more than those of any other senator; when absent, their place was supplied and their proxies tendered by the councillors who were most nearly related to them, and therefore of a Heracleid family. The presidency of that body was lodged either in the king of the elder house (Thirlwall, i. 319) or, as with the Roman consuls, in the two kings alternately (Schömann, *Antiq.* i. 233, E. T.): the latter supposition is more in accordance with the substantial equality of the royal houses. Herodotus (vi. 57) states that they each had two votes, but this is denied by Thucydides (i. 20); when the votes were equally divided, the president may have had a casting vote, in which case his vote counted as two. The expression of Thucydides, *προστίθεσθαι μιᾷ ψήφῳ*, implies that the kings voted last, which was no doubt the case with the president (Schömann, *l. c.*). Among other prerogatives they had the right of convoking and addressing the public assembly; they appointed the *Πύθιοι* [PYTHII] and the *πρόξενοι* [HOSPITIUM], the latter an important office in a state so jealous of foreigners as Sparta. Their judicial powers were by no means extensive; they tried suits respecting the maintenance of the public roads or the disposal of heiresses (*πατροῦχοι, ἐπικάμονες*: cf. EPICLERUS, p. 748 *a*); and adoptions took place in their presence. It was only in war that the kings still retained many attributes of the heroic monarchy. In old times they had the right to declare war upon whom they pleased, and any one who hindered them was laid under a curse (Herod. vi. 56); this, however, is not said of the single king, but of the two in joint command (*ἐπ' ἣν ἂν βούλωνται χώρην*), and in Xenophon's time it is *στρατιὰν ὅποι ἢ πόλις ἐκπέμπῃ ἡγεῖσθαι* (cf. *Hellen.* iii. 4, § 3; iv. 7, § 2). After the quarrel between Cleomenes and Demaratus (B.C. 506), a law was passed that for the future one only of the two kings should have the command of the army on foreign expeditions. When they had once crossed the borders of Laconia, in command of troops, their authority became unlimited, except as to capital punishment (Aristot. *Pol.* iii. 9 = p. 1285, 7). They could send out and assemble armies, despatch ambassadors to collect money, and refer those who applied to themselves for justice to the proper officers appointed for that purpose. (Xen. *de Rep. Lac.* 13; Thuc. v. 60, viii. 5.) Two ephors, indeed, accompanied the kings on their expeditions, but those magistrates had no authority to interfere with the king's operations: they simply watched over the proceedings of the army. (Xen. *l. c.*) Moreover, there can be no doubt that the kings were, on their return home, accountable for their conduct as generals (Thucyd. v. 63), and more especially after the increase of the ephoral authority. Their military power also was not connected with any political functions, for the kings were not allowed to conclude treaties or to decide the fate of cities, without communicating with the authorities at home. (Xen. *Hell.* ii. 2, § 12; v. 3, § 24.)

II. *The γερουσία, or Council of Elders.* This body was the aristocratic element of the Spartan polity, and not peculiar to Sparta only, but found, as has been already observed, in other Dorian states, just as a *βουλὴ* or democratical council was an element of most Ionian constitutions.

The γερουσία at Sparta, called in the local dialect γεροντία, γερωχία, and perhaps γερῶα (Schömann, p. 230; Gilbert, p. 51; Thumser, p. 155), consisted of twenty-eight members, exclusive of the two kings, its presidents. Plutarch (*Lycurg.* 5) gives various explanations of this number; his own, which has been generally followed in modern times, is that, with the kings, the number thirty was made up. Hence it has been very generally supposed that each of the thirty Obae (ὠβαί) into which the people were divided was represented by one of the Gerontes (Müller, *Dor.* iii. 5, §§ 3, 8). But the evidence for the number of thirty Obae is very insufficient, and it is now admitted that the connexion between them and the Gerousia is, to say the least, extremely doubtful. Like every Dorian state, Sparta was divided into the three genealogical tribes (φυλαὶ γενικαί: cf. Demus, p. 615 *a*) of Ὑλλεῖς, Δυμᾶνες, and Πάμφυλοι, whence the Dorians are called τριχάϊκες, or thrice divided (*Od.* xix. 177). But it is now agreed that there was another division of the Spartans into local tribes (φυλαὶ τοπικαί), the number of which is unknown, but was perhaps five, corresponding to the five κῶμαι or villages which made up the city of Sparta, and named, as there is good reason to think, Πιτάνη, Λίμναι, Μεσσόα, Κυνόσουρα, and Δύμη (Thumser, p. 165 n.). The Obae were subdivisions of these local tribes, not of the three hereditary ones; their number and exact nature are unlike unknown, and any definite conclusions on this point must await further evidence from inscriptions (Gilbert, p. 44). Schömann (p. 231) has well pointed out that it is hard to believe that the kings, who ranked as members of one gens, the Heracleidae, can have represented two different Obae; or again, that so obvious a circumstance as the representation of the Obae in the Gerousia, if it really existed, could have remained so completely concealed from the ancients, and especially from Aristotle. Thumser (p. 165) has in our opinion treated these objections much too lightly.

No one was eligible to the Gerousia till he was sixty years of age (Plut. *Lycurg.* 26), and the additional qualifications were strictly of an aristocratic nature. We are told, for instance, that the office of a councillor was the reward and prize of virtue (Aristot. *Pol.* ii. 9 = p. 1270 b, 24; Demosth. *c. Lept.* p. 489, § 107), and that it was confined to men of distinguished character and station (καλοὶ κἀγαθοί). The election was determined by vote, and the mode of conducting it was remarkable for its old-fashioned simplicity. The competitors presented themselves one after another to the assembly of electors (Plut. *Lycurg.* 26); the latter testified their esteem by acclamations, which varied in intensity according to the popularity of the candidates for whom they were given. These manifestations of esteem were noted by persons in an adjoining building, who could judge of the shouting, but could not tell in whose favour it was given. The person whom these judges thought to have been most applauded was declared the successful candidate. Aristotle calls this mode of election childish (παιδαριώδης, *l. c.* line 28); and further denounces it because the candidates came forward of their own motion, whereas the best men ought to have been elected even against their will (p. 1271, 10). The office of a councillor was not only for life, but also irresponsible (p. 1271, 15), as if a previous reputation, and the near approach of death, were considered a sufficient guarantee for integrity and moderation. But the councillors did not always prove so, for Aristotle (*l. c.*) tells us that the members of the γερουσία received bribes, and frequently showed partiality in their decisions.

The functions of the councillors were partly deliberative, partly judicial, and partly executive. In the discharge of the first they prepared measures and passed preliminary decrees (Plut. *Agis*, 11) which were to be laid before the popular assembly, so that the important privilege of initiating all changes in the government or laws was vested in them. As a criminal court they could punish with death and civil degradation (ἀτιμία, Xen. *Rep. Lac.* 10, § 2; Aristot. *Pol.* iii. 1 = p. 1275 b, 10), and that too without being restrained by any code of written laws, for which national feeling and recognised usages would form a sufficient substitute. They also appear to have exercised, like the Areiopagus at Athens, a general superintendence and inspection over the lives and manners of the citizens (*arbitri et magistri disciplinae publicae*, Aul. Gell. xviii. 3), and probably were allowed "a kind of patriarchal authority to enforce the observance of ancient usage and discipline." (Thirlwall, *Hist. of Greece*, vol. i. p. 318.) It is not, however, easy to define with exactness the original extent of their functions; especially as respects the last-mentioned duty, since the ephors not only encroached upon the prerogatives of the king and council, but also possessed, in very early times, a censorial power, and were not likely to permit any diminution of its extent.

III. *The* ἐκκλησία, *or Assembly of Spartan Freemen.* This assembly possessed, in theory at least, the supreme authority in all matters affecting the general interests of the state. Its original position at Sparta is shortly explained by a rhetra or ordinance of Lycurgus, which, in the form of an oracle, exhibits the principal features of the Spartan polity:—"Build a temple," says the Pythian god, "to Hellanian Zeus and Hellanian Athena; divide the tribes, and institute thirty obas; appoint a council with its princes; call an assembly between Babyca and Knakion, then make a motion and depart; and let there be a right of decision and power to the people:" thus translated in Müller, *Dor.* iii. 5, § 8. The Greek of this ῥήτρα is highly curious, and involves some critical points: Διὸς Ἑλλανίου καὶ Ἀθανᾶς Ἑλλανίας [Συλλανίου . . . Συλλανίας, Sintenis; other conjectures in Thumser, p. 110, n. 4] ἱερὸν ἱδρυσάμενον, φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα [τριάκοντα] γερουσίαν σὺν ἀρχαγέταις καταστήσαντα, ὥρας ἐξ ὥρας ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακιῶνος, οὕτως εἰσφέρειν τε καὶ ἐξίστασθαι· δάμῳ δὲ τὰν κυρίαν ἦμεν καὶ κράτος (*ap.* Plut. *Lycurg.* 6). The technical terms are then explained by Plutarch: ἐν τούτοις τὸ μὲν φυλὰς φυλάξαι καὶ ὠβὰς ὠβάξαι, διελεῖν ἐστι καὶ κατανεῖμαι τὸ πλῆθος εἰς μερίδας, ὧν τὸ μὲν φυλὰς, τὰς δὲ ὠβὰς προσηγόρευκεν. Ἀρχαγέται δὲ οἱ βασιλεῖς λέγονται, τὸ δὲ ἀπελλάζειν, ἐκκλησιάζειν. The word τριάκοντα is commonly (as by Müller) joined to ὠβάς, and

this is the only evidence for the number of thirty obae (see above); Sintenis places a comma after *ὠβάξαντα*, and joins *τριάκοντα γερουσίαν σὺν ἀρχαγέταις*, an awkward expression which is not likely to have been used in a law; Curtius and others with good reason reject the word as a gloss (Thumser, p. 166, n. 3). On the name *ἀπέλλα*, and the probable meaning of the phrase "between Babyca and Knakion," see under ECCLETI, and cf. SPARTA in *Dict. Geogr.* ii. 1029 a; the text of Plutarch is here defective. The phrase *ὥρας ἐξ ὥρας*, given up by Müller as unintelligible, is now explained of a monthly meeting, "from full moon to full moon," on the authority of the Schol. to Thucyd. i. 67. On occasions of emergency, extraordinary meetings were convened by the kings and, in later times, by the ephors also (Herod. vii. 134).

By this ordinance full power was given to the people to adopt or reject whatever was proposed to them by the king and other magistrates. It was, however, found necessary to define this power more exactly, and the following clause, ascribed to the kings Theopompus and Polydorus, was added to the original rhetra: "but if the people should follow a crooked opinion the elders and the princes shall withdraw" (*αἰ δὲ σκολιὰν ὁ δᾶμος ἕλοιτο τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατῆρας ἦμεν*). Plutarch (*l. c.*) interprets these words to mean, "That in case the people does not either reject or approve *in toto* a measure proposed to them, the kings and councillors should dissolve the assembly, and declare the proposed decree to be invalid." With *σκολιὰν* Plutarch supplies *γνώμην*, but probably the word should be *ῥήτραν*: we read in Tyrtaeus *εὐθείαις γνώμαις ἀνταπαμειβομένους*. According to this interpretation, which is confirmed by some verses in the Eunomia of Tyrtaeus, the assembly was not competent to originate any measures, but only to pass or reject, without modification, the laws and decrees proposed by the proper authorities: a limitation of its power, which almost determined the character of the Spartan constitution, and justifies the words of Demosthenes, who observes (*c. Lept.* p. 489, § 107), that the *γερουσία* at Sparta was in many respects supreme —*Δεσπότης ἐστὶ τῶν πολλῶν*. All citizens above the age of thirty who were not labouring under any loss of franchise were admissible to the general assembly or *ἀπέλλα*: but no one except public magistrates, and chiefly the ephors and kings, addressed the people without being specially called upon. (Müller, *Dor.* iii. 4, § 11.) The same public functionaries also put the question to the vote, and the method of voting was by acclamation. (Thuc. i. 80, 87.) Hence, as the magistrates only (*τὰ τέλη* or *οἱ ἐν τέλει*) were the leaders and speakers of the assembly, decrees of the whole people are often spoken of as the decision of the authorities only, especially in matters relating to foreign affairs. The intimate connexion of the ephors with the assembly is shown by a phrase of very frequent occurrence in decrees (*ἔδοξε τοῖς ἐφόροις καὶ τῇ ἐκκλησίᾳ*). An attempt has been made to distinguish between the phrases *οἱ ἐν τέλει* and *τὰ τέλη*: they probably refer to the same persons, according as they are regarded in their individual (*οἱ ἐν τέλει*) or their collective (*τὰ τέλη*) capacity.

"The subjects of discussion in the popular assemblies which we find in the historians are the election of magistrates and Gerontes, decisions upon a disputed succession between pretenders to the crown, votes concerning peace and war, and treaties with foreign states, or finally legislative measures, although we are unable to state definitely which of these subjects were referred originally to the people, and which only at a later time, or which of them were heard before the Great and which before the Small Ecclesia [on this *μικρὰ ἐκκλησία*, mentioned only Xen. *Hell.* iii. 3, § 8, see ECCLETI]. As far as concerns legislation especially, this was in Sparta of so fixed and rigid a nature that the assembly had much less business in connexion with it than in other states; and if we except the gradual extension of the privileges of the ephoralty, which could hardly have resulted without occasional decrees of the people, we find no mention until the times of Agis and Cleomenes of legislative measures which can be regarded as passed by the people, with exception of the permission to use gold and silver in the State treasury, and the law of Epitadeus by which the inalienability of family estates was removed." (Schömann, *Antiq.* i. 235, E. T.)

The commingling of monarchical, aristocratic or oligarchic, and democratic elements in the Spartan constitution was noticed by ancient writers; but the clearer-sighted among them saw what is still more evident to the moderns, that the oligarchic element largely preponderated. Thus Isocrates, who was completely out of sympathy with the democratic institutions of his own country, referring to the greatly increased authority of the kings in war-time, speaks of the Lacedaemonians as "the best governed of the Greeks, an oligarchy in peace, a monarchy in war" (*Nicocl.* § 24). It was also seen that the constitution, as settled by Lycurgus, was greatly altered in character by the usurpation of the ephors; while the complete exclusion of the Perioeci and Helots from all share in the government did not strike them as incompatible with democracy. Thus Plato doubted whether the government of Sparta might not be called a "tyranny," in consequence of the extensive powers of the ephoralty, though it was as much like a democracy as any form of government could well be; and yet, he adds, not to call it an aristocracy (*i.e.* a government of the *ἄριστοι*) is quite absurd. Aristotle, when he enumerates the reasons why the Spartan government was called an oligarchy, makes no mention of the relations between the Spartans and their conquered subjects, but observes that it received this name because it had many oligarchical institutions, such as that none of the magistrates were chosen by lot; that a few persons were competent to inflict banishment and death (*Pol.* iv. 9 = p. 1294 b, 31). In another passage he views the question somewhat differently, insisting more upon the balance of powers in the constitution and less on the predominance of a single element: "Some declare that the best form of government is one mixed of all the forms, wherefore they praise the Spartan constitution: for some say that it is composed of an oligarchy, a monarchy, and a democracy—a monarchy on account of the kings, an oligarchy on account of the councillors, and a democracy on account of the ephors; but others say that

the ephoralty is a 'tyranny;' whereas, on the other hand, it may be affirmed that the public tables, and the regulations of daily life, are of a democratic tendency" (*Pol.* ii. 6 = p. 1265 b, 33 ff.). In reality the clearest proof of the essentially oligarchical character of the Spartan government is the jealous exclusiveness with which, in spite of dwindling numbers, they refused to admit new blood. As in other oligarchies ancient and modern, this exclusiveness was not incompatible with the haughty equality of all who stood within the charmed circle; but at Sparta that equality was modified by the distinction, still somewhat obscure, between the ὅμοιοι and ὑπομείονες [HOMOEI]. The Greeks naturally associated oligarchy with the ostentatious enjoyment of wealth; and as we see from the last-quoted passage, they were sometimes misled by the simplicity and rigour of the Spartan training, and ascribed to a democratic instinct what was really a necessity of class and racial domination. "All Laconia was a camp, the Spartiatae a garrison" [EMPHRURI]; and they remained during the whole course of their history as alien in blood from the subject population as the Normans in England for a short period after the Conquest. The case is pithily summed up by Grote (ii. 127): "Though Greek theorists found a difficulty in determining under what class they should arrange it, it was in substance a close, unscrupulous, and well-obeyed oligarchy—including within it, as subordinate, those portions which had once been dominant, the kings and the senate, and softening the odium, without abating the mischief, of the system, by its annual change of the ruling ephors."

Authorities.—1. For the facts of the Spartan constitution: Schömann, *Antig.* i. 191–295, E. T.; Gilbert, *Staatsalterth.* i. 44–56; Busolt, *Griech. Gesch.* i. 94–135; Thumser, *Staatsalterth.* pt. i. (1889), in Hermann-Blümner, §§ 23–25, pp. 146–176. 2. For historical criticism of its spirit: Arnold, *Thucydides*, vol. i. App. ii. in the 2nd and subsequent edd., largely modified by Sir G. C. Lewis' review of edit. 1 in *Philol. Mus.* ii. 38–71; Thirlwall, vol. i. ch. 8; Grote, vol. ii. pt. ii. ch. 6. [R. W.] [W. W.]

GERRON (*γέρρον*, Lat. *gerra*) properly signified anything made of wicker-work. 1. The name of the Persian shields, which were made of wicker-work covered with ox-hide, of an oblong shape, and were smaller and shorter than the Greek shields (*ἀντὶ ἀσπίδων γέρρα*, Herod. vii. 61, ix. 61; Xen. *Anab.* ii. 1, § 6; *Cyrop.* vii. 1, § 33). 2. For the wattled screens or hurdles called *γέρρα* in the Athenian Agora, see ECCLESIA, p. 699 *a*.

The Latin *gerrae*, "nonsense" (Plaut. *Asin.* iii. 3, 10; *Epid.* ii. 2, 51; *Poen.* i. 1, 9) seems to be a metaphor from the lightness and flimsiness of wicker-work (Fest. s. vv. *cerrones*, *gerrae*). The connexion with "queer," Germ. *quer* (Wagner on Plaut. *Trin.* iii. 3, 31), can hardly be maintained. [W. S.] [W. W.]

GLADIATO'RES (*μονομάχοι*) were men who fought with swords in the circus, the forum, or in later times in the amphitheatre, for the amusement of the Roman people. ("Gladiator est, qui in arena, populo spectante, pugnavit," Quintil. *Declam.* 302.) They are said to have been first exhibited by the Etruscans, and to have had their origin from the custom of killing slaves and captives at the funeral pyres of the deceased. (Tertull. *de Spectac.* 12; Serv. *ad* Verg. *Aen.* x. 519.) [FUNUS, p. 893 *b*.] A show of gladiators was called *munus*, and the person who exhibited (*edebat*) it, *editor*, *munerator*, or *dominus*, who was honoured during the day of exhibition, if a private person, with the official signs of a magistrate. (Capitol. *M. Anton. Philos.* 23; Flor. iii. 20; Cic. *ad Att.* ii. 19, 3.)

Gladiators were first exhibited at Rome in B.C. 264, in the Forum Boarium, by Marcus and Decimus Brutus, at the funeral of their father. (Valer. Max. ii. 4, 17; Liv. *Epit.* 16.) They were at first confined to public funerals, but afterwards fought at the funerals of most persons of consequence, and even at those of women. (Suet. *Jul.* 26; Spartian. *Hadr.* 9.) Private persons sometimes left a sum of money in their will to pay the expenses of such an exhibition at their funerals (Cic. *in Vat.* 15, 37; *pro Sulla*, 19, 54; Hor. *Sat.* ii. 3, 84). Combats of gladiators were also exhibited at entertainments by the degraded nobles of Campania (Athen. iv. p. 153; Sil. Ital. xi. 51), though not at Rome, and especially at public festivals by the aediles and other magistrates, who sometimes exhibited immense numbers with the view of pleasing the people. (Cic. *pro Mur.* 18, 37; *de Off.* ii. 16, 55.) [AEDILES.] Under the empire the passion of the Romans for this amusement rose to its greatest height, and the number of gladiators who fought on some occasions appears almost incredible. After Trajan's triumph over the Dacians, there were more than 10,000 exhibited (Dio Cass. lxviii. 15).

Gladiators consisted either of captives (Vopisc. *Prob.* 19), slaves (Suet. *Vitell.* 12), and condemned malefactors, or of freeborn citizens who fought voluntarily. Of those who were condemned, some were said to be condemned *ad gladium*, in which case they were obliged to be killed at least within a year; and others *ad ludum*, who might obtain their discharge at the end of three years. (Ulpian, *Collat. Mos. et Rom. Leg.* tit. xi. s. 7, § 4.) Freemen who became gladiators for hire were called *auctorati* (Quint. *l. c.*; Hor. *Sat.* ii. 7, 58, with Acron's note), and their hire *auctoramentum* or *gladiatorium* (Suet. *Tib.* 7; Liv. xliv. 31). They also took an oath on entering upon the service, similar to that which is preserved by Petronius (117): "In verba Eumolpi sacramentum juravimus, uri, vinciri, verberari, ferroque necari, et quicquid aliud Eumolpus jussisset, tamquam legitimi gladiatores domino corpora animasque religiosissime addicimus." (Compare Senec. *Epist.* 7.) Even under the republic free-born citizens fought as gladiators (Liv. xxviii. 21), but they appear to have belonged only to the lower orders, and the profession was considered degrading (cf. Mommsen, *C. I. L.* i. 1418), though to some it had many attractions. Under the empire, however, both equites and senators fought in the arena (Dio Cass. li. 22, lvi. 25; Suet. *Jul.* 39, *Aug.* 43, *Ner.* 12), and even women (Tac. *Ann.* xv. 32; Suet. *Dom.* 4; Juv. vi. 250, &c.; Stat. *Silv.* i. 6, 53); a practice which was at length forbidden in the time of Severus (Dio Cass. lxxv. 16).

Gladiators were kept in schools (*ludi*), where they were trained by persons called *lanistae* (Suet. *Jul.* 26; Cic. *pro Rosc. Amer.* 40, 118; Juv.

vi. 216, xi. 8). The whole body of gladiators under one lanista was frequently called *familia* (Suet. *Aug.* 42). They sometimes were the property of the lanistae, who let them out to persons who wished to exhibit a show of gladiators; but at other times belonged to citizens, who kept them for the purpose of exhibition, and engaged lanistae to instruct them. Thus Spartacus belonged to the school of Lentulus at Capua (Flor. iii. 8), and Caesar had one at the same place. Domitian built four *ludi* at Rome, and there were several others in Italy and the provinces (Caes. *Bell. Civ.* i. 14). The number of gladiators which any citizen might keep was limited by the senate in B.C. 68 (Suet. *Jul.* 10), but Caligula did away with the restriction (Dio Cass. lix. 14). The superintendence of the ludi, which belonged to the emperors, was entrusted to a person of high rank, called curator or procurator. (Tac. *Ann.* xi. 35, xiii. 22; Suet. *Cal.* 27; Wilmanns, *Inscr.* 1290, &c.) The arrangements of a *ludus gladiatorius* are now known to us from one excavated at Pompeii, a plan of which is given in Overbeck's *Pompeii*, p. 170. The gladiators fought in these ludi with wooden swords, called *rudes* (Suet. *Cal.* 32, 54). Great attention was paid to their diet in order to increase the strength of their bodies, whence Cicero (*Phil.* ii. 25, 63) speaks of "gladiatoria totius corporis firmitas." They were fed with nourishing food, called *gladiatoria sagina* (Tac. *Hist.* ii. 88). A great number of gladiators were trained at Ravenna on account of the salubrity of the place (Strabo, v. p. 213).

Gladiators were sometimes exhibited at the funeral pyre, and sometimes in the forum, but more frequently in the amphitheatre. [AMPHITHEATRUM.] The person who was to exhibit a show of gladiators published some days before the exhibition bills (*libelli*), containing the number and sometimes the names of those who were to fight (Cic. *ad Fam.* ii. 8; Suet. *Caes.* 26): *e.g.* at Pompeii we have (*C. I. L.* iv. 1189), "A. Suettii Certi aedilis familia gladiatoria pugnabit Pompeiis prid. Kal. Jun. venatio et vela erunt;" and similar notices. When the day came, they were led along the arena in procession, and matched by pairs (Hor. *Sat.* i. 7, 20); and their swords were examined by the *editor* to see if they were sufficiently sharp. (Dio Cass. lxviii. 3; Suet. *Tit.* 9; Lipsius, *Excurs. ad* Tac. *Ann.* iii. 37). At first there was a kind of sham battle, called *praelusio*, in which they fought with wooden swords, or the like (Cic. *de Orat.* ii. 78, 317; Ovid, *Ars Amat.* iii. 515; Senec. *Epist.* 117), and afterwards at the sound of the trumpet the real battle began. When a gladiator was wounded, the people called out *habet* or *hoc habet;* and the one who was vanquished lowered his arms in token of submission. His fate, however, depended upon the people, who turned up their thumbs if they wished him to be killed (Hor. *Ep.* i. 18, 66; Juv. iii. 36), and ordered him to receive the sword (*ferrum recipere*), which gladiators usually did with the greatest firmness. (Cic. *Tusc.* ii. 17, 41; *pro Sest.* 37, 80; *pro Mil.* 34, 92.) A relief has been discovered at Cacillargues, showing a combat between a Samnite and a retiarius, with four spectators, one of whom, a woman, is holding up her thumbs. There is no clear evidence that the wish that mercy should be shown was expressed by pressing down the thumbs (Plin. *H. N.* xxviii. § 25 is barely to the point): this was indicated rather by waving handkerchiefs (Mart. xii. 29, 7). If the life of a vanquished gladiator was spared, he obtained his discharge for that day, which was called *missio* (Mart. xii. 29, 7); and hence in an exhibition of gladiators *sine missione* (Liv. xli. 20), the lives of the conquered were never spared. This kind of exhibition, however, was forbidden by Augustus (Suet. *Aug.* 45).

Palms were usually given to the victorious gladiators (Suet. *Cal.* 32); and hence a gladiator who had frequently conquered is called "plurimarum palmarum gladiator" (Cic. *pro Rosc. Amer.* 6, 17); money also was sometimes given (Juv. vii. 243; Suet. *Claud.* 21). Old gladiators, and sometimes those who had only fought for a short time, were discharged from the service by the *editor* at the request of the people, who presented each of them with a rudis or wooden sword; whence those who were discharged were called *Rudiarii*. (Cic. *Philip.* ii. 29, 74; Hor. *Ep.* i. 1, 2; Suet. *Tib.* 7; Quint. *l. c.*) If a person was free before he entered the ludus, he became on his discharge free again; and if he had been a slave, he returned to the same condition again, unless he received the cap of freedom (Plin. *Ep.* x. 40). A man, however, who had been a gladiator, was always considered to have disgraced himself, and consequently it appears that he could not obtain the equestrian rank if he afterwards acquired sufficient property to entitle him to it (Quint. *l. c.*); and a slave who had been sent into a ludus and there manumitted, either by his then owner or another owner, merely acquired the status of a *peregrinus dediticius*. (Gaius, i. 13.) [DEDITICII.]

Shows of gladiators were abolished by Constantine (Cod. 11, tit. 43), but appear notwithstanding to have been generally exhibited till the time of Honorius, by whom they were finally suppressed. (Theodoret. *Hist. Eccles.* v. 20.)

Gladiators were divided into different classes, according to their arms and different mode of fighting, or other circumstances. (Cf. Friedländer in *Rhein. Mus.* x. 582 ff.) The names of the most important of these classes is given in alphabetical order:—

Andabatae (Cic. *ad Fam.* vii. 10) wore helmets without any aperture for the eyes, so that they were obliged to fight blindfold, and thus excited the mirth of the spectators. They are generally believed to have fought on horseback, but this is denied by Orelli (*Inscr.* 2577) and Friedländer; the name cannot be derived from ἀναβάτης. It is perhaps Celtic, with the meaning "blind-fighter" (Whitley Stokes, in *Academy*, Feb. 9, 1889).

Catervarii was the name given to gladiators when they did not fight in pairs, but when several fought together. (Suet. *Aug.* 45; *gregatim dimicantes, Cal.* 30.)

Dimachaeri appear to have been so called, because they fought with two swords. (Artemid. ii. 32; Orelli, *Inscr.* 2584.)

Equites were those who fought on horseback. (Orelli, 2569, 2577; Cic. *pro Sest.* 59, 126.)

Essedarii fought from chariots like the Gauls and Britons. [ESSEDUM.] They are frequently mentioned in inscriptions. (Orelli, 2566, 2584, &c.: cf. Petron. 45.)

Fiscales were those under the empire who were trained and supported from the fiscus. (Capitol. *Gord.* 33.)

Hoplomachi appear to have been those who fought in a complete suit of armour. (Suet. *Cal.* 35; Martial, viii. 74; Orelli, 2566.) Lipsius considers them to have been the same with the Samnites, and that this name was disused under the emperors, and hoplomachi substituted for it.

Laquearii were those who used a noose to catch their adversaries. (Isid. xviii. 56.)

Meridiani were those who fought in the middle of the day, after combats with wild beasts had taken place in the morning. These gladiators were very lightly armed. (Senec. *Epist.* 7; Suet. *Claud.* 34; Orelli, 2587.)

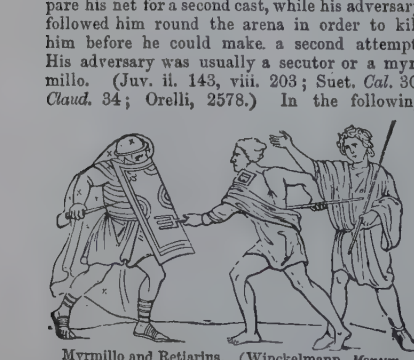
Myrmillones are said to have been so called from their having the image of a fish (*mormyr*, *μορμύρος*) on their helmets. (Festus, s. v. *Retiario.*) Their arms were like those of the Gauls, and they did not differ much from the kind called Galli. They were usually matched with the retiarii or Thracians. (Cic. *Phil.* iii. 12, 31, vii. 6, 17; Juv. viii. 200; Suet. *Cal.* 32, *Dom.* 10; Orelli, 2566, 2580.)

Ordinarii was the name applied to all the regular gladiators, who fought in pairs, in the ordinary way. (Senec. *Epist.* 7; Suet. *Aug.* 45, *Cal.* 26.)

Postulaticii were such as were demanded by the people from the *editor*, in addition to those who were exhibited. (Senec. *l. c.*)

Provocatores fought with the Samnites (Cic. *pro Sest.* 64, 134), but we do not know anything respecting them except their name. They are mentioned in inscriptions. (Orelli, 2566.) The *προβοκάτωρ* mentioned by Artemidorus (ii. 32) appears to be the same as the provocator.

Retiarii carried only a three-pointed lance, called *tridens* or *fuscina* [FUSCINA], a dagger (Val. Max. i. 7, 8), and a net (*rete*), which they endeavoured to throw over their adversaries, and then to attack them with the fuscina while they were entangled. The retiarius was dressed in a short tunic, and wore nothing on his head. If he missed his aim in throwing the net, he betook himself to flight, and endeavoured to prepare his net for a second cast, while his adversary followed him round the arena in order to kill him before he could make a second attempt. His adversary was usually a secutor or a myrmillo. (Juv. ii. 143, viii. 203; Suet. *Cal.* 30, *Claud.* 34; Orelli, 2578.) In the following



Myrmillo and Retiarius. (Winckelmann, *Monum. Ined.* pl. 197.)

woodcut a combat is represented between a retiarius and a myrmillo: the former has thrown his net over the head of the latter, and is proceeding to attack him with the fuscina. The lanista stands behind the retiarius.

Samnites were so called because they were armed in the same way as that people, with a helmet with a high crest (Juv. vi. 256), and were particularly distinguished by the oblong *scutum*. (Cf. Overbeck's *Pompeii*, p. 164; Liv. ix. 40; Cic. *pro Sest.* 64, 154.)

Secutores are supposed by most writers to be so called because the secutor in his combat with the retiarius pursued the latter when he failed in securing him by his net. Other writers think that they were the same as the *suppositicii*, mentioned by Martial (v. 24), who were gladiators substituted in the place of those who were wearied or were killed. (Suet. *Cal.* 30; Juv. vi. 108, with the Schol., viii. 210.) If the old reading in a letter of Cicero's (*ad Att.* vii. 14) is correct, Julius Caesar had no less than 600 secutores in his ludus at Capua; but we probably ought to read *scutorum* instead of *secutorum*.

Suppositicii. See *Scutores.*

Thraces or *Threces* were armed, like the Thracians, with a round shield or buckler (Festus, s. v. *Thraeces*), and a short curved sword or dagger (*sica*, Suet. *Cal.* 32), which is called *falx supina* by Juvenal (viii. 201), and wore greaves on both legs. They were usually matched, as already stated, with the myrmillones. The annexed woodcut, taken from Winckelmann (*l. c.*),

Thracians. (Winckelmann.)

represents a combat between two Thracians, though here the swords are straight. A lanista stands behind each.

Velites had light spears (Ovid. *Ib.* 45; Cic. *de Orat.* ii. 78, 316).

Paintings of gladiatorial combats, as well as of the other sports of the amphitheatre, were favourite subjects with the Roman artists. (Plin. *H. N.* xxxv. § 52; Capitol. *Gord.* 3; Vopisc. *Carin.* 18.) Several statues of gladiators have come down to us, which are highly admired as works of art: of these the most celebrated is the gladiator of the Borghese Collection, now in the Museum of the Louvre, and the Dying Gladiator, as it is called, in the Capitoline Museum. The latter is, however, more properly regarded now as a wounded Gaul or other barbarian. Gladiatorial combats are represented in the bas-reliefs on the tomb of Scaurus at Pompeii, and illustrate in many particulars the brief account which has been given in this article of the several classes of gladiators. These bas-reliefs are represented in the following woodcuts from Mazois (*Pomp.* i. pl. 32; Overbeck, *Pompeii*, p. 165). The figures are made of stucco, and appear to have been moulded separately, and attached to the plaster by pegs of bronze or iron. In various

parts of the frieze are written the name of the person to whom the gladiators belonged, and also the names of the gladiators themselves, and the number of their victories. The first pair of gladiators on the left hand represents an equestrian combat. Both wear helmets with visors, which cover the whole face, and are armed with spears and round bucklers. In the second pair the gladiator on the left has been wounded; he has let fall his shield, and is imploring the mercy of the people by raising his hands towards them. His antagonist stands behind him waiting the signal of the people. Like all the other gladiators represented on the frieze, they wear the *subligaculum* or short apron fixed above the hips. The one on the left appears to be a myrmillo, and the one on the right, with an oblong shield (*scutum*), a Samnite. The third pair consists of a Thracian and a myrmillo, or Samnite, the latter of whom is defeated. The fourth group consists of four figures; two are secutores and two retiarii. The secutor on his knee appears

Gladiators. (From a tomb at Pompeii.)

to have been defeated by the retiarius behind him; but as the fuscina is not adapted for producing certain death, the other secutor is called upon to do it. The retiarius in the distance is probably destined to fight in his turn with the surviving secutor. The last group consists of a myrmillo and a Samnite; the latter is defeated.

In the second woodcut two combats are represented. In the first a Samnite has been conquered by a myrmillo; the former is holding up his hand to the people to implore mercy, while the latter apparently wishes to become his enemy's executioner before receiving the signal from the people; but the lanista holds him back. In the other combat a myrmillo is mortally wounded by a Samnite. It will be observed that the right arm of every figure is protected by rings of armour, which the left does not require on account of the shield. [VENATIO.] (Lipsius, *Saturnalia*, and *de Amphitheatro* in Graev. *Thesaur.* vol. ix.; Friedländer, *Sittengeschichte*, vol. ii.; Marquardt, *Staatsverw.*, vol. iii.) [W. S.] [A. S. W.]

GLA'DIUS (*ξίφος*, poet. *ἄορ*, *φάσγανον*), a sword or glaive, by the Latin poets called *ensis*.

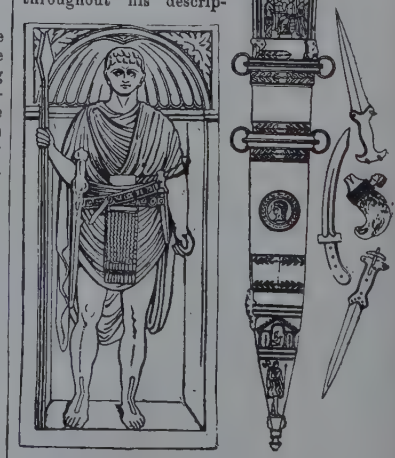
The oldest Greek swords were of course of bronze, the one allusion to an iron sword in Homer (*Il.* xviii. 34) being regarded as an interpolation; later they were mostly of iron, though the older metal did not entirely go out of use. Bronze swords of a pre-historic age have been found at Mycenae (Schliemann, *Mycenae*, pp. 283, 304, &c.); some of these have hilts inlaid with gold; they are long and thin in the blade, and resemble the long light swords invented by Iphicrates for his peltasts; they run to 88 centimetres in length, whereas the longest Greek swords now preserved in collections vary between a minimum of 34 and a maximum of 75 centimetres (about 13 and 30 inches respectively). The ancient swords in the British Museum all, without exception, look much shorter than the regulation sword of the British army at the present day. The Homeric sword was cut-and-thrust, with a straight two-edged blade (*ἀμφήκες*, Hom. *Il.* x. 256), rather long and tapering very slightly towards the point. The *σπάθη*, used in early times (Alcae. *fr.* 15), must have had a broad blade, as the name implies, and, according to Droysen, was a cutting sword with blunt point; the word is philologically interesting as having, through the Latin *spatha*, superseded every other word for a sword in the Romance languages (Fr. *épée*, It. *spada*, Sp. *espada*). The hilt of most of the ancient swords is protected by a cross-bar, though sometimes by a very slight one (see cut), and is usually of one piece with the blade; but the ornamented hilts, which are sometimes very tasteful, are of wood inlaid with gold or silver. The scabbard (*κολεός*, Hom. *κουλεόν*, Lat. *vagina*) was either of metal or of leather with metal mountings. The type of the primitive Greek sword does not seem to have greatly altered until the 4th century B.C., when Iphicrates, among his other improvements in arms and armour, greatly increased, or, according to Diodorus (xv. 44), doubled the length of the blade for his peltasts or light infantry, while

the hoplites retained the shorter sword of earlier times: the sword thus lengthened does not, however, appear to have exceeded 78 centimetres, or about 31 inches for the blade exclusive of the hilt. The Greeks hung the sword on the left side by a belt passing over the right shoulder, and drew it with the right hand across the body; hence the ACINACES of the Persians, worn on the right side, was noticed by them as exceptional. For the *μάχαιρα* or dagger, sometimes scarcely distinguished from the *ξίφος*, see also PUGIO. (Droysen, *Kriegsalterth.* in Hermann-Blümner, p. 15 f.; Guhl and Koner, ed. 5, p. 319 f.) The *ῥομφαία*, *rhomphaea* or *rumpia*, was a Thracian sword of great length. (L. and S. *s. v.*; Val. Flacc. vi. 98; Gell. x. 25; Claudian, *Epigr.* 22 (27).) In Livy (xxxi. 39) it has been taken for a spear: but the consistent usage of the Greek writers proves this to be a mistake.

Greek Swords and Scabbard. (Guhl and Koner.)

Of the sword used by the Romans before the Second Punic War little is known, and of course nothing from monuments; they then, according to a notice in Suidas (*s. v. μάχαιρα*) which apparently comes from Polybius, discarded the native pattern (*τὰς πατρίους ἀποθέμενοι μαχαίρας*) in favour of the Spanish, though (he adds) they could not equal the Spanish workmanship and fineness of the iron. They had learnt, it seems, to appreciate the superiority of the Spanish sword over the Gallic when both were employed against them at the battle of Cannae: Livy describes the two ("Gallis Hispanisque scuta ejusdem formae fere erant, dispares ac dissimiles gladii: Gallis praelongi ac sine mucronibus, Hispano, punctim magis quam caesim assueto petere hostem, brevitate habiles et cum mucronibus," xxii. 46). It has been inferred that the Romans had themselves used the Gallic sword hitherto (Guhl and Koner, p. 776); but in the combat of Torquatus and the Gaul, a century and a half earlier, the Gallic broadsword, so large as to be unwieldy, is already contrasted with the short thrust sword of the Roman (Liv. vii. 10; Claud. Quadrig. *ap.* Gell. ix. 13). The anachronism of these writers, pointed out by Marquardt, consists only in applying the word "Spanish" to the Roman sword then in use; we agree with Rich (*s. v.* Gladius) that the early Roman sword in all probability did not differ much from the contemporary Greek. The Spanish type now introduced was, therefore, larger and heavier than that previously in use, yet still handy, as Livy tells us in the words quoted above. In the Macedonian war the greater size and weight of the Roman sword struck terror into the Greeks (Florus, ii. 7 = i. 23 Jeep). The Romans ever afterwards used the point of their cut-and-thrust sword much more than the edge: Vegetius remarks (i. 12) that the blow of the latter was easily parried by the defensive armour, while with the former (in this resembling the modern bayonet) "two inches of cold steel" often inflicted a fatal wound. That the Roman sword could not have been short is implied in the joke of Cicero upon Lentulus (*i.e.* Dolabella), a man of very low stature, "Who tied my son-in-law to his sword?" (Macrob. *Sat.* ii. 3, § 3.) The British glaive was still larger than the Roman, and *sine mucrone* (Tac. *Agric.* 36); it may thus have been identical, or nearly so, with the old Gallic broadsword. From time immemorial, as in the East down to the present day, gold and jewels have been freely lavished upon the adornment of hilts [CAPULUS] and scabbards. Either will suit the *stellatus iaspide fulva Ensis* of Aeneas (Verg. *Aen.* iv. 261); but Juvenal interprets it of the sheath (v. 44). The golden *acinaces* of Mardonius was a trophy at Athens (Dem. *c. Timocr.* p. 741, § 129; Pausan. i. 27, § 1). The Gauls adorned their swords with pearls (Plin. *H. N.* xxxii. § 23), probably not Oriental but "British" pearls from their own seas (id. xii. § 116).

The Romans, at least from the time that they adopted the Spanish sword, wore it as a general rule on the right side; the dagger, when carried, hung on the left by a separate belt. Polybius —who, it is noteworthy, throughout his descrip-



1. Monument of an Illyrian soldier, found at Bingen.
2. Scabbard (Mainz) and swords (various parts of Germany).

tion of the Roman arms and armour (vi. 22, 23) uses only the word *μάχαιρα*, not *ξίφος*—says expressly (23, § 6), *ταύτην δὲ περὶ τὸν δεξιὸν φέρει μηρόν, καλοῦσι δ' αὐτὴν Ἰβηρικήν*: and

mentions no dagger as worn on the other side. The columns of Trajan and Antoninus, and the Roman monuments in Germany collected by Lindenschmidt (*Alterth. unserer heidnischen Vorzeit*), show the sword to the right, and the dagger (which may have been introduced after the time of Polybius) to the left, alike in the case of legionaries, auxiliaries, and cavalry. Curiously enough, Josephus reverses this arrangement (*καὶ μαχαιροφοροῦντες ἀμφοτέρωθεν· μακρότερον δὲ αὐτῶν τὸ λαιὸν ξίφος πολλῷ, τὸ γὰρ κατὰ δεξιὸν σπιθαμῆς οὐ πλέον ἔχει μῆκος, B. J.* iii. 5, § 5): as do also some exceptional cases on the monuments; a *signifer cohortis V. Asturum* (Lindenschmidt, pt. xi. pl. 6); an *eques* of a praetorian cohort (Fabretti, *Col. Traj.* p. 226). The problem has been satisfactorily solved by Rich (*s. vv.* "Gladius" and "Cinctorium"), who figures a sword to the left from a bas-relief in the Capitol: the common soldiers wear their swords in the manner described by Polybius, on the right side, suspended by a shoulder-band [BALTEUS]; the officers wear their swords on the left, attached to a belt round the waist; and the swords of the cavalry are longer than those of the infantry. (Cf. Marquardt, *Staatsverw.* ii. 327 f.; Guhl and Koner, ed. 5, p. 775 ff.) [W. W.]

GLANDES. [FUNDA.]

GNOMON (*γνώμων*). [HOROLOGIUM.]

GOMPHI. [VIA.]

GORGYRA (*γοργύρα*). [CARCER.]

GRADUS (*βῆμα*), *a step*, as a measure of length, was half a *pace* (*passus*), and contained 2½ feet, Greek and Roman respectively; the Greek *βῆμα* therefore was rather more, and the Roman *gradus* rather less, than 2½ feet English. (See the Tables.) 2. Bed-steps [LECTUS, Vol. II. p. 19 *a*]. [P. S.] [W. W.]

GRADUS COGNATIONIS. [COGNATI.]

GRAECOSTASIS, "the station of the Greeks," was a place in the Roman forum where ambassadors stood to hear the debates, and had their *προεδρία* or post of honour at the public spectacles anciently held in it. It thus, as Niebuhr remarks (*R. H.* vol. ii., n. 116), resembled the privileged seats in the hall of a parliamentary assembly. It was so called because the first envoys thus honoured were the Greeks of Massilia (Justin, xliii. 5, § 10); the privilege was afterwards extended to foreign ambassadors in general. The *Stationes Municipiorum* may, according to Niebuhr, have been places allotted to municipals for the same purpose; but the allusion in Pliny (*H. N.* xvi. § 236) is too vague to warrant any inference. The Graecostasis, like the Rostra which it adjoined, seems to have occupied a different site before and after the reconstruction of the Forum under Julius Caesar. The older one is described by Varro (*L. L.* v. 155) as a stone platform (*locus substructus*) to the right of the Senate-house (*i. e.* the Curia Hostilia) on the side of the Comitium. It is to this site that the statements in Pliny refer, that when the sun was seen from the Curia coming out between the Rostra and the Graecostasis, it was mid-day; and an accensus of the consul proclaimed the time with a clear loud voice (*H. N.* vii. § 212); and that the brazen shrine (*aedicula*) of Concord, erected by Cn. Flavius, curule aedile in B.C. 303, was placed on the Graecostasis, "quae tunc supra comitium erat" (xxxiii. § 19), implying that in his own time it had been removed. Cicero speaks of it as a vantage-ground from which the debates could be interrupted by disorderly persons (*ad Q. Fr.* ii. 1). The later site of the Rostra was to the south-west of their original position, *i.e.* further from the Comitium and more towards the open part of the Forum: the remains of the Rostra of Julius have within the last few years been excavated and identified beyond a doubt, and a curved platform adjoining them is conjectured with great probability (though without direct evidence) to have been the later Graecostasis, transferred together with the Rostra. The *Graecostadium* of one of the regionary catalogues, the *Curiosum*, is no doubt identical with this later Graecostasis. (Compare Burn, *Rome and the Campagna*, pp. 84, 123, with plans pp. 74, 107; Middleton, *Ane. Rome in* 1885, pp. 148, 163, with plan p. 158.) [W. S.] [W. W.]

GRAMMATEUS (*γραμματεύς*, Lat. *scriba*), a secretary or clerk, the name of many officials of various kinds in Athens and other Greek states. The higher sort were everywhere concerned in the drawing up of public decrees, and the many such decrees preserved in inscriptions usually record the name of the *γραμματεὺς* who discharged this duty. We find monuments of this kind not only in Greece proper, but throughout the Grecian world, in the Dorian Halicarnassus as well as in the Ionian Samos and Ephesus, in outlying colonies like the Taurie Chersonesus, in the later Achaean and Aetolian leagues. Details of the office are in most cases unimportant or altogether wanting (see Gilbert, *Staatsalterth.* vol. ii., Index, *s. v.* *γραμματεύς*). Sometimes the functionary is called *γραμματεὺς τῆς πόλεως*, sometimes *γρ. τῆς βουλῆς*: at Lampsacus both titles existed (Gilbert, ii. 159, 160); in Lemnos, Imbros, Scyros, and Salamis there was a *γρ. τοῦ δήμου* (*ib.* i. 424). At Athens a long list of *γραμματεῖς* has been recovered: a *γραμματεὺς τῶν Ἑλληνοταμιῶν* (*C. I. A.* i. 226 ff., 260, 315), *τῶν ταμιῶν* (i. 117 ff., 179 ff., 318), *τῶν λογιστῶν* (i. 226 ff.), *τῶν ἕνδεκα* (Boeckh, *Seeurk.*, p. 535; Poll. viii. 102), *τῶν ἐπιστατῶν* (*C. I. A.* i. 284 ff.), *τῶν εἰσαγωγέων* (i. 37), *τῶν στρατηγῶν* (ii. 222), *τῶν ἐπιμελητῶν τῶν νεωρίων* (*Seeurk.* p. 165), *τῶν σιτωνῶν* (*C. I. A.* ii. 335), *τῶν ἐμπορίου ἐπιμελητῶν* ([Dem.] *c. Theocrin.* p. 1324, § 8). In *C. I. A.* ii. 61 we find mentioned, after the *γρ. τῆς βουλῆς, τοὺς ἄλλους γραμμα(τέ)ας τοὺς ἐπὶ τοῖ(ς δ)ημοσίοις γράμμασιν*. It is inferred from Poll. viii. 92 that the three first archons possessed the right of naming their own secretaries (Gilbert, i. 218). Four *ἐπιμεληταὶ τῶν δικαστηρίων* have two secretaries among them (*ib.* i. 162); there is a *γρ.* of the *ὀργεῶνες* (i. 203), and one of the *ἔφηβοι* (i. 299).

Among this crowd of clerks three *γραμματεῖς*, all more or less closely connected with the *βουλή*, stand out from the rest as real state officers: these are partly described under BOULÉ, p. 311 *b*; cf. Pollux, viii. 98. Next to the *ἀντιγραφεὺς τῆς βουλῆς* the most important official in this body was the first secretary, whose full title was *ὁ κατὰ πρυτανείαν γρ. τῆς βουλῆς*, of which *γρ. κατὰ πρυτανείαν* and *γρ. τῆς βουλῆς* were usual abbreviations. He was appointed by lot from among the *βουλευταὶ* to serve the time of each prytany, though he

always belonged to a different prytany from that which was in power; and his province was to keep the public records and the decrees of the people made during his term of office (to these his name was prefixed in the formula *ὁ δεῖνα ἐγραμμάτευε*), and to deliver to the thesmothetae the decrees of the senate (Lex. *ap.* Dem. *c. Timocr.* p. 720, § 63). Later we find him called *ὁ περὶ τὸ βῆμα* (Boeckh, *Sthh.*[3] i. 230; Gilbert, i. 159).

The second *γραμματεὺς* was elected by the senate, by *χειροτονία*, and was entrusted with the custody of the laws (*ἐπὶ τοὺς νόμους*, Pollux, viii. 98; Dem. *c. Timocr.* p. 713, § 42; *de Cor.* p. 238, § 38). His usual name was *γρ. τῆς βουλῆς*, but in late inscriptions of the imperial time he is also called *γρ. τῶν βουλευτῶν* (Boeckh, *P. E.* p. 187 = *Sthh.*[3] i. 233). Further particulars concerning his office are not known.

A third *γραμματεὺς* was called *γρ. τῆς πόλεως* (Thucyd. vii. 10), or *γρ. τῆς βουλῆς καὶ τοῦ δήμου*. He was appointed by the people, by *χειροτονία*, and the principal part of his office was to read any laws or documents which were required to be read in the assembly or the senate (Pollux, *l. c.*; Dem. *F. L.* p. 419, § 249 = 279; *c. Lept.* p. 485, § 94; Suid. *s. v.*). It is admitted by Boeckh (*Sthh.*[3] i. 234–5) that there are some difficulties about the second and third of these secretaries, but there seems no sufficient ground for the contention of Gilbert (i. 254) that there was only one until the year B.C. 307–6, after the expulsion of Demetrius Phalereus. The language of Demosthenes (*ὑφ' ὑμῶν γραμματεῖς χειροτονηθέντες δύ' ἔτη διετράφησαν ἐν τῇ θόλῳ, de F. L.* l. c.) seems to show that there were in his time at least two *γραμματεῖς* elected by the people and reckoned among the *ἀείσιτοι*: nor is the suggestion countenanced by Fränkel, the recent learned editor of Boeckh.

The assistants to these three *γραμματεῖς*, and to some of those mentioned above as civil or military officers of the state, were called *ὑπογραμματεῖς* or under-clerks (Dem. *de Cor.* p. 314, § 261; Antiphon, *de Choreut.* §§ 35, 49; Lysias, *c. Nicom.* § 29). These persons were either public slaves [DEMOSII] or citizens of the lower orders, as appears from the tone in which Demosthenes speaks of them (*de F. L.* p. 371, § 95 = 109; p. 403, § 200 = 222; p. 419, § 249 = 279; p. 442, § 314 = 360). In all these passages, and in *de Cor.* p. 269 § 127, 314 § 261, Demosthenes is pouring the vials of his contempt upon Aeschines for having been a grammateus; in the third of them he says that Aeschines and his brother were *ὑπογραμματεῖς* before they were *γραμματεῖς*. They were not allowed to hold the same clerkship for two successive years (Lys. *l. c.*; cf. Boeckh, *P. E.* p. 188 n. = *Sthh.*[3] i. 237 n.).

The *ἀντιγραφεῖς* or checking-clerks differed from the *γραμματεῖς* in dealing only with the public accounts; they are noticed separately [ANTIGRAPHEIS]. (Boeckh, Bk. ii. ch. 8, much fuller in the third edition; Schömann, *Assemblies*, p. 318 ff.; Gilbert, references as above.) [L. S.] [W. W.]

GRAMMATOPHYLA'CIUM. [ARCHEION; TABULARIUM.]

GRAPHE (*γραφή*), in its most general acceptation, comprehends all state trials and criminal prosecutions whatever in the Attic courts (it is used in this sense but rarely in the classic writers, [Dem.] *c. Steph.* ii. p. 1131, § 9; Xenoph. *Rep. Athen.* 3, 2; an *εἰσαγγελία κακώσεως* is called *γραφή*, Isae. *Hagn.* §§ 28, 31, 35, [Dem.] *c. Theocr.* p. 1332, § 32); but in its more limited sense, those only which were not distinguished as the *εὐθυναι*, *ἔνδειξις*, *εἰσαγγελία*, etc. by a special name and a peculiar conduct of the proceedings (cf. Dem. *c. Boeot.* i. p. 998, § 14, *γραφαὶ φάσεις ἐνδείξεις ἀπαγωγαί*; Lys. *c. Agorat.* § 65; *pro Mantith.* § 12, etc.). The principal characteristic differences between public and private actions are enumerated under DIKE, and the peculiar forms of public prosecutions, such as those above mentioned, are separately noticed. Of these forms, together with that of the *Graphe*, properly so called, it frequently happened that two or more were applicable to the same course or action (*e.g.* Dem. *c. Mid.* p. 523, § 28; *c. Androt.* p. 601, § 27); and the discretion of the prosecutor in selecting the most advantageous of his available remedies was attended by results of great importance to himself and to the accused. If the prosecutor's speech (*κατηγορία*), and the evidence adduced by him, were insufficient to establish the aggravated character of the wrong in question, as indicated by the form of action he had chosen, his ill-judged rigour might be alleged in mitigation of the punishment by the defendant in his reply (*ἀπολογία*), or upon the assessment of the penalty after judgment given; and if the case were one of those in which the dicasts had no power of assessing (*ἀτίμητος γραφή*), it might cause a total failure of justice, and even render the prosecutor liable to a fine or other punishment.

The courts before which public causes could be tried were very various; and besides the ordinary Heliastic bodies under the control of the nine archons, or the Eleven, or the logistae, or the generals, the council, and even the popular assembly of the people, occasionally became judicial bodies for that purpose, as in the case of the Dokimasiae of the archons (Dem. *c. Lept.* p. 484, § 90; cf. Pollux, viii. 92), and sometimes in that of Eisangeliae (*Att. Process*, ed. Lipsius, p. 140 f. and p. 325). The proper court in which to bring a particular action was for the most part determined by the subject-matter of the accusation. In the trial of state offences it was in general requisite that the ostensible prosecutor should be an Athenian citizen in the full possession of his franchise (*ὁ βουλόμενος Ἀθηναίων οἷς ἔξεστι*); but on some particular occasions even slaves and resident aliens were invited to come forward and lay informations (*μηνύειν ἀδεῶς τὸν βουλόμενον καὶ ἀστῶν καὶ ξένων καὶ δούλων*, Thuc. vi. 27; cf. Andoc. *de Myst.* §§ 13, 15 ff. *μήνυσις*—slaves inform against their master, a resident alien, Lys. *pro Call.* § 5; cf. Antiph. *de caed. Herod.* § 34, Lys. *pro sacr. olea exsc.* § 16, for the rewards of the *μηνυταί*: if the information proved to be false, they were put to death, Andoc. *de Myst.* § 20). Sometimes in Eisangeliae and other special proceedings the prosecution and conduct of the cause in court was carried on by advocates chosen for the occasion (*συνήγοροι*, [Plut.] *Vitt. X. Oratt.* p. 833 E; *κατήγοροι*, Dinarch. *c. Demosth.* § 51; *c. Aristog.* § 6; Plut. *Pericl.* 10); but with the exception

of these temporary appointments the protection of purely state interests seems to have been left to volunteer accusers.

In criminal causes the prosecution was conducted by the *κύριος* in behalf of the aggrieved woman or minor; his *προστάτης* probably gave some assistance to the resident alien in the commencement of the proceedings, though the accusation was in the name of the person aggrieved, who also made his appearance at the trial without the intervention of the patron (*Att. Process*, ed. Lipsius, p. 753 f.: cf. *Hermes*, 1887, xxii. p. 223 ff.). The *ἰσοτελεῖς* enjoyed the same privileges as the citizens (*C. I. A.* ii. No. 121, l. 26; cf. Schubert, *de proxen. Att.* p. 55 f.); and a complete foreigner would upon this occasion require protection from the proxenus of his country. With the exception of cases in which the Apagoge, Ephegesis, Endeixis, or Eisangelia were adopted, in which the accused had to find bail or go to prison (in certain Eisangeliae he was not allowed to be set free on bail), and of accusations at the Euthynae and Dokimasiae, when the accused was or was supposed by the law to be present, a public action against a citizen commenced like an ordinary lawsuit, with a summons to appear before the proper magistrate on a fixed day (Plat. *Euthyphr.* init.). The anacrisis then followed [ANACRISIS]; but the bill of accusation was called a *γραφή* (this term is also used generally for bills in private actions, cf. Dem. *c. Aphob.* i. p. 817, § 12; Lys. *de Aristoph. bon.* § 55; *Att. Process*, ed. Lipsius, p. 232) or *εἰσαγγελία* or *φάσις*, as the case might be, rarely *ἔγκλημα* ([Dem.] *c. Aristog.* i. p. 787, § 58; cf. Hyperid. *pro Lycophr.* col. 14) or *λῆξις* (Dem. *c. Boeot.* i. p. 999, § 17) as in private actions; a public prosecution could not be referred to an arbitrater [DIAETETAE], and if it were compromised, this would render the accuser *ipso jure* (without the action *καθυφέσεως*, *Att. Process*, ed. Lipsius, p. 450) liable to a fine of a thousand drachmas ([Dem.] *c. Theocr.* p. 1323, § 6). The same sum was also forfeited when the prosecutor failed to obtain the votes of a fifth of the dicasts in all cases except those brought before the archon that had reference to injury (*κάκωσις*) done to women and orphans, in a trial for uprooting a moria (Lys. *pro sacr. olea exsc.* § 37), and up to a certain time in Eisangeliae for political offences, likewise in a Probole (*Att. Process*, ed. Lipsius, p. 344), and probably also in such cases where *κατήγοραι* were chosen by the popular assembly (after an *ἀπόφασις* of the Areiopagitic council) to prosecute before a court (for we learn from Dinarch. *c. Dem.* § 54, that sometimes they did not obtain as many as one-fifth of the votes). Besides this penalty, a modified disfranchisement, as, for instance, an incapacity to bring a similar accusation, was incurred upon several occasions. Upon the conviction of the accused, if the sentence were death (on the mode of execution see *Journ. of Philol.* viii. p. 1 ff.) or prison, the presiding magistrate of the court delivered over the prisoner, who remained in the custody of the Scythae during the trial, to the Eleven (*παραδοῦναι τοῖς ἕνδεκα*). If the punishment was confiscation of property, the demarch, as a rule, made an inventory of the effects of the criminal (*τὰ δὲ δημάρχω ἀποφῆναι τὴν οὐσίαν αὐτοῖν, i.e.* of Archeptolemus of Agryle and Antiphon of Rhamnus, [Plut.] *Vitt. X. Oratt.* p. 834 A: cf. Harpocr. *s. v. δήμαρχος*: and *Lex. Seguer.* 304, 4, *συλλογεῖς*), which was read in the assembly of the people, and delivered to the poletae, that they might hold a sale of the goods, and pay in the proceeds to the public treasury. If the accused was condemned to pay a fine, the presiding magistrate had to give notice of the amount to the *πράκτορες*: and if the fine or any part of it was to go to a temple, the like notice was to be sent to the *ταμίας* of the god or goddess to whom the temple belonged ([Dem.] *c. Macart.* p. 1074, § 71; *c. Aristog.* i. p. 778, § 28). (*Att. Process*, ed. Lipsius, p. 956 ff.) [J. S. M.] [H. H.]

GRAPHIA'RIUM. [STILUS.]

GRAPHIS. [PICTURA.]

GRA'PHIUM. [STILUS.]

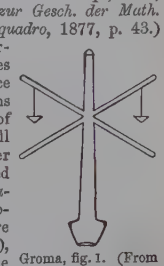
GRASSATORES. [LATROCINIUM.]

GREGORIA'NUS CODEX. [CODEX GREGORIANUS.]

GRIPHUS (*γρῖφος*). [AENIGMA.]

GROMA was the instrument from which the Roman *gromatici* or land-surveyors took their name. The word is generally said to be a Latin version of *γνώμονα* (acc. of *γνώμων*), though the two instruments are in no respect alike, but more recently a connexion has been suggested with *norma* for *(g)norma*. However that may be, *groma* or *gruma* is certainly a very ancient name, for which later writers sometimes used *machinula* or *stella*, and perhaps *tetrans*, though this name belongs rather to cross lines drawn on the ground (cf. Nonius, p. 63, for *gruma* in this sense).

The groma is represented (fig. 1) on the gravestone of a *gromaticus* found some years ago at Ivrea. (Cavedoni in *Bull. Arch. Nap.*, N. S., Anno I.; Cantor, *Vorles. zur Gesch. der Math.* i. 456; Rossi, *Groma e Squadro*, 1877, p. 43.) The design is not in perspective, but, if allowances be made for the inexperience of the artist, it explains fairly well the nature of the instrument. Two small planks crossing one another at right angles are supported on a column or post (*ferramentum*). Plummets (probably four, though there are only two in the monument), are suspended from the planks to guide the operator in securing a vertical position of the column, and a horizontal for the cross-pieces. The small circles at the point of section in the drawing may represent a hole in the continuation of the column for the operator to look through, or a large hole in the cross-pieces to allow of their being tipped up to a certain angle if necessary. The latter is the more likely, for in that case the continuation of the column would serve as a support to prevent the cross from falling. In any case it obstructs the view along the planks.



Groma, fig. 1. (From a gravestone.)

The use of the instrument is obvious. It is intended to guide a surveyor in drawing real or imaginary lines at right angles to one another, more especially in fixing the *cardo* (or N. and S. line) and *decumanus* (or E. and W. line) essential to the orientation of any *templum* or to the

division of a Roman camp [CASTRA]. A very large T square was sometimes used for the same purpose (see below).

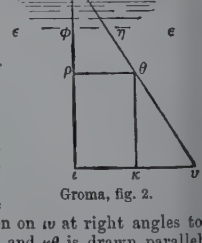
Another very ancient method of drawing long lines at right angles was to stretch a rope round three pegs fixed in the ground, at such distances from one another that the sides of the triangle formed by the rope were in the ratio 3 : 4 : 5. The angle contained between the shorter sides is a right angle (Eucl. i. 48). This method was very early used by the Egyptians, whose ἁρπεδονάπται or "rope-stretchers" were considered by Democritus the masters of geometry in his day (Clemens Al. *Strom.* i. 357). It was employed also at the building of the temple of Edfu, as the inscriptions thereon declare, and was used by Heron himself on occasion (περὶ διόπτρας, Props. 21, 22; cf. Cantor, *Vorles.* pp. 55, 56, 324, 325). The knowledge of the ratio 3 : 4 : 5 for the sides of a right-angled triangle was introduced into Greece by Pythagoras, and was for a long time one of the most interesting subjects of Greek geometry (cf. Proclus, *Comm. in Eucl.* i. 47, ed. Friedlein, p. 426).

But the *groma* and all other instruments of the same kind were ultimately superseded, for all purposes requiring any nicety of measurement, by the *dioptra*, an instrument which very closely resembles the modern theodolite. It seems to have been the outcome of many gradual improvements on the *groma*. Heron, who describes it, does not claim it as his own invention, though he is probably responsible for many details of the instrument which he describes. Biton, who seems to be earlier than Heron, says that he had, in his Optics, described a διοπίον to be used in ascertaining the heights of walls, &c. (*Vett. Mathematici*, ed. Thevenot and La Hire, 1693, p. 108), and Heron himself says that the διόπτραι of previous writers were many and various. The *dioptra* described by Heron (*Not. et Extraits des MSS. de la Bibl. Impér.* vol. xix. pt. 2, ed. Vincent, p. 157 ff., with a plate) is constructed as follows. A flat brass rod, about eight feet long, with two small sights at each end, is supported on a pillar, which may be adjusted to the perpendicular by comparison with a plummet hanging by its side, the rod being at the same time adjusted to the horizontal by comparison with a water-level attached to it in a groove. The rod is not immediately attached to the pillar, but is supported on a frame which allows it to swing horizontally, and to a less degree vertically. Two screws (κοχλίδια) turning cog-wheels (ὀδοντωτὰ τυμπάνια) are provided in an ingenious manner to regulate the two movements of the rod. It seems also that a button fixed in the plate of the horizontal cog-wheel stopped the movement when the rod had turned exactly through a right angle in the horizontal plane. The vertical cog-wheel allowed only for a swing of about 45° in that plane. With the *dioptra* were used also two poles of precisely the same kind as those used by modern surveyors. The poles were 20 feet long, marked with measures and provided with an internal slide (χελωνάριον), also nearly 20 feet long. The slide was surmounted with a circular disc, coloured half black and half white, which of course was always visible at the top of the pole. The slide could be pulled up by a string until the disc was elevated 40 feet high. It is evident from Vitruvius (viii. 6) and other writers that the *dioptra* was adopted for nice calculations by the Roman surveyors, and the terms used by the *gromatici* (*Grom. Vett.* or *Römische Feldmesser*, ed. Lachmann, &c., Berlin, 1848), e.g. *hortogonium, hypotenusa, embadum, podismus, praecisura* (ἀποτομή), &c., show how largely their art was derived from Greek sources, especially the works of Heron (Cantor, *Vorles.* i. p. 470).

The treatise on the *dioptra* by Heron, above mentioned, contains a number of propositions illustrative of the use of the instrument. A few examples will suffice: the general aim of all the problems being to find the difference of level between two given points, or to draw a straight line from a point to an unseen point. Thus Prop. 13 is to cut a straight tunnel through a hill from one given point to another: 7 is to find the height of an inaccessible point: 14 and 15 are to sink a shaft which shall meet a horizontal tunnel: 19 and 20 are to find two points at a given distance from one another. The examples given by Heron are seldom purely theoretical. He prefers, when a distance is given, to state it in actual measurement, and thus makes continual use of arithmetic and even of algebraical operations. His geometry is confined almost entirely to the first and the sixth books of Euclid. The measurement of angles by degrees, &c., was never used by the Greeks or Romans for any but astronomical purposes, and even in that field is not found before Ptolemy, though he derived the practice from Hipparchus (*vid.* Theon's *Comm.* ed. Halma, i. p. 110).

The most common problem in the writings of ancient surveyors which have come down to us is that of finding the breadth of a river without crossing it, the Latin *fluminis varatio*.

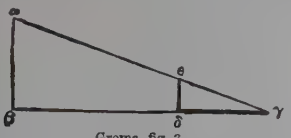
The solution of this is given in the treatise on the *dioptra* (pr. 4) in the 21st chap. of the Κεστοὶ of Sex. Julius Africanus (in the *Vett. Mathematici*, pp. 295–6), and by Nipsus in the *Gromat. Vett.* (i. 285–6). In Africanus it is put in strategical form, the inaccessible shore of the river being supposed to be in the occupation of the enemy. His solution is as follows:—εε is the accessible shore of the river, α a point on the opposite side. The *dioptra* is set up at a point ι, obviously further from the bank than the breadth of the river, and the sights are directed so that the line ια shall cut the river at right angles in φ. The *dioptra* is then turned through a right angle and the point υ is taken on ιυ at right angles to αι. ιυ is bisected at κ, and κθ is drawn parallel to αι, meeting in θ the line joining αυ. From θ again θρ is drawn parallel to ιυ, meeting αι in ρ. A preceding proposition (Cantor, *Vorles.* p. 372) of the simplest character has shown that the sides αι, αυ of the triangle αιυ are bisected in ρ and θ. Therefore αρ=ρι, and it remains only to measure ρι and φρ, and to deduct the measure



Groma, fig. 2.

of $\phi\rho$ from that of $\rho\iota$. The remainder is the measure of $\alpha\phi$.

Another mode of solving the same problem is given by the same writer in the same chapter of the Κεστοί. This requires only a very large solid right angle or T square (γνώμων). In



Groma, fig. 3.

figure 3 the thickened lines $\epsilon\delta$ and $\delta\gamma$ represent such a right angle. Then, by similar triangles, $\alpha\beta : \epsilon\delta :: \beta\gamma : \delta\gamma$. Of these three distances the last three are known. In the same figure, if $\alpha\beta$ be the height of a tower, the triangles are drawn in a vertical plane: $\epsilon\delta$ is the pillar supporting a tilted *dioptra*, and $\alpha\epsilon\gamma$ is the line from the top of the tower passing through the sights of the *dioptra* and produced to meet the ground. The superior advantages of the *dioptra* over the *groma* are obvious from this last example.

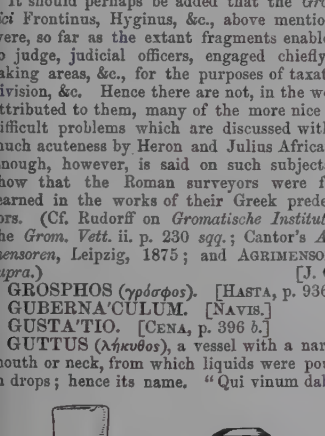
It should perhaps be added that the *Gromatici* Frontinus, Hyginus, &c., above mentioned, were, so far as the extant fragments enable us to judge, judicial officers, engaged chiefly in taking areas, &c., for the purposes of taxation, division, &c. Hence there are not, in the works attributed to them, many of the more nice and difficult problems which are discussed with so much acuteness by Heron and Julius Africanus. Enough, however, is said on such subjects to show that the Roman surveyors were fully learned in the works of their Greek predecessors. (Cf. Rudorff on *Gromatische Institut.* in the *Grom. Vett.* ii. p. 230 *sqq.*; Cantor's *Agrimensoren*, Leipzig, 1875; and AGRIMENSORES, *supra.*) [J. G.]

GROSPHOS (γρόσφος). [HASTA, p. 936 *b.*]

GUBERNA'CULUM. [NAVIS.]

GUSTA'TIO. [CENA, p. 396 *b.*]

GUTTUS (λήκυθος), a vessel with a narrow mouth or neck, from which liquids were poured in drops; hence its name. "Qui vinum dabant


Gutti. (British Museum.)

ut minutatim funderent, a guttis *guttum* appellarunt" (Varr. *L. L.* v. 124 M.). Varro goes on to say that for pouring out wine at the banquet it had been superseded by the *epichysis* and *cyathus*; but retained its place in sacrificial libations, especially of the domestic sort (Hor. *Sat.* i. 6, 118, with Orelli's note; Plin. *H. N.* xvi. § 185). The guttus was of the plainest shape and materials; it differed from the CAPIS (also used in sacrifices), EPICHYSIS and URCEUS in being without a handle; and was usually of coarse pottery, as in the specimens here figured from the British Museum, though one of beech-wood is mentioned (*faginus*, Plin. *l. c.*). It was in common use as an oil-cruet, whether at table (Gell. xvii. 8, § 5), or at the bath (Juv. iii. 263, xi. 158; cf. BALNEAE, p. 279 *a*, where a guttus and a strigil are engraved together). Oil was also kept in large horns (Hor. *Sat.* ii. 2, 61; Mart. xiv. 52); in the latter passage the lemma has, perhaps improperly, *guttus corneus*. (Marquardt, *Privatl.* 630.)

[W. S.] [W. W.]

GYMNASIARCHES. [GYMNASIUM.]

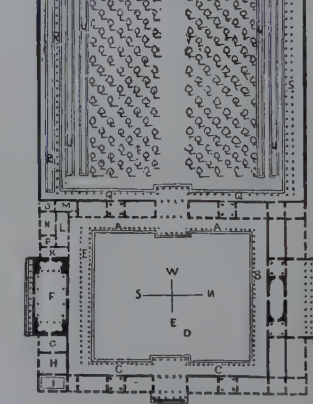
GYMNA'SIUM (γυμνάσιον). The whole education of a Greek youth was divided into three parts: grammar, music, and gymnastics (γράμματα, μουσική, and γυμναστική, [Plat.] *Theag.* p. 122 E; *Clitoph.* p. 407 B; Plut. *de Audit.* c. 17), to which Aristotle (*Pol.* viii. 3, p. 1337) adds a fourth, the art of drawing or painting. Gymnastics, however, were thought by the ancients a matter of such importance, that this part of education alone occupied as much time and attention as all the others put together; and while the latter necessarily ceased at a certain period of life, gymnastics continued to be cultivated by persons of all ages, though those of an advanced age naturally took lighter and less fatiguing exercises than boys and youths. (Xen. *Sympos.* i. 7; Lucian, *Lexiph.* 5.) The ancients, and more especially the Greeks, seem to have been thoroughly convinced that the mind could not possibly be in a healthy state, unless the body was likewise in perfect health, and no means were thought, either by philosophers or physicians, to be more conducive to preserve or restore bodily health than well-regulated exercise. The word "gymnastics" is derived from γυμνός (naked), because the persons who performed their exercises in public or private gymnasia were either entirely naked, or merely covered by the short χιτών. (See the authorities in Wachsmuth, *Hellen. Alterth.* vol. ii. p. 354, 2nd edit.; and Becker-Göll, *Charikles*, vol. ii. p. 219.)

The great partiality of the Greeks for gymnastic exercises was productive of infinite good: they gave to the body that healthy and beautiful development by which the Greeks excelled all other nations, and which at the same time imparted to their minds that power and elasticity which will ever be admired in all their productions. (Lucian, *de Gymnast.* 15.) The plastic art in particular must have found its first and chief nourishment in the gymnastic and athletic performances, and it may be justly observed that the Greeks would never have attained their pre-eminence in sculpture had not their gymnastic and athletic exhibitions made the artists familiar with the beautiful forms of the human body and its various attitudes. (Cf. Curtius, *Hist.* ii. p. 68.) Respecting the advantages of gymnastics in a medical point of

view, some remarks are made at the end of this article. But we must at the same time confess that at a later period of Greek history, when the gymnasia had become places of resort for idle loungers, their evil effects were no less striking. The chief objects for which they had originally been instituted were gradually lost sight of, and instead of being places of education and training they became mere places of amusement; and among other injurious practices to which they gave rise, the gymnasia were charged, even by the ancients themselves, with having produced and fostered that most odious vice of the Greeks, the παιδεραστία. (Plut. *Quaest. Rom.* 40, vol. ii. p. 122, ed. Wyttenb.: compare Aristot. *Pol.* viii. 4; Plut. *Philop.* 3; Quintil. i. 11, 5.)

Gymnastics, in the widest sense of the word, comprehended also the agonistic and athletic arts (ἀγωνιστικὴ and ἀθλητική); that is, the art of those who contended for the prizes at the great public games in Greece, and of those who made gymnastic performances their profession [ATHLETAE and AGONOTHETAE]. Both originated in the gymnasia, in so far as the athletae as well as the agonistae were originally trained in them. The athletae, however, afterwards formed a distinct class of persons unconnected with the gymnasia; while the gymnasia, at the time when they had degenerated, were in reality little more than agonistic schools, attended by numbers of spectators. On certain occasions the most distinguished pupils of the gymnasia were selected for the exhibition of public contests [LAMPADEPHORIA], so that on the whole there was always a closer connexion between the gymnastic and agonistic than between the gymnastic and athletic arts. In a narrower sense, however, the gymnasia had, with very few exceptions, nothing to do with the public contests, and were places of exercise for the purpose of strengthening and improving the body, or, in other words, places for physical education and training; and it is chiefly in this point of view that we shall consider them in this article.

Gymnastic exercises among the Greeks seem to have been as old as the Greek nation itself, as may be inferred from the fact that gymnastic contests are mentioned in many of the earliest legends of Grecian story; but they were, as might be supposed, of a rude and mostly of a warlike character. They were generally held in the open air, and in plains near a river, which afforded an opportunity for swimming and bathing. The Attic legends indeed referred the regulation of gymnastics to Theseus (Paus. i. 39, § 3), but according to Galen it seems to have been about the time of Cleisthenes that gymnastics were reduced to a regular and complete system. Great progress, however, must have been made as early as the time of Solon, as appears from some of his laws which are mentioned below. It was about the same period that the Greek towns began to build their regular gymnasia as places of exercise for the young, with baths, and other conveniences for philosophers and all persons who sought intellectual amusements. There was probably no Greek town of any importance which did not possess its gymnasium. In many places, such as Ephesus, Hierapolis, and Alexandria in Troas, the remains of the ancient gymnasia have been discovered in modern times. These, however, all belong to a comparatively late date, as does also that recently discovered at Pergamum (Conze, *Ausgr. z. Pergamon*, Berlin, 1880). The earliest remains are those of the gymnasium at Olympia, which cannot be earlier than the end of the fourth century B.C. (Bötticher, *Olympia*, p. 363 ff.). Athens possessed three great gymnasia,—the Lyceum (Λύκειον), Cynosarges (Κυνόσαργες), and the Academia (Ἀκαδημία); to which, in later times, several smaller ones were added. All places of this kind were, on the whole, built on the same plan, though, from the remains, as well as from the descriptions still extant, it is evident that there were many differences in their detail. We have no detailed account of a gymnasium of the best period. The most complete description of a gymnasium which we possess, is that given by Vitruvius (v. 11), which, however, is very obscure, and at the same time defective, in so far as many parts which seem to have been essential to a gymnasium are not mentioned in it. Of the numerous plans which have been drawn, according to the description of Vitruvius (cf. Bluesgen, *De Gymnasii Vitruviani palaestra*, Bonn, 1863; Guhl u. Koner, *Leben der Griechen u. Römer*,[2] p. 112 ff.; Becker-Göll, *Charikles*, ii. 231 ff.; Bötticher, *Olympia*, l. c., &c.), that of W. Newton, in his translation of Vitruvius, vol. i. fig. 52, may here be given with a few alterations, although some of the details are open to criticism (cf. Becker-Göll, *Char.* ii. 231).



Plan of Gymnasium.

The peristylion (D) in a gymnasium, which Vitruvius incorrectly calls palaestra, is in the form of a square or oblong, and is two stadia (1200 feet) in circumference. It consists of four porticoes. In three of them (A B C) spacious exedrae with seats were erected, in which philosophers, rhetoricians, and others, who delighted in intellectual conversation, might assemble. A fourth portico (E), towards the south, was double, so that the interior walk was not

exposed to bad weather. The double portico contained the following apartments: — The Ephebeum (F), a spacious hall with seats in the middle, and one-third longer than broad, destined for the exercises of youths. On the right is the Coryceum (G), used for exercises with the sack (*κώρυκος*), perhaps the same room which in other cases was called Apodyterium; then came the Conisterium (H) adjoining, where the body was sprinkled with dust; and next to the Conisterium, in the returns of the portico, is the cold bath, *λουτρόν* (I). On the left of the Ephebeum is the Elaeothesium, where persons were anointed by the aliptae (K). Adjoining the Elaeothesium is the Frigidarium (L), or more probably the Tepidarium, where there was a lukewarm bath. From thence is the entrance to the Propnigeum (M), on the returns of the portico; near which, but more inward, behind the place of the frigidarium, is the vaulted sudatory (N), in length twice its breadth, which has on the returns the Laconicum (O) on one side, and opposite the Laconicum, the hot bath (P). These are the more essential and primitive parts of a gymnasium. But in the time of Vitruvius important additions were made to it. On the outside three porticoes are built; one (Q), in passing out from the peristyle, and, on the right and left, the two stadial porticoes (R, S), of which the one (S) that faces the north is made double and of great breadth, the other (R) is single, and so designed that in the parts which encircle the walls, and which adjoin the columns, there may be margins for paths, not less than ten feet; and the middle is so excavated that there may be two steps, a foot and a half in descent, to go from the margin to the plane (R), which plane should not be less in breadth than 12 feet: by this means those who walk about the margins in their apparel will not be annoyed by those who are exercising themselves. This portico is called by the Greeks *ξυστός*, because in the winter season the athletae exercised themselves in these covered stadia. The *ξυστὸς* had groves or plantations between the two porticoes, and walks between the trees, with seats of signine work. Adjoining the *ξυστὸς* (R) and double portico (S) are the uncovered walks (U), which in Greek are called *περιπάτοις*, to which the athletae, in fair weather, go from the winter-xystus to exercise. Beyond the xystus is the stadium (W), so large that a multitude of people may have sufficient room to behold the contests of the athletae.

It is generally believed that Vitruvius in this description of his gymnasium took that of Naples as his model; but two important parts of other Greek gymnasia, the apodyterium and the sphaeristerium, are not mentioned by him. Canina (*Arch. Grec.* tav. 132, 133) gives plans of gymnasia at Ephesus and Hierapolis, which widely differ from this.

The Greeks bestowed great care upon the outward and inward splendour of their gymnasia, and adorned them with the statues of gods, heroes, victors in the public games, and of eminent men of every class. Hermes was the tutelary deity of the gymnasia, and his statue was consequently seen in most of them.

The earliest regulations which we possess concerning the gymnasia are contained in the laws of Solon. One of these laws forbade all adults to enter a gymnasium during the time that boys were taking their exercises, and at the festival of the Hermaea. The gymnasia were, according to the same law, not allowed to be opened before sunrise, and were to be shut at sunset. (Lex *ap.* Aeschin. *c. Timarch.* § 12.) Another law of Solon excluded slaves from gymnastic exercises. (Aeschin. *c. Timarch.* § 138; Plut. *Solon*, 1.) Boys who were children of an Athenian citizen and a foreign mother (*νόθοι*) were not admitted to any other gymnasium but the Cynosarges. (Plut. *Them.* 1.) Some of the laws of Solon relating to the management and the superintendence of the gymnasia, show that he was aware of the evil consequences which these institutions might produce, unless they were regulated by the strictest rules. As we, however, find that adults also frequented the gymnasia, we must suppose that, at least as long as the laws of Solon were in force, the gymnasia were divided into different parts for persons of different ages, or that persons of different ages took their exercise at different times of the day. (Boeckh, *Corp. Inscript.* n. 246 and 2214.) The education of boys up to the age of sixteen was divided into the three parts mentioned above, so that gymnastics formed only one of them; but during the period from the sixteenth to the eighteenth year the instruction in grammar and music seems to have ceased, and gymnastics were exclusively pursued. In the time of Plato the salutary regulations of Solon appear to have been no longer observed, and we find persons of all ages visiting the gymnasia. (Plat. *de Rep.* v. p. 452; Xen. *Sympos.* 2, § 18.) Athens now possessed a number of smaller gymnasia, which are sometimes called palaestrae, in which persons of all ages used to assemble, and in which even the Hermaea were celebrated by the boys, while formerly this solemnity had been kept only in the great gymnasia, and to the exclusion of all adults. (Plat. *Lys.* p. 206.) These changes, and the laxity in the superintendence of these public places, caused the gymnasia to differ very little from the schools of the athletae; and it is perhaps partly owing to this circumstance that writers of this and subsequent times use the words gymnasium and palaestra indiscriminately. (Becker-Göll, *Charikles*, ii. 247 f.) But K. F. Hermann (*Privatalt.* § 36) seems to have proved that the gymnasium was never used for a place of training. (Cf. Hermann-Blümner, *Privatalt.* p. 336 ff.; Grasberger, *Erziehung und Unterricht*, i. p. 244 ff.)

Married as well as unmarried women were, at Athens and in all the Ionian states, excluded from the gymnasia; but at Sparta, and in some other Doric states, maidens, dressed in the short *χιτών*, were not only admitted as spectators, but also took part in the exercises of the youths. Athenaeus, xiii. p. 566, asserts that the same was the case at Chios. Married women, however, did not frequent the gymnasia. (Plat. *Legg.* vii. 806 A.)

Respecting the superintendence and administration of the gymnasia at Athens, we know that Solon in his legislation thought them worthy of great attention; and the transgression of some of his laws relating to the gymnasia was punished with death. (But the law of Solon quoted in Aeschin. *in Tim.* § 12, is of very doubtful genuine-

ness.) His laws mention a magistrate, called the Gymnasiarch (*γυμνασίαρχος* or *γυμνασιάρχης*), who was entrusted with the whole management of the gymnasia, and with everything connected therewith. His office was one of the regular liturgies, like the choregia and trierarchy (Isae. *Or.* 6 [*Philoct.*], § 60; *Or.* 7 [*Apollod.*], § 36), and was attended with considerable expense. He had to maintain and pay the persons who were preparing themselves for the games and contests in the public festivals, to provide them with oil, and perhaps with the wrestlers' dust. It also devolved upon him to adorn the gymnasium or the place where the agones took place. (Xen. *de Rep. Athen.* 1, § 13.) The gymnasiarch was a real magistrate, and invested with a kind of jurisdiction over all those who frequented or were connected with the gymnasia; and his power seems even to have extended beyond the gymnasia, for Plutarch (*Amator.* c. 9, &c.) states that he watched and controlled the conduct of the ephebi in general. He had also the power to remove from the gymnasia teachers, philosophers, and sophists, whenever he conceived that they exercised an injurious influence upon the young. (Aeschin. *c. Timarch.* § 12.) Another part of his duties was to conduct the solemn games at certain great festivals, especially the torch-race (*λαμπαδηφορία*), for which he selected the most distinguished among the ephebi of the gymnasia. The number of gymnasiarchs was, according to Libanius on Demosthenes (*c. Mid.* p. 510) ten, one from every tribe. (Compare Demosth. *Phil.* i. p. 50, § 36; *c. Boeot.* i. p. 996, § 7;—Isae. *Or.* 2 [*Menecl.*], § 42.) They seem to have undertaken their official duties in turns, but in what manner is unknown. Among the external distinctions of a gymnasiarch were a purple cloak and white shoes (Plut. *Anton.* 35). In early times the office of gymnasiarch lasted for a year, but under the Roman emperors we find that sometimes they held it only for a month, so that there were 12 or 13 gymnasiarchs in one year. This office seems to have been considered so great an honour, that even Roman generals and emperors were ambitious to hold it. Other Greek towns, like Athens, had their own gymnasiarchs, but we do not know whether, or to what extent, their duties differed from the Athenian gymnasiarchs. In Cyrene the office was sometimes held by women. (Krause, *Gymnastik und Agonistik d. Hellenen*, p. 179, &c.)

Another office which was formerly believed to be connected with the superintendence of the gymnasia, is that of Xystarches (*ξυστάρχης*). But it is not mentioned previous to the time of the Roman emperors, and then only in Italy and Crete. Krause (*ib.* p. 205, &c.) has shown that this office had nothing to do with the gymnasia properly so called, but was only connected with the schools of the athletae. (Cf. Dittenberger, *de Eph.* p. 45.)

An office which is likewise not mentioned before the time of the Roman emperors, but was nevertheless decidedly connected with the gymnasia, is that of Cosmetes. He had to arrange certain games, to register the names and keep the lists of the ephebi, and to maintain order and discipline among them. He was assisted by an Anticosmetes and two Hypocosmetae. This officer appears only after the re-organisation of the gymnasia in the second century B.C., when they served also as places for intellectual instruction. (Cf. Capes, *University of Athens.*)

An office of very great importance, in an educational point of view, was that of the Sophronistae (*σωφρονισταί*). Their province was to inspire the youth with a love of *σωφροσύνη*, and to protect this virtue against all injurious influences. In early times their number at Athens was ten, one from every tribe, with a salary of one drachma per day. (*Etym. M.* s. v.) Their duty not only required them to be present at all the games of the ephebi, but to watch and correct their conduct wherever they might meet them, both within and without the gymnasium. At the time of the Emperor Marcus Aurelius only six Sophronistae, assisted by as many Hyposophronistae, are mentioned. (Krause, *ib.* p. 214, &c.)

The instructions in the palaestrae, sometimes attached to gymnasia, were given by the Gymnastae (*γυμνασταί*) and the Paedotribae (*παιδοτρίβαι*); at a later period Hypopaedotribae were added. The Paedotribes was required to possess a knowledge of all the various exercises which were performed in the gymnasia; the Gymnastes was the superior teacher, and was expected to know the physiological effects and influences on the constitution of the youths, and therefore assigned to each of them those exercises which he thought most suitable. (Galen, *de Valet. tuend.* ii. 9, 11; Aristot. *Polit.* viii. 3, 2.) These teachers were usually athletae who had left their profession, or could not succeed in it. (Aelian, *V. H.* ii. 6; Galen, *l. c.* ii. 3, &c.)

The anointing of the bodies of the youths, and strewing them with dust, before they commenced their exercises, as well as the regulation of their diet, was the duty of the aliptae. [ALIPTAE.] These men sometimes also acted as surgeons or teachers. (Plut. *Dion.* c. 1.) Galen (*l. c.* ii. 11) mentions among the gymnastic teachers a *σφαιριστικός*, or teacher of the various games at ball; and it is not improbable that in some cases particular games may have been taught by separate persons.

The games and exercises which were performed in the gymnasia seem, on the whole, to have been the same throughout Greece. Among the Dorians, however, they were regarded chiefly as institutions for hardening the body and for military training; among the Ionians, and especially the Athenians, they had an additional and higher object, namely, to give to the body and its movements grace and beauty, and to make it the basis of a healthy and sound mind. But among all the different tribes of Greeks the exercises which were carried on in a Greek gymnasium were either mere games, or the more important exercises which the gymnasia had in common with the public agones in the great festivals.

Among the former we may mention, 1. The ball (*σφαίρισις*, *σφαιρομαχία*, &c.), which was in universal favour with the Greeks, and was here, as at Rome, played in a variety of ways, as appears from the words *ἀπόρραξις*, *ἐπίσκυρος*, *φαινίνδα* or *ἁρπαστόν*, &c. (Plat. *Legg.* vii. p. 797; compare Eustath. on *Od.* viii. 376; Pollux, ix. 104–107.) Every gymnasium contained one large room for the purpose of playing at ball in it (*σφαιριστήριον*). 2. *Παίζειν ἑλκυστίνδα*, *διελ-*

κυστίνδα, or διὰ γραμμῆς, was a game in which one boy, holding one end of a rope, tried to pull the boy who held its other end across a line marked between them on the ground. 3. The top (βέμβηξ, βέμβιξ, ῥόμβος, στρόβιλος), which was as common an amusement with Greek boys as in our own days. 4. The πεντάλιθος, which was a game with five stones, which were thrown up from the upper part of the hand and caught in the palm. 5. Σκαπέρδα, which was a game in which a rope was drawn through the upper part of a tree or a post. Two boys, one on each side of the post, turning their backs towards one another, took hold of the ends of the rope and tried to pull each other up. This sport was also one of the amusements at the Attic Dionysia. (Hesych. *s. v.*) These few games will suffice to show the character of the gymnastic sports.

The more important games, such as running (δρόμος), throwing of the δίσκος and the ἄκων, jumping and leaping (ἅλμα, with and without ἁλτῆρες), wrestling (πάλη), boxing (πυγμή), the pancratium (παγκράτιον, πένταθλον, λαμπαδηφορία), dancing (ὄρχησις), &c., are described in separate articles.

A gymnasium was, as Vitruvius observes, not a Roman institution, and Dionysius of Halicarnassus (*Ant. Rom.* vii. 70–72) expressly states that the whole ἀγωνιστικὴ of the Romans, though it was practised at an early period in the Ludi Maximi, was introduced among the Romans from Greece. Their attention, however, to developing and strengthening the body by exercises was considerable, though only for military purposes. The regular training of boys in the Greek gymnastics was foreign to Roman manners, and even held in contempt. (Plut. *Quaest. Rom.* 40.) Towards the end of the republic many wealthy Romans, who had acquired a taste for Greek manners, used to attach to their villas small places for bodily exercise, sometimes called gymnasia, sometimes palaestrae, and to adorn them with beautiful works of art. (Cic. *ad Att.* i. 4; *in Verr.* ii. 14, 36.) The Emperor Nero was the first who built a public gymnasium at Rome (Sueton. *Ner.* 12); another was erected by Commodus (Herodian, i. 12, 4). But although these institutions were intended to introduce Greek gymnastics among the Romans, yet they never gained any great importance, as the magnificent thermae, amphitheatres, and other colossal buildings had always greater charms for the Romans than the gymnasia.

For a fuller account of this important subject, which has been necessarily treated with brevity in this article, the reader is referred to Hieronymus Mercurialis, *de Arte Gymnastica*, Libri vi. 1st ed. Venice, 1573, 4th ibid. 1601; Burette, *Histoire des Athlètes*, in the *Mém. de l'Acad. des Inscript.* i. 3; G. Löbker, *Die Gymnastik der Hellenen*, Münster, 1835; Wachsmuth, *Hellen. Alterth.* vol. ii. p. 344, &c. 2d ed.; Müller, *Dor.* iv. 5, § 4, &c.; Becker-Göll, *Charicles*, ii. 213–251; *Gallus*, iii. 168–188; and especially J. H. Krause, *Die Gymnastik u. Agonistik der Hellenen*, Leipzig, 1841, and Dittenberger, *de Ephebis Atticis*, ib. 1863. The histories of education among the ancients, such as those of Hochheimer, Schwarz, Cramer, and especially Grasberger, likewise contain much useful information on the subject. [L. S.] [A. S. W.]

The Relation of Gymnastics to the Medical Art.—The games of the Greeks had an immediate influence upon the art of healing, because they considered gymnastics to be almost as necessary for the preservation of health as medicine is for the cure of diseases. (Hippocrates, *de Locis in Homine*, vol. ii. p. 138, ed. Kühn; Timaeus Locrensis, *de Anima Mundi*, p. 564, in Gale's *Opusc. Mythol.*) It was for this reason that the gymnasia were dedicated to Apollo, the god of physicians. (Plut. *Symp.* viii. 4, § 4.) The directors of these establishments, as well as the persons employed under their orders, the bathers or *aliptae*, passed for physicians, and were called so, on account of the skill which long experience had given them. The directors, called παλαιστροφύλακες, regulated the diet of the young men brought up in the gymnasia; the sub-directors, or *Gymnastae*, prescribed for their diseases (Plat. *Legg.* xi. p. 916 A); and the *inferiors* or bathers, *aliptae*, *iatraliptae*, practised blood-letting, administered clysters, and dressed wounds, ulcers, and fractures. (Plat. *Legg.* iv. p. 720 C; Celsus, *de Medic.* i. 1; Plin. *H. N.* xxix. § 4.) Two of these directors—Iccus, of Tarentum, and Herodicus, of Selymbria, a town of Thrace—deserve particular notice for having contributed to unite more closely medicine and gymnastics. Iccus, who appears to have lived before Herodicus (*Olymp.* lxxvii.; Stephan. Byzant. *s. v.* Τάρας, p. 693; compare Paus. vi. 10, § 2), gave his chief attention to correcting the diet of the wrestlers, and to accustoming them to greater moderation and abstemiousness, of which virtues he was himself a perfect model. (Plat. *Legg.* viii. p. 839 E; Aelian, *V. H.* xi. 3; Id. *H. A.* vi. 1.) Plato considers him, as well as Herodicus, to have been among the inventors of medical gymnastics. (Plat. *Protag.* p. 316 E; Lucian, *de Conscrib. Hist.* § 35, p. 626.) Herodicus, whom Pliny (*l. c.*) incorrectly calls Prodicus, lived at Athens a short time before the Peloponnesian war. Plato says that he was not only a sophist (Plat. *Protag.* l. c.), but also a master of the gymnasium (Id. *Rep.* iii. p. 406 A), and physician (Id. *Gorg.* p. 448 B), and in fact he united in his own person these three characters. He was troubled, says the same author, with very weak health, and tried if gymnastic exercises would not help to improve it; and having perfectly succeeded in his own case, he imparted his method to others. Before him medical dietetics had been entirely neglected, especially by the Asclepiadae (Id. *Rep.* iii. p. 406 A). If Plato's account may be taken literally (*Phaedr.* p. 227 D), he much abused the exercise of gymnastics, as he recommended his patients to walk from Athens to Megara and to return immediately.* The author of the sixth book *de Morb. Vulgar.* (Hippocr. *Epidem.* vi. c. 3, vol. iii. p. 599) agrees with Plato: "Herodicus," he says, "caused people attacked with fever to die from walking and too hard exercise, and many of his patients suffered much from dry rubbing." A short time after we find, says Fuller (*Medicina Gymnastica*, &c. Lond.

* "The distance from Athens to Megara was 210 stadia, as we learn from Procopius (*Bell. Vand.* i. 1). Dion Chrysostom calls it a day's journey (*Orat.* vi.). Modern travellers reckon eight hours (Dodwell, *Class. Tour*, vol. ii. p. 177)." (Cramer, *Anc. Greece*, vol. ii. sect. 13, p. 430.)

1718, 8vo), that Hippocrates (*de Vict. Rat.* iii. vol. i. p. 716), with some sort of glory, assumes to himself the honour of bringing that method to a perfection, so as to be able to distinguish πότερον τὸ σιτίον κρατέει τοὺς πόνους, ἢ οἱ πόνοι τὰ σιτία, ἢ μετρίως ἔχει πρὸς ἄλληλα, as he expresses it. Pursuant to this, we find him in several places of his works recommending several sorts of exercises upon proper occasions; as first, friction or chafing, the effects of which he explains (*de Vict. Rat.* ii. p. 701), and tells us that in some cases it will bring down the bloatedness of the solid parts, in others it will incarn and cause an increase of flesh, and make the part to thrive. He advises (*ibid.* p. 700) walking, of which they had two sorts, their round and straight courses. He gives his opinion (*ibid.* p. 701) of the Ἀνακινήματα, or preparatory exercises, which served to warn and fit the wrestlers for the more vehement ones. In some cases he advises the Πάλη, or common wrestling (*ibid.*), and the Ἀκροχειρία, or wrestling by the hands only, without coming close, and also the Κωρυκομαχία, or the exercise of the Coryeus, or the hanging ball (see Antyllus, *ap.* Mercur. *de Arte Gymn.* p. 123); the Χειρονομία, a sort of dexterous and regular motion of the hands, and upper parts of the body, something after a military manner; the Ἀλίνδησις, or rolling in sand; and once (*ibid.* p. 700) we find mentioned, with some approbation, the Ἄπειροι Ἵπποι, *Equi Indefiniti*, by which is probably meant galloping long courses in the open field.

As for Galen, he follows Hippocrates in this as closely as in other things, and declares his opinion of the benefit of exercises in several places; his second book, "De Sanitate Tuenda," is wholly upon the use of the *strigil*, or the advantage of regular chafing: he has written a little tract, Περὶ τοῦ διὰ Μικρᾶς Σφαίρας Γυμνασίου, wherein he recommends an exercise by which the body and mind are both at the same time affected. In his discourse to Thrasybulus, Πότερον Ἰατρικῆς ἢ Γυμναστικῆς ἔστι τὸ Ὑγιεινόν, he inveighs against the athletic and other violent practices of the *gymnasium*, but approves of the more moderate exercises, as subservient to the ends of a physician, and consequently part of that art. The other Greek writers express a similar opinion; and the sense of most of them in this matter is collected in Oribasius's *Collecta Medicinalia*. In the extant remains of Antyllus, we read of some sorts of exercises that are not mentioned by Galen or any former author; among the rest the *Cricilasia*, as the translators by mistake call it, instead of *Cricoëlasia*. This, as it had for many ages been disused, Mercurialis himself, who had made the most judicious inquiries into this subject (*de Arte Gymnastica*, 4to, Amstel. 1672), does not pretend to explain; and I believe, says Freind (*Hist. of Physic*, vol. i.), though we have the description of it set down in Oribasius (*Coll. Medic.* vi. 26), it will be hard to form any idea of what it was.

The ancient physicians relied much on exercise in the cure of the dropsy (compare Hor. *Epist.* i. 2, 34, "Si noles sanus, curres hydropicus"), whereas we almost totally neglect it. (Alexander Trallianus, *de Medic.* ix. 3, p. 524, ed. Basil.) Hippocrates (*de Internis Affection.* sect. 28, vol. ii. p. 518) prescribes for one that has a dropsy ταλαιπωρίαι, or *fatiguing-exercises*, and he makes use of the same word in his Epidemics, and almost always when he speaks of the regimen of a dropsical person, implying, that though it be a labour for such people to move, yet they must undergo it; and this is so much the sense of Hippocrates, that Spon has collected it into one of the new Aphorisms which he has drawn out of his works. Celsus says of this case (*de Medic.* iii. 21, p. 152, ed. Argent.), "Concutiendum multa gestatione corpus est." The Romans placed great reliance upon the curative effects of exercise; and Asclepiades, who lived in the time of Pompey the Great, brought this mode of treatment into great request. He called exercises *the common aids of physic*, and wrote a treatise on the subject, which is mentioned by Celsus in his chapter "De Frictione" (*de Medic.* ii. 14, p. 82), but the book is lost. He carried these notions so far, that he invented the *Lecti Pensiles* (Plin. *H. N.* xxvi. § 14), or hanging beds, that the sick might be rocked to sleep; which became so popular at that time, that they came afterwards to be made of silver. He had so many particular ways to make physic agreeable, and was so successful in the invention of exercises to supply the place of medicine, that Pliny says (*ibid.* § 12) by these means he made himself the delight of mankind. About this time the Roman physicians sent their consumptive patients to Alexandria, which was done partly for the change of air, but chiefly for the sake of the exercise by the motion of the ship; and therefore Celsus says (*de Medic.* iii. 22, p. 156), "Si vera phthisis est, opus est longa navigatione;" and a little after he makes *Vehiculum* and *Navis* to be two of the chief remedies. As for the other more common exercises, they were daily practised, as is manifest from Celsus, Caelius Aurelianus, Theodorus Priscianus, and the other Latin physicians. And this was apparently done with great success; for Suetonius (*Calig.* c. 3) tells us that Germanicus was cured of a "crurum gracilitas," as he expresses it (by which he probably means an atrophy), by riding; and Plutarch, in his Life of Cicero, gives us an account of his weakness, and that he recovered his health by travelling and excessive diligence in rubbing and chafing his body. (Compare Cic. *Brut.* 91, § 313.) Pliny (*H. N.* xxxi. § 62) tells us Annaeus Gallio, who had been consul, was cured of a consumption by a sea-voyage; and Galen gives us such accounts of the good effects of particular exercises, and they were practised so universally by all classes, that it cannot be supposed but they must have been able to produce great and good effects. However, from an attentive perusal of what we find on this subject in the classical authors, the reader can hardly fail of being convinced that the ancients esteemed gymnastics too highly, just as at the present day they are (in a strictly medical point of view) too much neglected.

[W. A. G.]

GYMNASTES. [GYMNASIUM, p. 928 *b*.]

GYMNE'SII or GYMNE'TES (γυμνήσιοι, or γυμνῆτες) were a class of bond-slaves at Argos, who may be compared with the Helots at Sparta (Steph. Byz. *s. v. Χίος*: Pollux, iii. 83). Their name shows that they attended their masters on military service in the capacity of

light-armed troops, but no particulars are known about them (Schömann, *Antiq.* i. 133, E. T.; Gilbert, *Staatsalterth.* ii. 74). Müller (*Dor.* iii. 4, § 2) remarks that it is to these gymnesii that the account of Herodotus (vi. 83) refers, that 6000 of the citizens of Argos having been slain in battle by Cleomenes, king of Sparta (Id. vii. 148), the slaves got the government into their own hands, and retained possession of it until the sons of those who had fallen had grown to manhood. Afterwards, when the young citizens had grown up, the slaves were compelled by them to retire to Tiryns, and then after a long war, as it appears, were either driven from the territory, or again subdued. (Cf. Müller, *op. cit.* iii. 3, § 2; Schömann, *Antiq.* i. 172, E. T.) [W. S.] [W. W.]

GYMNOPAE'DIA or -AE (*γυμνοπαιδία* or *-αι*: always plural in the best writers, Herod. vi. 67; Thucyd. v. 83; Xen. *Hell.* vi. 4, § 16; Plat. *Legg.* i. 633 C), a festival celebrated at Sparta every year with gymnastic contests in honour of Apollo Πυθαεύς (Pausan.) or Καρνεῖος (*Lex. Rhet.* s. v.); Artemis and Leto. The statues of these deities stood in a part of the Agora called *χορός*, and it was around these statues that, at the gymnopaedia, Spartan youths performed their choruses and dances in honour of Apollo. (Paus. iii. 11, § 7.) The festival was held in the middle of summer, in the Attic month Hecatombaeon (July), and lasted for several, perhaps for ten, days; on the last day grown men also performed choruses and dances in the theatre, and during these gymnastic exhibitions they sang the songs of Thaletas and Alcman, and the paeans of Dionysodotus. The leader of the chorus (*προστάτης* or *χοροποιός*) wore a kind of chaplet, called *στέφανοι θυρεατικοί*, in commemoration of the victory of the Spartans at Thyrea. This event seems to have been closely connected with the gymnopaediae, for those Spartans who had fallen on that occasion were always praised in songs at this festival. (Ath. xv. p. 678 b, c; Plut. *Ages.* 29; Hesych., Suid., *Etym. M.*, and Timaeus, *Glossar.* s. v. Γυμνοπαιδία.) The boys in their dances performed such rhythmical movements as resembled the exercises of the palaestra and the pancration, and also imitated the dance of tragedy called *ἐμμέλεια* (Hippagoras *ap.* Ath. xiv. p. 631 e). Müller (*Gr. Lit.* i. 289) supposes, with great probability, that the dances of the gymnopaediae partly consisted of mimic representations, as the establishment of the dances and musical entertainments at this festival was ascribed to the musicians, at the head of whom was Thaletas. (Plut. *de Mus.* c. 9.) The whole season of the gymnopaediae, during which Sparta was visited by great numbers of strangers, was one of great merriment and rejoicings (Xen. *Memor.* i. 2, § 61; Plut. *Ages.* 29; Pollux, iv. 14, 104), and old bachelors alone seem to have been excluded from the festivities. (Osann, *de Coelibum apud Veteres Populos Conditione Commentat.* p. 7 ff.; Schömann, *Antiq.* i. 264, E. T.; Plut. *Lycurg.* 15.) The introduction of the gymnopaediae, which subsequently became of such importance as an institution for gymnastic and orchestic performances, and for the cultivation of the poetic and musical arts at Sparta, is generally assigned to the year 665 B.C. (Comp. Meursius, *Orchestra*, p. 12, &c.; Creuzer, *Commentat. Herod.* i. p. 230; Müller, *Dor.* vol. ii. p. 350, &c.) [L. S.] [W. W.]

GYNAECONI'TIS. [DOMUS, pp. 660 b–663 *a*.]

GYNAECO'NOMI (*γυναικονόμοι*: the form *γυναικοκόσμοι* only in Pollux, viii. 112) were magistrates in many Greek states, who exercised a certain censorship over the conduct of women and to some extent of men also, especially the young. At Sparta there were *παιδονόμοι*, but not *γυναικονόμοι* [PAEDONOMI]; the far-reaching Spartan discipline brought both sexes alike under the control of the authorities, and such special officers may not have been required. Aristotle mentions them as a well-known institution in two passages of the *Politics* (iv. 12 (15) § 9 = p. 1300, 4 ff.; vi. 5 (8) § 13 = p. 1323, 3 ff.), and each time observes that they were characteristic of aristocracies rather than of oligarchies or democracies; a remark which alone is almost sufficient to prove that they did not exist at Athens in his time (see below). We find them at Chaeronea (Plut. *Sol.* 21 *extr.*; cf. *Att. Process*, ed. Lipsius, p. 30, n. 51); it is to his native town, and not to Athens, that the words of Plutarch refer, that besides women they had also to restrain those men who showed their effeminate character by frantic or immoderate wailing at their own or other people's misfortunes. They occur also at Syracuse (Phylarch. *ap.* Ath. xii. p. 521 b; Gilbert, *Staatsalterth.* ii. p. 255); and are traced through inscriptions at Samos (Gilbert, ii. 152, cf. *Bull.* vii. 79); Andania, where their control of women's dress is mentioned (Gilbert, ii. 337, cf. Dittenberger, *Syll. Inscr.* p. 388, 25 ff.); and Gambreion near Pergamum (*ib.*; cf. *C. I. G.* 3562). The legislation of Solon included many regulations for the government of the Athenian women. They were forbidden to go abroad with more than three changes of apparel and a stated quantity of provisions, to pass though the streets by night otherwise than in a carriage and with a light carried before them, to disfigure their faces, to wail extravagantly at funerals (Plut. *Sol.* 21; Thirlwall, *H. G.* ii. 51). These rules were no doubt enforced by the Areiopagus, then at the height of its power. It was formerly assumed that the *γυναικονόμοι* were here indicated as dating from the time of Solon; but the language of Plutarch, rightly understood, leads to the opposite conclusion. After enumerating the above particulars, he adds: *ὧν τὰ πλεῖστα καὶ τοῖς ἡμετέροις νόμοις ἀπηγόρευται· πρόσκειται δὲ τοῖς ἡμετέροις ζημιοῦσθαι τοὺς τὰ τοιαῦτα ποιοῦντας ὑπὸ τῶν γυναικονόμων.* These words, it will be seen, really refer to Chaeronea in Plutarch's time, not to Solonian Athens. The theory of Boeckh (*Ueber den Plan der Atthis des Philochoros*, p. 24 f., also in his *Kleine Schriften*, v. 422 ff.) that the Athenian *γυναικονόμοι* were first instituted by Demetrius Phalereus (B.C. 317–307), is now universally accepted (Schömann, *Antiq.* i. 535, E. T.; Gilbert, *Staatsalterth.* i. 154; Lipsius, n. 204 on *Att. Process*, p. 109). Besides the indirect evidence of Aristotle and Plutarch just noticed, and the argument from the total silence of the orators on the subject, we have the direct testimony of three writers all contemporary with Demetrius; the comic poets Timocles (*fr.* 32 M.) and Menander (*fr.* 265 M.)

and the historian Philochorus, all cited by Athenaeus (vi. p. 245 b, c). All three describe the γυναικονόμοι as acting under a recent law (καινὸς νόμος): they were now associated with the Areiopagus in the maintenance of public decency and the enforcement of sumptuary laws. They superintended even the meetings of friends in their private houses, *e.g.* at weddings, and on other festive occasions (Philoch. *l. c.*). Meetings of this kind were not allowed to consist of more than thirty persons, and the γυναικονόμοι had the right of entering any house and sending away all the guests above that number: that they also took down the names of the cooks in order to estimate the number of guests, is perhaps only a joke of Menander's. They also controlled the eccentricities of female attire; women who went unsuitably dressed in public were liable to a fine of 1000 drachmas, and these fines were recorded on a tablet suspended to a plane-tree in the Ceramicus (Harpocrat. *s. v.* ὅτι χιλίας: Hesychius, *s. v.* πλάτανος: Pollux, *l. c.*). The number of these officers and the mode of their appointment are alike unknown. The authors of the *Attische Process*, arguing from analogy, regard them as an ἀρχὴ κληρωτή: Hermann (*Staatsalterth.* § 150, n. 5) contends that they were elected by χειροτονία, referring to a passage in the rhetorician Menander (περὶ ἐπιδεικτ. iii. 2, p. 204 Walz), who however, as Lipsius points out, is not speaking of Athens. (Schömann, *Antiq.* i. 149, 498, 535, E. T.; Gilbert, *ubi supra*; *Att. Process*, pp. 108–110, Lipsius.) [L. S.] [W. W.]

H.

HABE'NA or **-AE** (mostly plural: τὰ ἡνία, αἱ ἡνίαι) was, generally speaking, a leathern thong, by means of which things were held, bound, drawn, or fastened. Hence the word was in particular applied—1. To the reins by means of which horses were guided and managed (Verg. *Aen.* x. 576, xi. 670, 785, xii. 327). The habenae were, as with us, fixed to the bit or bridle [FRENUM]. 2. To the thong attached to a lance, by which it was held and wielded (Lucan, vi. 218); called also *flagellum* (Verg. *Aen.* vii. 731), and more usually *amentum* [HASTA, p. 935*b*]. 3. To the thong which was formed into a sling, by means of which stones were thrown (Lucan, iii. 710; Valer. Flacc. v. 608). [FUNDA.] 4. To straps by which low shoes (*soleae*) or sandals were fastened to the feet (Gellius, xiii. 21, § 4). 5. To the thong of a whip for chastising young slaves (Hor. *Ep.* ii. 2, 15; Ov. *Heroid.* ix. 81), or for whipping a top (Verg. *Aen.* vii. 380). The *habena* was one of the milder forms of corporal punishment (Dig. 29, tit. 5, s. 33, "impuberes servi terreri tantum solent, et habena vel ferula caedi;" Marquardt, *Privatl.* 173). [L. S.] [W. W.]

HABITA'TIO. [SERVITUTES.]

HAERES. [HERES.]

HA'LIA (ἁλία). [GEROUSIA.]

HA'LIA or **HALIEIA** (Ἅλια, Ἁλίεια), one of the principal festivals celebrated in the island of Rhodes, in honour of Helios, Doric Halios, the sun-god. It was held every year, with gymnic and musical contests and a great procession. The prize of the victors in the contest was a white wreath. It was on this occasion, the 24th of the month of Gorpiacus, that the Rhodians drove into the sea a quadriga as an offering to the god. (Schol. *ad* Pind. *Ol.* vii. 146; Xenoph. Ephes. v. 11; Fest. s. v. *October equus*; Näke, *Opusc.* i. p. 339, &c.) [L. S.]

HALMA (ἅλμα). [PENTATHLON.]

HALO'A (ἅλῳα). [ALOA.]

HALTE'RES (ἁλτῆρες) were certain masses of stone or metal which were used in the gymnastic exercises of the Greeks and Romans. Persons who practised leaping often performed their exercises with halteres in both hands; but they were also frequently used merely to exercise the body in somewhat the same manner as our dumb-bells (Crates, *fr.* 11 M.; μολυβδίδας χειροπληθεῖς, Lucian, *Anach.* 27, p. 909 R.; *graves massae*, Juv. vi. 421; Senec. *Ep.* 15, § 4, 56, § 1; Mart. xiv. 49; Pollux, iii. 155, x. 64). Pausanias (v. 26, § 3; v. 27, § 8; vi. 3, § 4) speaks of certain statues of athletes who were represented with halteres. They appear to have been made of various forms and sizes (μακροὶ and σφαιροειδεῖς, Philostr. *de Gymn.* 55). In the rage for female gymnastics, even the heavier sort were used by women (Mart. vii. 67, 6; Juv. *l. c.*). The preceding woodcut is taken from Tassie, *Catalogue*, &c. pl. 46, No. 7978. (Mercurialis, *de Arte Gymnastica*, ii. 12; Becker-Göll, *Gallus*, iii. 183; Krause, *Die Gymnastik und Agonistik der Hellenen*, vol. i. p. 395; Blümner, *Privatalterth.* 346.) [W. S.] [W. W.]

Halteres. (From an engraved gem.)

HAMAXA (ἅμαξα). [HARMAMAXA; PLAUSTRUM.]

HAMAXO'PODES (ἁμαξόποδες), in Latin **ARBUSCULAE**, appear to have been cylindrical pieces of wood, placed vertically, and with a socket cut in the lower end, to receive the upright pivot fixed above a wheel or above the middle of the axis of a pair of wheels, which could thus turn horizontally in every direction. One use of this sort of socket was to unite the axis of the fore-wheels of a chariot to the body (ἁμαξήποδες, Pollux, i. 144, 253; ἁμαξίποδες, Hesych. *s. v.*); another use of it was to attach the wheels of a testudo to the framing in such a manner that the machine might easily be moved in any direction: in fact, the *arbuscula* and the wheel together formed a castor or universal joint (Vitruv. x. 20, s. 14, § 1, ed. Schneid.). Newton (*ad loc.*) supposes that, for the latter purpose, a single piece of timber would be both clumsy and insufficient, and that the *arbuscula* must have been a sort of framing.

(See his figure, No. 114; Ginzrot, *Wagen und Fahrwerke*, i. 91, fig. 3.) [P. S.] [W. W.]

HARMA (ἅρμα). [CURRUS; HARMAMAXA.]

HARMAMAXA (ἁρμάμαξα) is evidently compounded of ἅρμα, a general term, including not only the Latin CURRUS, but other descriptions of carriages for persons; and ἅμαξα, which meant a waggon, having commonly four wheels, and used to carry loads or burthens as well as persons (Hes. *Op. et Dies*, 692; Hom. *Il.* vii. 426, xxiv. 782; *Od.* ix. 241). The harmamaxa was a carriage for persons, in its construction very similar to the CARPENTUM, being covered overhead and enclosed with curtains (σκηνή, Xen. *Cyrop.* vi. 4, § 11; Diod. xi. 56; Charito, v. 2, § 9), so as to be used at night as well as by day (Xen. *Cyrop.* iv. 2, § 15); but it was in general larger, often drawn by four horses or other suitable quadrupeds, and ornamented in a manner more splendid, luxurious, and expensive, and in the Oriental style (Diod. xvii. 35; Aristoph. *Ach.* 70). It occupied among the Persians (Max. Tyr. 34) the same place which the carpentum did among the Romans, being used, especially upon state occasions, for the conveyance of women and children, of eunuchs, and of the sons of the king with their tutors (Herod. vii. 83, ix. 76; Xen. *Cyrop.* iii. 1, § 8; iv. 3, § 1; Q. Curt. iii. 3, § 23). Also, as persons might lie in it at length, and it was made as commodious as possible, it was used by the kings of Persia, and by men of high rank in travelling by night, or in any other circumstances when they wished to consult their ease and their pleasure (Herod. vii. 41; Xen. *Cyrop.* iii. 1, § 40).

The body of Alexander the Great was transported from Babylon to Alexandria in a magnificent harmamaxa, the construction of which occupied two years, and the description of which, with its paintings and ornaments in gold, silver, and ivory, employed the pen of more than one historian (Diod. xviii. 26–28; Athen. v. p. 206 e; Aelian, *V. H.* xii. 64).

The harmamaxa was occasionally used by the ladies of Greece. A priestess of Diana is represented as riding in one which is drawn by two white heifers (Heliod. *Aeth.* iii. 4), and the coins of Ephesus show that this carriage, probably containing also symbols of the attributes and worship of Diana, added to the splendour of the religious processions in that city. [J. Y.] [W. W.]

HARMOSTES (ἁρμοστής, from ἁρμόζω, to fit or join together) is best known as the name of the governors whom the Lacedaemonians, after the Peloponnesian war, sent into their subject or conquered towns, partly to keep them in submission, and partly to abolish the democratical form of government, and establish in its stead one similar to their own (Diod. Sic. xiv. 10; Xen. *Hellen.* iv. 2, § 5; Isocrat. *Paneg.* § 117; Suidas, Hesych. *s. v.*; *Etym. M. s. v.* Ἐπίσταθμοι). Although in many cases they were ostensibly sent for the purpose of abolishing the tyrannical government of a town, and to restore the people to freedom, yet they themselves acted like kings or tyrants, whence Dionysius (*Antiq. Rom.* v. 74) thinks that harmosts were merely another name for kings. How little sincere the Lacedaemonians were in their professions to restore their subject towns to freedom was manifest after the peace of Antalcidas; for although they had pledged themselves to re-establish free governments in the various towns, yet they left them in the hands of the harmosts (Polyb. iv. 27). The character of their rule is sufficiently described by the word κατέχειν, which Isocrates (*l. c.*) and Demosthenes (*de Cor.* p. 258, § 96) use in speaking of the harmosts. (Compare Demosth. *c. Timocrat.* p. 741, § 128; Plut. *Narrat. Amat.* c. 3.) Even Xenophon (*Rep. Lac.* 14, § 2) could not help censuring the Lacedaemonians for the manner in which they allowed their harmosts to govern.

It is not stated how long the office of a harmost lasted; but considering that a governor of the same kind, who was appointed by the Lacedaemonians in Cythera, with the title of Cytherodices, held his office only for one year (Thucyd. iv. 53), it is tolerably certain that the office of harmost was of the same duration (Gilbert, *Staatsalterth.* i. 64, 92).

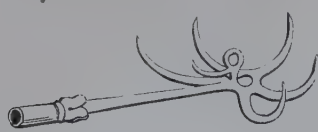
These harmosts appear first in the closing years of the Peloponnesian war; the earliest writer who mentions them is Thucydides, and he once only in his last book (viii. 5). There is reason to think, however, that the name and office were not new, but that ἁρμοσταὶ had previously existed as Spartan magistrates, twenty in number, charged with keeping order among the Perioeci. The only evidence for this is the Scholiast on Pindar (ἦσαν δὲ ἁρμοσταὶ Λακεδαιμονίων εἴκοσι, *ad Ol.* vi. 154); but it is accepted by Schömann, who thinks the Perioeci were divided into twenty districts, each presided over by a harmost (*Antiq.* i. 205, E. T.), and Gilbert (*Staatsalterth.* i. 38 n.). [L. S.] [W. W.]

HARPAGES GRAPHE (ἁρπαγῆς γραφή). Although the Athenians distinguished ἁρπαγὴ from κλοπή (Plat. *Legg.* xii. p. 941 B; Aristoph. *Plut.* 372), there does not seem to have existed a γραφὴ ἁρπαγῆς in Attic law. Lucian mentions it (*Judic. vocal.* 1); according to him, it was applicable to cases of open robbery, attended with violence (*Att. Process*, ed. Lipsius, p. 457). [J. S. M.] [H. H.]

HARPAGINE'TULI, a sort of decoration for the walls and ceilings of rooms, thus mentioned by Vitruvius, in a passage where he is speaking of irregular and fantastic ornaments (vii. 5, § 3), "pro columnis enim statuuntur calami, pro fastigiis harpaginetuli striati cum crispis foliis et volutis teneris." The word, not occurring elsewhere, has been given up as inexplicable, or possibly corrupt: the only plausible explanation is that suggested by a painting at Pompeii (*Pitture d'Ercolano*, tom. i. p. 212), which presents an architectural elevation "covered all over with ornaments resembling so many little hooks (*harpaginetuli*, dim. of *harpagones*)." (Rich.) This identification was first made by Bailey, in his *Auctarium* to Forcellini. [P. S.] [W. W.]

HA'RPAGO (ἁρπάγη: λύκος: κρεάγρα: κρεαγρίς), a grappling-iron, a drag, a flesh-hook (Ex. xxvii. 3; 1 Sam. ii. 13, 14 Sept. = *fuscinula* Vulg.; Aristoph. *Eq.* 772, *Vesp.* 1155, *Eccl.* 1002; Anaxipp. *fr.* 6 M.). The iron-fingered flesh-hook (κρεάγρα σιδηροδάκτυλος, Brunck, *Anal.* ii. 215 = *Anth. Pal.* vi. 101) is described by the Scholiast on Aristophanes (*Eq.* l. c.), as "an instrument used in cookery, resembling a hand with the fingers bent inwards, used to take boiled meat out of the caldron." Four specimens of it, in bronze, are in the British Museum.

One of them is here represented. Into its hollow extremity a wooden handle was inserted.



Harpago, flesh-hook. (British Museum.)

A similar instrument, or even the flesh-hook itself (Aristoph. *Eccles.* l. c.; Eurip. *Cycl.* 33) was used to draw up a bucket or to recover anything which had fallen into a well (Menand. *fr.* 730 M.; Hesych. *s. vv.* Ἁρπάγη, Κρεάγρα, Λύκος). For the name λύκος applied to hooked instruments, cf. L. and S. *s. v.*

In war the grappling-iron, thrown at an enemy's ship, seized the rigging, and was then used to drag the ship within reach, so that it might be easily boarded or destroyed (Ἅρπαξ, Moschion *ap.* Ath. v. p. 208 d; Appian, *B. C.* v. 118; *asseres ferreo unco praefixi* (*harpagones vocant*), Liv. xxx. 10, § 16). These instruments appear to have been much the same as the *manus ferreae* (*manus ferreae atque harpagones*, Caes. *B. C.* i. 57; Q. Curt. iv. 9; Dio Cass. xlix. 3, l. 32, 34). The *manus ferreae* were employed by Duilius against the Carthaginians (Flor. ii. 2; Front. *Strateg.* ii. 3, § 24), and were said to have been invented by Pericles (Plin. *H. N.* vii. § 209). [J. Y.] [W. W.]

HARPASTUM. [Pila.]

HARUNDO. [Calamus.]

HARU'SPICES, or ARU'SPICES, were soothsayers or diviners, who interpreted the will of the gods. They originally came to Rome from Etruria, whence haruspices were often sent for by the Romans on important occasions (Liv. xxvii. 37; Cic. *Catil.* iii. 8, 19; *de Div.* ii. 4, 11). The art of the haruspices resembled in many respects that of the augurs; but they never acquired that political importance which the latter possessed, and were regarded rather as means for ascertaining the will of the gods than as possessing any religious authority. They did not in fact form any part of the ecclesiastical polity of the Roman state during the republic; they are never called *sacerdotes*, they did not form a collegium, and had no magister at their head. The mere fact that they were salaried marks them off sharply from the national priesthoods (*C. I. L.* vi. 2161; *Eph. Epigr.* iii. p. 91). The account of Dionysius (ii. 22) that the haruspices were instituted by Romulus, and that one was chosen from each tribe, is opposed to all the other authorities, and is manifestly incorrect. Claudius first (Tac. *Ann.* xi. 15) founded a collegium of haruspices, which consisted of sixty members (*C. I. L.* vi. 2161). It is an error of the older commentators to suppose that this collegium existed before his time. Cicero (*de Div.* ii. 24, 52), in speaking of a *summus haruspex*, means only a soothsayer of high distinction. He may, however, have been the head of a school in Etruria.

The art of the haruspices, which was called *haruspicina*, consisted (1) in explaining and interpreting the will of the gods from the appearance of the entrails (*exta*) of animals offered in sacrifice, whence they are sometimes called *extispices*, and their art *extispicium* (Cic. *de Div.* ii. 11, 26; Suet. *Ner.* 56); (2) in dealing with the significance of extraordinary phenomena in nature, to which the general name of *portenta* was given (Valer. Max. i. 1, § 1; Cic. *de Harusp. Resp.* 9, 18; Liv. i. 56, 5, v. 15), and averting the evils portended by thunderbolts (cf. Müller, *Etrusk.* ii. 165 ff.); (3) in interpreting the meaning of lightning. But while the last two also fell under the cognisance of the pontiffs and the augurs, the art of the haruspices was supposed to enable them to deal with them with greater detail. (Cf. Mommsen, *Hist.* i. 190.) Their art is said to have been invented by a fabulous Etruscan dwarf Tages (Cic. *de Div.* ii. 23, 50; Festus, s. v. *Tages*), and was contained in certain books called *libri haruspicini, fulgurales*, and *tonitruales*. (Cic. *de Div.* i. 33, 72; compare Macrob. *Saturn.* iii. 7; Müller, *Etrusk.* ii. 30.)

This art was at one time considered by the Romans so important, that the senate decreed that ten young Etruscans from each of the states, belonging to the principal families, should always be instructed in it. (Cic. *de Div.* i. 41, 92; cf. Müller's text, and C. O. Müller, *Etrusk.* ii. p. 4.) The senate sometimes consulted the haruspices (Cic. *de Div.* i. 43, 97; ii. 35, 74; Liv. xxvii. 37), as did also private persons (Cic. *de Div.* ii. 29, 62). In later times, however, their art fell into disrepute among well-educated Romans; and Cicero (*de Div.* ii. 24, 51) relates a saying of Cato, often absurdly misapplied to the augurs, that he wondered that one haruspex did not laugh when he saw another. Cicero (*ad Fam.* vi. 18) is very indignant at the admission of a haruspex into the senate. The Emperor Claudius attempted to revive the study of the art, which had then become neglected; and the senate, under his directions, passed a decree that the pontifices should examine what parts of it should be retained and established (Tac. *Ann.* xi. 15); but we do not know what effect this decree produced. Haruspices appear as late as the time of Alaric (Zosimus, v. 41).

The name of haruspex is sometimes applied to any kind of soothsayer or prophet (Prop. iii. (iv.) 13, 59); whence Juvenal (vi. 550) speaks of *Armenius vel Commagenus haruspex*.

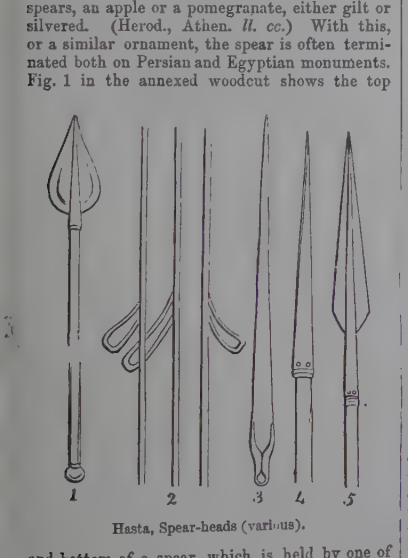
The latter part of the word *haruspex* contains the root *spec;* and Donatus (*ad* Ter. *Phorm.* iv. 4, 28) derives the former part from *haruga*, a victim. The root *har* occurs also in Greek χορδή, *hira*, &c., and denotes "twisted," hence "entrail." (Cf. Corssen, i. 509.) Compare Festus, s. v. *Harviga*, and Varro, *de Ling. Lat.* v. 98, ed. Müller. (Göttling, *Gesch. der Röm. Staatsverf.* p. 213; Walter, *Gesch. des Röm. Rechts*, §§ 142, 770, 2nd ed.; Brissonius, *De Formulis*, i. 29; Marquardt, *Röm. Staatsverw.* iii. 393–398.) [W. S.] [A. S. W.]

HASTA (ἔγχος, παλτόν), a spear. The spear is defined by Homer, δόρυ χαλκῆρες, "a pole fitted with bronze" (*Il.* vi. 3), and δόρυ χαλκοβάρες, "a pole heavy with bronze" (*Od.* xi. 531). The bronze, for which iron was afterwards substituted, was indispensable to form the point (αἰχμή, ἀκωκή, Homer; λόγχη, Xenophon; *acies, cuspis, spiculum*, Ovid. *Met.* viii. 374) of the spear. Each of these two essential parts is often put for the whole, so that a spear is

called δόρυ and δοράτιον, αἰχμή, and λόγχη. Even the more especial term μελία, meaning an ash-tree, is used in the same manner, because the pole of the spear was often the stem of a young ash, stripped of its bark and polished. (*Il.* xix. 390, xx. 277, xxii. 328; *Od.* xxii. 259; Plin. *H. N.* xvi. § 62; Ovid, *Met.* xii. 369.) In like manner the spear is designated by the term κάμαξ (Aesch. *Ag.* 66; Eurip. *Hec.* 1155, *Phoen.* 1403; Brunck, *Anal.* i. 191, 226; Antip. Sidon. 34), meaning properly the cane or bamboo, which served also for vine-props and other uses (Hes. *Scut.* 298). Xenophon says that the δόρυ καμάκινον, apparently the usual lance of cavalry in his time, was both weak and heavy, and recommends in its stead two darts of the tough cornel-wood (*τὰ κρανέϊνα δύο παλτά, de Re Eq.* 12, § 12; cf. Theophrast. *H. P.* iii. 12, § 2).

The butt-end of the spear was furnished with a spiked metal ferule, called by the Ionic writers σαυρωτήρ (Hom. *Il.* x. 153; Herod. vii. 40, 41; also Polyb. vi. 23), and οὐρίαχος (*Il.* xiii. 443, xvi. 612, xvii. 528), and in Attic or common Greek στύραξ (Xen. *Hell.* vi. 2, § 19; Athen. xii. p. 514 b; στυράκιον, Thucyd. ii. 4; Aen. Tact. 18). By thrusting this into the ground the spear was fixed erect (Verg. *Aen.* xii. 130).

It has been suggested that the Homeric σαυρωτὴρ or οὐρίαχος was a knob or lump of metal to balance the weight of the spear-head and insure steadiness in throwing (Leaf, in *Journ. Hellen. Soc.* iv. 301): it may no doubt have served that purpose as well, but the ancient tradition is constant in favour of there having been a second spike. Many of the lancers (δορυφόροι, αἰχμοφόροι, λογχοφόροι, woodcut, p. 353 *b*) who accompanied the king of Persia had, instead of this spike at the bottom of their spears, an apple or a pomegranate, either gilt or silvered. (Herod., Athen. *ll. cc.*) With this, or a similar ornament, the spear is often terminated both on Persian and Egyptian monuments. Fig. 1 in the annexed woodcut shows the top



Hasta, Spear-heads (various).

and bottom of a spear, which is held by one of the king's guards in the sculptures at Persepolis. (Sir R. K. Porter's *Travels*, vol. i. p. 601.) It may be compared with those in the hand of the Greek warrior at p. 189 *b*, which have the spike at the lower end. The spike at the bottom of the spear was used in fighting by the Greeks and Romans, when the head was broken off. (Polyb. vi. 25.)

A well-finished spear was kept in a case (δορατοθήκη), which, on account of its form, is called by Homer a pipe (σύριγξ, *Il.* xix. 387).

The spear was used as a weapon of attack in three different ways:—1. It was thrown from catapults and other engines [TORMENTUM]. 2. It was thrust forward as a pike. In this manner Achilles killed Hector by piercing him with his spear through the neck (*Il.* xxii. 326). The Euboeans were particularly celebrated as pikemen (Hom. *Il.* ii. 543). 3. It was commonly thrown by the hand. The Homeric hero generally went to the field with two spears (Hom. *Il.* iii. 18, x. 76, xii. 298; Pind. *Pyth.* iv. 139). On approaching the enemy he first threw either one spear or both, and then on coming to close quarters drew his sword (Hom. *Il.* iii. 340, xvii. 530, xx. 273–284). The Homeric spears are of enormous length. Hector carries one 11 cubits long (*Il.* vi. 319), and when fighting from the ship's deck Ajax wields one of double the length, 22 cubits (*Il.* xv. 678). Rüstow and Köchly consider these "purely heroic" (cf. the *falarica* hurled by Turnus, Verg. *Aen.* ix. 705); but Xenophon (*Anab.* iv. 7, § 16) positively tells us that the Chalybes used spears of the portentous length of 15 cubits, and we can only suspend our judgment as to the spears of Homer's time (Leaf, p. 300). The point is commonly supposed to have been attached to the shaft by a hollow socket or ferule (αὐλός, *Il.* xvii. 297, with Leaf's note; αἰγανέας δολιχαύλους, i.e. *venabula*, *Od.* ix. 156); but the lance of Hector has the head fastened on by a golden πόρκης, i.e. κρίκος or ring (*Il.* vi. 320, xv. 495). Leaf very justly points out that a gold ring outside a bronze tube would not be of much use, and that the αὐλὸς and πόρκης were probably not employed together. Curiously enough, the spear-heads at Mycenae all have the αὐλός (Schliemann, *Mycenae*, p. 278), while those found at Hissarlik are attached to the shaft by nails (*Ilios*, pp. 475–7; *Troja*, p. 95): in the latter case the ring would come in usefully to prevent the wood from splitting. It is perhaps allowable to suppose that the αὐλὸς was the Greek, the πόρκης the Trojan mode of attachment. The question is more fully discussed by Leaf, *l. c.*

The spear frequently had a leathern thong tied to the middle of the shaft, which was called ἀγκύλη by the Greeks, and *amentum* or *ammentum* by the Romans, and which was of assistance in throwing the spear. The javelin to which the ἀγκύλη was attached was called μεσάγκυλον. (Pollux, i. 136; Schol. *ad* Eurip. *Orest.* 1477; Xen. *Anab.* iv. 2, § 28; Verg. *Aen.* ix. 665; Ov. *Met.* xii. 321; Cic. *de Orat.* i. 57, § 242; *Brut.* 78, § 271.) The annexed figure, taken from Sir W. Hamilton's *Etruscan Vases* (iii. pl. 33), represents the *amentum* attached to the spear at the centre of gravity, a little above the middle.

The *amentum* added to the effect of throwing the lance by giving it rotation, and hence a greater degree of steadiness and directness in its

flight, as in the case of a ball shot from a rifle. This supposition both suits the expressions relative to the insertion of the fingers, and accounts for the frequent use of the verb *torquere*, "to whirl or twist," in connexion with this subject. Two fingers were used, the fore and the middle finger: *Amentum digitis tende prioribus* (Senec. *Phaedr.* 820). We also find mention in the Latin grammarians of *Hastae ansatae*, and Ennius speaks of *Ansatis concurrunt undique telis* (*ap.* Macrob. *Sat.* vi. 1, § 16). The *ansa* was probably the same as the *amentum*, and was so called as being the part which the soldier laid hold of in hurling the spear. (Cf. Saglio, in D. and S., s. v. *Amentum.*)

Spear with amentum. (From an Etruscan vase.)

Under the general terms *hasta* and ἔγχος were included various kinds of missiles, of which the principal were as follows:—

Lancea (λόγχη, Festus, s. v. *Lancea*), the lance, a comparatively slender spear commonly used by the Greeks. Iphicrates, who doubled the length of the sword [GLADIUS], also added greatly to the dimensions of the lance. (Diod. xv. 44; Nep. *Iphicr.* 1, § 3.) This weapon was used by the Grecian horsemen (Polyb. vi. 23); and by means of a cross-bar to it, which is supposed by Stuart (*Ant. of Athens*, vol. iii. p. 47; woodcut, fig. 2) to be exhibited on the shafts of three spears in an ancient bas-relief, they mounted their horses with greater facility. This, however, is a mere conjecture: Xenophon describes the way to mount a horse (*de Re Eq.* 7) and the proper kind of spears for cavalry (*ib.* 12), and nowhere alludes to this or any other artificial help in mounting.

Pilum (ὄσσός), the javelin, much thicker and stronger than the Grecian lance (Flor. ii. 7, = i. 23, Jeep). Its shaft, often made of cornel (Verg. *Aen.* ix. 698; Ovid, *Met.* viii. 408), was 4½ feet (3 cubits) long, and the barbed iron head was of the same length, but this extended half-way down the shaft, to which it was attached with extreme care, so that the whole length of the weapon was about 6 feet 9 inches. Each soldier carried two (Polyb. vi. 23). It was used either to throw or to thrust with; it was peculiar to the Romans, and gave the name of *pilani* to the division of the army by which it was adopted. It was, however, carried by different classes of troops at different times, and at last, apparently, by all the legionaries (EXERCITUS, pp. 784*b*, 785*a*). When Marius fought against the Cimbri, he ordered that of the two nails or pins (περόναι) by which the head was fastened to the staff, one should be of iron and the other of wood. The consequence was that, when the *pilum* struck the shields of the enemy, the wooden nail broke; and as the iron head was thus bent, the spear, owing to the twist in the metal part, still held to the shield and so dragged along the ground. (Plut. *Mar.* 25.)

Whilst the heavy-armed Roman soldiers bore the long lance and the thick and ponderous javelin, the light-armed used smaller missiles, which, though of different kinds, were included under the general term *hastae velitares* (Liv. xxvi. 4, xxxviii. 20; Plin. *H. N.* vii. § 201, xxviii. § 34). From γρόσφος, the corresponding Greek term (Polyb. i. 40; Strabo, iv. p. 196), the *velites*, or light-armed, are called by Polybius γροσφομάχοι (vi. 19, 20). According to his description the γρόσφος was a dart, with a shaft about 3 feet long and 1 inch in thickness: the iron head was a span long, and so thin and acuminated as to be bent by striking against anything, and thus rendered unfit to be sent back against the enemy. Fig. 3, in the above woodcut, shows one which was found, with nearly four hundred others, in a Roman entrenchment at Meon Hill, in Gloucestershire. (Skelton's *Engraved Illustrations*, vol. i. pl. 45.)

The light infantry of the Roman army used a similar weapon, called "a spit" (*veru*, *verutum*, Liv. xxi. 55; σαύνιον, Diod. Sic. xiv. 27; Festus, s. v. *Samnites*). It was adopted by them from the Samnites (Verg. *Aen.* vii. 665) and the Volsci (*Georg.* ii. 168). Its shaft was 3½ feet long, its point 5 inches (Veget. ii. 15). Fig. 4, in the above woodcut, represents the head of a dart in the Royal Collection at Naples; it may be taken as a specimen of the *verutum*, and may be contrasted with fig. 5, which is the head of a lance in the same collection. The Romans adopted in like manner the *gaesum*, which was properly a Celtic weapon (Liv. xxviii. 45); it was given as a reward to any soldier who wounded an enemy (Polyb. vi. 37). *Sparus* is evidently the same word with the English *spar* and *spear*. It was the rudest missile of the whole class, and only used when better could not be obtained. (Verg. *Aen.* xi. 682; Serv. *in loc.*, "sparus est rusticum telum in modum pedi recurvum"; Nepos, *Epam.* 9, § 1; Sallust, *Cat.* 56; Gell. x. 25.)

Besides the terms *jaculum*, *spiculum*, and *venabulum* (ἄκων, ἀκόντιον), which probably denoted lighter darts used in hunting as well as in battle (Thucyd. ii. 4; Cic. *in Verr.* v. 3, § 7, *ad Fam.* v. 12, § 5; Verg. *Aen.* x. 52; Serv. *in loc.*; Ov. *Met.* viii. 410; Flor. *l. c.*), we find in classical authors the names of various other spears which were characteristic of particular nations. Thus, Servius (on *Aen.* vii. 164) states that, as the *pilum* was proper to the Romans and the *gaesum* to the Gauls (cf. *Aen.* viii. 661; Propert. v. 10, 42), so the *sarisa* was the spear peculiar to the Macedonians. (On the extraordinary length of the *sarisa*, see EXERCITUS, p. 778; Grote, Excursus on ch. 92; on

the spelling of the word, L. and S. *s. v.* *σάρισα*.) The Thracian *ῥομφαία*, *rhomphaea* or *rumpia*, has been compared to the *sarisa* on the strength of a passage in Livy (xxxi. 39), but was really a sword (cf. GLADIUS); whereas the Illyrian *σιβύνη* is justly described as a *venabulum* or hunting-spear (*σιβύνιον*, Polyb. vi. 23, § 9; *σιγύνη*, Herod. v. 9; Antip. Sidon. 13; *sibina*, Enn. *Annal.* vii. 115; *sibyna*, Festus; *sibones*, Gell. x. 25).

The iron head of the German spear, called *framea*, was short and narrow, but very sharp. The Germans used it with great effect either for hurling or thrusting: they gave to each youth a *framea* and a shield on coming of age (Tac. *Germ.* 6, 13, 18, 24; Juv. xiii. 79).

The *falarica* or *phalarica* was a missile of the largest dimensions, deriving its name from the *falae* or wooden towers used in sieges (cf. HELEPOLIS), from which it was usually discharged by an engine (Fest., Non. *s. v.*; Veget. iv. 18; Serv. *ad Aen.* ix. 705; Gell. x. 25). Livy (xxi. 8) describes one employed by the Saguntines, and impelled by the aid of twisted ropes; it was large and ponderous, having a head of iron 3 feet in length, which carried flaming pitch and tow. This sort was weighted near the top by a circular mass of lead (Isid. *Orig.* xviii. 7). We also find a *falarica* hurled from the hand, mostly, however, in poetry as a feat of gigantic strength (Verg. *Aen.* l. c.; Lucan, vi. 196; Sil. Ital. i. 351; Grat. Falisc. *Cyneg.* 342), but in real life by a Spanish tribe (Liv. xxxiv. 14). The *matara*, *mataris* or *materis*, a Celtic word, denotes a broad-tipped spear used by the Gauls (Auct. *ad Herenn.* iv. 32, § 43; Caes. *B. G.* i. 26; Liv. vii. 24; *μάδαρις*, *παλτοῦ τι εἶδος*, Strab. iv. p. 196; Hesych.); the *tragula* (in some senses, but perhaps not in this one, derived from *traho*; see the Dictionaries) was probably barbed, as it required to be cut out of the wound (Sallust. *ap.* Non. p. 553, 29; Caes. *B. G.* v. 35; Gell. *l. c.*).

The careful antiquarian researches of recent years have led to the discovery of many specimens of Roman weapons, especially in Germany and Switzerland; the results of these finds, styled "important" by Guhl and Koner (p. 772), do not tend to the overthrow of previously established conclusions. A genuine old-German *framea* has not, it appears, yet been dug up out of its native soil (*ib.* p. 775).

Among the decorations which the Roman generals bestowed on their soldiers, more especially for saving the life of a fellow-citizen, was a spear without a head, called *hasta pura* (Verg. *Aen.* vi. 760; Serv. *in loc.*; Festus, s. v. *Hasta*; Sueton. *Claud.* 28; Tac. *Ann.* iii. 21). The gift of it is sometimes recorded in funeral inscriptions.

The *caelibaris hasta* (Festus, *s. v.*) having been fixed into the body of a gladiator lying dead on the arena, was used at marriages to part the hair of the bride (Ov. *Fast.* ii. 559 foll.; Plut. *Quaest. Rom.* 87).

A spear was erected at auctions [AUCTIO], and when tenders were received for public contracts (*locationes*). It served both to announce by a conventional sign conspicuous at a distance that a sale was going on, and to show that it was conducted under the authority of the public functionaries (Cic. *de Off.* ii. 8, § 29; Nepos, *Att.* 6; Festus, s. v. *Hasta*). Hence an auction was called *hasta*, and *hastarium* (Tertull. *Apol.* 13) is either an auction-room or an auctioneer's catalogue: in modern Italian *asta* means only an auction, never a spear. It was also the practice to set up a spear in the court of the CENTUMVIRI.

The throwing of the spear (*ἀκοντισμός*) was one of the gymnastic exercises of the Greeks (Krause, *Gymnastik und Agonistik*, i. 465 ff.; PENTATHLON). On Greek spears in general, cf. Droysen, *Kriegsalterth.* pp. 17–19 in Hermann-Blümner; Guhl and Koner, ed. 5, pp. 314–318; W. Leaf in *Journ. Hell. Soc.* iv. 299 ff.: on Roman, Marquardt, *Staatsverw.* ii. 328 ff.; Guhl and Koner, pp. 772–775. [J. Y.] [W. W.]

HASTA'TI. [EXERCITUS, pp. 783 *a*, 784 *b*.]

HECATOMBAEA. [HERAEA.]

HECATOMBAEON. [CALENDARIUM, Greek.]

HECATOMBE. [SACRIFICIUM.]

HECATO'MPEDON. [PES; TEMPLUM.]

HECATOMPHO'NIA (*ἑκατομφόνια*), an ancient festival or rather custom observed by the Messenians of Ithome, whenever they had killed a hundred enemies. A sacrifice was offered on the occasion to Zeus. (Paus. iv. 19, § 2; Plut. *Romul.* 24.) [L. S.]

HECATOSTE (*ἑκατοστή*). [PENTECOSTE.]

HECTE or HECTEUS (*ἕκτη*, *ἑκτεύς*), and its half, *Hemiecton* or *Hemiecteon* (*ἡμίεκτον*, *ἡμιεκτέον*), are terms which occur, in more than one sense, in the Greek metrical system, and are interesting on account of the examples they furnish of the duodecimal division.

1. In dry measures, the *hecteus* was the sixth part of the *medimnus*, and the *hemiecteon*, of course, the twelfth part. (Aristoph. *Eccl.* 547; *Nub.* 643, 645.) In the latter passage the *ἡμιεκτέον* is called *τετράμετρον*, as holding 4 choenices. The form *ἡμιεκτέον* is used by Aristophanes, *ἡμίεκτον* by later writers (Dem. *c. Phorm.* p. 918, § 37). The *hecteus* was equal to the Roman *modius*, as each contained 16 *ξέσται* or sextarii. In late Greek the word *ἑκτεύς* became obsolete, and *μόδιος* took its place, as in the fragments of Galen's metrological writings. (Boeckh, *Metrol. Untersuch.* pp. 33, 200; Hultsch, *Metrol.* p. 82.) [P. S.] [W. W.]

2. In the case of coins also, the hecte was the sixth part of some unit. It would seem from the statement of Hesychius (*s. v.*) that the term was applied to fractional coins, whether of gold, silver, or copper. In this wide sense the silver obol, as being the sixth part of the drachm, would be a hecte. But the name was specially applied to small coins of gold and of electrum (mixed gold and silver). One reason for this may have been that as the mintages of gold and electrum belonged principally to Asia Minor, the unit or stater in those metals followed the Oriental principle of division by thirds, sixths, and twelfths, rather than by halves and quarters. The sixth part of the gold and electrum staters of the cities of Ionia, of Lydia, of Cyzicus and Phocaea, was a coin in frequent use in antiquity, and minted in great quantities. *Ἕκται Φωκαΐδες* are mentioned as dedicated in the Athenian treasuries in the lists of B.C. 429 and 397 (*C. I. Att.* i. 199, 207). At a later period they were issued jointly with Mitylene, in virtue of a compact of which the text has

come down to us [see ELECTRUM, *ad fin.*]. The hectae of Phocaea of Mitylene and of Cyzicus abound in our museums: they are roundish coins made of a pale mixture of gold and silver, and weighing from 35 to 44 grains.

The twelfth or ἡμίεκτον of electrum was also a common coin. This is mentioned by Julius

Hecte of Phocaea.

Hecte of Cyzicus.

Pollux (ix. 62, quoting Crates) as the equivalent of eight obols of silver; that is to say, if the obols be Attic obols, ninety grains of silver, giving a proportion of value between electrum and silver of $4\frac{1}{2}$ to 1, a proportion which can only have obtained if the electrum were of very base quality [P. G.]

HECTEMO'RII (ἑκτημόριοι), a name given to a class of cultivators in Attica before the time of Solon.

We have examples, among the unenfranchised classes in Greece, of agriculturists who had to pay a fixed quantity of produce and take all the risks of bad seasons: such were the Perioeci and Helots in Laconia [DECUMAE, *init.*; HELOTES]. We also find what is now known as the *métayer* system, under which landlord and tenant divide the produce in a certain proportion. The landlord's share was called μορτή, and land held under *métairie* was ἐπίμορτος γῆ (Pollux, vii. 151, quoting Solon). The ἑκτημόριοι were *métayers* who, according to some ancient authorities, paid a sixth portion to their masters and retained five-sixths for themselves (Plut. *Sol.* 13; Hesych. *s. v.* ἐπίμορτος): according to others, they received only a sixth part (Hesych. *s. v.* ἑκτήμοροι: Phot. *s. v.* πελάται: Eustath. *ad* Hom. *Od.* xix. 28, p. 1854). The correctness of the latter view, first insisted upon by Schömann (*Assemblies*, p. 362), is now generally admitted; had the tenants paid only a sixth, they would have been much better off than the landowners, whereas all the accounts testify to a state of oppression to which Solon applied a remedy. Boeckh, who in his first edition (*P. E.* p. 494) held that the cultivators paid the sixth part, afterwards came round to the opinion of Schömann (*Sthh.*[2] i. 578). The ἑκτημόριοι belonged to the class of θῆτες, though probably not all θῆτες were ἑκτημόριοι (Schömann, *Antiq.* i. 323 n.). They were also sometimes called πελάται, *i.e.* clients or dependents (Plat. *Euthyphr.* 4 C, with Schol.). (Schömann, *Assemblies*, p. 362; *Antiq. Jur. Publ.* p. 169; *Antiq.* i. 323, E. T.; Hermann, *Staatsalterth.* § 100 n. 16, 101 n. 10; Büchsenschütz, *Besitz und Erwerb*, p. 49 f.; Gilbert, *Staatsalterth.* i. 125 f.)

For the Roman *métayers*, called *partiarii*, see AGRICULTURA, p. 60 *a*; and cf. Gaius, *Inst.* ii. 254, and *ap.* Dig. 19, 2, 25; *pecora partiaria*, i.e. the same system applied to the increase of cattle, Cod. Just. 2, 3, 8. [W. S.] [W. W.]

HEDNA (ἕδνα). [DOS.]

HEGEMO'NIA DIKASTE'RIOU. [EISAGOGEIS.]

HEGETO'RIA. [PLYNTERIA.]

HEIRGMOU DIKE (εἱργμοῦ δίκη). This was an action for keeping a free person in private custody. There are no orations upon this subject extant. Pollux (vi. 353) mentions εἱργμὸς in a list of ἀδικήματα. The *Lex. Cantabr.* s. v. defines it, εἴ τίς τινα ἔδησεν ἢ συνέσχεν ἀδίκως, and quoting Dem. *c. Mid.* p. 562, § 147, hints that Agatharchus the painter might have adopted this remedy against Alcibiades ([Andoc.] *c. Alcib.* §§ 17, 18; Plut. *Alcib.* 16). In Dinarch. *c. Demosth.* § 23, it is mentioned that a miller incurred capital punishment for a like offence. Meier looked upon it as another instance of εἱργμός, whilst Maetzner (*ad l. c.*) and Lipsius (*Att. Process*, p. 410 n.) take it to be a γραφὴ ὕβρεως. If the latter view be correct, the punishment was not so severe as to cause any astonishment (such as Thonissen expresses, *Droit pénal*, p. 294 f.). Quite different from this action was ἀδίκως εἱρχθῆναι ὡς μοιχόν. [ADULTERIUM.] [J. S. M.] [H. H.]

HELE'POLIS (ἑλέπολις). When Demetrius Poliorcetes besieged Salamis in Cyprus B.C. 306, he caused a machine to be constructed, which he called "the taker of cities." Its form was that of a double cube, 45 cubits square and 90 high. It rested on four wheels, each 8 cubits high. It was divided into nine stories, the lower of which contained machines for throwing great stones, the middle large catapults for throwing spears, and the highest, other machines for throwing smaller stones, together with smaller catapults. It was manned with 200 soldiers, besides those who moved it by pushing the parallel beams at the bottom. (Diod. xx. 48.)

At the siege of Rhodes, in the following year, Demetrius employed a helepolis of still greater dimensions and more complicated construction. Besides wheels it had castors (ἀντίστρεπτα), so as to admit of being moved laterally as well as directly. Its form was pyramidal. The three sides which were exposed to attack were rendered fire-proof by being covered with iron plates. In front each story had port-holes, which were adapted to the several kinds of missiles, and were furnished with shutters that could be opened or closed at pleasure, and were made of skins stuffed with wool. Each story had two broad flights of steps, the one for ascending, the other for descending. (Diod. xx. 91; Plut. *Demetr.* 21; compare Vitruv. x. 22.) This helepolis was constructed by Epimachus the Athenian; and a much esteemed description of it was written by Dioclides of Abdera. (Athen. v. p. 206 d.) It was no doubt the greatest and most remarkable engine of the kind that was ever erected. In subsequent ages we find the name of "helepolis" applied to moving towers which carried battering-rams, as well as machines for throwing spears and stones. Engines of this kind were used to batter the walls of Jerusalem at the siege under Titus (Joseph. *B. J.* ii. 19, § 9; iii. 6, § 2). One described by Ammianus does not differ much from the earlier model (Amm. Marc. xxiii. 4, § 10); we find them likewise in the Byzantine

period (Agathias, i. 18; Nicet. Chon. *Jo. Comnen.* p. 14 b). [ARIES; TORMENTUM.]

[J. Y.] [W. W.]

HELIASTAE. [DICASTES.]

HELIOCAMI'NUS. [DOMUS, p. 686 *b*.]

HELIX (ἕλιξ), anything of a spiral form, whether in one plane, as the spiral curve, or in different planes, as the screw.

1. In architecture, the spiral volutes of the Ionic and Corinthian capitals. The Roman architects, while they used the word *volutae* for the angular spirals, retained the term *helices* for the smaller spirals in the middle of each face of the Corinthian capital. (Vitruv. iv. 1, § 12.)

2. In mechanics, the word designates the screw in its various applications; but its chief use was to describe a machine used for launching ships, said to have been invented by Archimedes. (Athen. v. p. 207 a, where Schweighäuser notes that the exact nature of it has not been discovered.) [P. S.] [W. W.]

HELLANO'DICAE (Ἑλλανοδίκαι), the judges in the Olympic and Nemean games, of whom an account is given under OLYMPIA. The same name was also given to the judges or court-martial in the Lacedaemonian army (Xen. *Rep. Lac.* 13, § 11); and they were probably first called by this name when Sparta was at the head of the Greek confederacy. As the name implies, their jurisdiction must have been international, not exclusively Spartan. According to Gilbert (*Staatsalterth.* i. pp. 65, 81), they were not military officers, but attached to the army in a civil capacity, like the κρεοδαίτης, ταμίαι, and λαφυροπῶλαι. [W. S.] [W. W.]

HELLENOTA'MIAE (Ἑλληνοταμίαι), or treasurers of the Greeks, were magistrates appointed by the Athenians to receive the contributions of the allied states. They were first appointed B.C. 477, when Athens, in consequence of the conduct of Pausanias, had obtained the headship of the league of national defence against the Persians. The money paid by the different states, which was originally fixed at 460 talents, was deposited in Delos, which was the place of meeting for the discussion of all common interests; and there can be no doubt that the Hellenotamiae not only received, but were also the guardians of these moneys. Xenophon (*de Vect.* 5, § 5) describes the position of Athens at the head of the confederacy as ἡγεμονία and ἑλληνοταμία (Thuc. i. 96; Plut. *Arist.* 24; Antiph. *de Caed. Her.* § 69; Andoc. *de Pace*, § 38). The office was retained after the treasury was transferred to Athens on the proposal of the Samians (Plut. *Arist.* 25; Diod. xii. 38), but was of course abolished on the conquest of Athens by the Lacedaemonians. The Hellenotamiae were not reappointed after the restoration of the democracy; for which reason the grammarians afford us little information respecting their duties. It is, however, certain from inscriptions that they were ten in number, and, like the Strategi, chosen one from each tribe, not necessarily, but as far as circumstances permitted: for as requiring character and the possession of property they were almost certainly an ἀρχὴ χειροτονητή (Gilbert, *Staatsalterth.* i. 236; Fränkel, n. 307 on Boeckh; *C. I. A.* i. 259, 260). In the case where the occurrence of eleven names has occasioned a difficulty (*C. I. A.* i. 188), there is little doubt that the eleventh is a πάρεδρος or assessor: in other inscriptions (*ib.* 180–183) Ἑλληνοταμίαι and πάρεδροι are coupled together, and Gilbert (*l. c.*) thinks that there was one to each. The Hellenotamiae, during the period of Athenian supremacy, were the most important financial officers after the treasurers of Athena (ταμίαι τῆς θεοῦ), into whose treasury, the Opisthodomos, they carried the collected tribute. A mina in the talent, or $\frac{1}{60}$, was retained as an ἀπαρχὴ for the goddess; the rest was disbursed as it was wanted by the ταμίαι τῆς θεοῦ to the Hellenotamiae, and by them applied mostly to the Theorica and to military objects. It is needless to say that the pretext of defence against the Persians was soon dropped, and that the money of the allies was spent in wars for the aggrandisement of Athens. The time for paying the φόρος into the treasury was, as a rule, in the spring, when the festival of the great Dionysia was celebrated. If the allies were backward in payment, the action of the Hellenotamiae was supplemented by the appointment of ἐκλογεῖς [ECLOGEIS, No. 2]. (Boeckh, *P. E.* p. 176 ff. = *Sthh.*[2] i. 217 ff.; Schömann, *Antiq.* i. 438, 453, E. T.; Gilbert, *Staatsalterth.* i. 236 f., 398; a classified list of inscriptions in Boeckh, *Sthh.*[2] i. 217 n.)

[W. S.] [W. W.]

HELLOTIA. [ELLOTIA.]

HELO'TES or -AE (Εἵλωτες, Εἵλωται: *Ilotae*, Liv. xxxiv. 27) were a class of bondsmen subject to Sparta. The whole of the inhabitants of Laconia were included in the three classes of Spartans, Perioeci, and Helots, of whom the Helots were the lowest. They formed the rustic population of the country, dwelling in small villages or on detached farms, both in the district immediately surrounding Sparta and around the towns of the Perioeci. We need not regard them as exclusively or even mainly settled in the low fertile country watered by the Eurotas, where the estates of the Spartans were mostly situated (Gilbert, p. 31); they were doubtless, as cultivators of the soil, diffused over the whole country. Their condition was that of serfs attached to the land, *adscripti glebae*, and they could not be sold away from it; they were regarded as the property of the state, which, while it gave their services to individuals, reserved to itself the power of emancipating them (Ephorus *ap.* Strab. viii. p. 365; δοῦλοι τοῦ κοινοῦ, Paus. iii. 20, § 6). Different etymologies are given of their name. In ancient times it was believed to be derived from the town of Helos on the coast of Laconia (Hellanicus *ap.* Harpocrat. *s. v.* εἱλωτεύειν: Ephorus *ap.* Strab. *l. c.*; Theopompus *ap.* Ath. vi. 272 a; Schol. Plat. *ad Alcib.* i. p. 122 D [p. 919 a ed. Turic.]; Apostolius, *Cent.* vi. 59 = Leutsch, *Paroemiogr.* i. 379). But apart from other improbabilities, it is impossible to form Εἵλωτες from Ἕλος, the inhabitants of which are called Ἕλειοι or Ἑλεᾶται: nor is the difficulty diminished if we treat ἕλος, not as a proper name but in the sense of "marsh," as if "dwellers in the lowlands" were meant. The explanation of Müller (*Dor.* iii. 3 *init.*) as "prisoners" from the root of ἑλεῖν, "to take," like δμῶες from the root of δαμάω, is now universally accepted; and, as he points out, there are traces of it in ancient times by the side of the other (οἱ ἐξ αἰχμαλώτων δοῦλοι γενόμενοι, Schol. Plat., Apostol., *ll. cc.*;

Etym. M. s. v.). Why two classes of the conquered should have received such different treatment as the Perioeci and Helots is a question which goes back to pre-historic times and cannot be satisfactorily answered. The general opinion in the ancient world was that the former had made terms with their conquerors, whereas the latter had surrendered at discretion after resistance, perhaps aggravated by rebellion (Ephor., Theopomp., *ll. cc.*). Müller, as the avowed apologist for the Dorian race, tried to prove that, on their arrival in the Peloponnese, they found a class of agricultural serfs in the land, consisting of the Leleges or other early inhabitants, already deprived of their freedom by the Achaeans, and made no change in their condition. But Schömann has well pointed out that this theory, though not altogether inconceivable, at least contradicts the express statements of ancient writers (Schömann, *Antiq.* i. 194, E. T.; cf. Thumser, *Staatsalterth.* p. 121, n. 2; Gilbert, p. 32, leaves the point undecided). Few would attach any importance to the statement of Pliny, who in a catalogue of inventions (*H. N.* vii. § 200) says, "servitium invenere Lacedaemonii;" but earlier and better writers also ascribed the origin of predial slavery in Greece to the Thessalian and Dorian conquests. (See, besides the passages already referred to, Theopomp. *ap.* Ath. vi. p. 265 b, c.) Schömann further argues that there is no trace of this institution in Homeric descriptions of the heroic age; the lowest in the agricultural scale is the *θής*, a free labourer working on poor wages for a small farmer (*ἀνδρὶ παρ' ἀκλήρῳ*, *Od.* xi. 490): others less correctly make the *θὴς* a serf or villain (L. and S. *s. v.*; Merry and Riddell, *ad loc.*).

At the end of the second Messenian war (B.C. 668), the conquered Messenians were reduced to slavery, and included under the denomination of Helots. Their condition appears to have been the same, with some slight differences, as that of the other Helots. But, in addition to that remembrance of their freedom, which made not only them, but through their influence the whole class of Helots, more and more dangerous to their masters, they preserved the recollection of their national existence, and were ready to seize any opportunity for regaining it. Henceforward the danger from the servile population became much more serious, and the Spartan precautions against a rising more cruel and unscrupulous; a state of things which in the end was aggravated by the dwindling numbers of the ruling oligarchy. Epaminondas, after the battle of Leuctra, restored the main body of these Messenian Helots to their country, where they no doubt formed the chief part of the population of the new city of Messene (Thirlwall, v. 104, 105; Grote, ch. 78, vii. 197 ff.).

The Helots formed by far the most numerous class of the population. Schömann, after Müller (*Dor.* iii. 3, § 6), reckons them at 224,000 out of a total of 380,000 or at most 400,000; it must be admitted, however, with Büchsenschütz (*Besitz und Erwerb*, p. 139 n.) and Gilbert (*l. c.*) that the calculations upon which this estimate is based are very uncertain. They occupied both the 9,000 larger estates (*κλῆροι*) of the Spartans and the 30,000 smaller lots of the Perioeci. Several families resided in dwellings of their own upon each *κλῆρος*: Müller assumes six or seven, but the *κλῆροι* must have differed greatly in extent and fertility. They cultivated the land and paid to their masters as rent a fixed measure of corn, the exact amount of which had been fixed at a very early period, the raising of that amount being forbidden under heavy imprecations (Plut. *Inst. Lac.* 41, p. 239 d). The annual rent paid for each *κλῆρος* was eighty-two medimni of barley, and a proportionate quantity of oil and wine (Plut. *Lyc.* 8 and 24). It is impossible to accept Müller's calculation, that this represented only a fifth of the produce, and that the Helots kept four-fifths for themselves. Compare the Athenian HECTEMORII. The domestic servants of the Spartans were mostly Helots. They attended on their masters at the public meal; and many of them were no doubt employed by the state in public works. Bought slaves were rare at Sparta, but not altogether unknown: the poet Alcman is said to have been a Lydian slave from Sardis.

In war the Helots served as light-armed troops (*ψιλοί*), a certain number of them attending every heavy-armed Spartan to the field; at the battle of Plataeae, there were seven Helots to each Spartan, and one to every hoplite of the Perioeci (Herod. ix. 10 and 28). These attendants were probably called *ἀμπίτταρες* (*i.e.* *ἀμφιστάντες*, Hesych. *s. v.*), and one of them in particular the *θεράπων* or orderly (Herod. vii. 229; *ὑπασπιστής*, Xen. *Hell.* iv. 5, 14); though *θεράπων* was also used by the Dorians as a general name for armed slaves. The *ἐρυκτῆρες*, mentioned as emancipated Helots, were probably Helots serving in war and not yet free, though they generally became so if they showed distinguished bravery: one of their duties was to carry off the wounded from the ranks (*ἐρύκειν*, akin to *ἐρύειν*). The Helots only served as hoplites in particular emergencies; and it was a universal rule that such service was followed by the bestowal of freedom. The first instance of this kind was in the expedition of Brasidas, B.C. 424; others are recorded in the Peloponnesian and Theban wars (Thucyd. iv. 80, v. 34, vii. 19; Xen. *Hell.* vi. 5, § 28). On the other hand, in the Spartan fleets the general body of the sailors were Helots, and while serving in this capacity they were called *δεσποσιοναῦται*. They may generally have been rewarded with freedom, but it is probably by a mistake that they are spoken of as free during their period of service (Schömann, *Antiq.* i. 198 n.).

The treatment to which the Helots were subjected, as described by the later Greek writers, is marked by the most wanton cruelty. Thus Myron states that "the Spartans impose upon them every ignominious service, for they compel them to wear a cap of dog-skin, and to be clothed with a garment of sheep-skin, and to have stripes inflicted upon them every year for no fault, that they may never forget that they are slaves. And besides all this, if any rise by their qualities above the condition of a slave, they appoint death as the penalty, and their masters are liable to punishment if they do not destroy the most excellent" (Athen. xiv. p. 657 d). And Plutarch (*Lyc.* 28) states that Helots were forced to intoxicate themselves, and perform indecent dances as a warning to the Spartan youth. The general opinion of ancient writers is summed up in

the passage of Theopompus already cited (*ap.* Ath. vi. 272 a): *τὸ δὲ τῶν εἱλώτων ἔθνος παντάπασιν ὰμῶς διοικεῖται καὶ πικρῶς.* These statements must be received with some caution, owing to the "rhetorical spirit with which later historians embellished their philanthropic views" (Müller, § 3). Thus Myron, whose work on the Messenian war was a mere romance, absurdly treats the sheep-skin garment and dog-skin cap, universally worn by the peasantry in outlying districts, as badges of insult. The Helots had some at least of the privileges of freemen; their family rights were respected; and they had a certain power of acquiring property. Cleomenes, for instance, offered manumission to every Helot who could pay down five Attic minae; and no fewer than six thousand purchased their freedom for the considerable sum of £20 each (Plut. *Cleom.* 23). In their social relations with their masters, the anecdotes of their treatment (*e.g.* the story of their drunkenness), as Grote puts it, "betoken less of cruelty than of ostentatious scorn." This feeling, it must be remembered, increased in later times as the Spartans made up by increased arrogance for their diminishing numbers. But politically a much darker sentiment prevailed on the part of the Spartan government and the ephors, its leading representatives, at least from the time of the Messenian wars. The chronic dread of insurrection overcame every scruple of good faith or humanity, and the measures of repression described under CRYPTEIA were had recourse to. Here also we find exaggerated statements in late and uncritical writers; but there can be no doubt of the fact related by Thucydides, that on one occasion 2,000 of the Helots who had rendered the greatest service to the state in war, were induced to come forward by the offer of emancipation, and then were mysteriously put to death (Thucyd. iv. 80).

The Helots might be emancipated, but in that case, instead of passing into the class of Perioeci, they formed a distinct body in the state, known at the time of the Peloponnesian war by the general term of *νεοδαμώδεις* (Thucyd. v. 34, vii. 19, 58, viii. 5), but subdivided into several classes. Myron of Priene (*ap.* Ath. vi. p. 271 f) enumerates the following classes of emancipated Helots:—*ἀφέται, ἀδέσποτοι, ἐρυκτῆρες, δεσποσιοναῦται,* and *νεοδαμώδεις*: this, however, is a piece of very careless writing; the terms *ἀφέται* ("discharged") and *ἀδέσποτοι* speak for themselves, but the *ἐρυκτῆρες* and *δεσποσιοναῦται* were probably not emancipated at all (see above), and *νεοδαμώδεις* is the general term which he here confuses with its subdivisions. Besides these, there were the *μόθωνες* or *μόθακες*, who were domestic slaves brought up with the young Spartans, and then emancipated. These were generally or invariably the illegitimate sons of Spartan lords by Helot mothers, and in many cases they attained not merely freedom, but civic rights and even high command; Callicratidas, Lysander, and Gylippus are all said to have been of Mothakic origin (Phylarch. *ap.* Ath. vi. 271 e; Aelian, *V. H.* xii. 43; Müller, *Dor.* iii. 3, § 5). The *νεοδαμώδεις* received permission to dwell where they wished (Thucyd. v. 34); implying, as Müller thinks, a grant of land as their own. On the classes of Spartan citizens, cf. CIVITAS (Greek), p. 446 ff. (Müller, *Dorians*, iii. 3; Thirlwall, i. 309–313; Grote, pt. 2, ch. 6=ii. 140–145; Schömann, *Antiq.* i. 194–201, E. T.; Gilbert, *Staatsalterth.* i. 31–36; Thumser, *Staatsalterth.* § 19, in Hermann-Blümner.) [P. S.] [W. W.]

HEMERA. [DIES.]

HEMERO'DROMI (*ἡμεροδρόμοι*) were couriers in the Greek states, who could keep on running all day, and were often employed to carry news of important events. As the Greeks had no system of posts, and but few roads, such messengers must have been of great service. They were trained for the purpose, and could perform the longest journeys in an almost incredibly short space of time. (Herod. vi. 105; Plat. *Protag.* 335 E; Corn. Nep. *Milt.* 4; Plut. *Arist.* 20; Paus. vi. 16, § 5.) Such couriers appear to have been kept by most of the Greek states, and were in times of danger stationed on some eminence in order to observe anything of importance that might happen, and carry the intelligence with speed to the proper quarter. Hence we frequently find them called *Hemeroscopi* (*ἡμεροσκόποι*, Herod. vii. 183, 192; Xen. *Hell.* i. 1, § 2; Aeneas Tact. c. 6). That the *Hemeroscopi* were the same as the *Hemerodromi* appears not only from the passage of Aeneas Tacticus just referred to, but also from the words of Livy (xxxi. 24): "ni speculator (hemerodromos vocant Graeci, ingens die uno cursu emetientes spatium), contemplans regium agmen e specula quadam, praegressus nocte media Athenas pervenisset." The Hemerodromi were also called *Dromokerykes* (*δρομοκήρυκες*, Aeschin. *de F. L.* § 130; Harpocrat. and Hesych. *s. v.*). [W. S.] [W. W.]

HEMERO'SCOPI. [HEMERODROMI.]

HEMICHRY'SUS. [AURUM; STATER.]

HEMICO'NGIUS. [CONGIUS; and the Tables.]

HEMICY'CLIUM (*ἡμικύκλιον*), a semicircle, is used in much the same senses as EXEDRA (*q. v.*). 1. A recessed seat, either semicircular in shape or, sometimes, a smaller segment of a circle; Vitruvius (v. 1, § 8) describes one built by himself, which was 46 feet long and 15 deep; it formed the tribunal of a basilica (Guhl and Koner, ed. 5, p. 527). 2. A hall or colonnade furnished with such recesses, and employed for purposes of conversation, either in private houses (Cic. *de Am.* 1) or in places of public resort; coupled with palaestrae, as a sort of clubs for social meeting and gossip (Plut. *Alcib.* 17, *Nic.* 12). In this sense it approaches the meaning of LESCHE (Hermann-Blümner, *Privatalterth.* p. 126, n. 5). 3. A semicircular stone or marble alcove in the streets or squares of a town, or in the open air generally. Two such are still standing in the Street of Tombs outside the walls of Pompeii, near the gate leading to Herculaneum; one of these is figured by Rich *s. v.*: a third is at the back of a small apartment open to the street (*Mus. Borbon.* xv. tav. 25, 26). Another, containing a fountain, is in the grounds of a Roman villa at Euren near Trier or Trèves (Guhl and Koner, p. 576). 4. A convex sundial, figured and described under HOROLOGIUM. [P. S.] [W. W.]

HEMIECTEON, HEMIECTON. [HECTEUS.]

HEMILI'TRON. [LITRA.]

HEMI'NA (*ἡμίνα* or *ἡμῖνα*), the name of a

Greek and Roman measure, the half of the standard measure of capacity, the *ξέστης*, and therefore equivalent to *κοτύλη*. The word is originally Sicilian; see the quotations from Epicharmus and Sophron, *ap.* Ath. xi. p. 479 a, b, xiv. p. 648 d; in the latter passage one of the speakers declares that it is not good Greek. It is obviously connected with *ἥμισυς* (Hesych. *s. v.*), and some have thought that it was merely a dialectic form; it may, however, have been softened from *ἡμίμνα*, "half a pound." The long penultima favours this derivation; and the saying "a pint is a pound" is approximately true of ancient as well as modern measures. The *ἡμίνα* passed into the Roman metrical system, where it is used with exactly the same force; namely, for a measure which is half the SEXTARIUS, and equal to the Greek COTYLE (Plaut. *Mil. Glor.* iii. 2, 18; Pers. *Sat.* i. 130; Auct. *Carm. de Pond.* 67, 68). It is sometimes found as a dry measure (Plin. *H. N.* xviii. § 9; Cels. iv. 10 and 15). (Cf. Boeckh, *Metrol. Untersuch.* pp. 17, 200, 203; Hultsch, *Metrol.* p. 91 ff.) [P. S.] [W. W.]

HEMIOBO'LION, HEMIO'BOLUS. [OBOLUS.]

HEMIPO'DION. [PES.]

HEMI'STATER. [STATER.]

HEMIXESTON. [SEXTARIUS.]

HE'NDECA, HOI (*οἱ ἕνδεκα*), *the Eleven*, were magistrates at Athens of considerable importance. They are always thus called in the classical writers; but in the time of Demetrius Phalereus, their name is said to have been changed into that of *νομοφύλακες* (Pollux, viii. 102), who were, however, during the democracy distinct functionaries. [NOMOPHYLACES.] Another name in the grammarians is *δεσμοφύλακες*, Schol. Dem. *Androt.* p. 601, § 26; *Timocr.* p. 765, § 210; of which *θεσμοφύλακες* (Schol. Aristoph. *Plut.* 1108) must be a corruption.

The time at which the office of the Eleven was instituted is disputed. Ullrich considers the office to have been of an aristocratical character, and concludes from a passage in Heraclides Ponticus (i. § 10) that it was established by Aristeides. Meier, on the other hand, maintains that the office existed not only before the time of Cleisthenes, but probably before the legislation of Solon; but it seems impossible to come to any satisfactory conclusion on the subject. The earliest writer who names them is Antiphon (*de Caed. Her.* § 70). They were annually chosen by lot, one from each of the ten tribes, and a secretary (*γραμματεύς*), who seems to have taken a very important part in the business, and to have had one or more *ὑπογραμματεῖς* under him (Pollux, viii. 102).

The principal duty of the Eleven was the care and management of the public prison (*δεσμωτήριον*), which was entirely under their jurisdiction. On the uses of the prison at Athens, see CARCER. When a person was condemned to death, he was immediately given into the custody of the Eleven, who were then bound to carry the sentence into execution according to the laws. (Xen. *Hell.* ii. 3, § 54.) The most common mode of execution was by hemlock juice (*κώνειον*), which was drunk after sunset. (Plat. *Phaed.* 116 B ff.) The Eleven had under them jailers, executioners, and torturers, who were called by various names (*οἱ παραστάται*, Bekk. *Anecd.* p. 296, 32; *ὁ τῶν ἕνδεκα ὑπηρέτης*, Xen. *Hell.* ii. 3, § 54; *ὁ δημόκοινος*, Antiph. *de Venef.* § 20; Isocr. *Trapez.* § 15; *ὁ δημόσιος*, or *δήμιος*, &c. [DEMOSII]). When torture was inflicted in causes affecting the state, it was either done in the immediate presence of the Eleven (Dem. *c. Nicostr.* p. 1254, § 23) or by their servant (*ὁ δήμιος*).

The Eleven usually only had to carry into execution the sentence passed in the courts of law and the public assemblies; but in some instances they possessed a *ἡγεμονία δικαστηρίου*. This was the case in those summary proceedings called *ἀπαγωγή*, *ἐφήγησις*, and *ἔνδειξις*, in which the penalty was fixed by law, and might be inflicted by the court on the confession or conviction of the accused without appealing to any of the jury courts (Lys. *c. Agorat.* § 86, *οἱ ἕνδεκα οἱ παραδεξάμενοι τὴν ἀπαγωγὴν ταύτην*: cf. id. *κατὰ τῶν σιτοπωλῶν*, § 2). They also had a *ἡγεμονία δικαστηρίου* in the case of *κακοῦργοι*, because the summary proceedings mentioned above were chiefly adopted in the case of such persons: hence Antiphon (*de Caed. Her.* § 17) calls them *ἐπιμεληταὶ τῶν κακούργων*. The word *κακοῦργοι* properly means any kind of malefactors, but is only applied in Athenian law to thieves (*κλέπται*), house-breakers (*τοιχωρύχοι*), man-stealers (*ἀνδραποδισταί*), and other criminals of a similar kind. (Antiph. *de Caed. Her.* § 9 f; Lys. *c. Theomn.* i. § 10; [Dem.] *c. Lacr.* p. 940, § 47; *Att. Process*, p. 86 Lips.)

The Eleven are also said to have possessed *ἡγεμονία δικαστηρίου* in the case of confiscated property (*εἰσῆγον δὲ καὶ τὰ ἀπογραφόμενα χωρία*, *Etym. M.* p. 338, 35). This statement does not refer, as some have thought, solely to the property of persons condemned to death and sold by the Poletae; in an extant inscription we find the Eleven holding inventories of confiscated property, and their secretary bound on his own responsibility to keep correct accounts of payments made (Boeckh, *Seeurkunden*, p. 535 f.). (Ullrich, *Ueber die Elf-Männer*, appended to his translation of Plato's Meno, Crito, and the first and second Alcibiades, Berlin, 1821; Sluiter, *Lectiones Andocid.* pp. 256–261; *Att. Process*, pp. 81–88 Lips.; Hermann, *Staatsalterth.* § 139; Schömann, *Antiq.* i. 414, E. T.; Gilbert, *Staatsalterth.* i. 243 f.) [W. S.] [W. W.]

HEPHAESTEIA. [LAMPADEPHORIA.]

HERACLEIA (*Ἡράκλεια*), festivals celebrated in honour of Heracles, who was worshipped in many parts of Greece not only as a hero, but as a god. Thus we hear of a festival celebrated at Sicyon which lasted two days, the second of which was called Heraclein (Paus. ii. 10, § 1). In Attica we meet with Herecleia in several places, and in some they were celebrated with contests (Harpocrat. p. 139; Demosth. *Fals. Leg.* p. 379, § 125; Aristoph. *Ran.* 651). But no details of their celebration are given, except that the one referred to by Demosthenes took place in the city about midsummer. In Boeotia Heraclein are mentioned at Thisbe (Paus. ix. 32, § 2), at Tipha or Siphae (*ibid.* § 3). At Thebes, the birthplace of the hero, a great festival was held in his honour under the name of Iolaia. Other places where Heracles was honoured with games and contests are known from inscriptions. [L. S.]

HERAEA (*Ἥραια*) is the name of festivals

celebrated in honour of Hera in all the towns of Greece where the worship of this divinity was introduced. The original seat of her worship, from which it spread over the other parts of Greece, was Argos; whence her festivals in other places were, more or less, imitations of those which were celebrated at Argos. (Müller, *Dor.* ii. 10, § 1.) The Argives had three temples of Hera: one lay between Argos and Mycenae, 45 stadia from Argos; the second lay on the road to the Acropolis, and near it was the stadium in which the games and contests at the Heraea were held (Paus. ii. 24, § 2); the third was in the city itself (Paus. ii. 22, § 1). Her service was performed by the most distinguished priestesses of the place; one of them was the high-priestess, and the Argives counted their years by the date of her office. (Thucyd. ii. 2.) The Heraea of Argos were celebrated every fifth year, and, according to the calculation of Boeckh (*Abhandl. der Berl. Akad. von* 1818–19, p. 92 ff.), in the middle of the second year of every Olympiad. One of the great solemnities which took place on the occasion, was a magnificent procession to the great temple of Hera, between Argos and Mycenae. A vast number of young men—for the festival is called a panegyris—assembled at Argos, and marched in armour to the temple of the goddess. They were preceded by one hundred oxen (ἑκατόμβη, whence the festival is also called ἑκατόμβαια). The high-priestess accompanied this procession, riding in a chariot drawn by two white oxen, as we see from the story of Cleobis and Biton related by Herodotus (i. 31) and Cicero (*Tuscul.* i. 47, § 113). The hundred oxen were sacrificed, and their flesh distributed among all the citizens. (Schol. *ad* Pind. *Ol.* vii. 152, and *ad Nem.* x. 39.) The sacrifice itself was called λεχέρνα (Hesych. *s. v.*) or "the bed of twigs." (Comp. Welcker on Schwenck's *Etymologische Andeutungen*, p. 268.) The games and contests of the Heraea took place in the stadium, near the temple on the road to the Acropolis. A brazen shield was fixed in a place above the theatre, which was scarcely accessible to any one, and the young man who succeeded in pulling it down received the shield and a garland of myrtle as a prize. Hence Pindar (*Nem.* x. 41) calls the contest ἀγὼν χάλκεος. It seems that this contest took place before the procession went out to the Heraeon, for Strabo (viii. p. 556) states that the victor went with his prizes in solemn procession to that temple. This contest was said to have been instituted, according to some traditions, by Acrisius and Proetus (Aelian, *V. H.* iii. 24), according to others by Archinus. (Schol. *ad* Pind. *Ol.* vii. 152; Hermann, *Gottesd. Alterth.* § 52, n. 1).

The Heraea or Hecatombaea of Aegina were celebrated in the same manner as those of Argos (see Schol. *ad* Pind. *Isthm.* viii. 114; Müller, *Aeginet.* p. 149; Hermann, *Gottesd. Alterth.* § 52, n. 19).

The Heraea of Samos, which island also derived the worship of Hera from Argos (Paus. vii. 4, § 4), were perhaps the most brilliant of all the festivals of this divinity. A magnificent procession, consisting of maidens and married women in splendid attire, and with floating hair (Asius, *ap.* Athen. xii. p. 525), together with men and youths in armour (Polyaen. *Strat.* i. 23, vi. 45), went to the temple of Hera. After they arrived within the sacred precincts, the men deposited their armour; and prayers and vows were offered up to the goddess. Her altar consisted of the ashes of the victims which had been burnt to her. (Paus. v. 13, § 5.)

The Heraea of Elis were celebrated every fifth year, or in the fourth year of every Olympiad. (Corsini, *Dissert.* iii. 30.) The festival was chiefly celebrated by maidens, and conducted by sixteen matrons who wove the sacred peplus for the goddess. But before the solemnities commenced, these matrons sacrificed a pig, and purified themselves in the well Piera. (Paus. v. 16, § 5.) One of the principal solemnities was a race of the maidens in the stadium, for which purpose they were divided into three classes, according to their age. The youngest ran first and the oldest last. Their only dress on this occasion was a χιτών, which came down to the knee, and their hair was floating. She who won the prize received a garland of olive-boughs, together with a part of a cow which was sacrificed to Hera, and might dedicate her own painted likeness in the temple of the goddess. The sixteen matrons were attended by as many female attendants, and performed two dances; the one called the dance of Physcoa, the other the dance of Hippodameia. Respecting further particulars, and the history of this solemnity, see Paus. v. 16, § 2, &c.; Hermann, *Gottesd. Alterth.* § 51, n. 3.

Heraea were celebrated in various other places; *e.g.* in Cos (Athen. xiv. p. 639, vi. p. 262), at Corinth (Eurip. *Med.* 1379; Philostrat. *Her.* xix. 14), at Athens (Plut. *Quaest. Rom.* vii. 168), at Cnosus in Crete (Diod. v. 72), at Pellene in Achaia (Schol. *ad* Pind. *Ol.* vii. 156; *ad Nem.* x. 82; Aristoph. *Av.* 1421; Krause, *Gymn.* i. pt. 2, p. 715; Hermann, *Gottesd. Alterth.* § 51, n. 28.)

[L. S.] [W. W.]

HERE'DITAS. [HERES.]

HERES. I. GREEK. The Athenian laws of inheritance are to be explained under this title. The subject may be divided into five parts, of which we shall speak: 1st, of personal capacity to inherit; 2ndly, of the rules of descent and succession; 3rdly, of the power of devising; 4thly, of the remedies of the heir for recovering his rights; 5thly, of the obligations to which he succeeded.

1. *Of personal Capacity to inherit.*—To obtain the right of inheritance as well as citizenship (ἀγχιστεία and πολιτεία), legitimacy was a necessary qualification. Those children were legitimate who were born in lawful wedlock or in concubinage with an Athenian woman after legitimation. The validity of a marriage depended partly on the capacity of the contracting parties, partly on the nature of the contract. On the first point little needs to be noticed here, except that brother and sister by the same mother (*uterini*) were forbidden to marry (not in Egypt: cf. Theocrit. xvii. 128 ff., ἐκ θυμοῦ στέργοισα κασίγνητόν τε πόσιν τε); but consanguinity in general was so far from being deemed an objection, that marriage between collateral relations was encouraged, in order to keep the property in the family (Andoc. *c. Alcib.* § 33; Lys. *c. Alcib.* i. § 41; Dem. *c. Leoch.* p. 1083, § 10; *c. Eubul.* p. 1305, § 21; Plut. *Cim.* 4, *Themist.* 32). The contract was

made by the husband with the father, brother, or grandfather *πρὸς πατρὸς* of the intended wife (Dem. *c. Leoch.* p. 1095, § 49; Lex *ap.* [Dem.] *c. Steph.* ii. p. 1135, § 18): then only was she properly betrothed (*ἐγγυητή*). An heiress, however, was assigned, or adjudged, to the next of kin (*ἐπιδικασθεῖσα*) by process of law, as explained under EPICLERUS (Isae. *Philoct.* § 14, *ἡ ἐγγυηθεῖσαν κατὰ τὸν νόμον ἢ ἐπιδικασθεῖσαν*: the *ἐγγύη* is *γάμου ἀπογραφή*, Hesych. *s. v.*). No ceremony was necessary to ratify the contract; but it was usual to betroth the bride in the presence of witnesses, and to give a marriage feast, and invite the phratores of the husband, for the sake of publicity. [GAMELIA.] Children of an Athenian mother, not born in wedlock, possessed civic rights (*ἐλεύθεροι*), and their father could procure for them heritable rights only by an act of legitimation (*ποιεῖσθαι*, Andoc. *de Myst.* § 124; Dem. *c. Boeot.* i. p. 1003, § 29). Without this act of legitimation —which was possible only if the mother was an Athenian [CONCUBINA]—such children possessed no right of succession (*νόθῳ μηδὲ νόθῃ εἶναι ἀγχιστείαν*, Isae. *Philoct.* § 47, etc.; *Att. Process*, ed. Lipsius, p. 501 ff.).

2. *Of the Rules of Descent and Succession.**—Here we would premise that, as the Athenian law made no difference in this respect between real and personal estate, the words "heir," "inherit," etc., will be applied indiscriminately to both. When an Athenian died leaving sons, they shared the inheritance (*ἰσόμοιροι*, Isae. *Philoct.* § 25), like our heirs in gavelkind, and as they now do in France: this was also the case when the sons were by different mothers (Dem. *pro Phorm.* p. 954, § 32), or when a person, after having adopted a son, had sons of his own (Isae. *Philoct.* § 63); for any one adopted into another family lost all rights of succession in the one from which he sprang (Isae. *Astyph.* § 2; *Arist.* § 4; Dem. *c. Leoch.* p. 1089, § 28). The eldest son had no essential advantage over the others (Philippi, *Gesch. d. att. Bürgerr.* p. 193; in Dem. *pro Phorm.* p. 955, § 34 f., *πρεσβεῖά τε τὴν συνοικίαν ἔλαβε κατὰ τὴν διαθήκην*). Sometimes the sons lived on the joint, undivided property, sometimes they divided the money and possessed the other inheritance in common (Aeschin. *c. Tim.* § 102; Dem. *c. Leoch.* p. 1086, § 18; [Dem.] *c. Eubul. et Mnes.* p. 1149, § 34; Harpocr. *s. v. κοινωνικῶν*; Lys. *c. Diog.* § 4, etc.).

Sisters had no claims to a share, but it was incumbent upon the brothers to give them suitable marriage portions; they were then called *ἐπίπροικοι* (Harpocr. *s. v. ἐπίδικος*). There was no positive law making it imperative on a brother to give his sister a portion of a certain amount; but the moral obligation to assign her a fortune corresponding to his own rank was strengthened by custom and public opinion, insomuch that if she was given in marriage portionless, it was deemed a slur upon her character (Schömann *ad* Isae. p. 233). Mantitheus gave each of his two sisters a portion

* According to the Gortyn Code, on the death of the father the property passed to the children or grandchildren or great-grandchildren; in default of descendants, brothers, their children and grandchildren, succeeded; in default of these came sisters of the deceased, their children and grandchildren; then *οἱ ἐπιβάλλοντες*, *i.e.* more distant relations, and last of all *ἁ κλᾶρος τᾶς ϝοικίας*, *i.e.* "the whole number of householders belonging to the family, the *κλαρῶται*" [COSMI]. Merriam (*Law Code of Gortyna*, p. 27) explains *κλᾶρος* to be "the descendants, however remote, but still traced, of the original Dorian settler on the original allotment of land;" whilst in Schaube's opinion (*Herm.* 1886, p. 222) *ὁ κλᾶρος* is the estate itself, the *κρέματα* went with the *κλᾶρος* of which the state had to dispose (v. 10–28). The wife could not inherit from her husband (as she did in Erythrae, Dittenberger, *Syll. I. Gr.* 370, l. 150). On the death of the mother leaving children, the father had control (*καρτερὸς τῶν ματροίον*, i.e. *τῶν ματρῴων*) of her property until his death or second marriage, but could not sell or mortgage without the assent of the children being of age (vi. 31–46); afterwards it also passed to the children (iv. 43–48). If the mother died childless, her property went back to her heirs (iii. 31–37). In the division of property we meet with a principle, almost unknown elsewhere amongst the Greeks (*C. I. G.* No. 2338, l. 93, Tenos), viz. that the daughters shared with the sons. The houses in the city with their contents, as well as the cattle of the deceased, fell to the sons, whilst the rest of the property was divided among all the children, the daughters receiving each a single share, whilst the sons had each a double share (iv. 29–41: those excepted who had received a dowry on marriage, v. 1–10). There seems to have been a different regulation for the division of the mother's property, telling in favour of the daughters, viz. if the mother left no other property but a house, it fell to the daughters (iv. 46–48; Kirchner, *Rhein. Mus.* 1888, p. 147 f.). An adopted son did not receive an equal share with the natural sons (as at Athens, Isae. *Philoct.* § 63), but only a daughter's share; if there were no sons, but only daughters, he shared equally with them (x. 43—xi. 1). Heirs were not compelled to succeed to an estate encumbered by debts; such an estate was handed over to the creditors (xi. 31 ff.). The division of the *κρέματα* could be enforced, if any desired it, by the regulation that temporary possession was given to those who wished to divide; the division of certain articles—as crops, clothing—was made by the judge; in case of dispute, the property was sold to the highest bidder and the proceeds divided in the prescribed shares (v. 29 ff.).—F. B. Jevons (*Journ. of Philol.* 1887, p. 98 n.) concludes from Isae. *Philoct.* § 46, that at Athens too property was divided in the same proportion, viz. 2:1, between the male issue of females and the female issue of females: "Euctemon's property was divided between his two grandsons" (by the one daughter) "and the one grand-daughter" (by the other daughter) "in such a way that the grand-daughter received one-fifth of the property." But it was not the daughter of Euctemon's daughter, but her mother, Euctemon's daughter (the widow of Chaereas), whom Androcles claimed in marriage with one-fifth of Euctemon's estate. The reading *πέμπτον μέρους* is rejected by Caillemer (*l. c.* p. 55), Grasshoff (*l. c.* p. 25), and Lipsius (*Att. Process*, p. 576, n. 261).

In Sparta it was a common practice for brothers to live on the joint estate, and Polybius (xii. 6 *b*, 8) even states that they had a wife in common (*τρεῖς ἄνδρας ἔχειν τὴν γυναῖκα καὶ τέτταρας, ποτὲ δὲ καὶ πλείονς, ἀδελφοὺς ὄντας, καὶ τέκνα τούτων εἶναι κοινά*), "to prevent the division of property and to check the population" (Jannet, *Les Instit. Sociales à Sparta*, p. 39). F. B. Jevons (*l. c.* p. 103 f.) tries to show, by referring to Dem. *c. Leoch.*, that at Athens too, when brothers continued to live on the joint undivided property, the daughter of one brother was considered the daughter of the joint family: "the daughter was considered to be and is called by Demosthenes the joint daughter of both brothers . . . and dowered by the brothers jointly." But it is their sister, not a so-called joint daughter, that the two brothers dowered (p. 1085, § 17).

of 20 minas, although the property left him was not large (Lys. *pro Mant.* § 10; cf. Isae. *Pyrrh.* §§ 51, 49; Dem. *c. Aphob.* ii. p. 834, § 65; *c. Boeot.* ii. p. 1014, § 19, *ἐκδοθεῖσα ὑπὸ τῶν ἀδελφῶν τῶν αὐτῆς, ὥσπερ οἱ νόμοι κελεύουσιν*).

On failure of sons and their issue, daughters and daughters' children succeeded [EPICLERUS]; daughters and the children of deceased daughters took *per stirpes* (Grasshoff, *Symb. ad doctrin. jur. attic. de heredit.* pp. 23–30). There seems to have been no limit to the succession in the descending line (Isae. *Ciron.* § 34). If the deceased left grandsons by different sons, it is clear that they would take the shares of their respective fathers. So if he had a granddaughter by one son, and a grandson by another, the latter would not exclude the former, as a brother would a sister, but both would share alike. Of this there is no direct evidence; but it follows from a principle of Attic law, by which, on the birth of a son, his title to his father's inheritance, or to a share thereof, immediately accrued; if then he died before his father, but leaving issue, they claimed their grandfather's inheritance as representing him. It was otherwise with daughters. Their title did not thus accrue; and therefore it was the practice for the son of an heiress to be adopted into his maternal grandfather's house, and to become his son in point of law.

On failure of lineal descendants the collateral branches were resorted to. And first came the issue of the same father with the deceased; viz. brothers and brothers' children, the children of a deceased brother taking the share of their father (Isae. *Hagn.* § 1 ff.; *Apollod.* § 5 f. etc.); and after them, sisters and sisters' children, among whom the principle of representation also prevailed (Isae. *Apollod.* § 19. In Dem. *c. Macart.* p. 1067, § 51, Meier, *Opusc.* i. p. 237 n., inserts *ἀδελφὰς καὶ παῖδας* between *ἢ ἀδελφῶν παῖδες* and *ἐξ αὐτῶν κατὰ ταὐτὰ λαγχάνειν*); sisters' children took *per stirpes*.

Next come the descendants of the same grandfather with the deceased: uncles (Grasshoff, *l. c.* p. 67 ff.), cousins and cousins' children, aunts and their issue. Here the law declared that males and the issue of males should be preferred to females and their issue: *οἱ ἂν ἐκ τῶν αὐτῶν ὦσι, κἂν γένει ἀπωτέρω τυγχάνωσιν ὄντες*, Isae. *Apollod.* § 20; cf. Dem. *c. Macart.* p. 1067, § 51. Thus the grandson of an uncle would exclude the daughter of an uncle, and the grandson of an aunt would exclude the daughter of an aunt. On the same principle Isaeus (*Apollod.* l. c.) contends that the son of a female first cousin prevented his mother's sister from inheriting, although he was further removed from the deceased by one degree; whilst when a brother dies without issue, his sister and the son of a deceased sister would share the inheritance in equal parts. The various explanations of *οἱ ἂν ἐκ τῶν αὐτῶν ὦσι* are fully discussed by Grasshoff, *l. c.* p. 60 ff. (cf. *Att. Process*, ed. Lipsius, p. 586, n. 275), who adopts that of Schömann: "praeferri viros virisque prognatos (scil. feminis iisque qui a feminis descendant), si ex iisdem sint (scil. e quibus feminae et qui a feminis descendant), etiamsi propinquitate sint remotiores (scil. quam feminae et qui a feminis descendant)." Since the law about the preference of males to females is sometimes quoted without any limitation as to its application (Dem. *c. Macart.* p. 1077, § 78; *c. Leoch.* p. 1084, § 12, p. 1098, § 62), Buermann (*Rhein. Mus.* 1877, p. 365) looks upon this as a mere artifice of the speaker. The law (Isae. *Hagn.* § 2, etc.) is said to limit the *ἀγχιστεία* at the *παῖδες ἀνεψιῶν* (and descendants, *Att. Process*, ed. Lipsius, p. 586, n. 275): on this Eubulides founds his pretension to the estate of Hagnias; because he claims as representative (son by adoption) of his maternal grandfather, who was first cousin to Hagnias; whereas the father of his opponent, Macartatus, was second cousin to Hagnias, and as the speaker adds, "it is not proper for any person to possess the estate of Hagnias who belongs to a different branch of the family, as long as there remains any person who sprang from the branch of Hagnias" (Dem. *c. Macart.* p. 1058, § 27 f.).

On failure of first cousins and their issue, the inheritance went to the half-blood by the mother's side (*κατὰ τὰ αὐτά*): brothers and sisters, uncles and aunts *πρὸς μητρὸς* and their children. But if there were no maternal kinsmen within the legal degree, it returned to the *agnati*, or next of kin on the paternal side (*τοὺς πρὸς πατρός*), whose proximity was traced by counting the degrees from the common ancestor (Isae. *Hagn.* § 1 ff.).

The succession of parents to their children is a matter of dispute among the learned, and the reader is referred to *Att. Process*, ed. Lipsius, p. 579 ff., where the different opinions of the scholars who have treated that question are criticised. From the silence of the orators and the absence of any example, it may be inferred that parents could not inherit at Athens. At Athens the maxim *hereditas nunquam ascendit* held only of lineal, not of collateral ascent. For example, an uncle might inherit (Isae. *Cleon.* § 45 f.). So also he might marry the heiress, as next of kin (Isae. *Pyrrh.* §§ 63, 74).

3. *Of the power of Devising.**—That the owner had power to alienate his property during his lifetime, and that such alienation was valid in point of law, both as against the heir and all the rest of the world, is beyond a doubt.

Every man of full age and sound mind, not under durance or improper influence ([Dem.] *c. Steph.* ii. p. 1133, § 16; Isae. *Philoct.* § 9),

* The right of disposal of property by will is not recognised in the Gortyn Code; adoption is freely allowed, and repudiation (*ἀπείπασθαι*, as in Herod. i. 59) of an adopted son is permitted only on payment of a sum of money as a guest-present to him (xi. 10 f.).

For Sparta, see EPICLERUS.

Isocrates' speech *Aegineticus* gives some information about wills and adoption in Aegina: Thrasylochus, who had no issue and whose brother had died before him (§ 11), adopted before witnesses as his son the husband of his sister and left him his property (§ 12). The will is disputed by a half-sister of Thrasylochus (*οὐ καλῶς οὐδ' ὀρθῶς τὰς διαθήκας εἶναι*, § 34).

It was customary in Boeotia at one time (*πρότερον*) that those who had no children left their property by will to the next of kin (Polyb. xx. 6, 5).

Wills made by women without co-operation of a *κύριος*, Cauer, *D. I. G.*[2] No. 274 = *C. I. G.* No. 4 (Petilia); Cauer,[1] No. 19 (Calauria); Dittenberger, *S. I. G.* No. 437 (Amorgos);—with the co-operation of the *κύριος*, Cauer,[2] No. 148 = *C. I. G.* No. 2448 (Thera). (Schulin, *d. Griech. Testament.*)

who was not *ὑπεύθυνος* (Aeschin. *c. Ctes.* § 21), was competent to make a will; but if he had a son, he could not disinherit him (Dem. *c. Lept.* p. 488, § 102; Isae. *Pyrrh.* § 68—yet see Dion. Halic. *A. R.* ii. 26, *ἐξελάσαι τῆς οἰκίας καὶ χρήματα μὴ καταλιπεῖν*); although his will might take effect on the contingency of the son not completing his seventeenth year ([Dem.] *c. Steph.* ii. p. 1136, § 24). Legacies might be given to friends and relations, especially to those who performed the office of an executor or testamentary guardian (Dem. *c. Aphob.* i. p. 814, §§ 4, 5; p. 827, § 43; *pro Phorm.* p. 955, § 34 f.; *c. Steph.* i. p. 1110, § 28; cf. the will of Conon in Lys. *de Bon. Arist.* § 39 f.: *τῇ μὲν Ἀθηνᾷ καθιέρωσεν εἰς ἀναθήματα καὶ τῷ Ἀπόλλωνι εἰς Δελφοὺς πεντακισχιλίους στατῆρας, τῷ δὲ ἀδελφιδῷ τῷ ἑαυτοῦ, ὃς ἐφύλαττεν αὐτῷ καὶ ἐταμίευε πάντα τὰ ἐν Κύπρῳ, ἔδωκεν ὡς μυρίας δραχμάς, τῷ δὲ ἀδελφῷ τρία τάλαντα, τὰ δὲ λοιπὰ τῷ υἱεῖ κατέλιπε, τάλαντα ἑπτακαίδεκα*, *i.e.* not nearly half his estate). And in the division of property among sons, the recommendations of the father would be attended to (Dem. *c. Macart.* p. 1055, § 19; *pro Phorm.* p. 955, § 34). Also a provision, not exceeding a thousand drachmas, might be assigned to an illegitimate child (Harpocr. *s. v. νοθεῖα*; five hundred drachmas, Schol. on Aristoph. *Av.* 1655). Nor could a man separate his estate from his daughter (Isae. *Pyrrh.* §§ 42, 68 f.), though he might devise the estate to any person on condition of his marrying her.

It was only when a man had no issue that he was at full liberty to appoint an heir. His house and heritage were then considered desolate (*ἔρημος καὶ ἀνώνυμος*), a great misfortune in the eyes of an Athenian; for every head of a family was anxious to transmit his name and religious usages to posterity. The same feeling prevailed among the Greeks in more ancient times. We learn from Hesychius and the *Etymol. Mag.* that distant relations were called *χηρωσταί*, because, when they inherited, the house was *χηρεύων καὶ ἔρημος*. (See Hom. *Il.* v. 158; Hes. *Theog.* 607.) To obviate this misfortune an Athenian might adopt a son either during his lifetime (Isae. *Menecl.* § 10 ff.; *Apollod.* § 1 ff.; Dem. *c. Spud.* p. 1028, § 3; *c. Leoch.* p. 1086, § 19) or by will (Isae. *Apollod.* § 1; *Astyph.* § 1; *Arist.* § 9, etc.) from any citizen's family. An adopted son might not bequeath by will *τὰ ἐν τῷ οἴκῳ ὅτῳ ἂν ποιηθῇ* (Dem. *c. Leoch.* p. 1100, § 67 f.); Apollodorus interprets this law to apply also to those who had been made citizens ([Dem.] *c. Steph.* ii. p. 1133, § 15, *ἐπεποίητο ὑπὸ τοῦ δήμου πολίτης*).

Wills were in writing (even the will of Hercules is represented as in writing, *παλαιὰν δέλτον ἐγγεγραμμένην ξυνθήματα*, Soph. *Trach.* 157 f.), and usually had one (Dem. *c. Aphob.* ii. p. 840, § 15) or more attesting witnesses—friends or relatives of the testator—whose names were inserted in the will (Isae. *Astyph.* § 12, *ἐγγεγράφθαι ἐν τῷ γραμματείῳ*: not superscribed, as Heraldus, *Animadv.* ii. 5, 16, 20, thought), but who were not required to sign it nor were even necessarily made aware of its contents (Isae. *Nicostr.* § 13). These witnesses could therefore only bear witness to the fact that a will had been made (*καταλιπεῖν διαθήκας*), not to the genuineness of the will produced. It was considered a badge of fraud if wills were made secretly or in the presence of strangers (Isae. *Astyph.* § 7 ff.). It was not necessary that the testator should write or even sign the will himself; but he sealed it (Isae. *Apollod.* § 1; Aristoph. *Vesp.* 584. From Dem. *c. Aphob.* ii. p. 837, § 5, it does not follow that the witnesses sealed it as well: cf. Philippi, *Symb. ad doctr. jur. att. de syngraphis*, p. 9) and deposited it (sometimes in several copies, Isae. *Apollod.* § 1; Lys. *c. Diog.* § 7) with friends or a magistrate (Isae. *Philoct.* § 7; *Astyph.* § 5 f.; Dem. *pro Phorm.* p. 946, § 7—Isae. *Cleon.* § 14 f.). A will was ambulatory until the death of the maker; he might revoke it (*ἀνελεῖν, λῦσαι*, Isae. *Cleon.* §§ 14, 18 ff.) either by destroying it or by declaring before witnesses that it was void (*ὡς οὐκέτ' αὐτῷ κέοιθ' ἡ διαθήκη*, Isae. *Philoct.* § 32; a new will did not in itself revoke an old one), or he might make additions either to the will itself (*προσγράψαι*) or by a separate codicil (Isae. *Cleon.* § 25). (*Att. Process*, ed. Lipsius, p. 589 ff.)

With respect to the proceeding by which a father publicly renounced his paternal authority over his son, see APOKERYXIS.

4. *On the Remedies of the Heir for recovering his Rights.*—A son, whether natural or adopted during the owner's lifetime (Dem. *c. Leoch.* p. 1086, § 19: the statement in Isae. *Pyrrh.* § 61, is too wide), or other male descendant, might enter and take possession of the estate immediately after the owner's death (*ἐμβατεύειν εἰς τὰ πατρῷα*, Isae. *Pyrrh.* § 62; *εἰς τὸ χωρίον*, *Astyph.* § 3; *εἰς τὴν οὐσίαν*, Dem. *c. Leoch.* p. 1090, § 32, etc.). If he was prevented by *ἐξαγωγὴ* from so doing, he might bring an action of ejectment against the intruder [EXOULES DIKE]. Any one who disturbed a minor or a woman in the enjoyment of their patrimony was liable to a criminal prosecution (*κακώσεως εἰσαγγελία*, Isae. *Pyrrh.* § 62). If any one brought forward legal claims to the estate, he tendered an affidavit (*διαμαρτυρία*) sworn either by himself or by another, *e.g.* the *κύριος* (Dem. *c. Leoch.* p. 1096, § 54; Isae. *Pyrrh.* § 2 f.), wherein he declared that the estate was not the subject of litigation (*μὴ ἐπίδικον εἶναι τὸν κλῆρον*, Isae. *Philoct.* § 4); he also deposited the tenth part of the value of the property in dispute (*παρακαταβολή*). If then the suitor was resolved to prosecute his claim, he had no other course but to procure a conviction of the witness (who had sworn the affidavit) in an action for false testimony (*δίκη ψευδομαρτυριῶν*). With respect to the original cause, nothing further was determined than that it could or could not be entertained; if the court decided that the suit could be entertained, the parties proceeded to trial in the manner explained below. When the parties proceeded at once to the trial (without *διαμαρτυρία*), it was called *εὐθυδικίᾳ εἰσιέναι* or *εἰσέρχεσθαι* (Isae. *Apollod.* § 13; *Philoct.* § 3).

Other heirs-at-law and claimants by adoption or devise were not at liberty to enter, until the estate was formally adjudged to them. The proper course was to make application to the archon, who attended at his office for that purpose every month in the year except the last (Scirophorion; [Dem.] *c. Stephan.* ii. p. 1136, § 22, *lex*), or, in case of metoecs and foreigners,

to the polemarch (*l. c.* § 23). This application was called *λῆξις* or *ἐπιδικασία τοῦ κλήρου*: to make an application, *λῆξιν λαγχάνειν*, or *λαγχάνειν*, or *ἐπιδικάζεσθαι τοῦ κλήρου*. The archon caused this application to be inscribed on the *σανίς*, and to be read out at the first regular assembly held after he had received notice; probably at the same assembly the herald asked *εἴ τις ἀμφισβητεῖν ἢ παρακαταβάλλειν βούλεται τοῦ κλήρου ἢ κατὰ γένος ἢ κατὰ διαθήκας* (Dem. *c. Macart.* p. 1051, § 5). The different explanations given by the grammarians as to the difference in meaning between *ἀμφισβητεῖν* and *παρακαταβάλλειν* can scarcely be correct; *παρακαταβάλλειν* seems to imply a claim to the estate, whilst *ἀμφισβητεῖν*, a term of more general import, simply means disputing and objecting to the claim made. The deposit (*παρακαταβολή*) was the tenth part of the value of the property in dispute: it was returned to the party if successful; if not, it went to the treasury. In Isae. *Nicostr.* § 11, a severer penalty is suggested for those who claim an estate *κατὰ δόσιν*, *i.e. κατὰ διαθήκας*, viz. that they should pay to the treasury a sum equal to the value of the estate, if unsuccessful.

If no other claimant appeared, the archon adjudged the estate to the first suitor before a heliastic court (*ἐπεδίκασεν αὐτῷ τὸν κλῆρον*: cf. Isae. *Pyrrh.* § 43). If, however, there were adverse claims, he proceeded to prepare the cause for trial (*διαδικασία τοῦ κλήρου*). First came the *ἀνάκρισις*, in the usual way, except that no party was considered as plaintiff or defendant; and the bills in which they set forth their respective titles were called *ἀντιγραφαί* (Harpocr. *s. v.*; Dem. *c. Leoch.* p. 1092, § 39; [Dem.] *c. Olymp.* p. 1175, § 31). The dicasts were then to be summoned, and, whatever the number of parties, one court was held for the decision of all their claims. If any one neglected to attend on the appointed day, and had no good excuse to offer, his claim was struck out of the record (*διεγράφη ἡ ἀμφισβήτησις*), and the contest was carried on between the remaining parties, or, if but one, the estate was awarded to him ([Dem.] *c. Olymp.* p. 1174, § 26). The trial was thus managed. The dicasts had to give their verdict either for one person proving a title to the whole, or for several persons coming in under the same title, as (for instance) two brothers entitled each to a moiety. One balloting box therefore was provided for every party who appeared in a distinct interest (Isae. *Hagn.* § 21) [PSEPHUS]. The speeches were measured by the clepsydra. Each claimant had an *ἀμφορεὺς* of water for his first speech and three *χοεῖς* for the second; in Dem. *c. Macart.* p. 1052, § 8, the speaker complains that he had only *πέμπτον μέρος τοῦ ὕδατος* to conduct the case of Phylomache: there were altogether five claimants, but the brothers Glaucus and Glaucon came in under the same title, claiming a moiety each, hence one balloting box was provided for the two together, but they had each as much time allowed as every other claimant (Caillemer, *l. c.* p. 161 f.). That these arrangements gave rise to fraud and collusion, is clearly shown in the cases above cited.

The verdict, if fairly obtained, was final against the parties to the cause, unless the defeated party won a *δίκη ψευδομαρτυριῶν* (Isae. *Hagn.* § 45; *Dicaeog.* § 14), or put forth a different claim (Dem. *c. Macart.* p. 1051, § 4 ff.). But any other person, who by absence or unavoidable accident was prevented from being a party, might afterwards bring an action against the successful candidate, to recover the estate. If the estate had been claimed *κατὰ δόσιν* and adjudged, it was necessary first to prove that the will was not genuine, before the estate could be claimed *κατὰ γένος* (Isae. *Nicostr.* § 25). The claimant was obliged to pay his deposit (which, if he was unsuccessful, was paid to the party in possession), summon the defendant, and proceed in other respects as in an ordinary suit. This he might do at any time during the life of the person in possession, and within five years after his death (Isae. *Pyrrh.* § 58; [Dem.] *c. Olymp.* p. 1175, § 29 f.; Dem. *c. Macart.* p. 1054, § 16). (*Att. Process*, ed. Lipsius, p. 603 ff.)

5. *Of the Obligations to which the Heir succeeded.*—The first duty of an heir, as with us of an executor, was to bury the dead and perform the customary funeral rites (*τὰ νομιζόμενα ποιεῖν*, Aeschin. *c. Tim.* § 13 f.); the guardian acted as representative for the heir under age (Isae. *Cleon.* § 10). It is well known what importance was attached to this by the ancients (cf. Gortyn Code, x. 42 ff.). The Athenian law regulated the time of burial, and the order in which the female relations should attend (Dem. *c. Macart.* p. 1071, § 62; Antiph. *de Choreut.* § 34). If no money was left to pay the expenses of burial, still the nearest relatives were bound to defray them; and if they neglected to perform their duty, the chief magistrate (*δήμαρχος*) of the demus in which the death took place, after warning them by public notice (*ἀνελεῖν καὶ καταθάψαι καὶ καθᾶραι τὸν δῆμον*), got the work done by contract, paid for it himself, and was then empowered to sue them for double the amount. When a rich man died, there was no backwardness about his funeral. It is rather amusing to see how eagerly the relations hastened to show respect to his memory, as if to raise a presumption of their being the heirs (Isae. *Nicostr.* § 19; *Astyph.* §§ 4, 32; *Ciron.* §§ 21–24; Dem. *c. Leoch.* p. 1090, § 32).

Children who neglected to bury their parents were liable to a criminal prosecution (*γραφὴ κακώσεως γονέων*), just as they were for refusing to support or assist them in their lifetime. The word *γονεῖς* in this case includes all ancestors (*Att. Process*, ed. Lipsius, p. 355).

Among heritable obligations may be reckoned that of marrying a poor heiress (*θῆσσα*), or giving her in marriage with a portion [EPICLERUS].*

* Plutarch (*Arist.* 27) says of the granddaughter of Aristogeiton: *ἐν Δήμνῳ πυθόμενοι ταπεινὰ πράττειν ἀνδρὸς ἀπορούσαν διὰ πενίαν κατήγαγον Ἀθήναζε καὶ συνοικίσαντες ἀνδρὶ τῶν εὖ γεγονότων τὸ Ποταμοῖ χωρίον εἰς φερνὴν ἐπέδωκαν*, and of the daughters of Aristeides, (*ἱστοροῦσιν*) *ἐκ τοῦ πρυτανείου τοῖς νυμφίοις ἐκδοθῆναι, δημοσίᾳ τῆς πόλεως τὸν γάμον ἐγγυώσης καὶ προῖκα τρισχιλίας δραχμὰς ἑκατέρᾳ ψηφισαμένης.* Schöll publishes in *Herm.* vol. xxii. (1887), p. 561, an inscription (about 270 B.C.), from which it is evident that the daughters of those who had been honoured with *σίτησις* in the Prytaneion were dowered by the state: (*τὴμ βουλὴν καὶ τὸν δῆμον*) *διδόναι καὶ θυγ[ατ]έρων εἰς ἔγ[δοσ]ιν τὸν δῆμον π[ροῖ]κα [ὃ]σην ἂν βούλ[η]τ[αι]*, etc.

A son or a grandson could not renounce the succession, but a brother might, provided he had not yet entered upon the inheritance ([Dem.] *c. Lacrit.* p. 924, § 4). The heir succeeded to all the claims and the liabilities of the deceased, even beyond the value of the assets, and entering upon an involved (*ὑπόχρεως*) property might lead to the loss of the heir's own property ([Dem.] *c. Timoth.* p. 1196, § 43; Dem. *c. Aphob.* ii. p. 836, § 2; *c. Everg.* p. 1148, § 32; Lys. *de pec. publ.* § 3 ff.; Isae. *Arist.* § 15 f.); fourteen years after Aristaechmus had been sued by his wards, Nausimachus and Xenopithes, and received a release from them, they brought a *δίκη βλάβης* against his heirs (Dem. *c. Nausim.* p. 988, § 13 ff.), and Callippus brought a fresh action (*ἀργυρίου*) against Apollodorus after his father's death (Dem. *c. Callipp.* p. 1240, § 14 ff.). Of course, in case of a mortgage, he was entitled only to the surplus of the mortgaged property, remaining after payment of the debt charged thereon (Dem. *c. Spud.* p. 1030, § 7).

State debtors, such as farmers of the public revenue who had made default, or persons condemned to pay a fine, were disfranchised (*ἄτιμοι*) until they had settled the debt; and the disgrace extended to their posterity. Thus Cimon, son of Miltiades, was compelled to pay a fine of fifty talents which had been imposed on his father; and the story is, that Callias advanced him the money, in return for the hand of his sister Elpinice. (Dem. *c. Androt.* p. 603, § 34; *c. Timocr.* p. 762, § 201; *c. Theocr.* p. 1326, § 17; *c. Macart.* p. 1069, § 58; and Andoc. *de Myst.* § 73.) When the whole of a man's property was confiscated, of course nothing could descend to his heir. It seems to have been a common practice, in such a case, for the relations of the deceased to conceal his effects, or to lay claim to them by pretended mortgages. Against these frauds there were severe penalties, as may be seen from the speeches of Lysias *c. Philocr.* and *de Bon. Arist.* (Meier, *de Bon. Damn.* p. 212).

The posterity of those who were put to death by the people, or were convicted of certain infamous crimes (*ὁπόσοι κλοπῆς ἢ δώρων ὄφλοιεν*, Andoc. *de Myst.* § 74: cf. Dem. *c. Mid.* p. 551, § 113, *lex*), inherited the *ἀτιμία* of their ancestors, a *damnosa hereditas*, which they could not decline or escape from. (Ps.-Plut. *Vit. X. Orat.* p. 834 A; Dem. *c. Aristocr.* p. 640, § 62, *lex*; *c. Macart.* p. 1069, § 57, *lex.*) It may be compared to the corruption of blood following upon attainder in the feudal law. Privileges, on the other hand, *σίτησις ἐν Πρυτανείῳ*, *προεδρία*, *ἀτέλεια* were hereditary in the families of Harmodius, Aristogiton, and others (Isae. *Dicaeog.* § 47: cf. Dem. *c. Lept.* p. 466, § 29; Plut. *Dem.* 31; PRYTANEUM), *ἀτέλεια* in the families of Conon and Chabrias; in other instances the granting of a privilege was personal (*C. I. A.* ii. No. 251, etc.), and was only by a special clause extended to the eldest descendant (*ἐκγόνων τῷ πρεσβυτάτῳ ἀεί*, *C. I. A.* ii. No. 331, etc.; Ps.-Plut. *Vit. X. Orat.* p. 850 F, p. 851 D).

Isaeus tells us that parents who apprehended their own insolvency used to get their children adopted into other families, that they might escape the consequences (*Arist.* § 17). This, however, could not be done, after the infamy had once attached (Meier, *de Bon. Damn.* pp. 106, 136; Aeschin. *c. Ctes.* § 21); and from Ps.-Plut. *l. c.* p. 834 A, we learn that those who received the descendants of Archeptolemus and Antiphon into their family incurred the same penalty.

We find no mention of property escheating to the state for want of heirs. This probably arose from a principle of Athenian law, according to which no civic family was suffered to expire; and therefore the property of an intestate was always assigned to such person as was most fit to be his successor and representative.

If a manumitted slave died without leaving children, his property fell to his patron and his patron's family (Isae. *Nicostr.* § 9); sometimes the owner specially reserved to himself the right of succession (*Inscr. recueillies à Delphes par Wescher et Foucart*, p. 226 ff.). The property of metoecs fell to their relations ([Dem.] *c. Steph.* ii. p. 1135, § 22); in default of relations, it fell to the state (Meier, *l. c.* p. 148) or to the *προστάτης* (Caillemer, *l. c.* p. 141). (*Att. Process*, ed. Lipsius, pp. 588, 598 ff.) [C. R. K.] [H. H.]

2. ROMAN. *Heres* or *heredes* signifies the person or persons who succeeded to the entire inheritance of a deceased person under the rules of the Jus Civile; this was a species of universal succession, the whole property being considered a *universitas* [UNIVERSITAS]. Such a succession comprehended all the rights and liabilities of the person deceased, except in so far as they terminated with his life, and was expressed by the term *hereditas*. The word *hereditas* is accordingly defined to be a succession to all the rights of property of the deceased (Dig. 50, 16, 24). As universal successor, the heres was subject to the debts of the deceased, as if he himself had contracted them. Several heredes (*coheredes*) succeeded together to the entire inheritance, though they might take in different proportions. The word *hereditas* may also mean the property and other rights which are the object of the succession. The terms *familia pecuniaque* were used to denote the family and proprietary rights of a paterfamilias, and so sometimes express the rights which devolved on the heres (Cic. *de Inv.* ii. 50, 148; *de Legg.* iii. 3, 7; Gaius, ii. 104; cf. Cic. *Top.* 6; FAMILIA); but they do not necessarily refer to inheritance, and therefore the definition of *hereditas* by those words would be incomplete. The universal succession of the heres who was entitled to the succession by civil law must be distinguished from the universal succession of the *bonorum possessor*, whose title to the inheritance was a praetorian one [BONORUM POSSESSIO]. The succession of a *legatarius* differed from that of a heres, in that it was only a singular one, and consequently a legatarius incurred no liability for the debts of the deceased. The etymological relation of the word *heres* to *herus* seems probable, both being connected with *hir* = *χείρ* (Curtius, *Gr. Etym.* 199).

A person might become a heres (1) by being named as such (*institutus*, *scriptus*, *factus*) in a will, executed by a competent person, according to the forms required by law [TESTAMENTUM]; or (2) if a person died intestate (*intestatus*), or having made a will which was not valid, the

inheritance came to those to whom the law gave it under the rules of intestacy, and was called *hereditas legitima* or *ab intestato*. But a man could not die testate as to part of his property and intestate as to another part, except he were a soldier ("cujus sola voluntas in testando spectatur"). Accordingly, if a man gave a part of the hereditas to one heres or more, and did not dispose of the rest, the heres or heredes *ex testamento* necessarily took the whole. (Inst. ii. 14, § 5; Cic. *de Inv.* ii. 21; Vangerow, *Pandekten*, § 397).

(1.) The institution of a heres was that formality which could not be dispensed with in a will. If the testator named no heres or heredes, and complied with all the other legal forms, still his disposition of his property was not a will (Dig. 29, 7, 20). A will might contain other dispositions besides that of naming a heres, as bequests of legacies, appointment of guardian, &c.; but these were not essential to its validity. The testator might either name one person as heres or he might name several persons as coheredes, and he might divide the hereditas among them as he pleased. The shares of the heredes were generally expressed by reference to the divisions of the as: thus, "heres ex asse" is heres to the whole property; "heres ex dodrante," heres to three-fourths; "heres ex semuncia," heir to one twenty-fourth (Cic. *ad Att.* xiii. 48, vii. 8; Cic. *pro Caecina*, 6, 17; Inst. ii. 14, § 5). If there were several heredes named, without any definite share being given to them, the property belonged to them in equal shares. A heres might be instituted either unconditionally (*pure*), or on the fulfilment of a condition (*sub conditione*), but the institution could not be made defeasible on the occurrence of a future event, nor could it be limited to take effect for a certain period, since a person who once became universal successor always remained so (*semel heres, semper heres*). As to conditions which the heres was bound to perform, they might be any that were not contrary to positive law or positive morality, such as the setting up of statues (Cic. *Verr.* ii. 8, 9, 14), or changing the name (*ad Att.* vii. 8). Immoral and impossible conditions were treated as if there were no conditions mentioned (*pro non scripto*, Inst. ii. 14, 10). In order that a testamentary succession should take place, the testator must have the right of making a will (*testamenti factio activa*). In order to have this capacity, he must be civis or at least have the jus commercii, and not be under any special disability (*intestabilis*). Further the person dying must have such rights as are capable of being transmitted to another; consequently a filiusfamilias could not institute a heres any more than a slave, except in respect of his *peculium castrense* and *quasi-castrense*. Also the person who is instituted heres must have a legal capacity to be heres. He must have this capacity at the time of the institution, or the institution is null; and in order to take he must have the capacity to take (Inst. ii. 19, 4) at the time of the testator's death, and at the time of his accepting the inheritance. This capacity might be expressed by the phrase "testamenti factio" (*passiva*), an expression which had reference not only to the legal capacity of the testator, but also to the legal capacity of the person named heres. As a general rule, only Roman citizens could be named as heredes in the will of a Roman citizen; but a slave could also be named heres, though he had no power to make a will, and a filiusfamilias could also be named heres, though he was under the same incapacity; for a slave, if he belonged to the testator, could, by his master's testament, receive his freedom and become heres; and if he belonged to another, he took the inheritance for the benefit of his master; the filiusfamilias in like manner acquired it for his father, though in the time of Justinian the latter had only a usufruct in it. Persons not Roman citizens, who had received the commercium, could be instituted heredes, and could take legata, but Latini Juniani were an exception to this rule, they being incapable of either making or taking under a will.

Heredes were either *necessarii, sui et necessarii*, or *extranei*. The heres necessarius was a slave of the testator, who was made a heres and liber at the same time; and he was called *necessarius* because of the necessity he was under of accepting the hereditas. Thus he became heres by operation of law without any act of his own. A slave was sometimes appointed heres, if the testator thought that he was not solvent, for the purpose of evading the ignominy which was a consequence of a person's property being sold to pay his debts, as explained by Gaius (ii. 154, &c.). In this case the property of the freedman, acquired after manumission, was relieved from all liability on account of the debts of the deceased. The heredes sui et necessarii were those filii- or filiae-familias in the power of the deceased at the time of his death, who by that event became *sui juris:* thus a grandson or granddaughter could not be *suus heres*, unless their father had ceased to be in the power of the deceased in the lifetime of the latter, either by death, adoption, or capitis deminutio. Gaius tells us that these heirs are called self-successors, "because they are members of the family (*domestici heredes*), and even in the lifetime of the parent are deemed to a certain extent co-proprietors" (Poste's *Gaius*, ii. 157). The property of the family was regarded in early times as joint rather than several, and so the children of the family only continued in their enjoyment of it when the paterfamilias died. "*Sui heredes* are called necessary, because they have no alternative, but, willing or unwilling, both in testacy, they become successors" (Gaius, *l. c.*). For a comparison of the Greek law of inheritance on this subject, cf. F. Schulin, *Das Griechische Testament*, &c.; Leist, *Graeco-ital. Rechtsgesch.* i. 81, &c.; and for ancient German law respecting, *Das Kind in der Were:* cf. Behrend, *Anwang und Erbengewere*, cit. by Sohm, *Inst.* § 97, n. 2–4.) Thus the succession of the *suus heres* is assumed in the Twelve Tables as a matter of course; and as they were already in possession of the inheritance, no formal act of entry (*cretio*) could ever have been required of them. Hence, too, the inheritance could not be acquired against them by *usucapio pro herede* (Gaius, ii. 58; iii. 201). The involuntary succession of this class of heredes was a great hardship to them in the event of an insolvent inheritance; hence the praetor permitted them to abstain from the succession (*abstinere se ab*

hereditate), and to allow the creditors to sell the property (an instance is mentioned by Cic. *Phil.* ii. 16, 42); he also gave the same privilege to a person in the semi-servile state of mancipium, if the latter was manumitted and made heres. [MANCIPIUM.] All other heredes, being independent of the deceased, are called *extranei*. Thus the emancipated children of a person would be *extranei heredes* to him. So, too, as a mother had no potestas over her children, they were *extranei heredes* when instituted in her will.

Extranei or *voluntarii heredes* did not acquire the inheritance until they had accepted it by their own free act. The act of entering on an inheritance by extraneus heres (*hereditatem adire*) might be effected either by an express declaration of intention or by conduct from which an intention to be heres could be inferred; and if it was once carried out, it could not be revoked. Thus, if extranei heredes meddled with the property of the deceased (*pro herede gerere*), they could not afterwards disclaim the inheritance, unless they could claim relief from the praetor on some special ground, as if the person who so meddled was under twenty-five years of age and so belonged to a class who were relieved by the praetor in all cases where they were overreached [CURATOR], and also in cases where they had accepted an insolvent inheritance (*damnosa hereditas*). The Emperor Hadrian gave this relief to a person above twenty-five years of age who had accepted an inheritance and afterwards discovered that it was encumbered with a heavy debt (Gaius, ii. 163). These rules as to the acquisition of an inheritance apply both to testamentary and intestate succession. But a testator might fix in his will a certain time for the *cretio hereditatis;* that is, for them to determine whether they would take the hereditas or not: hence the phrase *cernere hereditatem* (Cic. *ad Att.* xi. 12). The determination was expressed by a formal act of taking possession of the inheritance. Thus, if the testator had written in his will "Heres Titius esto," he might add, "Cernitoque in centum diebus proxumis quibus scies poterisque; quod ni ita creveris exheres esto." (Gaius, ii. 165; Cic. *de Orat.* i. 22.) If the extraneus wished to take the hereditas, he was required to make a formal declaration of his intention within the time named (*intra diem cretionis*). The formal words of *cretio*, which were declared before witnesses in the house of the deceased (Voigt, *Die Zwölf Tafeln*, ii. 372), were "eam hereditatem adeo cernoque." Unless he did this, he lost the hereditas, and he could not obtain it merely by acting as heres (*pro herede gerendo*). If a person was named heres without any time of cretion being fixed, or if he succeeded (*legitimo jure*) to the property of an intestate, he might become heres without any formal declaration of his intention, and might take possession of the hereditas when he pleased; but the praetor was accustomed, upon the demand of the creditors of the testator or intestate, to name a time within which the heres should take possession, and, in default of his doing so, he gave the creditors permission to sell the property. The common form of cretion in a will (*vulgaris cretio*) has been already mentioned. Sometimes the words "quibus sciet poteritque" were omitted, and it was then specially called "cretio certorum dierum" or "cretio continua," which was the more disadvantageous to the heres, as the days began to be reckoned, or, as we say, the time began to run immediately, and it was not reckoned from the time when the heres knew that he was named heres, and had no impediment to his cretion.

Perhaps in ancient Roman law a heres extraneus or voluntarius could only acquire the inheritance by a formal act of *cretio*, and so in the legal terminology of the classical jurists we find that the term *pro herede gerere* signified any informal act of entering upon an inheritance as distinguished from the more regular and formal mode (Gaius, ii. 167; Ulp. 22, § 25). The principle of cretio may thus have been applicable at first in the case of intestate as well as testamentary succession, the object of the cretio clause in a will having been to limit the time within which the formal act of entering upon the inheritance must take place (Voigt, *Jus Naturale*, iii. n. 223; *Die Zwölf Tafeln*, ii. 372). The formalities of cretio had become obsolete before the time of Justinian (Cod. 6, 30, 17; cf. Cod. Theod. 8, 18, 8).

It was not unusual to make several degrees of heredes in a will, which was called *substitutio* (Inst. ii. 15). Thus in the formula beginning "Titius heres esto," after the words "exheres esto," the testator might add, "tum Maevius heres esto cernitoque in diebus centum," &c., and he might go on substituting as far as he pleased. The person first named as heres (*primo gradu*) became heres by the act of cretion; and the substitutus (*secundus heres*, Cic. *Top.* 10; Hor. *Sat.* ii. 5, 48; Tac. *Ann.* i. 8) was then entirely excluded. If the words "si non creveris" were not followed by words of exheredation, this gave some advantage to the first heres; for instance, if he neglected the formality of cretion and only acted as heres, he did not lose all, but shared the hereditas equally with the substituted person. This was the old rule; but a constitution of M. Aurelius made the acting as heres equivalent to cretion, provided that such acting took place within the time of cretion. (Compare Gaius, ii. 177, &c. with Ulpian, *Frag.* xxii. 34.) It was common for a testator to substitute one of his own slaves in the last place, so as to avoid dying intestate, since his slave could not refuse the inheritance.

In the case of *liberi impuberes*, who were in the power of a testator, there might be not only the kind of substitution just mentioned (*vulgaris substitutio*), but the testator might declare that if such children should die under the age of puberty, some person whom he named should be heir to the impubes. This was expressed thus, "Si prius moriatur quam in suam tutelam venerit" (Cic. *de Inv.* ii. 42, *Top.* 10; Gaius, ii. 179), for the termination of impuberty and of the tutela were coincident. [CURATOR.] Thus, as Gaius remarks, one testamentary disposition comprised two hereditates, the testator being obliged to make a will for himself at the same time that he made a will for his son. This was called *pupillaris substitutio* (Inst. ii. 16). This kind of substitution was contained in a clause by itself, and in a separate part of the will, which was secured by the testator's own thread and seal, with a provision in the first part of the

will that this second part should not be opened so long as the son lived and was impubes. A paterfamilias could substitute heredes for those in his power, who were impuberes, whether he instituted or disinherited such children in his own will. The object of this substitution was to avoid intestacy. The substitution ceased to have any effect when the child became pubes, and so capable of making a will for himself.

Gaius observes (ii. 183) that all his remarks with reference to substitution for children impuberes at the time of the parent's death, apply to posthumous children, of which there is an example cited by Cicero (*Top.* 10, "Si filius natus esset in decem mensibus," &c.). According to the analogy of *substitutio pupillaris*, ascendants were in the time of Justinian allowed to institute heredes for their descendants, who were insane, in case they should die without recovering their senses: this was called *substitutio quasi pupillaris* or *exemplaris* (Inst. ii. 16, 1; Cod. 6, 26, 9). It was not required in this latter substitution that the ascendant should have the descendant in his power.

If an extraneus was made heres, there could be no substitution to the effect that, if he died within a certain time, another person should be heres; for, as we have observed, a person when he had once become heres continued such. The heres might, however, be charged with a fideicommissum to transfer the inheritance, in which case he was *heres fiduciarius* [FIDEICOMMISSUM].

If a man's own slave was made heres by his will, it was necessary that he should be made free also by the will; the words were, "Stichus servus meus liber heresque esto." But by the law of Justinian the manumission of a slave who had been instituted heres by his master was implied. If a slave who had been instituted was manumitted by his master in his lifetime, he did not become heres necessarius, but might accept the inheritance or refuse it. If he was sold by his master in his lifetime, he could take possession of the inheritance with the permission of his new master, who thus became heres through the medium of his slave. If the slave who was made heres was at that time the property of another person, and not of the testator, he could not take the inheritance without the consent of his master, for if he lost it his master became heres; if such slave was manumitted before taking possession of the inheritance, he might accept it or refuse it as he pleased.

If a man had a son in his power, he was bound either to make him heres, or to exheredate him (*exheredem facere*) expressly (*nominatim*). If he passed him over in silence (*silentio praeterierit*), the will was altogether void (*inutile, non jure factum*).

Daughters and grandchildren, who were *sui heredes*, could be exheredated by a general clause "ceteri exheredes sunto." If they were passed over in silence, the will would still be a valid will; but they took a certain portion of the inheritance by accretion, as it was termed (*scriptis heredibus adcrescunt*). Thus, if the heredes instituti were *sui*, the person or persons passed over took an equal share with them. If the heredes instituti were *extranei*, the person or persons passed over took a half of the whole inheritance; but according to praetorian law the person so passed over might claim what he would have been entitled to if the deceased had died intestate (*bonorum possessio contra tabulas*). A rescript of the Emperor M. Aurelius limited the amount which women could take by the bonorum possessio to that which they could take under the Jus Civile by accretion; and the same was the law in the case of emancipated females. The rules relating to exheredation were altered by the 115th Novella of Justinian.

It was necessary either to institute as heredes, or to exheredate posthumous children *nominatim*, otherwise the will which was originally valid became invalid (*ruptum*); and the will became invalid by the birth either of a posthumous son or daughter, or, as the phrase was, "adgnascendo rumpitur testamentum" (Cic. *de Or.* i. 57). *Postumi* were not only those who were born after the testator's will was made, and came into his power or would have come into his power if he had lived, but also those who might become the *sui heredes* of the testator by the death of some other person in the testator's lifetime. Thus, if a testator's son, who was in his power, had children, and the son died in the testator's lifetime, the grandchildren became *sui heredes*, and the testament became *ruptum* by this *quasi agnatio;* it was therefore a necessary precaution to institute as heredes or to exheredate such grandchildren. The adoption of a son by the testator, on his taking a wife *in manum* after the making of the will, had likewise the effect of invalidating it, unless provision was made for the case. Forms were gradually established by which different classes of *postumi sui* could be either instituted or disinherited.

Postumi alieni,—i.e. *postumi* who would not have been in the power of the testator—could not be instituted in a will till the time of Justinian, who allowed such an institution. The word *postumus* has clearly the same signification as *postremus*, and literally means a child born last. The passage of Gaius is defective when he treats of *postumi;* but the definition of *postumi*, as preserved in the epitome of Gaius, appears to be exact: "Postumorum duo genera sunt; quia postumi adpellantur hi, qui post mortem patris de uxore nati fuerint, et illi qui post testamentum factum nascuntur." Sometimes the word *postumus* is defined only as a child born after a father's death, as we see in some of the *Glossae* and in Plutarch (*Sulla*, 37); but there is no proof that the meaning was limited to such children, and the passages sometimes cited as being to that effect (Dig. 50, 16, 164; 28, 3, 3) have been misunderstood. Other cases in which a valid will became invalidated are more properly considered under TESTAMENTUM.

If an ingenuus died intestate, either from not having made a will, or having made a will but not in due form, or having made a will in due form which afterwards became invalid (*ruptum, initium, inofficiorum*, or if there was no heres under the will (*destitutum*), the hereditas, according to the law of the Twelve Tables, came to the *sui heredes*, and was then called *legitima hereditas* (Gaius, ii. 3, 2). The *sui heredes* were, as we have seen, descendants in the power of the deceased at the time of his death, who by that event became *sui juris*. Adopted children were considered the same as other children; Jus-

tinian, however, made considerable modifications in this rule. A wife married *in manum viri* under the early law being considered as a daughter, and a daughter-in-law (*nurus*) married in the same way being considered a granddaughter, were *sui heredes*. Posthumous children, who would have been in the power of the intestate if he were living, were treated as if they had been born in his lifetime, and so were *sui heredes*.

The *sui heredes* took the hereditas in equal shares, if they were children of the deceased. If there was a son or daughter, and children of a son deceased, the children of the deceased son took the portion which their parent would have taken. Thus the distribution among grandchildren was always *in stirpes*—that is, among the stocks or stems sprung from the ancestor—and not *in capita*, or among the individuals in equal proportions: thus, if there were a son, and the sons of a deceased son, the son would take half the hereditas, and the sons of the deceased son would divide the other half. If an intestate had no *sui heredes*, the Twelve Tables gave the hereditas to the agnati (Gaius, iii. 9). The agnati were all those who would be under the power of a common ancestor if he were alive. [See COGNATI.] The hereditas did not belong to all the agnati, but only to those who were nearest at the time when it was ascertained that a person had died intestate. If the nearest agnatus either refused to take the inheritance or died before he had taken possession of it, in neither case did the next in succession, as agnatus, take the inheritance, for the Jus Civile recognised no *successio graduum*. He was the nearest agnatus who was nearest at the time when it was ascertained that a person had died intestate, and not he who was nearest at the time of the death, since the intestate heir could not be in question until it was certain that the deceased had left no will. If there were several agnati in the same degree, and any one refused to take his share or died before he had assented to take it, such share accrued (*adcrevit*) to those who consented to take the hereditas.

In the case of women there were some peculiarities. The hereditates of women intestate came to their agnati just as the inheritances of males; but women who were beyond the degree of consanguinei (a term which legally means brothers and sisters) could not take *hereditates ab intestato* according to the interpretation of the Twelve Tables, though the law itself contained no such restriction. Thus a sister might take from a brother or sister as *legitima heres;* but an aunt or a brother's daughter could not be *legitima heres*. Justinian put women on the same footing as men in this respect. The principle of Roman law which gave to those who came into the potestas or manus the quality of children of the family, was followed in this case also: a mother or a stepmother who had come *in manum viri* thereby obtained the status of a daughter; and consequently, as to legitimate succession, there were the same relations between such mother or stepmother and the husband's children as there were among the husband's children themselves. But from the latter period of the republic the wife did not, as a rule, come *in manum viri;* and so as the mother and her children belonged to different familiae, they had no reciprocal rights of succession to one another.

If a person died leaving no *sui heredes*, but only a brother and another brother's children, the brother took all as the nearest agnatus. If there was no brother surviving, and only children of brethren, the hereditas was divided among all the children *in capita;* that is, the whole was equally divided among all the children. If there were no agnati, the Twelve Tables gave the hereditas to the gentiles [GENS].

Gaius (iii. 18 f.) briefly recapitulates the strict law of the Twelve Tables as to the hereditates of intestates:—Emancipated children could claim nothing, as they had ceased to be *sui heredes;* so, too, persons who had ceased to be agnati by reason of capitis deminutio were excluded from the second order [CAPUT]; if the next agnatus did not take possession, he who was next in order could not for that reason make any claim; feminae agnatae who were beyond the degree of consanguineae were shut out; cognati, whose kinship depended on a female, had no mutual rights of succession, and consequently there were no such mutual rights between a mother and her children, unless the mother had come *in manum viri*, and so the rights of consanguinity had been established between them. In short, only those who belonged to the same familia could succeed to one another, according to Jus Civile; the nearest relations had no rights, if they did not belong to this group. Gaius proceeds to show (iii. 25 f.) how these inequitable rules of the civil law were modified by the praetor's edict, which recognised to some extent the principle of cognation, as giving a right to the succession [BONORUM POSSESSIO]. The principle of cognation was gradually recognised by the statute law under the Imperial legislation. Thus the S. C. Tertullianum, enacted under Hadrian, gave a mother the right of succeeding to her children, subject to certain conditions; and in the S. C. Orfitianum, passed under Marcus Aurelius 178 A.D., children were given the right of succeeding to their mother.

Justinian in his 118th Novella remodelled the law of intestate succession, making the principle of cognation the basis of it and disregarding that of agnation.

The heres represented the testator or intestate (Cic. *de Leg.* ii. 19), and had not only a claim to all his property, and all that was due to him, but was bound by all his obligations, except those which were put an end to by death. He succeeded to the sacra familiaria, and was bound to maintain them, but only in respect of the property, for the obligation of the sacra privata was attached to property and to the heres only as the owner of it. Hence the expression "sine sacris hereditas" meant an hereditas unencumbered with sacra (Plaut. *Capt.* iv. 1, 8; *Trin.* ii. 4, 83; Festus, s. v. *sine sacris hereditas*). The sacra familiaria or privata were, in the case of small estates, a great burden to the heres. It was also a religious duty of the heres to bury the deceased (cf. Plaut. *Men.* iii. 2, 27; Paul. Diac. 77, 18).

The heres on acquiring an hereditas was, as we have seen, personally liable on account of the obligations of the deceased, but the legislation of Justinian released him from all the debts and obligations of the testator or intestate, beyond

what the property would satisfy, provided he made out an inventory (*inventarium*) of the property in a certain form and within a certain time (Cod. 6, 30, 22). The heres, after satisfying the debts of the deceased, was bound to pay the legacies out of the surplus; but before doing so he was entitled to deduct a fourth for himself, if the bequests exhausted the estate, so as not to leave him this amount. [LEGATUM; FIDEICOMMISSUM.]

The heres could claim any property which belonged to the testator or intestate by *hereditatis petitio* (Dig. 5, 3, 20), which was an action brought against anyone who retained the property of the deceased either on the claim of being heres (*pro herede possidet*) or simply as possessor (*pro possessore possidet*). The action properly belonged to the heres only, though it was in later Roman law extended to the bonorum possessor or praetorian heir as an equitable action. Each heir only claimed his own share (Cic. *pro Rosc. Com.* c. 18). The coheredes shared among themselves the property and bore their share of the debts in the same proportion. For the purpose of partition and settling the affairs of the testator, a sale was often necessary (Cic. *ad Att.* xi. 15). If the parties could not agree about the partition, any of them might institute a partition suit, called *actio familiae erciscundae* [FAM. ERC. ACT.].

The hereditas might be alienated by the form of *in jure cessio*, according to the law as explained by Gaius (ii. 35–37; iii. 85, 87). The nearest agnate, having a right to succeed in case of intestacy, was the only kind of heir who could alienate his right to take the inheritance; the alienee in this case could acquire the inheritance, just as if he had been legitimus heres.

The scriptus heres or heir instituted in a will could only alienate when he had already acquired the inheritance; and after such alienation by anyone who had actually become heres, he still remained heres (*semel heres, semper heres*), and consequently answerable to creditors, but all debts due to them as heredes were extinguished.

The effect of a transfer of an hereditas by heres fiduciarius is explained under the head of FIDEICOMMISSUM.

In early Roman law a mala-fide possessor could acquire property belonging to the inheritance against the heres by usucapion in one year, the object of this rule being to compel the heres to enter on the inheritance without loss of time, so that the sacra might be performed and the creditors satisfied (Gaius, ii. 54, 55; Cic. *ad Att.* i. 5, 6; Sen. *de Ben.* vi. 5, 3; Cic. *pro Flacc.* 34, 85: cf. Voigt, *Zwölf Tafeln*, ii. § 106). The effect of this usucapion was put an end to by the S. C. Juventianum.

From the time of a man's death until it was determined who was his heres, the hereditas was without an owner, and was said *jacere*. When a heres was ascertained, such person was considered to possess all the rights incident to the hereditas from the time of the death of the testator or intestate. But this does not explain how we are to view the hereditas in the interval between the death of the former owner and the time when the heres is ascertained. During such interval, according to one form of expression used by the Roman jurists, the hereditas is a juristical person (*vice personae fungitur*), and is the domina, that is the domina of itself; according to another form of expression, it represents the defunct, and not the person of the future heres. The relation to the legal capacity of the defunct is this: slaves generally belonged to an hereditas. A slave, as is well known, could acquire property for his living master, even without his knowledge; but the validity of the act of acquisition, in some cases, depended on the legal capacity of his master to acquire. Now, while the hereditas was without an ascertained owner, many acts of a slave by which the hereditas might receive additions were strictly void, and such acts could only have their legal effect on the supposition that the slave had an owner of a sufficient legal capacity; and accordingly the law gave validity to the acts of the slave by relation to the known legal capacity of the late owner, and not by reference to the yet unascertained owner who might not have such legal capacity. The hereditas jacens, then, has no owner except an artificial one, but the property continues during this interval in the same legal condition as if the deceased were still living; from the moment that the heres is ascertained, he is considered to have been heres from the time of the death of the deceased. (Savigny, *System*, ii. § 102; Windscheid, *Pandekten*, iii. § 531; Sohm, *Institutionen*, § 96, iii.). The hereditates of freedmen are more properly considered under LIBERTI and PATRONI. (Gaius, ii. 99–190, iii. 1–24; Ulpian, *Fragm.* xxii.; Dig. 28, 29; Vangerow, *Pandekten*, vol. ii.; Windscheid, *Pandekten*, vol. iii.; Hunger, *Das Erbrecht*; Gans, *Das Erbrecht in weltgeschichtlicher Entwickelung*; V. Dalwick, *Versuch einer philosophischen-juristischen Darstellung des Erbrechts*; Lassalle, *Das Wesen des römischen und germanischen Erbrechts*, &c.; Mayer, *Die Lehre von dem Erbrecht*, &c.; Köppen, *System des heutigen römischen Erbrechts*; Schirmer, *Handbuch des römischen Erbrechts*.)

[G. L.] [E. A. W.]

HERMAE (ἑρμαῖ), and the diminutive HERMULI (ἑρμίδια), statues composed of a head, usually that of the god Hermes, placed on a quadrangular pillar, the height of which corresponds to the stature of the human body (ἡ τετράγωνος ἐργασία, Thuc. vi. 27; τὸ σχῆμα τὸ τετράγωνον, Paus. iv. 33, § 4). Some difficulties are involved in the question of their origin, and of their meaning as symbols of Hermes. One of the most important features in the mythology of Hermes is his presiding over the common intercourse of life, traffic, journeys, roads, boundaries, and so forth, and there can be no doubt that it was chiefly in such relations as these that he was intended to be represented by the *Hermae* of the Greeks and by the *Termini* of the Romans, when the latter were identified with the Hermae. It is therefore natural that we should look for the existence of this symbol in the very earliest times in which the use of boundary-marks was required; and in such times the symbols would be of the simplest character, a heap of stones or an unhewn block of marble. Now we find that there were in many parts of Greece heaps of stones by the sides of roads, especially at their crossings, and on the boundaries of lands, which were called ἑρμαῖα or

ἑρμεῖα, ἑρμαῖοι λόφοι and ἕρμακες (Hesych. *s. vv.*: the remarks on the etymology of these words in Buttmann's *Lexil.* and L. and S. ed. 7 should be corrected from Curtius, *Gr. Etym.* 349, 350). A ἑρμαῖος λόφος near Ithaca is mentioned in the Odyssey (xvi. 471); Strabo noticed many ἑρμεῖα on the roads in Elis (viii. p. 343); and even now an ancient heap of stones may be seen on the boundary of Laconia (Ross, *Pelop.* vol. i. pp. 18, 174). The religious respect paid to such heaps of stones, especially at the meeting of roads, is shown by the custom of each passer-by throwing a stone on to the heap (Nicand. *Ther.* 150); this custom was also observed with reference to the Hermae of later times, at least to those which stood where roads met and served as milestones or direction posts (Brunck, *Anal.* iii. 197, no. 234). Such heaps of stones were also seen by Strabo on the roads in Egypt (xvii. p. 818). Another mode of marking a boundary or other definite locality was by a pillar of stone, originally unhewn, the sacred character of which was marked by pouring oil upon it and adorning it (Theophrast. *Char.* 16; comp. Genesis xxviii. 18, 22, xxxi. 45–48, where both the pillar and the heap of stones are set up for a witness, xxxv. 14).

Of these heaps of stones and pillars, those which marked boundaries were, among the Dorians, dedicated to Apollo Agyieus, the guardian of the streets and highways (Müller, *Dor.* ii. 6, § 6; 8, § 17); a worship which was subsequently introduced into Attica (Aristoph. *Vesp.* 875; Dem. *c. Mid.* p. 531, § 52). At Athens, on the other hand, Hermes was from the first invested with the same offices, and other Greeks borrowed this image from the Athenians (Paus. *l. c.*; cf. i. 24, § 3).

The first attempt at the artistic development of the blocks of stone and wood, by which, in the earliest period of idol-worship, all the divinities were represented, was by adding to them a head, in the features of which the characteristics of the god were supposed to be expressed; and afterwards other members of the body were added, at first with a symbolical meaning. [DAEDALA.] These changes produced the Hermae, such as they are described by the ancient authors, and as we now have them. The phallus formed an essential part of the symbol, probably because the divinity represented by it was in the earliest times, before the worship of Dionysus was imported from the East, the personification of the reproductive powers of nature. So the symbol is described by Herodotus, who ascribes the origin of it to the Pelasgians, who communicated it to the Athenians, and they to the other Greeks. (Herod. ii. 51; Plut. *an Seni ger. sit Resp.* 28, p. 797 f.; Cic. *de Nat. Deor.* iii. 22, § 56; comp. Creuzer's note, in Baehr's edition of Herodotus.) Pausanias gives the same account of the matter (i. 24, § 3; iv. 33, § 6), and also states that the Arcadians were particularly fond of the ἄγαλμα τετράγωνον (viii. 48, § 4; where the statue referred to is one of Zeus), which is some confirmation of the tradition which carried back the invention to the Pelasgic times.

In the historical times of Greece, too, it was at Athens that the Hermae were most numerous and most venerated. So great was the demand for these works that the words ἑρμογλύφος, ἑρμογλυφικὴ τέχνη, and ἑρμογλυφεῖον were used as the generic terms for a sculptor, his art, and his studio (Plat. *Symp.* p. 215; Lucian, *Somn.* §§ 2, 7; and the Lexicons).

Houses in Athens had one of these statues placed at the door, called ἑρμῆς στροφαῖος or στροφεύς (Thucyd. vi. 27; Aelian, *V. H.* ii. 41; Suid. *s. v.*; Pollux, viii. 72; Athen. x. p. 437 b); sometimes also in the court-yard (Lucian, *Navig.* 20, p. 261), which were worshipped by the women as conducive to fecundity, and the great reverence attached to them is shown by the alarm and indignation which were felt at Athens in consequence of the mutilation of the whole number in a single night, just before the sailing of the Sicilian expedition. (Thucyd. vi. 27, with Grote's remarks, ch. 58, v. 146 ff.; Andoc. *de Myst.*; Aristoph. *Lysistr.* 1094, and Schol.; Aristophanes applies the term ἑρμοκοπίδαι to the mutilators; see also Phot. *s. v.* ἑρμοκοπίδαι.)

They were likewise placed in front of temples, near to tombs, in the gymnasia, palaestrae, libraries, porticoes, and public places, at the corners of streets, on high roads as sign-posts, with distances inscribed upon them (Boeckh, *Corp. Inscr.* No. 12; Brunck, *Anal.* iii. 197; and the epigrams on Hermae in 198=*Anth. Pal.* vi. 221); and some are still to be seen at Athens with the names of victors in the gymnastic contests inscribed upon them. (Leake, *Athens*, p. 17, n. 1.) They were even made vehicles of public instruction, according to the author of the Platonic *Hipparchus* (p. 228 D—229 B), who says that the tyrant Hipparchus placed Hermae in the streets of the city and in roads throughout Attica, inscribed with moral verses, such as the following:—

Μνῆμα τόδ' Ἱππάρχου· στεῖχε δίκαια φρονῶν.
Μνῆμα τόδ' Ἱππάρχου· μὴ φίλον ἐξαπάτα.

(Comp. Harpocrat. *s. v.* Ἑρμαῖ: Hesych. *s. v.* Ἱππάρχειοι Ἑρμαῖ.) Those which stood at cross roads had often three or four heads (Philoch. *fragm.* 69 Müller; Harpocr. and *Etym. M.* s. v. τρικέφαλος Ἑρμῆς: Phot., Hesych. *s. v.* τετρακέφαλος Ἑρμῆς: Eustath. *ad* Hom. *Od.* p. 1353, 3).

Numerous examples occur in Pausanias and other writers of their being placed on the boundaries of lands and states and at the gates of cities (πρὸς τῇ πυλίδι, προπυλαῖος, Paus. viii. 34, § 3, s. 6; iv. 33, § 3, s. 4, &c.; Harpocr.). Small Hermae were also used as pilasters, and as supports for furniture and utensils. (Pollux, vii. 15, 73; Müller, *Archäol.* § 379, n. 2.) Respecting the use of the *Hermae* and *Hermuli* in the Circus, see p. 433, with cuts of the doors of the *Carceres*.

With respect to the form of these works, the essential parts have been already mentioned. A pointed beard (σφηνοπώγων) belonged to the ancient type (Artemid. ii. 42). A mantle (ἱμάτιον) was frequently hung over the shoulders (Paus. viii. 39, § 4; Diog. Laërt. v. 82). Originally the legs and arms were altogether wanting (Pausanias calls them ἄκωλοι, i. 24, § 3), and, in place of the arms, there were often projections to hang garlands upon; but when the reverence attached to the ancient type became less, and the love of novelty greater, the whole torso was placed upon a quadrangular

pillar, which tapered towards the base, and finally the pillar itself was sometimes chiselled to indicate the separation of the legs, as may be seen in a tetragonal female statue in the Villa Albani. (Winkelm. *Storia delle Arti*, vol. i. tav. 1.) Sometimes, as above stated, the head was double, triple, and even fourfold. The whole figure was generally of stone or marble; but Cicero (*ad Att.* i. 8) mentions some which were of Pentelic marble, with bronze heads. (Müller, *Archäol. d. Kunst*, § 67.)

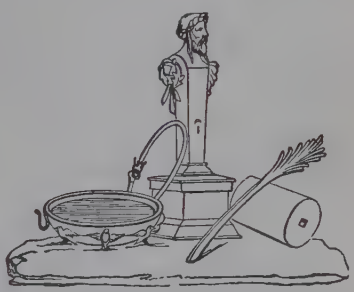
Many statues existed of other deities, of the same form as the Hermae, which no doubt originated in the same manner, and which were still called by the generic name of *Hermae*, even though the bust upon them was that of another deity. Several images of this kind are described by Pausanias; one of Poseidon at Tricoloni in Arcadia (viii. 35, § 6), another of Zeus Teleios at Tegea (*ib.* 48, § 4), and another of Aphrodite Urania at Athens (i. 19, § 2). The reason why the statues of the other deities were developed into perfect forms, while those of Hermes so generally (by no means universally) retained their ancient fashion, is obviously on account of the religious significance attached to the symbol of the pillar, as a boundary mark. Where this motive was not called into action, Hermes himself was represented in the complete human form with all the perfection of Greek art, as, for example, in his statues in the *palaestrae*, and in those which embodied others of his attributes. (See Müller, *Archäol. d. Kunst*, §§ 380, 381.)

Some statues of this kind are described by a name compounded of that of Hermes and another divinity: thus we have *Hermanubis* (*Anth. Pal.* xi. 360), *Hermares*, *Hermathena* (Cic. *ad Att.* i. 1 and 4), *Hermeracles* (Cic. *ad Att.* i. 10), *Hermeros* (Plin. *H. N.* xxxvi. § 33), *Hermopan* (Bekk. *Anecd.* 1198). It has been disputed whether such figures were composed of the square pillar, as the emblem of Hermes, surmounted by the bust of the other divinity; or, secondly, whether the heads of Hermes and the other god were united, as in the bust of Janus; or, lastly, whether the symbolical characteristics of the two deities were combined in the same statue. The best recent criticism is in favour of the first of the above explanations: "as commonly assumed, they were statues of those deities in the Hermes form, not Janus-like compounds of the two deities named" (Baumeister, i. 604*a*; cf. Müller, *Archäol. d. Kunst*, § 345). Exceptions, however, seem to have existed: a Janus-head of Hermes and Athena in Müller's *Denkmäler*, pl. xlii. No. 526. Some, again, such as the Hermerotes of Tauriscus, mentioned by Pliny among other masterpieces of sculpture, were probably not of a terminal character at all, any more than the Hermaphroditi, of which specimens are extant [HERMAPHRODITUS]. It is not unlikely that they may have been simply hermaphrodite Erotes, like those depicted on some south-Italian vases. It is difficult to believe that the sculptor of the Dirce-group (*Toro Farnese*) would have condescended to the embellishment of terminal figures.

There is still another class of these works in which the bust represented no deity at all, but was simply the portrait of a man, and in which the pillar loses all its symbolical meaning, and becomes a mere pedestal. Even these statues, however, retained the names of *Hermae* and *Termini*. The examples of them are very numerous. A list of these and of the other Hermae is given by C. W. Müller. (Ersch and Gruber's *Encyklopädie*, art. *Hermen*.)

The Hermae of all kinds were in great request among the wealthy Romans, for the decoration of their houses and villas (Cic. *ad Att.* ll. cc.). It is also stated that they used them as posts for ornamental railings to a garden, in which case they were commonly decorated with the busts of philosophers and eminent men, some of which may be seen at the Vatican and other museums, with the square holes in their shoulders into which the transverse rail was inserted. This square hole, however, is also seen in Hermae of old Greek workmanship, in which cases they were probably the sockets of the projections, above mentioned, for hanging garlands on.

The existing remains of ancient art are rich in terminal statues of all the classes which have been described; and specimens of nearly all may be seen in the British Museum, and in engravings in Müller's *Denkmäler der alten Kunst* (vol. i. pl. i. Nos. 3, 4, 5;—vol. ii. pl. xxxi. No. 341; pl. xxxiii. Nos. 376, 386, 387; pl. xxxvi. Nos. 428, 429; pl. xlii. No. 526). The first two examples in Müller are very interesting: the one is a bas-relief, exhibiting a Hermes decorated with garlands and surrounded with the implements of his worship, as shown in the following engraving; the other is also a



Hermes. (From a bas-relief.)

bas-relief in which we see a terminal bust of Dionysus washed and decorated by a man and three women. Hermae of the bearded Dionysus occur frequently among existing remains (Gurlitt, *Archäol. Schr.* p. 194 ff.) Respecting the Hermae on coins, see Rasche, *Lex. Univ. Rei Num.* s. vv. *Herma*, *Hermathene*, *Hermes*. (C. O. Müller, *Archäol. der Kunst*; Müller and Osterley, *Denkmäler der alten Kunst*; Baumeister, *Denkmäler*, s. vv. *Götterbilder*, *Hermes*.)

[P. S.] [W. W.]

HERMAEA (Ἑρμαια), festivals of Hermes, celebrated in various parts of Greece. As Hermes was the tutelary deity of the gymnasia and palaestrae, the boys at Athens celebrated the Hermaea in the gymnasia. They were on this occasion dressed in their best, offered sacrifices to the god, and amused themselves with various games and sports, which were probably of a more free and unrestrained character than usual. Hence the gymnasiarch was prohibited by a law of Solon (Aeschin. *c. Timarch.* § 12)

from admitting any adults on the occasion. This law, however, was afterwards neglected, and in the time of Plato (*Lysis.* p. 206 D) we find the boys celebrating the Hermaea in a palaestra, and in the presence of persons of all ages. (Becker-Göll, *Charikles*, ii. 62, cf. 49; GYMNASIUM, pp. 927*b*, 928*a*.)

Hermaea were also celebrated in Crete, where, on this occasion, the same custom prevailed which was observed at Rome during the Saturnalia; for the day was a season of freedom and enjoyment for the slaves, and their masters waited upon them at their repasts. (Athen. xiv. p. 639 b; cf. vi. p. 263 f.)

The town of Pheneos, in Arcadia, of which Hermes was the principal divinity, likewise celebrated Hermaea with games and contests. (Paus. viii. 14, § 7; cf. *Journ. Hellen. Soc.* vii. 101.) A festival of the same kind was celebrated at Pellene. (Schol. *ad* Pind. *Ol.* vii. 156, and *Nem.* x. 82.) Tanagra, in Boeotia, likewise celebrated festivals of Hermes Κριοφόρος and Πρόμαχος (Paus. ix. 22, § 2; cf. *Journ. Hellen. Soc.* vi. 95, viii. 11); as did some other places, the particulars of which are not known. (See Index to Hermann's *Gottesd. Alterth.* s. v. Ἑρμαια.) [L. S.] [W. W.]

HERMAPHRODITUS (ἑρμαφρόδιτος), a hermaphrodite. This conception belongs to art as well as to mythology, and will here be briefly noticed from the former point of view. "The idea itself was probably derived from the worship of nature in the East, where we find not only monstrous compounds of animals, but also that peculiar kind of dualism which manifests itself in the combination of the male and female" (*Dict. Biogr.* s. v.). The exchange of dresses by Hercules and Omphale, and similar proceedings in Cyprian, Lydian, and Greek worships, are thought to point to the same Oriental origin. The traditional derivation of the name from Hermes and Aphrodite is pronounced doubtful by Baumeister, who thinks that some foreign words may be concealed under it; nothing definite, however, is yet proposed. Hermaphroditus was regarded as an emblem of indissoluble marriage, in opposition to the ready divorces of ancient manners: and chaplets were hung up in his shrine at Athens by widows who desired to testify their fidelity to the deceased (Alciphr. *Ep.* iv. 37). This, according to Baumeister, is also the explanation of the fable of Hermaphroditus and the nymph Salmacis in Ov. *Met.* iv. 285–388.

Five marble statues of this class are extant; the oldest gives its name to the *Sala dell' Ermafrodito* in the Uffizi at Florence; two are in the Louvre, one in the Villa Borghese, the fifth has lately been dug up in Rome (figured *Mon. dell' Inst.* xi. 43). Of these the Borghese and one of the Louvre statues are the most celebrated, but a strong resemblance runs through them all; in each the figure is lying on its side or face downwards, and the delicate outlines of the back, turned towards the spectator, alone suggest the bisexual form. This type is probably derived from the bronze original of the elder Polycles (Plin. *H. N.* xxxiv. § 80), and thus does not go further back than the later Athenian school. Other less modest representations are given by Clarac (pl. 666 ff.). By an obvious symbolism, the hermaphrodite form occurs in reliefs among Bacchanalian dances, Hermae of the bearded Dionysus, and Erotes. (Müller, *Archäol. der Kunst*, §§ 128 n. 2, 392 n. 2; Baumeister, *Denkmäler*, s. v. *Hermaphrodit.*) [W. W.]

HERMATHE'NA. [HERMAE.]

HERME'RACLAE. [HERMAE.]

HERO'NES, baskets or crates. [AERO.]

HERO'ON (ἡρῷον). [APOTHEOSIS; FUNUS, p. 888*b*.]

HESTIA (ἑστία). [FOCUS.]

HESTIASIS (ἑστίασις) was a species of liturgy, and consisted in giving a feast to one of the tribes at Athens (τὴν φυλὴν ἑστιᾶν, Dem. *c. Mid.* p. 565, § 156; Aristot. *Pol.* vi. 7 = p. 1320, 37; Pollux, iii. 67). It was provided for each tribe at the expense of a person belonging to that tribe, who was called ἑστιάτωρ. (Dem. *c. Lept.* p. 463, § 21; *c. Boeot. de Nom.* p. 996, § 7.) Harpocration (*s. v.* Ἑστιάτωρ) states on the authority of the speech of Demosthenes against Meidias, that this feast was sometimes provided by persons voluntarily, and at other times by persons appointed by lot; but, as Boeckh remarks, nothing of this kind occurs in the speech, and no burthen of this description could have been imposed upon a citizen by lot. The ἑστιάτορες were doubtless appointed, like all persons serving liturgies, according to the amount of their property in some regular succession; fortunes under three talents seem to have been excused this and other liturgies (Isae. *Or.* 3 [*Pyrrh.*], § 80). These banquets of the tribes, called φυλετικὰ δεῖπνα by Athenaeus (v. p. 185 c), were introduced for sacred purposes, and for keeping up a friendly intercourse between persons of the same tribe. They are mentioned as given at the great festivals of the Dionysia and Panathenaea (see the newly-discovered scholia on Dem. *Lept.* l. c. in *Bulletin de Corresp. Hellén.* i. 147), as well as at the Thesmophoria, when married men entertained the women on behalf of their wives (Isae. *l. c.*). The entertainment appears to have been of a simple character, including meat but not delicacies (Pollux, iii. 67). Boeckh thinks there may have been 2,000 guests, and the cost, at the low figure of two obols a head, nearly 700 drachmas; Paley suggests a doubt whether more than the fifty βουλευταὶ of each tribe were really entertained (*ad* Dem. *Boeot.* l. c.). The notion of Boeckh, that there were also "great feastings of the people, defrayed from the Theorica," is justly rejected by his editor Fränkel (n. 779); the Theoric fund was spent in dramatic and other shows (θέαι) or distributions of corn (διαδόσεις, διανομαί), not in public dinners. (Boeckh, *P. E.* pp. 452, 465 = *Sthh.*[3] i. 537, 554; Wolf, *Proleg. ad Lept.* p. lxxxvii. = 45 tr. Beatson.) [W. S.] [W. W.]

HETAERAE (ἑταῖραι). The word ἑταῖρα signifies originally a female companion, but in its most common use denotes any woman who lived with (συνεῖναι, πλησιάζειν, χρῆσθαι, Dem. *c. Timocr.* p. 762, § 197) a man in any other connexion than lawful wedlock. It included every shade of meaning from a concubine who might be a wife in all but the legal qualification of citizenship (*e.g.* Aspasia to Pericles; cf. CONCUBINA) to the lowest prostitute. The latter was properly called πόρνη, a more opprobrious term; but usually by the euphemistic name

ἑταίρα (Ath. xiii. p. 571 d–f, citing comic writers; Anaxil. *fr.* 22 Meineke; Plut. *Sol.* 15). Between different classes of ἑταῖραι we find much the same distinctions as in dissolute cities in modern times, modified of course by the prevalence of slavery; the New Comedy, with its Latin adapters Plautus and Terence, and the ἑταιρικοὶ διάλογοι of Lucian, exhibit slave-girls owned by πορνοβοσκοί, *lenones;* kept mistresses, whether bond or free; private hetaerae living in houses by themselves, or sometimes two or three together; the *demi-monde*, ἑταῖραι πολυτελεῖς or μεγαλόμισθοι, with more or less fashionable surroundings, represented by the great historic courtesans, Phryne, Lais, &c.; and finally the assertors of women's rights to education and culture, whose lives were almost without reproach, and of whom Aspasia is the type. As persons of this class acted a prominent and influential part in some of the Greek states, we cannot avoid in this work stating their position and their relations to other classes of society. But as their conduct, manners, ensnaring artifices, and impositions have at all times and in all countries been the same, we shall confine ourselves to those points which were peculiar to the hetaerae of Greece.

As might be expected, the fact that young men at Athens, previous to their marriage, spent a great part of their time in the company of hetaerae, was very leniently viewed; though stern moralists thought that it had been otherwise in the "good old times" (Isocr. *Areop.* § 48). Marriage, indeed, produced on the whole a change in this mode of living of young men, but in innumerable instances even married men continued their intercourse with hetaerae, without drawing upon themselves the censure of public opinion; it seems, on the contrary, evident from the manner in which the history of one Lysias, a sophist, is told in the speech *against Neaera* (p. 1351, § 21 ff.), that such connexions after marriage were not looked upon as anything extraordinary or inconsistent, provided a man did not offend against public decency, or altogether neglect his legitimate wife and the affairs of his household, as was the case with Alcibiades. (Andoc. *c. Alcib.* § 14). This irregular condition of private life among the Greeks seems to have arisen chiefly from two causes: first from the unrestrained sensuality of the Greek character; and, secondly, from the generally prevailing indifference between husbands and wives. As regards the latter point, matrimonial life in the historical times of Greece was very different from that which we find described in the heroic age. How this change was brought about is not clear; but it can scarcely be doubted that, generally speaking, the Greeks looked upon marriage merely as a means of producing citizens for the state. (Dem. *c. Neaer.* p. 1386, § 122; Becker-Göll, *Charikles*, iii. 390 ff., &c.) The education of women was almost entirely neglected; they were thought a kind of inferior beings, less endowed by nature, and incapable of taking any part in public affairs and of sympathising with their husbands. In an intellectual point of view, therefore, they were not fit to be agreeable companions to their husbands, who consequently sought elsewhere that which they did not find at home. It is true that the history of Greece furnishes many pleasing examples of domestic happiness and well-educated women, but these are exceptions, and only confirm the general rule. A consequence of all this was, that women were bound down by rules which men might violate with impunity; and a wife appears to have had no right to proceed against her husband, even if she could prove that he was unfaithful (Plaut. *Mercat.* iv. 6, 3), although she herself was subject to divorce if she was detected. But neglect, cruelty, or riotous waste of the wife's fortune, superadded to adultery, rendered the husband liable to a δίκη κακώσεως. The case in Alciphron (*Epist.* i. 6), who represents a wife threatening her husband, that unless he would give up his dissolute mode of living, she would induce her father to bring a charge against him, must have been of this latter kind (Becker-Göll, *Charikles*, ii. 88; *Att. Process*, p. 354 Lips.).

But to return to the hetaerae: the state not only tolerated, but protected them, and obtained profit from them. Solon is said to have established a πορνεῖον (also called παιδισκεῖον, ἐργαστήριον or οἴκημα), in which prostitutes were kept (Athen. xiii. p. 569 d), and to have built the temple of Aphrodite Pandemos with the profit which had been obtained from them. At a later period the number of such houses at Athens was increased, and the persons who kept them were called πορνοβοσκοί, *lenones*. The conduct of the hetaerae in these houses is described in Athenaeus (xiii. p. 568). All the hetaerae of such houses, as well as individuals who lived by themselves and gained their livelihood by prostitution, had to pay to the state a license-duty (πορνικὸν τέλος, Aeschin. *c. Timarch.* §§ 119, 120), and the collecting of this tax was every year let by the senate to such persons (τελῶναι, or πορνοτελῶναι, Philonides, *ap. Polluc.* vii. 202) as were best acquainted with those who had to pay it. The hetaerae were under the superintendence of the ἀγορανόμοι (Suidas, *s. v.* Διάγραμμα), and their places of abode were chiefly in the Cerameicus. (Hesych. *s. v.* Κεραμεικός.) A ridiculous mistake of some late grammarians as to the nature of the πορνικὸν τέλος has been noticed under AGORANOMI. Even Boeckh thinks that it was a kind of income-tax on their supposed profits! (*P. E.* p. 333 = *Sthh.*[2] i. 404.)

The number of private hetaerae, or such as did not live in a πορνεῖον, was very great at Athens. They were, however, generally not mere prostitutes, but acted at the same time as flute or cithara players, and as dancers, and were as such frequently engaged to add to the splendour of family sacrifices (Plaut. *Epid.* iii. 4, 64), or to enliven and heighten the pleasures of men at their symposia. Their private abodes, where often two, three, and more lived together, were also frequently places of resort for young men. (Isocr. *Areopag.* § 48.) Most of these hetaerae not only took the greatest care to preserve their physical beauty, and to acquire such accomplishments as we just mentioned, but also paid considerable attention to the cultivation of their minds. Thus the Arcadian Lastheneia was a disciple of Plato (Athen. xii. p. 546 d), and Leontion a disciple of Epicurus (Athen. xiii. p. 588 b); Aspasia is even said to have instructed Socrates and Pericles. What-

ever we may think of the historical truth of these and similar reports, they are of importance to the historian, inasmuch as they show in what light these hetaerae were looked upon by the ancients. It seems to have been owing especially to their superiority in intellectual cultivation over the female citizens, that men preferred their society and conversation to those of citizens and wives; and that some hetaerae, such as Aspasia, Lais, Phryne, and others, formed connexions with the most eminent men of their age, and acquired considerable influence over their contemporaries. The free and unrestrained conduct and conversation, which were not subject to the strict conventional rules which honest women had to observe; their wit and humour, of which so many instances are recorded; were well calculated to ensnare young men, and to draw the attention of husbands away from their wives. Women, however, of the intellect and character of Aspasia were exceptions; and even Athenian citizens did not scruple to introduce their wives and daughters to her circles, that they might learn there the secrets by which they might gain and preserve the affections of their husbands. The disorderly life of the majority of Greek hetaerae is nowhere set forth in better colours than in the works of the writers who belong to the so-called school of the Middle Comedy, and in the plays of Plautus and Terence; with which may be compared Demosth. *c. Neaer.* p. 1355 ff., and Athen. xiii. It was formerly supposed that at Athens a peculiar dress was by law prescribed to the hetaerae, but this opinion is without any foundation. (Becker-Göll, *Charikles*, ii. 103.)

The town most notorious in Greece for the number of its hetaerae, as well as for their refined manners and beauty, was Corinth. (Plato, *Rep.* iii. p. 404 D; Dio Chrysost. *Orat.* xxxvii. p. 119, Reiske; Aristoph. *Plut.* 149, with the Schol.; and Schol *ad Lysistr.* 90; Athen. xiii. p. 573, &c.; Müller, *Dor.* ii. 10, § 7.) Strabo (viii. p. 378) states that the temple of Aphrodite in this town possessed more than one thousand hetaerae, who were called *ἱερόδουλοι*, and who were the ruin of many a stranger who visited Corinth. (Wachsmuth, *Hellen. Alterth.* vol. ii. p. 392.) Hence the name *Κορινθία κόρη* was used as synonymous with *ἑταίρα*, and *κορινθιάζεσθαι* was equivalent to *ἑταιρεῖν*. (Eustath. *ad Il.* ii. 570.) At Sparta, and in most other Doric states, the hetaerae seem never to have acquired that importance which they had in other parts of Greece, and among the Greeks of Asia Minor.

An important question is, who the hetaerae generally were? The *ἱερόδουλοι* of Corinth were, as their name indicates, persons who had dedicated themselves as slaves to Aphrodite; and their prostitution was a kind of service to the goddess. [HIERODULI.] Those *πόρναι* who were kept at Athens in public brothels by the *πορνοβοσκοί* were generally slaves belonging to these *πορνοβοσκοί*, who compelled them to prostitute their persons for the purpose of enriching themselves. The owners of these *πόρναι* were justly held in greater contempt than the unhappy victims themselves. Sometimes, however, they were real prostitutes, who voluntarily entered into a contract with a *πορνοβοσκός*: others again were females who had been educated in better circumstances and for a better fate, but had by misfortunes lost their liberty, and were compelled by want to take to this mode of living. Among this last class we may also reckon those girls who had been picked up as young children, and brought up by *πορνοβοσκοί* for the purpose of prostitution. An instance of this kind is Nicarete, a freed-woman, who had contrived to procure seven young children, and afterwards compelled them to prostitution, or sold them to men who wished to have the exclusive possession of them. (Dem. *c. Neaer.* p. 1351, § 18 ff.) Other instances of the same kind are mentioned in the comedies of Plautus. (Compare Isaeus, *Or.* 6 [*Philoct.*], § 19.) Thus all prostitutes kept in public or private houses were either real slaves or at least looked upon and treated as such. Those hetaerae, on the other hand, who lived alone either as mistresses of certain individuals or as common hetaerae, were almost invariably strangers or aliens, or freed-women. The cases in which daughters of Athenian citizens adopted the life of a hetaera, as Lamia, the daughter of Cleanor (Athen. xiii. p. 577), seem to have occurred very seldom; and whenever such a case happened, the woman was by law excluded from all public sacrifices and offices, sank down to the rank of an alien, and as such became subject to the *πορνικὸν τέλος*: she generally also changed her name. The same degradation took place when an Athenian citizen kept a *πορνεῖον*, which seems to have happened very seldom. (Boeckh, *P. E.* p. 333 = *Sth.*[3] i. 404.)

(Fr. Jacobs, *Beiträge zur Gesch. des weiblich. Geschlechts*, in his *Vermischte Schriften*, vol. iv.; Becker-Göll, *Charikles*, ii. 85–104, iii. 306–398; Limburg-Brouwer, *Histoire de la Civilisation morale et religieuse des Grecs*; Wachsmuth, *Hellen. Alterth.* ii. 392 ff.; Hermann-Blümner, *Privatalterth.* p. 254 ff.) [L. S.] [W. W.]

HETAERESEOS GRAPHE (*ἑταιρήσεως γραφή*). This action was maintainable against such Athenian citizens as had administered to the unnatural lusts of another for pay (Aeschin. *c. Tim.* §§ 29, 51, 72, 87; Platner, *Proc. u. Klagen*, ii. p. 221); but only if after such degradation they ventured to exercise their political franchise, *e.g.* speak in the public assembly or bear office in the state, etc. (Aeschin. *c. Tim.* § 19 ff., 195; Pollux, viii. 43; cf. Dem. *c. Steph.* i. p. 1125, § 79). The same action was maintainable against the *κύριος* who hired out a youth under age (not against the youth himself), and against the person who hired another, whether under age or not, for such purposes (such an action was perhaps called *εἰς ἑταίρησιν μισθώσεως*, yet see Aeschin. *c. Tim.* § 13, *κατ' αὐτοῦ μὲν τοῦ παιδὸς οὐκ ἐᾷ (ὁ νόμος) γραφὰς ἑταιρήσεως εἶναι, κατὰ δὲ τοῦ μισθώσαντος καὶ τοῦ μισθωσαμένου*). Such actions belonged to the jurisdiction of the thesmothetae. All three classes of offenders were capitally punished (Aeschin. *c. Tim.* §§ 13, 72, 87, 90). Heffter (*Ath. Gerichtsverf.* p. 172) extended this action also to the *προαγωγοί*: yet there was a special *γραφὴ προαγωγείας* (Aeschin. *c. Tim.* §§ 14, 184). (*Att. Process*, ed. Lipsius, p. 411 f.) [J. S. M.] [H. H.]

HETAERI (*ἑταῖροι*). [EXERCITUS, p. 777*a*.]

HETAIRI'AE (*ἑταιρεῖαι*). [ERANI.]

HEXA'PHORUM. [LECTICA.]

HEXASTY'LOS. [TEMPLUM.]

HEXE'RES. [NAVIS.]

HIEREION (*ἱερεῖον*). [SACRIFICIUM.]

HI'EREUS TON SOTE'RON (*ἱερεὺς τῶν σωτήρων*), priest of the Saviours, that is, of Antigonus and Demetrius, who were received by the Athenians, in B.C. 307, as their liberators with honours and flatteries of every sort. They even went so far as to pay divine honours to these princes under the title of Saviours (*σωτῆρες*), and to assign a priest (*ἱερεύς*) to attend to their worship, who was to be elected annually by Cheirotonia (Plut. *Demetr.* 10). This continued for twenty years till the conquest of Demetrius by Pyrrhus in B.C. 287, when the office was abolished and these extravagant honours annulled (Id. 46). It was formerly believed, on the authority of Plutarch, that while the *ἱερεὺς τῶν σωτήρων* lasted his name was used to mark the year in state records and private documents (*συμβόλαια*) in place of the first archon; and this notwithstanding the fact that the magistrates of these twenty years were in later times called archons, as, for instance, by Diodorus and Dionysius of Halicarnassus. Clinton accounted for this by supposing that the Athenians would not leave upon their Fasti this mark of their humiliation. (Droysen, *Geschichte des Hellenismus*, i. 439; Clinton, *F. H.* ii. 380; Schömann, *Antiq. Jur. Publ. Graec.* p. 359; Thirlwall, vii. 331.) But it has now been convincingly proved that this statement of Plutarch's rests on an error (Schömann, *Antiq.* i. 537 n., E. T.); Grote passes it over in silence, and, if it were true, there would naturally be evidence of it in the many Attic inscriptions lately discovered. On the other honours paid to Demetrius Poliorcetes, cf. Gilbert, *Staatsalterth.* i. 154, 190. [W. S.] [W. W.]

HIERODU'LI (*ἱερόδουλοι*) were persons of both sexes who were devoted, like slaves, to the worship of the gods. They were of Eastern origin, and are most frequently met with in connexion with the worship of the deities of Syria, Phoenicia, and Asia Minor. They consisted of two classes: one composed of slaves properly so called, who attended to all the lower duties connected with the worship of the gods, cultivated the sacred lands, &c., and whose descendants continued in the same servile condition; and the other, comprising persons who were personally free, but had dedicated themselves as slaves to the gods, and who were either attached to the temples or were dispersed throughout the country and brought to the gods the money they had gained. To the latter class belonged the women, who prostituted their persons and presented to the gods the money they had obtained by these means. The pomp with which religious worship was celebrated in the East, and the vast domains which many of the temples possessed, required a great number of servants and slaves. Thus the great temple at the Cappadocian Comana possessed as many as 6,000 hieroduli (Strab. xii. p. 535), and that at Morimene had 3,000 of the same class of persons (Strab. xii. p. 537). So numerous were the hieroduli at Tyre, that the high-priest by their support frequently obtained the regal dignity (Joseph. *c. Apion.* i. 18, 21). These large numbers arose from the idea, prevalent in the East, that the deity must have a certain class of persons specially dedicated to his service and separated from the ordinary duties of life, and that it was the duty of all who had the power to supply as many persons as they could for their service. Thus, kings dedicated as sacred slaves the prisoners whom they took in war, parents their children, and even persons of the highest families sent their daughters to the temples to sacrifice their chastity to the gods, at least till the time of their marriage. This practice of females offering their chastity to the gods was of ancient origin in the East, and seems to have arisen from the notion that the gods ought to have the first-fruits of everything. The custom prevailed at Babylon (Herod. i. 199; Strab. xvi. p. 745), as well as in many other places. (Comp. Heyne, *De Babyloniorum instituto religioso*, &c. in *Comment. Societ. Götting.* vol. xvi. p. 30, &c.) The Greek temples had of course slaves to perform the lowest services (Paus. x. 32, § 8); but we also find mention in some Greek temples of free persons of both sexes, who had dedicated themselves voluntarily to the services of some god, and to whom the term of *hieroduli* was generally applied. We find, again, predial slaves attached to temples, and cultivating their sacred domains (*τεμένη*) on condition, like the Helots and the Thessalian Penestae, of contributing to the temple a large fixed share of the produce. Such were the Craugallidae (or Acragallidae, Aeschin. *c. Ctes.* § 107) in the plain below Delphi; they were probably a remnant of the ancient inhabitants, the Dryopes, reduced to serfdom at an early period (Müller, *Dor.* ii. 3, § 3). Such also were the Venerei of Mount Eryx, though they seem to have included freedmen as well as slaves (Cic. *in Verr.* ii. 8, § 21 ff.; 38, § 92 ff.); with these we may class the Martiales at Larinum in Southern Italy (Cic. *pro Cluent.* 15, § 44). Masters who wished to give slaves their freedom, but were prevented by various causes from manumitting them, presented them to some temple as *ἱερόδουλοι* under the form of a gift or a sale, and thus procured for them liberty in reality. Such cases of manumission frequently occur in inscriptions, and are explained at length by Curtius (*de Manumissione sacra Graecorum*, in his *Anecdota Delphica*, Berlin, 1843, p. 10, &c.; comp. Plut. *Amat.* c. 21, *τῶν ἄλλων δεσποτῶν καὶ ἀρχόντων ἐλεύθεροι καὶ ἄφετοι καθάπερ ἱερόδουλοι διατελοῦσιν*). The female hieroduli, who prostituted their persons, are only found in Greece connected with the worship of divinities who were of Eastern origin, or many of whose religious rites were borrowed from the East. This was the case with Aphrodite, who was originally an Oriental goddess. At her temple at Corinth there were a thousand *ἱερόδουλοι ἑταῖραι* (cf. HETAERAE), and there was also a large number of the same class of women at her temple at Eryx, in Sicily. (Strab. viii. p. 378, vi. p. 272; cf. xii. p. 559.) (Hirt, *Die Hierodulen*, with appendices by Boeckh and Buttmann, Berlin, 1818; Kreuser, *Der Hellenen Priesterstaat, mit vorzüglicher Rücksicht auf die Hierodulen*, Mainz, 1824; Mövers, *Die Phönizier*, p. 359, &c.; Hermann, *Gottesd. Alterth.* § 20, n. 13–16; Schömann, *Antiq.* i. 134 E. T.) [W. S.] [W. W.]

HIEROMANTEIA (*ἱερομαντεία*). [DIVINATIO.]

HIEROME'NIA (*ἱερομηνία, τὰ ἱερομήνια*, Thuc. v. 54) means the "holy season," during which, "as in the *treuga Dei* of the mediaeval Church," all hostilities between different states were suspended (Thuc. v. 54, 2 and schol., *τοῦ γὰρ Καρνείου πολλὰς ἔχοντος ἱερὰς ἡμέρας ἢ καὶ πάσας ἱερὰς μᾶλλον οὐκ ἐστρατεύοντο*, and iii. 56, 1; 65, 1). Then, as Demosthenes says (*c. Timocr.* p. 709, § 29), the law forbade *μὴτ' ἰδίᾳ* (see the case of Evander, who, having obtained a verdict against Menippus in a mercantile suit, seized his person while staying at Athens during the Mysteries, Dem. *c. Mid.* p. 571, § 176 ff.) *μήτε κοινῇ* (Socrates remained in prison until the return of the sacred vessel from Delos) *μηδὲν ἀλλήλους ἀδικεῖν μηδὲ χρηματίζειν ὅ τι ἂν μὴ περὶ τῆς ἑορτῆς ᾖ* (the Panathenaic festival; the scholiast confines the *ἱερομηνία* to the day when the Cronia were actually celebrated, whilst in Aug. Mommsen's opinion, *Heortologie*, p. 108, it extended from the Cronia to the Panathenaic festival). See also Dem. *c. Timocr.* p. 708, § 26, p. 716, § 47: the senate discharged from attendance on account of the Cronia, Aeschin. *c. Ctesiph.* § 67: on the popular assembly to be held on the festival of Asclepius (*ἐν τῇ ἱερᾷ ἡμέρᾳ*), and Xen. *de Rep. Ath.* 3, 8: *οὐ δικάζειν* during festivals (Aristoph. *Nub.* 620, and Harpocr. *αἱ ἐορτάδειες ἡμέραι ἱερομηνίαι καλοῦνται*); Dem. *c. Mid.* p. 571, § 176, p. 525, § 34: the same law about the Dionysia as about the Mysteries. The *ἱερομηνία* in connexion with the great festivals included the time before and after them, and special heralds visited the different states of Greece and proclaimed these *σπονδαί* (*e.g.* *Ὀλυμπιακαὶ σπονδαὶ* in Aeschin. *de F. L.* § 12 and schol.); hence they were called *σπονδοφόροι* (*σπ. Ἀλεῖοι*, Pind. *Isth.* 2, 35; *τῶν Κορείων*, Strab. ii. 3, 4, p. 155; cf. Aeschin. *de F. L.* § 133, *οἱ τὰς μυστηριώτιδας σπονδὰς ἐπαγγέλλοντες*, and Thuc. v. 49, 2; viii. 10, 1). The *σπονδαί* of the Greater Mysteries lasted from the day of the full moon of Metageitnion (*ἀπὸ ἀρχομηνίας*, *C. I. G.* No. 71; *ἀπὸ διχομηνίας*, Sauppe, *Inscr. Eleus.* p. 6, and *C. I. A.* i. No. 1) to the tenth day of Pyanepsion, and those of the Lesser from the day of the full moon of Gamelion to the tenth day of Elaphebolion (*i.e.* 55 days, thus enabling even those at a distance to travel to Athens and back in safety); cf. *C. I. G.* No. 2954, *ἐν ᾧ μηνὶ* (the Ephesian Artemision) *πανηγύρεις τε καὶ ἱερομηνίαι ἐπιτελοῦνται . . . . καὶ ἀτελειῶν καὶ ἐκεχειρίας εἰς ὅλον τὸν ἐπώνυμον τῆς θεοῦ μῆνα τυχόντα*. Instances are not wanting of the non-observance of this international law: one is related of Agesipolis by Xen. *Hell.* iv. 7 (see also iv. 5, 1, 2); another of the soldiers of Philip of Macedon (Dem. *de F. L. argum.* p. 335, cf. Aeschin. *de F. L.* § 12); a third of the Achaeans by Plut. *Arat.* 28. When, in B.C. 420, the Spartans attacked the Elean fort of Phyrcon and occupied Lepreon *ἐν ταῖς Ὀλυμπιακαῖς σπονδαῖς*, the Eleans condemned them, for this breach of the *ἐκεχειρία*, to a fine of 2000 minas, according to the *Ὀλυμπιακὸς νόμος*: and when the Lacedaemonians replied that the *ἐκεχειρία* had not been proclaimed in Sparta at the time the expedition started, the Eleans pointed out that the *ἐκεχειρία* had been proclaimed in theirs. From the passage *πρώτοις γὰρ σφίσιν αὐτοῖς ἐπαγγέλλουσιν* (Thuc. v. 49), E. Curtius (*Sparta u. Olympia*, p. 131 f.) infers that Sparta was the first state in which the *σπονδοφόροι* made their proclamation; but its meaning clearly is (Busolt, *Forsch. z. griech. Gesch.* i. p. 17 f.), that the *ἐκεχειρία* was first proclaimed in Elis, and that then messengers were sent to the other states. (Hermann, *Ueber griech. Monatskunde*, *Abh. d. hist.-phil. Classe*, ii. 1845, Göttingen; and Pauly, *Real-Encycl.* iii. p. 1331 ff.) [H. H.]

HIEROMNE'MONES (*ἱερομνήμονες*) were the more honourable of the two classes of representatives who composed the Amphictyonic council. An account of them is given under AMPHICTYONES. We also read of Hieromnemones in Grecian states, distinct from the Amphictyonic representatives of this name, and mostly bearing no trace of a sacred character. Thus, officers called *ἱερομνήμονες*, *ἐπιστάται*, and *μνήμονες* are mentioned by Aristotle (*Pol.* vi. 8=p. 1321 b, 39) as the custodians of state papers and of the records of judicial decisions (cf. Schömann, *Antiq.* i. 138 E. T.). It is perhaps exceptional that the priests of Poseidon at Megara were called hieromnemones (Plut. *Symp.* viii. 8, § 4). At Byzantium, which was a colony of Megara, the chief magistrate in the state appears to have been called by this name; in a decree quoted by Demosthenes (*de Cor.* p. 255, § 90; compare Polyb. iv. 52, § 4), a hieromnemon is mentioned, who gives his name to the year; and we also find the same word on the coins of this city. (Eckhel, *Doctr. Num.* vol. ii. p. 31, &c.) At Chalcedon, another colony of Megara, a hieromnemon also existed, as is proved by a decree which is still extant. (*C. I. G.* 3794; cf. Müller, *Dor.* iii. 9, § 10.) An inscription found in Thasos also mentions a hieromnemon who presided over the treasury (*C. I. G.* 2161, with Boeckh's commentary, vol. ii. pp. 183, 184).

Besides the representative at the Amphictyonic council, we find at Athens hieromnemones belonging to local and gentile organisations: *ἱερομνήμονες Ἡρακλέους* (*C. I. A.* ii. 788, Fränkel, n. 536 on Boeckh); a *γένος Σαλαμινίων* with an *ἄρχων* and *ἱερομνήμονες* in an inscription published in *Ἀθήναιον*, vi. 274, *Mittheilungen des deutschen archäol. Inst. in Athen*, iv. 265 (Gilbert, *Staatsalterth.* i. 201). [W. S.] [W. W.]

HIERONI'CAE. [ATHLETAE.]

HIEROPHANTES (*ἱεροφάντης*). [ELEUSINIA, p. 720 *b*.]

HIEROPOEI (*ἱεροποιοί*), commissioners of sacrifices at Athens, were of various kinds. Aristotle classes them with treasurers (*ταμίαι*) and custodians (*ναοφύλακες*) as exercising an office separate from that of priests (*Pol.* vi. 8=p. 1322 b, 25); in one of the numerous inscriptions referring to them, *ἱερῆς* and *ἱεροποιοὶ* are distinguished (*C. I. G.* 76=*C. I. A.* i. 32; Boeckh, *Sthh.*[3] ii. 45); in another, the latter are classed with *βοῶναι* and *ἐπιμεληταὶ τῶν μυστηρίων* among those who reckoned with the state for the *δερματικόν* (*C. I. G.* 157=*C. I. A.* ii. 741; Boeckh, *op. cit.* p. 101 ff.; cf. Dem. *c. Mid.* p. 570, § 171; BOONAE; DERMATIKON). The *ἱεροποιοὶ κατ' ἐνιαυτὸν* were a body of ten appointed annually by lot for the state sacrifices in general, including those of quinquennial festivals, but excepting, we are told, the Panathenaea

(Pollux, viii. 107). Several grammarians also expressly state, quoting the high authority of Aristotle, that these hieropoei had nothing to do with the Panathenaea (Phot., *Etym. M.*, s.v.; *Lex. Seguer.* p. 265, 22); but this is either a mistake or refers to a later period: an undoubted inscription of B.C. 410 records that at the Panathenaic festival 5114 drachmas were paid from the treasury for a hecatomb to the *ἱεροποιοὶ κατ' ἐνιαυτόν* (*C. I. G.* 147 = *C. I. A.* i. 188; Boeckh, *Sth.*[3] ii. p. 5, cf. pp. 8, 118). Other hieropoei were assigned to particular deities and their temples, while others again were elected for particular festal celebrations (Schömann, *Antiq.* i. 427, E. T.). It is these last, probably, who are called *ἐπιμήνιοι* in contradistinction to those *κατ' ἐνιαυτόν* (Hesych. *s. vv. ἐπιμήνιοι, ἱεροποιοί*). Demosthenes mentions as a high honour his having been selected "from all the Athenians" as one of three *ἱεροποιοὶ ταῖς σεμναῖς θεαῖς*, *i.e.* to the Eumenides (*c. Mid.* p. 552, § 115); the nomination in this case seems to have belonged to the Areopagus (Müller, on Aesch. *Eum.* p. 179; Schömann, *op. cit.* p. 496). Among festivals mentioned as provided for by hieropoei are those of the Delian Apollo and the Brauronian Artemis (Pollux, *l. c.*), of Bendis, Asclepios, and *Ἀγαθὴ Τύχη* (*C. I. G.* 157 = *C. I. A.* ii. 741, Boeckh, *l. c.* p. 107). As regards their duties, the mention of the *δερματικὸν* shows that they provided the victims with the money voted them for the purpose, and afterwards accounted for their hides; the actual slaying was probably done by inferior priests, but the hieropoei had to begin the sacrificial ceremonies (*κατάρξασθαι τῶν ἱερῶν*, Dem. *l. c.*). Hence, though really public officers, they are sometimes represented by the grammarians as sacrificing priests (Boeckh, *P. E.* p. 216 = *Sth.*[3] i. 273; cf. Hermann, *Gottesd. Alterth.* § 11, n. 10, § 62, n. 11). [W. S.] [W. W.]

HIEROSY'LIAS GRAPHE (*ἱεροσυλίας γραφή*). This action must be distinguished from the *γραφὴ κλοπῆς ἱερῶν χρημάτων*. The latter was directed against peculation rather than theft of sacred money, to which a fine (the tenfold amount, Dem. *c. Timocr.* p. 735, § 112; p. 740, § 127) was awarded (Antiph. *Tetral.* i. *α*, § 6, *ἱερῶν κλοπῆς δυοῖν ταλάντοιν γεγραμμένος*, cf. *β*, § 9, whence we learn that only a fine could be awarded; Dem. *de F. L.* p. 435, § 293); the former was directed against the offence of robbery from a temple. Euxitheus charges his opponents with having stolen (*ἱεροσυλήσαντες*) the weapons which he had dedicated to Athene (Dem. *c. Eubul.* p. 1318, § 64). (See Syrian. *ad Hermog.* iv. p. 497 Walz: *οἷον ὁ φεύγων ἱεροσυλίας γραφὴν ἐρεῖ, ὡς ἱερόσυλός ἐστιν ὁ φιάλας ἐξ ἱερῶν ἀφαιρούμενος, ὁ στεφάνους, ὁ θυμιατήρια, καὶ ὅσα τοιαῦτα εἰδικῶς ὀνομάζων.*) The offender upon conviction was invariably put to death, whether the value of the thing stolen was great or small (Isocr. *c. Lochit.* § 6; Lyc. *c. Leocr.* § 65; Xen. *Mem.* i. 2, 62), his property confiscated, and his body denied burial within Attic territory (Xen. *Hell.* i. 7, 22; Diod. Sic. xvi. 28), sacrilege being considered one of the most heinous crimes next to murder and high treason (Antiph. *de caed. Herod.* § 10). Demosthenes calls Androtion and his colleagues *ἱερόσυλοι* (*c. Timocr.* p. 738, § 120 ff.); yet they had not committed sacrilege: their offence was, not to have paid the tithe of Athena and the fiftieths of the other gods (*i.e.* their share of the sum realised by the sale of the cargo of the Persian ship captured by Androtion, etc.); hence when the time for payment had lapsed, the regulations with regard to debtors came into force.

Meier concluded from Cicero (*de Divin.* i. 25, 54) that the Areiopagus tried cases of *ἱεροσυλία*: yet from the life of Sophocles, where Hieronymus is quoted as authority, we learn that the case in question was laid before the popular assembly (*ἐμήνυσε—τῷ δήμῳ*). It is evident from Xen. *Hell.* i. 7, 22, and Lys. *pro Call.*, that sacrilege was tried before a heliastic court; as Jebb says (*Att. Or.* i. p. 287), "In the view of sacrilege taken by Attic law its aspect as a robbery seems to have been more prominent than its aspect as an impiety." As regards the particular sacrilege with which Callias was charged, he conjectures from the allusion *τῷ δημοσίῳ βοηθοῦντες* (§ 4), "that it was connected with the sacred treasury on the Acropolis. Kallias may have had some employment under the stewards of the sacred fund which gave him access to the inner chamber of the Parthenon, and may have been accused of profiting by that opportunity to commit a theft." Slaves were allowed upon that occasion to appear as informers against their master—a resident alien—and anticipated their emancipation in the event of his conviction. The argument to [Dem.] *c. Aristog.* i. mentions an *ἀπαγωγὴ* of a sacrilegious person to the *πρυτάνεις*: but Lipsius doubts the correctness of this statement. (*Att. Process*, ed. Lipsius, pp. 139, 376, 458.) [J. S. M.] [H. H.]

HILA'RIA (*ἱλάρια*) seems originally to have been a name which was given to any day or season of rejoicing. The hilaria were therefore, according to Maximus Monachus (Schol. *ad* Dionys. Areopag. *Epist.* 8), either private or public. Among the former he reckons the day on which a person married, and on which a son was born; among the latter, those days of public rejoicings appointed by a new emperor. Such days were devoted to general rejoicings and public sacrifices, and no one was allowed to show any symptoms of grief or mourning (Marquardt, *Staatsverw.* iii. 358).

But the Romans also celebrated Hilaria, as *feriae stativae*, on the 25th of March, in honour of Cybele, the mother of the gods (Macrob. *Sat.* i. 21, § 7); and it is probably to distinguish these Hilaria from those mentioned above, that Lampridius (*Al. Sev.* 37) calls them *Hilaria Matris Deûm*. The day of its celebration was the first after the vernal equinox, or the first day of the year which was longer than the night. The winter with its gloom had passed away, and the first day of a better season was spent in rejoicings. (Vopisc. *Aurelian.* 1.) No allusion to this festival occurs during the time of the republic; the passages of Ovid (*Fast.* iv. 337 ff.) and Valerius Maximus (ii. 4, § 3) refer to the MEGALESIA in the month of April; nor are the Hilaria mentioned in the extant calendars. Hence Marquardt regards them as an invention of the later Empire. The *lavatio* or washing of the goddess and her chariot in the river Almo, just outside Rome, is assigned by Ovid (*l. c.*) to the April festival, but by some late writers to the 27th of March (*a. d. VI. Kal.*

April., Amm. Marc. xxiii. 3, § 7; Vib. Sequest. *de Flum.* p. 329); which is a confirmation of Marquardt's view. We learn from Herodian (i. 10, 11) that, among other things, the statue of the goddess was borne in solemn procession, and before this statue were carried the most costly specimens of plate and works of art belonging either to wealthy Romans or to the emperors themselves. All kinds of games and amusements were allowed on this day; masquerades were the most prominent among them, and every one might, in his disguise, imitate whomsoever he liked, and even magistrates. A passage of Julian (*Or.* 5, p. 168 C) appears to place the Hilaria on the 24th of March, the *Dies sanguinis;* after mentioning the sacred tree on the 22nd (*Arbor intrat*), he adds *τῇ τρίτῃ δὲ τέμνεται τὸ ἱερὸν καὶ ἀπόρρητον θέρος τοῦ θεοῦ Γαλλοῦ. ἐπὶ τούτοις Ἱλάρια φασι καὶ ἑορταί.* The *θέρος* is explained to mean the reception and emasculation of a new Gallus. The *Dies sanguinis* was a fast day, and certainly not identical with the Hilaria; but the words *ἐπὶ τούτοις*, "after this," may easily mean "on the next day."

The Hilaria were in reality only the last day of a festival of Cybele which began as early as the 15th of March, and was continued at intervals. For the ceremonies of the other days of this festival, see MEGALESIA, Vol. II. p. 156 *b*. [L. S.] [W. W.]

HILAROTRAGOE'DIA. [TRAGOEDIA.]

HIMA'TION (*ἱμάτιον*). [PALLIUM.]

HIPPARCHUS. [EXERCITUS, p. 775.]

HIPPARMOSTES. [EXERCITUS, p. 769 *b*.]

HI'PPICON (*ἱππικόν*, sc. *στάδιον*), a Greek measure of distance, equal to four stadia. According to Plutarch, it was mentioned in the laws of Solon (Plut. *Sol.* 23). Hesychius also mentions it under the name of *ἵππειος δρόμος*. (Comp. HIPPODROMUS; STADIUM.) [P. S.]

HIPPOBOTAE (*ἱπποβόται*), the feeders of horses, was the name of the nobility of Chalcis in Euboea, corresponding to the *ἱππεῖς* in other Greek states. On the conquest of the Chalcidians by the Athenians in B.C. 506, these Hippobotae were deprived of their lands, and 4,000 Athenian cleruchi sent to take possession of them. (Herod. v. 77, vi. 100; Strab. x. p. 447; Plut. *Pericl.* 23; Aelian, *V. H.* vi. 1; Thirlwall, ii. 78; Grote, ch. 31, iii. 145.) [COLONIA, p. 477 *a*.] [W. S.] [W. W.]

HIPPODAMEIA (*ἱπποδάμεια*, sc. *ἔργα*) is an adjective derived from the name of the architect Hippodamus of Miletus, who is said to have been the first of the Greeks who built whole cities on a regular architectural plan; and hence the word is applied to such cities, and to the public places and buildings in them. Peiraeus, for example, was designed by Hippodamus, and its market-place was called Ἱπποδάμειος ἀγορά (Xen. *Hell.* ii. 4, § 11), Ἱπποδαμεία ἀγ. (Andoc. *de Myst.* § 45, Harpocrat. *s. v.*) or simply ἡ Ἱπποδαμεία ([Dem.] *c. Timoth.* p. 1190, § 22). Hippodamus flourished during the second half of the fifth century B.C. (See *Dict. of Biogr.*, art. *Hippodamus; Dict. of Geogr.*, art. *Athenae*, pp. 306 *b*, 308 *a*; Müller, *Archäol. d. Kunst*, § 111.) [P. S.] [W. W.]

HIPPO'DROMUS (*ἱππόδρομος*) was the name by which the Greeks designated the place appropriated to the horse-races, both of chariots and of single horses, which formed a part of their games. The word was also applied to the races themselves.

The mode of fighting from chariots, as described by Homer, involves the necessity of much previous practice; and the funeral games in honour of Patroclus present us with an example of the chariot-race, occupying the first and most important place in those games (*Il.* xxiii. 262–650). In this vivid description the nature of the contest and the arrangements for it are very clearly indicated. There is no artificially constructed hippodrome; but an existing land-mark or monument (*σῆμα*, 331) is chosen as the goal (*τέρμα*), round which the chariots had to pass, leaving it on the left hand (336), and so returning to the Greek ships on the sea-shore, from which they had started (365). The course thus marked out was so long that the goal, which was the stump of a tree, could only be clearly seen by its having two white stones leaning against it (327–329), and that, as the chariots return, the spectators are uncertain which is first (450 ff.: the passage furnishes a precedent for betting at a horse-race, 485). The ground is a level plain (330), but with its natural inequalities, which are sufficient to make the light chariots leap from the ground (369, 370), and to threaten an overthrow where the earth was broken by a winter torrent, or a collision in the narrow hollow way thus formed (419–447). The chariots were five in number, each with two horses and a single driver (288 ff.), who stood upright in his chariot (370). The obscure passage 638–642 cannot be relied upon to prove that there ever were two drivers: see Leaf's note.

In a race of this nature, success would obviously depend quite as much on the courage and skill of the driver as on the speed of the horses; a fact which Homer represents Nestor as impressing upon his son Antilochus in a speech which fully explains the chief stratagems and dangers of the contest, and is nearly as applicable to the chariot-races of later times as to the one described by Homer (305–348). At starting, it was necessary so to direct the horses as, on the one hand, to avoid the loss of time by driving wide of the straightest course, and on the other not to incur the risk of a collision in the crowd of chariots, nor to make so straight for the goal as to leave insufficient room to turn it. Here was the critical point of the race, to turn the goal as sharply as possible, with the nave of the near wheel almost grazing it, and to do this safely: very often the driver was here thrown out, and the chariot broken in pieces (334–343, 465–468). There was another danger at this point, which deserves particular notice as connected with the arrangements of the hippodrome of later times. As the horse is easily scared, it can readily be understood that the noise and crush of many chariots turning the goal together, with the additional confusion created by the overthrow of some of them, would so frighten some of the horses as to make them unmanageable; and this is expressly referred to by Homer (468):

αἱ δ' ἐξηρώησαν, ἐπεὶ μένος ἔλλαβε θυμόν.

Among the other disasters to which the competitors were liable were—the loss of the whip

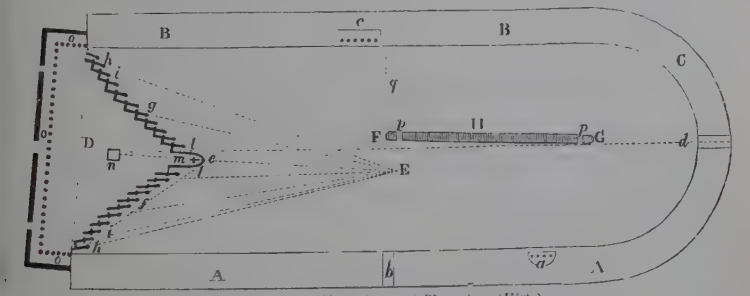
(384); the reins escaping from the hands (465); the breaking of the pole (392); the light chariot being overturned, or the driver thrown out of it, through the roughness of the ground, or by neglecting to balance the body properly in turning the goal (368, 369, 417–425, 335); and the being compelled to give way to a bolder driver, for fear of a collision (426–437); but it was considered foul play to take such an advantage (439–441, 566–611). These and similar disasters were no doubt frequent, and, in accordance with the religious character of the games, they were ascribed to the intervention of the deities, whom the sufferer had neglected to propitiate (383–393, 546, 547). The prizes, as in the other Homeric games, were of substantial value, and one for each competitor (262–270). The charioteer accused of foul play was required to lay his hand upon his horses, and to swear by Poseidon, the patron deity of the race, that he was guiltless (581–585). This description is illustrated by the following engraving from an antique Greek vase; in which we see the goal as a mere stone

Chariot-race. (From a vase-painting.)

post, with a fillet wound round it: the form of the chariots is well shown, and the attitude of the drivers; each has four horses, as in the earliest Olympic chariot-race; and the vividness of the representation is increased by the introduction of the incident of a horse having got loose from the first chariot, the driver of which strives to retain his place with the others. (Panofka, *Bilder Antiken Lebens*, pl. iii. No. 10.) For other representations of the race and its disasters, see CIRCUS, p. 433 ff.; CURRUS, p. 580.

In no other writer, not even in Pindar, have we a description, at once so vivid and so minute, of the Greek chariot-race as this of Homer's; and it may be safely assumed that, with a few points of difference, it will give us an equally good idea of a chariot-race at Olympia or any other of the great games of later times. The chief points of difference were the greater compactness of the course, in order that a large body of spectators might view the race with convenience, and the greater number of chariots. The first of these conditions involved the necessity of making the race consist of several double lengths of the course, instead of only one; the second required some arrangement by which the chariots might start without confusion and on equal terms. It is now to be seen how these conditions were satisfied in the hippodrome at Olympia; of which the only description we possess is in two passages of Pausanias (v. 15, § 4; vi. 20, § 7 ff.). The reconstruction of this hippodrome by Hirt (*Lehre d. Gebäude*, pp. 147–150), following Alexandre de la Borde, has not been superseded by recent discoveries, and is retained by Baumeister (s. v. *Hippodrom*), and nearly every writer on the subject.

The following is the ground-plan which Hirt (pl. xx. fig. 8) has drawn out from the description of Pausanias. A, B, the sides; C, the



Ground-plan of Hippodrome at Olympia. (Hirt.)

rounded end of the hippodrome, with raised seats for the spectators (the dotted line D *d* is the axis of the figure); *a*, place of honour for the magistrates and musicians; *b*, side door, perhaps for the exit of disabled chariots and horses; *c*, seats for the Hellanodicae, the judges of the games; *d*, principal entrance, corresponding to the *porta triumphalis* in a Roman circus; D, the starting-place; *e*, its apex; *f*, *g*, its curved sides; *h*, *i*, &c., up to *l*, stations of the chariots, their directions converging towards the point E; F, G, the goals, or turning-posts; H, the spina; *p*, *p*, small intervals between the spina and the goals; *q*, the winning line; *m*, dolphin used as a signal; *n*, altar, with eagle for signal; *o*, *o*, *o*, portico of Agnaptus.

The general form of the hippodrome was an oblong, with a semicircular end, C, and with the right side, A, somewhat longer than the left, B,

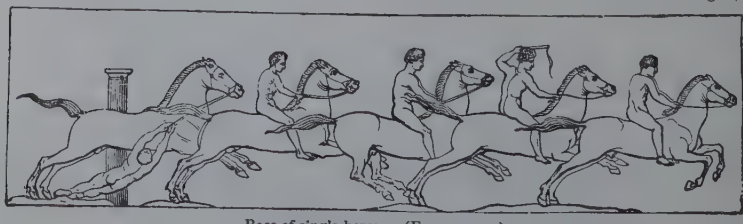
for a reason to be stated presently. The right side, A, was formed by an artificial mound; the left, B, by the natural slope of a hill. The base of the fourth side, D, was formed by the portico of Agnaptus, so called from its builder. At this end of the hippodrome was the starting-place (ἄφεσις), in the form of the prow of a ship, with its apex, *e*, towards the area, and each of its sides more than 400 feet long. Along both of these sides were stalls (ὑσμῖναι) for the chariots about to start, like the *carceres* in the Roman circus; and it was in the arrangement of these stalls that the peculiarity of the Greek starting-place consisted. According to the view which we follow, the stalls were so arranged as that the pole of each chariot, while standing in its stall, was directed to a *normal point* E, at which, as nearly as possible, each chariot ought to fall into its proper course. As this point, E, was necessarily on the right side of the area (in order to turn the goal on the left hand), and as the corresponding stalls on each side were required to be equidistant from the apex, *e* (as will presently be seen), and of course also from the point E, it follows that the base of the *aphesis* must have been perpendicular to the line E *e*, and therefore oblique to the axis D *d*; and this is the reason why the side A was longer than the side B. The curvature of the sides of the aphesis, *f*, *g*, is a conjectural arrangement, assumed as that which was probably adopted to give more space to each chariot at starting. The front of each stall had a cord drawn across it, and the necessary arrangements were made for letting these cords fall at the right moments. On the signal being given for the race to begin, the cords in front of the two extreme stalls, *h h*, were let fall simultaneously, and the two chariots started; then those of the next pair; and so on, each pair of chariots being liberated at the precise moment when those which had already started came abreast of their position; and when all the chariots formed an even line abreast of the apex of the *aphesis*, *e*, it was a fair start. This arrangement of the *aphesis* was the invention of the statuary Cleoetas, and was improved by Aristeides (perhaps the famous painter; see Hirt, *l. c.*). Cleoetas celebrated his invention in an epigram, which he inscribed on the base of a statue made by him at Athens:

> Ὃς τὴν ἱππάφεσιν ἐν Ὀλυμπίᾳ εὗρατο πρῶτος
> Τεῦξε μὲ Κλειοίτας, υἱὸς Ἀριστοκλέους.

Hirt's explanation of the *aphesis*, with the rest of his reconstruction of the hippodrome at Olympia, has been accepted by most scholars; among others by Guhl and Koner in the earlier editions of their *Leben der Griechen und Römer*. In the last edition Koner has followed in some particulars the differing views of Count Lehndorff in his *Hippodromos*, and has given a slightly altered ground-plan (Guhl and Koner,[5] pp. 148–150, with fig. 164). The chief difference is that on this view the chariots are conceived as starting on one side only (the right) of the *aphesis*. On this Baumeister remarks (p. 694 a), that "though containing much that is attractive and in part well founded, it is still open to much doubt."

Precisely the same arrangements were made for the start in the race of single horses (κέλητες); and in both cases, as in the race described by Homer, the stalls were assigned to the competitors by lot. How many chariots usually started, cannot be determined; but that the number was large is proved by the well-known story, that Alcibiades alone sent to one race seven chariots. Sophocles (*Elect.* 701–708) mentions ten chariots as running at once in the Pythian games; and the number at Olympia was no doubt greater than at any of the other games. This is probably the reason why the arrangements of a starting-place were so much more complicated in the Greek hippodromus than they were in the Roman circus [CIRCUS]. About the centre of the triangular area of the *aphesis* there was an altar, *n*, of rough brick, which was plastered afresh before each festival, surmounted by a bronze eagle with outstretched wings; and above the apex of the aphesis was a bronze dolphin, *m*. As the signal for the race to begin, the eagle was made to soar aloft, so as to be seen by all the spectators, and the dolphin sank to the ground.

The chariots, thus started, had to pass several times round two goals (νύσσαι), the distinction between which is one of the difficult points in the description of Pausanias. On the whole it seems most probable that the one which he describes as having a bronze statue of Hippodameia, holding out the victor's fillet, as if about to crown Pelops with it, was the one nearer to the aphesis, and abreast of the winning line, F; and that the other, G, round which the chariots made their first turn, was that which Pausanias calls "Taraxippus, the terror of the horses." This was a round altar, dedicated to Taraxippus, who was supposed to strike a supernatural terror into the horses as they passed the spot, and whom, therefore, the charioteers sought to propitiate, before the race began, by



Race of single horses. (From a vase.)

offering sacrifices and making vows at this altar. Pausanias gives various accounts as to who this Taraxippus was: some modern scholars take the word for an appellation of Poseidon Hippius. He was similarly honoured in the Isthmian hippodrome. At Nemea there was no such

hero, but above the turning point of the course there was a bright red rock, which was supposed to frighten the horses. He adds the remark that the Olympian Taraxippus had by far the most powerful effect upon the horses; and considering that the number of chariots which joined in the race there was greater than at any of the other games, that remark affords a pretty clear proof that the explanation of the supposed supernatural terror is that which has been given above in describing the Homeric race. There are several vase-paintings on which chariots or single horses are exhibited turning the goal, which is represented as a Doric or Ionic column. (See Panofka, *Bilder Antiken Lebens*, pl. iii.) One of these is shown in the foregoing engraving, which exhibits a vivid picture of a race of single horses: the last rider has been unlucky in turning the goal.

There is no authority in the account of Pausanias for the connecting wall, H, between the goals, nor does he state that the winning line, *q*, was marked out as a white line; but these details are inserted from the analogy of the Roman circus. So also is the oblique position of the line of the goals, as compared with the axis of the figure: of course the greatest space was required at E, where the chariots were all nearly abreast of each other.

Respecting the dimensions of the Olympic Hippodrome, we have no precise information; but from the length of the measure called HIPPICON, and on other grounds, it seems probable that the distance from the starting-place to the goal, or perhaps rather from one goal to the other, was two stadia, so that one double course was four stadia. How many such double courses made up the whole race, we are not informed. The width must have been at least as great as the length of each side of the *aphesis*, namely, more than 400 feet. There does not appear to have been much architectural display in the structure, and not many statues. The internal area of the aphesis, D, contained several altars.

The chief points of difference between the Greek hippodrome and the Roman circus are the smaller width of the latter, as only four chariots ran at once, and the different arrangement of the *carceres*. The periods at which the Olympic horse-races were instituted are mentioned under OLYMPIA.

A few other hippodromes in Greece, Syria, and Egypt are mentioned by Pausanias and other writers; but they deserve no special mention. (Cf. Krause, *Gymnastik und Agonistik*, i. 151 ff.; Guhl and Koner, *ubi supra*; Baumeister, *s. v.*)

Among the Romans the term was also applied to an enclosed space for riding and driving in, attached to a garden or villa, and planted with trees (Plin. *Ep.* v. 6, §§ 19, 32; Mart. xii. 50, 5 with Paley's note; "clusus essedo cursus," Id. xii. 57, 23). [P. S.] [W. W.]

HIPPOPE'RAE (*ἱπποπῆραι*), saddle-bags. This appendage to the saddle [EPHIPPIUM] was made of leather or untanned hide (*sacculi scortei*, Festus, s. v. *Bulgae*), and seems not to have changed its form and appearance in ancient or modern times. Its proper Latin name was *bisaccium* (Petron. *Sat.* 31, 9), which gave origin to *bisaccia* in Italian and *besace*, *bissac* in French. By the Gauls, saddle-bags were called *bulgae* [BULGA]. The Greek term *hippoperae* is quoted only from a single passage of Seneca (*Ep.* 87, § 9). [J. Y.] [W. W.]

HI'STION (*ἱστίον*). [NAVIS.]

HI'STRIO (*ὑποκριτής*), an actor. **1.** GREEK. The steps by which *ὑποκρίνομαι*, *ὑποκριτὴς* acquired their dramatic meaning have been variously traced. The primitive sense of "answering" (*i.e.* of the quick repartee of dialogue between the actor and the chorus, *ὑποκρίνεσθαι* implying a more ready and instantaneous reply than *ἀποκρίνεσθαι*) seems quite sufficient for our purpose; as in the gloss of Hesychius, *ὑποκριτὴς ὁ ἀποκρινόμενος πρὸς τὸν χορόν*: and in Pollux iv. 123, *ἐλεὸς δ' ἦν τράπεζα ἀρχαία, ἐφ' ἧν πρὸ Θέσπιδος εἷς τις ἀναβὰς τοῖς χορευταῖς ἀπεκρίνατο*. In the passages quoted by Sommerbrodt (*Rhein. Mus.* xxii. 510) in favour of the meaning "interpret" (Hom. *Il.* vii. 406, xii. 228; *Od.* xv. 169;—Thucyd. vii. 44, § 5), the simple notion of answering suits equally well. (Cf. L. and S., *s. v. ὑποκρίνομαι*: Alb. Müller, p. 170, n. 2.)

It is shown in the articles CHORUS and DIONYSIA that the Greek drama originated in the chorus which at the festivals of Dionysus danced around his altar, and that at first one person detached himself from the chorus and, with mimetic gestures, related his story either to the chorus or in conversation with it. If the story thus acted required more than one person, they were all represented in succession by the same choreutes. Thespis, who was regarded in antiquity as the inventor of tragedy ([Plat.] *Min.* 321 A; Hor. *A. P.* 275), was the first to employ an actor distinct from the chorus; the latter still took the most important part in the performance, but lost something of its original character by becoming an interlocutor in the dialogue. Aeschylus therefore added a second actor, so that the action and the dialogue became independent of the chorus, and the dramatist at the same time had an opportunity of showing two persons in contrast with each other on the stage (Aristot. *Poet.* 4, § 16). Sophocles took the final step by adding a third actor (Aristot. *l. c.*; Diog. Laert. iii. 56; Suid. *s. v.* **Σοφοκλῆς**): and towards the close of his career, Aeschylus found it necessary to follow the example of his younger rival, and to introduce a third actor, as is the case in the *Agamemnon*, *Choëphoroe*, and *Eumenides* (Pollux, iv. 110). This number of three actors was also adopted by Euripides, and remained the limit scarcely ever exceeded in any Greek drama, at least in tragedy. In comedy a somewhat greater license was taken; and though Cratinus kept to the regular three performers, Aristophanes sometimes, and notably in the *Thesmophoriazusae*, employed a larger number.

Some real or apparent exceptions to this rule in tragedy have been keenly discussed, and demand a short notice. For instance, the *Prometheus* is a piece for two actors, yet in the opening scene there are four persons upon the stage—Prometheus, Hephaestus, and the allegorical **Κράτος** and **Βία**. But **Βία** does not speak, and *κωφὰ πρόσωπα* were unquestionably not reckoned: while Prometheus himself, there can be no doubt, was represented by a gigantic lay figure, "so contrived that an actor standing behind the pictorial mountain could speak through the mask. No protagonist could have

been expected to submit to the restraint of such an attitude throughout the whole of the play, to say nothing of the catastrophe at the end, when the rocks fall asunder, and Prometheus is dashed down into Tartarus" (Donaldson, *Theatre of the Greeks*, ed. 7, p. 286). This was first pointed out by Welcker (*Trilogie*, p. 30), and is accepted by almost every scholar from G. Hermann to A. Müller (see his references, p. 175, n. 2). In the *Choëphoroe* Aeschylus had three actors, but in v. 900 ff. a fourth seems required, where Pylades, who has been present most of the time as a *κωφὸν πρόσωπον*, begins to speak. The notion of the Scholiast that the *οἰκέτης*, who has only just quitted the stage, reappears as Pylades, is rejected by A. Müller on the ground that the actor has not had time to change his dress. It may be remarked, however, that the Greek tragic actor, in order to assume another character, had only to change an upper garment, a mask, and perhaps a wig: there were none of the minute toilet accessories of the modern "make-up," and the operation may have been got through with much greater rapidity. Once more, in the *Oedipus at Colonos*, a fourth actor must be assumed unless the part of Theseus is divided among all three performers. The former alternative is supported by C. O. Müller (*Diss. on Eumen.* p. 127) and A. Müller (p. 175, n. 4); the latter by K. F. Hermann (*de Distributione Personarum inter Histriones in Tragoediis Graecis*, Marburg, 1840, p. 42) and Donaldson, who observes that "the mask and the uniformity of tragic declamation would make it as easy for two actors to represent one part, as for one actor to sustain several characters" (p. 268 n.). The terms *παρασκήνιον* and *παραχορήγημα* here come in for explanation. The usual meaning of *παραχορήγημα* is of course a subordinate chorus or *ἕτερος χορός* (see L. and S. *s. v.*); but the statement that the word was also applied to the part taken by a fourth actor rests only on the authority of Pollux (iv. 109, 110), where there is almost certainly some confusion in the text. It is more likely that a supernumerary who spoke a few words only, such as the children in the *Medea*, or the above cases of a fourth actor being required, was called *παρασκήνιον*. A. Müller (p. 178) gives full details, but pronounces the question obscure. This sense of *παρασκήνιον* is not noticed in L. and S.

The three regular actors were distinguished by the technical names of *πρωταγωνιστής*, *δευτεραγωνιστής*, and *τριταγωνιστής* (Suidas, *s. v.* *τριταγωνιστής*: Dem. *de Cor.* p. 315, §§ 265, 267;—*de F. L.* p. 344, § 10; 403, § 200), indicating the more or less prominent part each had to play in the drama. Certain conventional means were also devised, by which the spectators, as soon as an actor appeared on the stage, were enabled to judge which part he was going to perform; thus the protagonist regularly came from a door in the centre, the deuteragonist from one on the right, and the tritagonist from a door on the left-hand side (Pollux, iv. 124). The protagonist naturally undertook the character in which the interest of the piece was intended to centre; not always the title-role (as O. Müller thought), unless it were that of the real hero or heroine (A. Müller, p. 182). It is true that, in six out of the seven extant plays of Sophocles, the title-role is also the leading part (in the remaining one, the *Trachiniae*, the part of Deianira is assigned by common consent to the protagonist); but in the *Cresphontes* and *Oenomaus* of Euripides the title-role was only a third-class part, and as such was taken by Aeschines (Dem. *de Cor.* p. 288, § 180). The conjecture is also unfounded that the protagonist was always the principal messenger (*ἄγγελος*), or again that the narrative of a death (*e.g.* of Hippolytus or Pentheus) was necessarily assigned to the actor of the dead man's part (K. F. Hermann, *op. cit.* p. 33; Donaldson, p. 269; on the other side, Lachmann and A. Müller, *l. c.*). It is an ingenious but rather fanciful notion of O. Müller's (*Griech. Lit.* ii. 57) that the deuteragonist regularly took sympathetic parts as a friend of the hero or heroine, whereas the tritagonist was generally "an instigator who was the cause of the sufferings of the protagonist, while he himself was the least capable of depth of feeling or sympathy"; in popular language, that he was the "villain of the piece." This is supported by the recorded fact that Creon in the *Antigone* was a tritagonist's part (Dem. *l. c.*), and by an arrangement of the characters in the Orestean trilogy of Aeschylus which gives the part of Clytaemnestra throughout to the tritagonist. It is a fact not without significance, that the thirty-two extant tragedies contain no "hero" who is also a "villain," like *Macbeth* or *Richard the Third*; but the titles of lost plays show an *Ixion* of Aeschylus, an *Acrisius* and an *Atreus* of Sophocles; and it would seem that the "villain-hero," though rare, was not altogether unknown. It is safer to say with Donaldson (with whom Alb. Müller is substantially in agreement) that the second and third performers "seem to have divided the other characters between them, less according to any fixed rule than in obedience to the directions of the poet, who was guided by the exigencies of his play." As on the modern stage, parts were written for particular actors (*Vit. Soph.* in Dindorf's *Poetae Scenici*, p. 11, 35); a proof that the author, notwithstanding the many conventional restrictions imposed by the sacred character of the Attic drama, had some influence over the choice of his actors.

The number of "supers" was unlimited: they were usually silent, but sometimes spoke a few words, especially when a fourth interlocutor was required (see above): in this case the speaker was occasionally placed behind the scenes, or sheltered from view by the chorus, that the limit of three actors might not be obtrusively violated. Persons of rank and dignity always came upon the stage suitably attended, just as no Athenian lady or gentleman in real life went out without at least one slave: the body-guards of royal personages were a conspicuous feature, so that *δορυφόρος* or *δορυφόρημα* became an equivalent to *κωφὸν πρόσωπον* (see L. and S. *s. vv.*); and in one or two instances (the opening scene of the *Oedipus Tyrannus* and probably that of the *Acharnians*) we have a regular "stage-mob" of citizens like those in *Julius Caesar* and *Wilhelm Tell*.

The acting of female characters by men was greatly assisted by the use of masks; there was no need to assign such parts to beardless youths, as in England in the Shakespearian times. In early days the dramatic poets themselves acted

in their own plays, and doubtless as protagonists. Of Aeschylus it is further recorded that he was his own ballet-master, and trained his choruses to dance without the aid of a professional ὀρχηστοδιδάσκαλος (Ath. i. 21 e). Sophocles appeared only twice on the stage; as Thamyris in the play of that name, accompanying a song on the *cithara*, and as Nausicaa playing at ball, in the Πλύντριαι: he then gave up acting on account of the weakness of his voice. After his time it became exceptional for the poet to be also an actor. Aeschylus, who seems to have been usually protagonist in his own plays, employed Cleander as his deuteragonist, and subsequently (after the introduction of a third actor) Mynniscus as tritagonist (*Vit. Aesch.* p. 3, l. 75 Dind.). Cleidemides and Tlepolemus were similarly associated with Sophocles, Cephisophon with Euripides. Among a long list of famous actors during the great period of the Athenian drama, the most conspicuous names are those of Polus and Aristodemus, the latter a political character as well, from having twice been sent on embassies to Philip (Dem. *de F. L.* p. 343, § 12, and often in the Embassy Speeches of both orators). Both of these received enormous salaries: sometimes as much as a talent for two or even one day's performance ([Plut.] *Vitt. X. Oratt.* p. 848 B; Gell. xi. 9, § 2; Boeckh, *P. E.* p. 120 = *Sthh.*² i. 153). There was also a younger Mynniscus, contemporary with the comic poets Plato and Menecrates: it must be this Mynniscus, and not the one who played for Aeschylus, who is mentioned in an inscription as protagonist in a comedy (Μενεκράτης ἐδίδασκεν ὑποκριτὴς Μυννίσκος, *C. I. A.* ii. 971 b). Another inscription records the fact of Antiphanes appearing in one of his own plays (*ib.* 972; Thessalus and Athenodorus, contemporaries of Alexander, *ib.* 973; cf. Plut. *Alex.* 10, 29). Each of these inscriptions notices only a single actor, of course the protagonist.

No social stigma attached to the actor's calling (Corn. Nep. *Praef.* 5); distinguished Athenian citizens appeared on the stage as amateurs, and the role of a τριταγωνιστής, notwithstanding the scurrilous and exaggerated invectives of Demosthenes, did not detract from Aeschines' position as a soldier and orator. Bad actors, however, to whatever station in life they belonged, were not, on that account, spared; displeasure was shown by whistling or hissing (συρίττειν, Dem. *de Cor.* p. 315, § 265; *de F. L.* p. 449, § 337: cf. *c. Mid.* p. 586, § 226); another word is θορυβεῖν, probably denoting uproar against the author rather than the actor (Becker-Göll, *Charikles*, iii. 199). For the throwing of fruit or nuts in theatres, and sometimes even of stones, cf. [Andoc.] *c. Alcib.* § 20; Dem. *de Cor.* p. 314, § 262; Athen. vi. p. 245 d, e, ix. p. 406 f. On the other hand, the practice of encoring (ἄθθις) is inferred from Xen. *Symp.* 9, § 4.

At a later time, when Greece had lost her independence, we find regular troops of actors, who were either stationary in particular towns of Greece, or wandered from place to place, and engaged themselves wherever they found it most profitable. They formed regular companies or guilds (σύνοδοι τῶν περὶ τὸν Διόνυσον τεχνιτῶν), with their own internal organisation, with their common officers, property, and sacra. We possess a number of inscriptions belonging to such companies, and can trace them at Athens (*C. I. A.* ii. 551, 552), Thebes (*C. I. G.* 1600), Argos (*C. I. G.* 3068 C, and more in A. Müller, p. 393, n. 7), Teos (*C. I. G.* 3067), Cyprus (*C. I. G.* 2619, 2620), Rhegium (*C. I. G.* 5762). But these actors are generally spoken of in very contemptuous terms; they were perhaps in some cases slaves or freedmen, and their pay was sometimes as low as seven drachmas for a performance (Lucian, *Icaromen.* 29; cf. *Nigrin.* 8, *Necyom.* 16; Theophrast. *Char.* 6). The language of Lucian must, however, be received with caution: he has evidently confused the old Greek estimate of the profession with the much lower Roman one of his own time; and in one passage (*Apol.* 5) writes as though Polus and Aristodemus, free Greeks of the highest consideration, had been liable to the *jus virgarum in histriones*.

(On Greek actors in general, cf. Müller, *Gr. Lit.* ch. 22; Donaldson, *Theatre of the Greeks*, ed. 7, book iii. cc. 1, 2; Becker-Göll, *Charikles*, iii. 195–200; and especially Alb. Müller, *Bühnenalterth.* in Hermann-Blümner, § 14, pp. 170–188: on the "guilds of the artists of Dionysus," § 26, pp. 392–414).

2. Roman. The word *histriones*, by which the Roman actors were called, is said to have been formed from the Etruscan *hister*, which signified a *ludio* or dancer (Liv. vii. 2; Val. Max. ii. 4, § 4; cf. Plut. *Quaest. Rom.* 107). The origin of scenic representations at Rome has been related under Comoedia, p. 521 *b*. The name *histrio* thenceforward lost the signification of a dancer, and was now applied to the actors in the drama. Only the Atellanae [Comoedia, p. 522 *b*] and Exodia were played by freeborn Romans, while the regular drama was left to the histriones, who formed a distinct class of persons.

In the times of Plautus and Terence we find the actors gathered into a company (*grex, caterva*), under the control of a manager (*dominus gregis*, also called *actor* in a technical sense, though *actor* is of course also a synonym of *histrio*). A manager named T. Publilius Pellio (or Pollio) is mentioned by Plautus (*Bacch.* ii. 2, 35–37), and was apparently not in favour with the dramatist: during the short career of Terence his manager was the well-known L. Ambivius Turpio. It was through the manager that a magistrate who was giving games, of which stage-plays formed a part, engaged the services of a company. Brutus, who was praetor in the year of Caesar's death, tried to regain the popularity he had lost through the murder by giving Ludi Apollinares of unusual splendour: and he went all the way to Naples to negotiate with actors, who seem to have been Greeks, besides getting his friends to use their interest in his behalf (Plut. *Brut.* 21). So in imperial times a public singer is said *vocem vendere praetoribus* (Juv. vi. 379). The pay (*merces*: for the distinction between *merces* and *lucar* see Lucar) was on as varied a scale as in modern times: in the first century of the empire an ordinary actor seems to have received five denarii and his food (Senec. *Ep.* 80, § 7; cf. the seven drachmas of Lucian, *Icaromen.* 29, already cited); while at an earlier period "stars" like Roscius and Aesopus, the contemporaries and friends of Cicero, made ample fortunes. Cicero

tells us that Roscius could have honourably made 6,000,000 sesterces (*HS. sexagies*, about £48,000) in ten years had he chosen to do so (*pro Rosc. Com.* 8, § 23); and Pliny (*H. N.* vii. § 128) gives half a million (£4000) as his annual earnings. [We have no doubt that Pliny's *HS. D annua* is to be read *quingena sestertia;* the adverbial form *quingenties* (Ɔ) introduces an absurdity, £400,000 a year, too great even for him.] The tradition preserved by Macrobius (*Sat.* iii. 14, §§ 11–13) is that Roscius alone received 1000 denarii for every day's performance; while Aesopus left a fortune of 20,000,000 sesterces (*HS. ducenties*, or £160,000), acquired solely by his profession; this was afterwards squandered by his son (Hor. *Sat.* ii. 3, 239).

It is clear from the words of Livy (vii. 2) that the histriones were not citizens; that they were not contained in the tribes, nor allowed to be enlisted as soldiers in the Roman legions; and that, if any citizen entered the profession of histrio, he, on this account, was excluded from his tribe. The histriones were therefore usually either freedmen, foreigners, or slaves; the latter specially educated for the stage to their master's profit. Even if *ingenui*, they were legally *infames* ("infamia notantur—qui artis ludicrae pronuntiandive causa in scaenam prodierit," Edict. Praet. *ap.* Dig. 3, 2, 1; cf. Cic. *de Rep.* iv. *fr.* 10 *ap.* Aug. *de Civ. Dei*, ii. 13), and socially in low estimation (Cic. *pro Arch.* 5, § 10; Corn. Nep. *Praef.* 4; Suet. *Tib.* 35). Aesopus seems to have been a freedman of the Claudian gens; but Roscius, the *amor et deliciae* of Cicero, was certainly ingenuus, and probably of good birth (Cic. *de Div.* i. 36, § 79); Sulla gave him the gold ring of equestrian rank. We see that, towards the close of the republic, a few men of position and Greek culture raised themselves above the prejudices of their countrymen, and valued the person no less than the genius of great artists. (Macrob. *l. c.*) When Caesar forced Laberius, an eques advanced in years, to appear on the stage in his own mimes, he was thought to have exceeded the powers even of a dictator, and his victim took a dignified revenge (Macrob. *Sat.* ii. 7, § 3 ff.; the scene is described at length in *Dict. Biogr.* s. v. *Laberius*). Under the emperors men of equestrian rank often appeared, with or without compulsion (Suet. *Aug.* 43; Dio Cass. liii. 31; Suet. *Tib.* 35, *Calig.* 30, *Nero.* 4, 11; Dio Cass. lx. 7, lxi. 17; Tac. *Ann.* xiv. 14, *Hist.* ii. 60); and this circumstance, together with the increasing influence of Greek manners, tended to improve the social position of the actors. At the very beginning of the reign of Tiberius it had become necessary to check the extravagant compliments paid them; "ne domos pantomimorum senator introiret; ne egredientes in publicum equites Romani cingerent" (Tac. *Ann.* i. 77; cf. Senec. *Ep.* 47, § 17; Plin. *H. N.* xxix. § 9; Juv. vii. 88). Their legal status remained the same as regards infamia and exclusion from office; even provincial honours are denied them in the Lex Julia Municipalis of B.C. 45, where they are coupled with gladiators ("queive lanistaturam artemve ludicram fecit fecerit," *C. I. L.* p. 123); though inscriptions show that the rule was not always enforced (Gruter, *Inscr.* 1089, 6 = Orelli, 2625). But the old law was now somewhat modified, by which the Roman magistrates were empowered to coerce the histriones at any time and in any place, and the praetor had the right to scourge them (*jus virgarum in histriones*). Augustus entirely did away with the jus virgarum, and limited the interference of the magistrates to the time when, and the place where (*ludi et scaena*), the actors performed (Tac. *Ann.* i. 77; Suet. *Aug.* 45). But he nevertheless inflicted, of his own authority, very severe punishments upon those actors who, either in their private life or in their conduct on the stage, committed any impropriety (Suet. *l. c.*). After these regulations the only legal punishments that could be inflicted upon actors for improper conduct seem to have been imprisonment and exile (Tac. *Ann.* iv. 14, xiii. 28). The jus virgarum is indeed said to have been restored to the praetor by a law of Augustus himself (Paul. *Sent.* v. tit. 26), not expressly, but by the interpretation put upon this law by the jurists. But this interpretation cannot have become valid till after the reign of Tiberius, of whom it is clearly stated that he refused to restore the jus virgarum, because it had been abolished by his predecessor (Tac. *Ann.* i. 77).

The competition of the actors for public favour was carried to extraordinary lengths, and stirred up factions like those of the Circus. If not as early as the time of Plautus himself, yet at the time when the existing Plautine prologues were composed (probably about B.C. 150–100), we find partisanship (*ambitio*) in full operation (Plaut. *Poen.* prol. 37 ff.; cf. *Amphitr.* prol. 65 ff.). At first palms and inexpensive crowns of gold or silver tinsel were the reward of popularity (Varro, *L. L.* v. 178; Phaedr. *Fab.* v. 7, 34; Plin. *H. N.* xxi. § 6); afterwards, under the empire, presents of money and rich garments (Juv. vii. 243 with Schol.; Capitolin. *M. Ant. Phil.* 11; Lamprid. *Al. Sev.* 33). There was a regularly organised and paid *claque* (the *theatrales operae* of Tac. *Ann.* i. 16; Orelli *ad loc.*: cf. Mart. iv. 5, 8); and over and above that the backers (*fautores*) resorted to actual violence and even bloodshed. Hence Tiberius on one occasion found himself obliged to expel all histriones from Italy (Tac. *Ann.* iv. 14; Dio Cass. lvii. 21); but they were recalled and patronised by his successor (Dio Cass. lix. cc. 3, 5). The emperors as a rule tolerated, sometimes encouraged, and occasionally checked the excesses of the stage. We read of the emperor's private companies (*histriones aulici*, Spartian. *Hadr.* 19; Capitolin. *Verus*, 8) who performed during dinner time (Suet. *Aug.* 74), and were sometimes allowed also to play in the theatres before the people (*publicabantur*). The practice of giving immoderate sums to actors was restricted by Tiberius (Tac. *Ann.* i. 77; Suet. *Tib.* 34); again by M. Aurelius (Capitolin. *M. Ant. Phil.* 11), and by Alexander Severus (Lamprid. *l. c.*). Aurelius ordained a maximum payment of five aurei to each actor, and that no *editor* should exceed the sum of ten aurei; this must mean that there were to be *editores* in number equal to half the actors, for it cannot be thought that he reduced the actors to two for each performance. The restrictions of the Greek stage as to the number of actors never prevailed upon the Roman. (Cf. Marquardt, *Staatsverw.* iii. 516–521.) [L. S.] [W. W.]

HODOPOEI (ὁδοποιοί), public officers at

Athens, who had to take care of the roads (*οἱ ὁδῶν ἐπιμεληταί*, Phot. *Lex.* s. v.). They are alluded to, though not mentioned by name, in the fragment of a comic poet of the time of Pericles, now ascribed to Cratinus (*ap.* Plut. *Praec. Reip. Ger.* c. 15, p. 811 F.). Nothing is known about them except that on one occasion, in the time of Aeschines, their duties were discharged by the managers of the Theoric fund (Aeschin. *c. Ctes.* § 25); this, however, appears to have been a temporary abuse, and afterwards rectified. (Boeckh, *P. E.* p. 203 = *Sthh.*[3] i. 257; Schömann, *Antiq.* i. 415 E. T.) [W. S.] [W. W.]

HOLOSE'RICA VESTIS. [SERICUM.]

HOLOSPHY'RATON, HOLOSPHYRE'LATA. [MALLEUS; METALLA.]

HOMOEI (*ὅμοιοι*), the Equals, were those Spartans who possessed the full rights of citizenship, and are opposed to the *ὑπομείονες* or those whose position was in some degree subordinate (Xen. *Rep. Lac.* 10, § 7; *Hell.* iii. 3, § 5; Aristot. *Pol.* v. 7, § 2 = p. 1306 b, 30; cf. p. 1308 a, 12). This distinction seems to have rested not so much upon law as upon custom: the state of the case is well put by Schömann (*Antiq.* i. 217 E. T.): "As far as legal right was concerned, all Spartiatae, rich and poor, cultivated and uncultivated, formed a body of citizens in the possession of equal rights, a demos of *ὅμοιοι*, which, in contrast with the subject classes of Perioeci and Helots, represented a ruling and privileged nobility. But within this ennobled demos of *ὅμοιοι* again there were two distinct classes,—a minority of rich, influential, and cultured citizens, who to a certain extent claimed a kind of superior nobility, and a majority of poor and uncultivated members, who, though equal in the eye of the law, were in reality in an inferior position," and might be described in contrast to them as *ὑπομείονες* or subordinate. The distinction appears to have grown up in later times, as it is not mentioned by any writer before Xenophon: when Aristotle, in the passage just referred to, speaks of the Partheniae as belonging to the Homoei, he probably commits an anachronism. The requisites for full Spartan citizenship, which did not begin before the age of thirty, were (1) ascertained Spartiate birth, (2) education on the Spartan system and a life in conformity with it, (3) payment of subscriptions to the syssitia. Whoever failed in any one of these particulars was excluded from the Homoei. In the institutions ascribed to Lycurgus, every citizen had a certain portion of land: the impoverishment of many through the loss of their lands seems to have been the chief cause of the dangerous discontents which prevailed after the Peloponnesian war, and showed themselves in the conspiracy of Cinadon (*ὅρος δὲ τῆς πολιτείας οὗτός ἐστιν αὐτοῖς ὁ πάτριος, τὸν μὴ δυνάμενον τοῦτο τὸ τέλος φέρειν* [*i.e.* the syssitia] *μὴ μετέχειν αὐτῆς*, Aristot. *Pol.* ii. 6, § 21 = p. 1271 a, 35). Other passages show the insistence upon the Spartan training, and the disqualification attached to a self-indulgent or cowardly neglect of it (Xen. *Rep. Lac.* l. c.; Plut. *Inst. Lac.* 21, p. 238 E; Teles *ap.* Stob. *Floril.* xl. p. 233). Plutarch here tells us that some say (*ἔνιοί φασιν*) that *ξένοι* who underwent the Spartan discipline, "according to the intention of Lycurgus," were accounted citizens; a vague statement, which is contradicted by all we know of the real facts of the Spartan constitution. The Homoei were probably represented in the select bodies called *ἔκκλητοι* and *μικρὰ ἐκκλησία* [ECCLETI]; the contention of Thumser that the *ὑπομείονες* had no share in the popular assembly (*ἀλία* or *ἀπέλλα*) is contrary to the general opinion of scholars, as he himself admits. The Homoei, however, gradually obtained possession of almost all political power. Kopstadt (*ap.* Gilbert, i. 42 n.) thinks that the Homoei alone were enrolled in the three genealogical tribes, the *Ὑλλεῖς, Δυμᾶνες*, and *Πάμφυλοι*, the *ὑπομείονες* in the local tribes only [GEROUSIA, p. 914 *a*]. (Schömann, *Antiq.* i. 217–221 E. T.; Gilbert, *Staatsalterth.* i. 41 f.; Busolt, *Die Laked. u. ihre Bundesgenossen*, i. 18; *Griech. Gesch.* i. 116; Thumser, *Staatsalterth.* p. 170 in Hermann-Blümner.) [W. S.] [W. W.]

HONORA'RIA ACTIO. [ACTIO.]

HONORA'RII LUDI. [LUDI.]

HONORA'RIUM. [ADVOCATUS; LEX CINCIA.]

HONORA'RIUM JUS. [EDICTUM.]

HONO'RES. The word may be used in a general sense for any compliment or dignity conferred by a public body. We find it of the thanksgivings decreed by the senate for Caesar's victories in Gaul, "Caesar . . . singularibus ornatus et novis honoribus ac judiciis senatus" (Cic. *ad Fam.* i. 9, 14), and of the compliments showered on Cicero in his provincial quaestorship, "excogitati quidam erant a Siculis honores inauditi" (*pro Plancio*, 26, 64). In a similar loose sense the word is occasionally used for a commission in the army: *e.g.* Caesar (*B. C.* i. 77) says that he restored certain deserters "in tribunicium honorem." But the more strict and technical use of the term confines it to the actual magistracies, whether of the Populus Romanus, of the Plebs, or of a municipium. The position of a judex or a senator does not come within this category, nor does the office of a priest (see Mommsen, *Staatsr.* i.[3] p. 8). From the words of Suetonius (*Claud.* 14), "jus et consul et extra honorem laboriosissime dixit," we might infer that even the principate, as not being one of the ordinary magistracies, was likewise excluded. It is in this sense that we hear of the "jus honorum" as a part of the qualities of a full citizen, which might be withheld when the other rights were granted. Tacitus (*Ann.* xi. 23) tells us of certain Gauls who "civitatem Romanam jam pridem assecuti, jus adipiscendorum in urbe honorum expetebant."

The most interesting questions relating to *honores* occur in connexion with the municipal institutions of the later empire. The Digest contains a title (50, 4) "de muneribus et honoribus," in which the distinction between the "honours" and the "burdens" of the community is illustrated by numerous examples. We might expect to find adduced the obvious contrast that an office is sued for voluntarily, and that the burden is compulsorily imposed. It seems not unlikely that this distinction is valid for the offices of the Roman Republic. The chief difficulty is in the case of T. Manlius Torquatus, whom we find pleading with the people (Liv. xxvi. 22) not to elect him consul in a tone which seems to imply that he could not absolutely refuse the office. It is possible, however, to

take his words as merely begging them to spare him the necessity of an arrogant rejection of the people's wish. Mommsen (*Staatsr.* i.[2] p. 470) points out that there is no clear instance of a man being compelled to hold a magistracy against his will; and in the frequent cases of abdication, we never hear of leave to retire being asked. The duties, on the other hand, of a priest (Liv. xxvii. 8) and of a judex (Cic. *pro Rab. Post.* 7, 17) were certainly imposed even against the will of the person; it does not appear that the station of a senator could (apart from special agreements, as in Suet. *Aug.* 40) be declined by any man who had held a qualifying office, and certainly a man once in the senate required the "venia ordinis" (Tac. *Ann.* i. 75) before he could retire. This distinction, however, between *honores* and *munera* will certainly not hold for the municipal magistracies, which under the empire were not avoidable by the properly qualified persons. Such persons might not even refuse to be put over the heads of their seniors in the local senate, if they were better able to provide for the expenses of magistracy: "Sciant igitur locupletiores," says a rescript of Caracalla and Geta (Dig. 50, 4, § 6), "non debere se hoc praetextu legis uti, et de tempore quo quisque in curiam allectus sit, inter eos demum quaerendum, qui pro substantia sua capiant honoris dignitatem." It is even laid down (*ib.* § 12) that a "vacatio muneris publici" does not excuse a man from serving a magistracy, "quia id ad honorem magis quam ad munera pertinet."

Of the two subdivisions of *munera*, those "quae patrimoniis injunguntur" (*ib.* § 6) are easily distinguished from *honores*. We find in this category such services as transport by land and water, "rei vehicularis, item navicularis" (*ib.* § 1). Under this head, notwithstanding a contradiction between two authorities quoted in the Digest (compare § 1 and § 14), we should probably place that species of task work from which the word *munus* seems to be etymologically derived, the "operae ad munitiones," or labour requisitioned for the repair of the walls or streets of the town, since in the Lex Ursonensis (ch. 29) this burden falls on all who own land within the limits of the colony, though they may not be its burgesses. The "munera civilia personalia" (Dig. *ib.* § 1), such as the charge of acting as counsel for the corporation in legal proceedings ("defensio civitatis, id est ut Syndicus fiat"), the duty of registering the assessments ("legatio ad census accipiendos"), and the superintendence of the provision of corn, of water, or of horses for the public games, are assimilated on the one hand to the "privata munera" of the guardian or trustee, and on the other hand to the offices of the community. These "munera personalia" require "sollicitudinem animi et vigilantiam," whereas the other category is of matters "in quo sumptus maxime postulatur." The duty of sitting in the local senate is not mentioned among the *munera*, but it seems to be accurately distinguished from the *honores* (see Mommsen's explanation, *Staatsr.* iii. 640, of the fragmentary passage of Gaius, i. 96), and it would probably fall in the category of *munera*, as that of serving among the "decemprimi" or select men of the decuriones is expressly said to do (Dig. *ib.* § 1). In the Roman senate in like manner the duty of giving advice in answer to the magistrate's question is spoken of by Tacitus (*Ann.* iii. 17) as a *munus*. The "personalia munera" most nearly approach the *honores* in the case of the "Irenarchae, qui disciplinae publicae et corrigendis moribus praeficiuntur" (Dig. *ib.* § 18), and of the quaestors. This latter post belongs to the "charges" or to the "offices" according to the custom of the particular community; it is undoubtedly a magistracy according to the Law of Salpensa (ch. 26, 27), yet in the Digest (*ib.* § 18) we have "et quaestura in aliqua civitate inter honores non habetur sed personale munus est."

The nearest approach to a definition of the two terms is that of Callistratus (Dig. *ib.* § 14): "Honor municipalis est administratio reipublicae cum dignitatis gradu, sive cum sumptu sive sine erogatione contigens . . . . Publicum munus dicitur, quod in administranda republica cum sumptu sine titulo dignitatis subimus." This is, roughly speaking, a continuation in the municipalities of the Roman practice of ranking only actual magistracies among the *honores*. [J. L. S. D.]

HOPLI'TAE (ὁπλῖται). [ARMA; EXERCITUS.]

HOPLO'MACHI. [GLADIATORES, p. 918 *a*.]

HORA (ὥρα), in the signification of hour, that is, the 12th part of the natural day, did not come into general use among the ancients until about the middle of the second century B.C. The equinoctial hours, though known to astronomers, were not used in the affairs of common life till towards the end of the fourth century of the Christian era. The division of the day was marked very roughly by the position of the sun (Varro, *L. L.* vi. 89). As the division of the natural day into twelve equal parts, both in summer and winter, rendered the duration of the hours longer or shorter according to the different seasons of the year, it is not easy, with accuracy, to compare or reduce the hours of the ancients to our equinoctial hours. The hours of an ancient day would only coincide with the hours of our day at the two equinoxes. [DIES and HOROLOGIUM.] As the duration of the natural day, moreover, depends on the polar altitude of a place, our natural days would not coincide with the natural days in Italy or Greece. Ideler, in his *Handbuch der Chronologie*, has given the following approximate duration of the natural days at Rome, in the year 45 B.C., which was the first after the new regulation of the calendar by J. Caesar; the length of the days is only marked at the eight principal points in the apparent course of the sun.

Days of the year. 45 B.C.	*Their duration in equinoctial hours.*
Dec. 23	8 hrs. 45 minutes.
Feb. 6	9 ,, 50 ,,
March 23	12 ,, 0 ,,
May 9	14 ,, 10 ,,
June 25	15 ,, 6 ,,
August 10	14 ,, 10 ,,
Sept. 25	12 ,, 0 ,,
Nov. 9	9 ,, 50 ,,

The following table contains a comparison of the hours of a Roman natural day, at the summer and winter solstice, with the hours of our day.

SUMMER SOLSTICE.

Roman Hours.		*Modern Hours.*					
1st hour	4	o'clock,	27	minutes	0	seconds.
2nd ,,	5	,,	42	,,	30	,,
3rd ,,	6	,,	58	,,	0	,,
4th ,,	8	,,	13	,,	30	,,
5th ,,	9	,,	29	,,	0	,,
6th ,,	10	,,	44	,,	30	,,
7th ,,	12	,,	0	,,	0	,,
8th ,,	1	,,	15	,,	30	,,
9th ,,	2	,,	31	,,	0	,,
10th ,,	3	,,	46	,,	30	,,
11th ,,	5	,,	2	,,	0	,,
12th ,,	6	,,	17	,,	30	,,
End of the day	7	,,	33	,,	0	,,

WINTER SOLSTICE.

Roman Hours.		*Modern Hours.*					
1st hour	7	o'clock,	33	minutes	0	seconds.
2nd ,,	8	,,	17	,,	30	,,
3rd ,,	9	,,	2	,,	0	,,
4th ,,	9	,,	46	,,	30	,,
5th ,,	10	,,	31	,,	0	,,
6th ,,	11	,,	15	,,	30	,,
7th ,,	12	,,	0	,,	0	,,
8th ,,	12	,,	44	,,	30	,,
9th ,,	1	,,	29	,,	0	,,
10th ,,	2	,,	13	,,	30	,,
11th ,,	2	,,	58	,,	0	,,
12th ,,	3	,,	42	,,	30	,,
End of the day	4	,,	27	,,	0	,,

Also from Plautus (*Pscud.* 1307) we see that an hour in winter was shorter than one in summer.

The custom of dividing the natural day into twelve equal parts or hours lasted, as we have observed, till a very late period. The first calendarium in which we find the duration of day and night marked according to equinoctial hours, is the Calendarium rusticum Farnesianum. (Ideler, *Handbuch der Chron.* ii. p. 139, &c.; Graev. *Thesaur. Ant. Rom.* viii.; *Mus. Borb.* ii. pl. 44.)

Another question which has often been discussed is whether in such expressions as *prima, altera, tertia hora*, &c., we have to understand the hour which is passing, or that which has already elapsed. From the construction of ancient sun-dials on which the hours are marked by eleven lines, so that the first hour had elapsed when the shadow of the gnomon fell upon the first line, it might seem as if *hora prima* meant after the lapse of the first hour. In Pers. iii. 4, *quinta dum linea tangitur umbra*, the end of the fifth hour is clearly meant. But the manner in which Martial (iv. 8), when describing the various purposes to which the hours of the day were devoted by the Romans, speaks of the hours, leaves no doubt that the expressions *prima, altera, tertia hora*, &c., mean the hour which is passing, and not that which has already elapsed. Hence *hora nona cenare* means to dine when the ninth hour is beginning, *i.e.* about 2 P.M. (Becker, *Gallus*, ii.[3] 351 = Becker-Göll, ii. 406 ff.; Mayor on Plin. *Ep.* iii. 1, 8.) [L. S.] [A. S. W.]

HORCUS (*ὅρκος*). [JUSJURANDUM.]

HORDEA'RIUM AES. [AES HORDEARIUM.]

HORI (*ὅροι*) were stone tablets or pillars which were set up on the boundaries of land, or on some conspicuous part of a house, with an inscription stating that the land or house was mortgaged to such and such a person for so much money (Harpocr. *ὅρος* and *ἄστικτον*, and Pollux, iii. 85, ix. 9; [Dem.] *c. Timoth.* p. 1202, § 61, *ἡ οὐσία ἀφωρισμένη*). J. Martha (*Bull. de Corr. Hellén.* i. pp. 235–9; cf. Bursian's *Jahresber.* 1878, vol. xv. p. 37) distinguishes four classes of hori:—

1. Hori of creditors on the property of debtors, as: *ἐπὶ Θεοφράστου ἄρχοντος ὅρος χωρίου τιμῆς ἐνοφειλομένης Φανοστράτῳ Παιανιεῖ* XX, *i.e.* *δισχιλίων δραχμῶν* (*C. I. G.* No. 530 = *C. I. A.* ii. No. 1134). Here the archon's name is mentioned to show the year the mortgage had been made: thus priority of a debt could be established. See also *C. I. A.* ii. No. 1098: *ὅρος χωρίου κοινοῦ Εἰκαδέων· μὴ συμβάλλειν εἰς τοῦτο τὸ χωρίον μηθένα μηθέν.* (*Att. Process*, ed. Lipsius, p. 692, n. 585.)

2. Hori of the wife on the property which her husband was obliged to give as security for the dowry which he received with his wife (*προικὸς ἀποτίμημα*, Pollux, viii. 142; Dem. *c. Onet.* i. p. 871, § 28 ff. etc.); thus *ὅρος οἰκίας ἐν προικὶ ἀποτετιμημένης ΗΗΗ Ἀγνοκλείᾳ*, *C. I. A.* ii. No. 1124; cf. Boeckh, *Sthh.*[2] i. p. 162 d; *Att. Process*, ed. Lipsius, p. 518, n. 110; Koehler, *Mitth. d. Arch. Inst.* ii. pp. 277–281. In one of the instances given by Koehler the father-in-law had paid only half the dowry of his daughter, whereupon the son-in-law had sent her back; an agreement was finally come to, the father paying the remaining half of the dowry, but deducting the interest on that already paid, for the time during which his daughter had been separated from her husband.

"*Οροι* were also placed upon houses and lands on account of money due to a husband for the dowry of his wife: from Dem. *c. Spud.* we learn that the plaintiff was to receive a portion of 40 minas with his wife; 30 were given him in ready money, the remaining 10 were to be paid after the death of Polyeuctus, his father-in-law, who directed by his will that tablets should be placed on the house, *χιλίων δραχμῶν τῆς προικός* (p. 1029, § 6). In these hori the archon is not named; Caillemer (*Études*, No. 5) supposes because the time might be ascertained in other ways, or perhaps because such debts took precedence over all others (*Etym. M.*, s. v. *σύνδικοι*).

3. Hori on the property of those persons to whom the estate of an orphan was let by the archon [EPITROPUS]; for such a person was obliged to hypothecate a sufficient piece of ground or other real property (also called *ἀποτίμημα*). Thus *ὅρος χωρίου καὶ οἰκίας ἀποτίμημα παιδὶ ὀρφανῷ Διογείτονος Προβα(λισίου)*, *C. I. G.* No. 531 = *C. I. A.* ii. No. 1135, etc.: cf. Isae. *Philoct.* § 36. (*Att. Process*, ed. Lipsius, p. 363, n. 459, and p. 693, n. 587.)

4. Hori on property sold *ἐπὶ λύσει*: *e.g.* *ὅρος χωρίου καὶ οἰκίας πεπραμένων ἐπὶ λύσει ἐρανισταῖς τοῖς μετὰ Ἀριστοφῶντος Εἰρεσίδου* T, *i.e.* one talent (Koehler, *l. c.* and Boeckh, *Sthh.*[3] *l. c.*). Such a transaction was ostensibly a purchase, but really a loan of money secured by the conveyance of property; the debtor continues to occupy it, paying interest on the purchase-money, and possessing the power of redemption within a certain time. Thus Evergus and Nicobulus lent to Pantaenetus 105 minas on a mine-pit and 30 slaves; on the property being transferred to them, they granted a lease of the

mine and slaves to him at a rate equalling the interest of the money, 105 drachmas a month (*i.e.* 12 per cent.), and in the agreement Pantaenetus secured the power of redemption from them within a given period (*λύσις τούτῳ παρ' ἡμῶν ἔν τινι ῥητῷ χρόνῳ*, Dem. *c. Pantaen.* p. 967, § 5).

To conceal the amount of their property persons threatened with *ἀντίδοσις* set up fictitious notices of mortgage on the land ([Dem.] *c. Phaen.* p. 1040, § 5; p. 1041, § 9). The practice of placing these *ὅροι* upon property was of great antiquity at Athens: it existed before the time of Solon, who removed all stones standing upon estates, when he released or relieved the debtors. (Plut. *Sol.* 15; cf. Solon *fr.* 36 Bergk, and Blass, *Hermes*, xv. p. 386 ff.) Theophrastus (*Char.* 10 = 24 ed. Jebb) mentions it as a characteristic of the *μικρολόγος* that he inspects the *ὅροι* day by day. Cf. *C. I. A.* ii. No. 564, a decree of the tribe of Erechtheis: *οἱ ἐπιμεληταὶ . . . βαδίζοντες ἐπὶ τὰ κτήματα ὅπως τοῦ ἐνιαυτοῦ ἐπισκοπῶνται . . . τοὺς ὅρους εἰ ἐφεστήκασιν κατὰ τὰ αὐτά*, i.e. *κατὰ τὰς συνθήκας*. [H. H.]

HORISTAE (*ὁρισταί*) were officials chosen to settle boundaries mostly of sacred places (*ἀρχή τις ἐστὶν ἥτις ἀφώριζε τὰ ἴδια καὶ τὰ δημόσια οἰκοδομήματα πρὸς τὰ οἰκεῖα ἑκάστου μέτρα*, Bekk. *Anecd.* p. 287, 18; *Etym. M.* p. 632, 30; Pollux, ix. 9). Thus we learn from Hyper. *pro Eux.* col. 29, 18 ff., that when Philip restored Oropus to the Athenians after the battle of Chaeroneia, and the ten tribes obtained shares of land by lot and a particular mountain fell to the share of the tribes Acamantis and Hippothoontis, doubts were expressed as to the lawfulness of their occupation of it, since the *ὁρισταὶ* had, it was said, assigned it to Amphiaraus (*ἐξελόντες αὐτό*, i.e. *τὸ ὄρος, τῷ θεῷ καὶ ἀφορίσαντες*), as Blass (*Gesch. d. att. Bereds.* iii. 2, p. 54 n.) suggests, a long time ago. These *ὁρισταὶ* were not magistrates of the demes, as Gilbert (*Staatsalterth.* i. p. 195) and O. Müller (*de demis Att.* p. 58) suppose, but a state commission appointed *ad hoc*: thus Schneidewin (*ad l. c.*) explains their number in Hyp. *l. c.* "quinquaginta, opinor, ut binis tribubus deni prospicerent." They are also mentioned in a psephisma of B.C. 418, directing the fixing of the boundaries of *τὸ ἱερὸν τοῦ Κόδρου καὶ τοῦ Νηλέως καὶ τῆς Βασιλῆς* (*τοὺς ὁριστὰς ἐπιτέμψαι ὁρίσαι τὰ ἱερὰ ταῦτα, ὅπως ἂν ἔχῃ ὡς βέλτιστα καὶ εὐσεβέστατα*, *C. I. A.* iv. No. 53 a; cf. Curtius, *Sitzungsber. d. kgl. pr. Akad. Berl.* 1885, p. 437 ff.), and in connexion with the Thesmophorion at Peiraeus (*ἀναγράψαι δὲ τόδε τὸ ψήφισμα τοὺς ὁριστὰς μετὰ τοῦ δημάρχου καὶ στῆσαι πρὸς τῇ ἀναβάσει τοῦ θεσμοφορίου*, *C. I. A.* ii. No. 573 b). In *C. I. A.* iv. No. 27 b, l. 54 f., the Basileus is commissioned *ὁρίσαι τὰ ἱερὰ τὰ ἐν τῷ Πελαργικῷ*.

Ὁρισταὶ are also mentioned for Chios (*Bull. de Corresp. hellén.* iii. 244: (*ἡ οἰκίη*) *ἡ ἐν Ἀνδίνῃι ἣν οἱ ὁρισταὶ ἄρι(σαν Κλυ)τιδῶν εἶναι*; Gilbert, *Staatsalterth.* ii. p. 155), for Heracleia (*C. I. G.* No. 5774, i. l, 3 ff. and l. 96 ff. *ἀνεγράψαν τοὶ ὁρισταὶ τοὶ αἱρεθέντες ἐπὶ τὼς χώρως τὼς ἱαρὼς τὼς τῶ Διονύσω* (five in number), *καθὰ [ὠ]ρ[ί]ξαν καὶ ἐτερμ[άξ]αν καὶ [συνεμετρήσαν] καὶ ἐμερί[ξαν]* and ii. l. 2 f. *τᾶς Ἀθάνας* (three in number), cf. Cauer,[2] No. 40, 41); see also the Rhodian award concerning disputed lands in favour of Priene in *Gk. Inscr. Brit. Mus.* iii. 1, No. 403, l. 12 f., *ἄνδρας ἀποδεῖξαι οἵ τινες κρινοῦντι καὶ ὁρίξουντι καὶ ἀποφανοῦνται*, and No. 405, l. 12, *ὁρισμόν*; in No. 412, l. 9, Hicks supplies *ὁρισταί*. In the Ephesian law (Dittenberger, *Syll.* No. 344) the *διαιρεταὶ* seem to have had similar duties, *ἀφοριζέτωσαν δὲ ἐν τῇι διαιρέσει τῆς χώρας ὁδοὺς πρός τε τὰ ἱερά*, etc.

Demosthenes uses the word metaphorically in *de Rhod. libert.* p. 199, § 29; the civil law of every country prescribes a uniform rule of right for all, the same for the weak as for the strong, but in national affairs right follows might, *οἱ κρατοῦντες ὁρισταὶ τοῖς ἥττοσι γίγνονται*. [H. H.]

HOROLO'GIUM (*ὡρολόγιον*) was the name of the various instruments by means of which the ancients measured the time of the day and night. The earliest and simplest horologia of which mention is made, were called *πόλος* and *γνώμων*. Herodotus (ii. 109) ascribes their invention to the Babylonians, and Prof. Sayce says, "This is perfectly correct;" Favorinus (*ap.* Diog. Laert. ii. 1, 3; compare Suidas, *s. v.* *Γνώμων* and *Ἀναξίμανδρος*) to Anaximander, but this means only that he was the first to set one up in Greece, at Sparta; and Pliny, probably by an oversight (*H. N.* ii. § 187), to his disciple Anaximenes. Herodotus mentions the *πόλος* and *γνώμων* as two distinct instruments. Both, however, divided the day into twelve equal parts, and were a kind of sun-dial. The *γνώμων*, which was also called *στοιχεῖον*, was the more simple of the two, and probably the more ancient. It consisted of a staff or pillar standing perpendicular, in a place exposed to the sun (*σκιάθηρον*), so that the length of its shadow might be easily ascertained. The shadow of the gnomon was measured by feet, which were probably marked on the place where the shadow fell. (Hesych. *s. v.* *Ἑπτάπους σκιὰ* and *δωδεκάποδος*: Pollux, i. 72.) The gnomon is almost without exception mentioned in connexion with the *δεῖπνον* or the bath; and the time for the former was towards sunset, or at the time when the shadow of the gnomon measured 10 or 12 feet. (Aristoph. *Eccles.* 652, with the Schol.; Pollux, *l. c.*; Menander, *ap.* Athen. vi. p. 243; Hesych. *s. v.* *Δεκάπουν Στοιχεῖον*.) The longest shadow of the gnomon, at sunrise and sunset, was 12 feet: it is only in jest that Eubulus, *ap.* Athen. i. p. 8 (*fr.* 118 Meineke), represents it as double the length, where it is consulted by a very big man. The time for bathing was when the gnomon threw a shadow of 6 feet. (Lucian, *Cronos*, c. 17; *Somn. s. Gall.* c. 9.) In later times the name "gnomon" was applied to any kind of sun-dial, and especially to its finger, which threw the shadow, and thus pointed to the hour. Even the clepsydra is sometimes called "gnomon" (Athen. ii. p. 42).

The gnomon was evidently a very imperfect instrument, and it was impossible to divide the day into twelve equal spaces by it. This may be the reason that we find it only used for such purposes as are mentioned above. The *πόλος* or *ἡλιοτρόπιον*, on the other hand, seems to have been a more perfect kind of sun-dial; but it appears, nevertheless, not to have been much used, as it is but seldom mentioned. (Aristoph. *ap. Polluc.* ix. 46.) It consisted of a basin

(λεκανίς), in the middle of which the perpendicular staff or finger (γνώμων) was erected, and in it the twelve parts of the day were marked by lines. (Alciphron, *Epist.* iii. 4; Lucian, *Lexiph.* c. 4.)

Another kind of horologium was the *clepsydra* (κλεψύδρα). It derived its name from κλέπτειν and ὕδωρ, as in its original and simple form it consisted of a vessel with several little openings (τρυπήματα) at the bottom, through which the water contained in it escaped, as it were, by stealth. This instrument seems at first to have been used only for the purpose of measuring the time during which persons were allowed to speak in the courts of justice at Athens. The time of its invention or introduction is not known; but in the age of Aristophanes (see *Acharn.* 692; *Vesp.* 93 and 857) it appears to have been in common use. Its form and construction may be seen very clearly from a passage of Aristotle (*Problem.* xvi. 8). The clepsydra was a hollow globe, probably somewhat flat at the top part, where it had a short neck (αὐλός), like that of a bottle, through which the water was poured into it. This opening might be closed by a lid or stopper (πῶμα), to prevent the water running out at the bottom. The clepsydra which Aristotle had in view was probably not of glass or of any transparent material, but of bronze or brass, so that it could not be seen in the clepsydra itself what quantity of water had escaped. As the time for speaking in the Athenian courts was thus measured by water, the orators frequently use the term ὕδωρ instead of the time allowed to them (ἐν τῷ ἐμῷ ὕδατι, Demosth. *de Coron.* p. 274, § 139; ἐὰν ἐγχωρῇ τὸ ὕδωρ, *c. Leoch.* p. 1094, § 45). Aeschines (*c. Ctesiph.* § 197), when describing the order in which the several parties were allowed to speak, says that the first water was given to the accuser, the second to the accused, and the third to the judges. An especial officer (ὁ ἐφ' ὕδωρ) was appointed in the courts for the purpose of watching the clepsydra, and stopping it when any documents were read, whereby the speaker was interrupted; and it is to this officer that Demosthenes calls out: σὺ δὲ ἐπίλαβε τὸ ὕδωρ (*c. Steph.* i. p. 1103, § 8; cf. *c. Conon.* p. 1268, § 36, with Sandys' note). The time, and consequently the quantity of water allowed to a speaker depended upon the importance of the case; and we are informed that in a γραφὴ παραπρεσβείας the water allowed to each party amounted to eleven amphorae (Aeschin. *de Fals. Leg.* § 126), whereas in trials concerning the right of inheritance only one amphora was allowed. (Demosth. *c. Macart.* p. 1052, § 8.) Those actions in which the time was thus measured to the speakers are called by Pollux (viii. 113) δίκαι πρὸς ὕδωρ: others are termed δίκαι ἄνευ ὕδατος, and in these the speakers were not tied down to a certain space of time. The only instance of this kind of actions of which we know, is the γραφὴ κακώσεως (Harpocrat. *s. v.* κάκωσις).

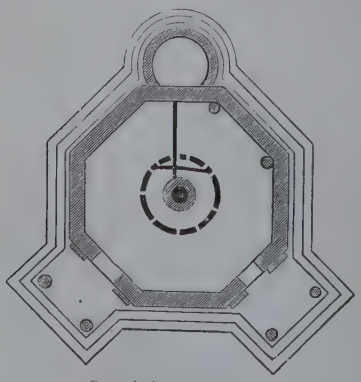
The clepsydra used in the courts of justice however was, properly speaking, no horologium; but smaller ones, made of glass, and of the same simple structure, were undoubtedly used very early in families for the purposes of ordinary life, and for dividing the day into twelve equal parts. In these glass clepsydrae the division into twelve parts must have been visible, either on the glass globe itself, or in the basin into which the water flowed. These instruments, however, did not show the time quite correctly all the year round: first, because the water ran out of the clepsydra sometimes quicker and sometimes slower, according to the different temperature of the water (Athen. ii. p. 42 f; Plut. *Quaest. Natur.* c. 7); and secondly, because the length of the hours varied in the different seasons of the year. To remove the second of these defects the inside of the clepsydra was covered with a coat of wax during the shorter days, and when they became longer the wax was gradually taken away again. (Aen. Tact. c. 22, § 10.) Plato is said to have used a νυκτερινὸν ὡρολόγιον in the shape of a large clepsydra, which indicated the hours of the night, and seems to have been of a complicated structure. (Athen. iv. p. 174.) This instance shows that at an early period improvements were made on the old and simple clepsydra. But all these improvements were excelled by the ingenious invention of Ctesibius, a celebrated mathematician of Alexandria (about 135 B.C.). It is called ὡρολόγιον ὑδραυλικόν, and is described by Vitruvius (ix. 9; compare Athen. *l. c.*), and more fully by Galen (v. p. 82 K.): cf. Marquardt, *Privatalt.* ii. 377 ff. Water was made to drop upon wheels which were thereby turned. The regular movement of these wheels was communicated to a small statue, which, gradually rising, pointed with a little stick to the hours marked on a pillar which was attached to the mechanism. It indicated the hours regularly throughout the year, but still required to be often attended to and regulated. This complicated crepsydra seems never to have come into general use, and was probably only found in the houses of very wealthy persons. The sun-dial or gnomon, and a simpler kind of clepsydra, on the other hand, were much used down to a very late period. The twelve parts of the day were not designated by the name ὥρα until the time of the Alexandrian astronomers, and even then the old and vague divisions, described in the article DIES, were preferred in the affairs of common life. At the time of the geographer Hipparchus, however (about 150 B.C.), it seems to have been very common to reckon by hours. (Comp. Becker-Göll, *Charikles*, vol. i. p. 321 ff.)

There is still existing, though in ruins, a horological building, which is one of the most interesting monuments at Athens. It is the structure formerly called the *Tower of the Winds*, but now known as the *Horological Monument of Andronicus Cyrrhestes*. It is expressly called *horologium* by Varro (*R. R.* iii. 5, § 17). This building is fully described by Vitruvius (i. 6, § 4), and the following woodcuts show its elevation and ground-plan, as restored by Stuart.

The structure is octagonal; with its faces to the points of the compass. On the N.E. and N.W. sides are distyle Corinthian porticoes, giving access to the interior; and to the south wall is affixed a sort of turret, forming three quarters of a circle, to contain the cistern which supplied water to the clepsydra in the interior. On the summit of the building was a bronze figure of a Triton, holding a wand in his hand; and this figure turned on a pivot, so that the

wand always pointed above that side of the building which faced the wind then blowing. The directions of the several faces were indicated

Horological monument of Andronicus Cyrrhestes.



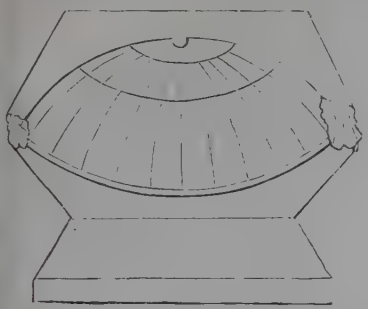
Ground-plan of the above.

by figures of the eight winds on the frieze of the entablature. On the plain wall below the entablature of each face, lines are still visible, which, with the gnomons that stood out above them, formed a series of sun-dials. In the centre of the interior of the building was a clepsydra, the remains of which are still visible, and are shown on the plan, where the dark lines represent the channels for the water, which was supplied from the turret on the south, and escaped by the hole in the centre. Three other Athenian horologia are extant, one in the monument of Thrasyllus, another that of Phaedrus in the British Museum (*C. I. G* n. 522), a third in the Theatre of Dionysus, besides others from different parts of Greece.

The first horologium with which the Romans became acquainted was a sun-dial (*solarium*, or *horologium sciothericum*), and was, according to some writers, brought to Rome by Papirius Cursor twelve years before the war with Pyrrhus, and placed before the temple of Quirinus (Plin. *H. N.* vii. § 213); Varro (cf. Censorinus, *de Die Nat.* 23) stated that it was brought to Rome from Catina in Sicily, at the time of the first Punic war, by the Consul M. Valerius Messala, and erected on a column behind the Rostra. But this solarium being made for a different latitude did not show the time at Rome correctly. Ninety-nine years afterwards, the Censor Q. Marcius Philippus erected by the side of the old solarium a new one, which was more carefully regulated according to the latitude of Rome. But as sun-dials, however perfect they might be, were useless when the sky was cloudy, P. Scipio Nasica, in his censorship, 159 B.C., established a public clepsydra, which indicated the hours both of day and night. This clepsydra was in after-times generally called *solarium*. (Cic. *de Nat. Deor.* ii. 34, 87; Plin. *H. N.* vii. § 215; Censorin. *de Die Nat.* c. 23.) The word *hora* for hour was introduced at Rome at the time when the Romans became acquainted with the Greek horologia, and was in this signification well known at the time of Plautus (*Pseudol.* 1307). After the time of Scipio Nasica several horologia, chiefly solaria, seem to have been erected in various public places at Rome. In a fragment of the *Boeotia* ascribed by Ribbeck to Aquilius, but by others to Plautus (cf. Ritschl, *Parerg.* 83 ff., 123 ff.), we have *jam oppletum oppidumst solariis*. Cf. Ribbeck, *Frag. Com.* p. 33. A magnificent horologium was erected by Augustus in the Campus Martius. It was a gnomon in the shape of an obelisk; but Pliny (*H. N.* xxxvi. § 73) complains that in the course of time it had become incorrect. Another horologium stood in the Circus Flaminius (Vitruv. ix. 9, 1). Sometimes solaria were attached to the front side of temples and basilicas (Varro, *L. L.* vi. 4; Gruter, *Inscript.* vi. 6). The old solarium which had been erected behind the Rostra seems to have existed on that spot till a very late period, and it would seem that the place was called *ad Solarium*, so that Cicero uses this expression as synonymous with Rostra or Forum (*pro Quint.* 18, 59; *ad Herenn.* iv. 10, 14). Horologia of various descriptions seem also to have been commonly kept by private individuals (Cic. *ad Fam.* xvi. 18, 3; Dig. 33, 7, 12, 23); and at the time of the emperors, the wealthy Romans used to keep slaves whose special duty it was to announce the hours of the day to their masters. (Juven. x. 216, with Mayor's note; Mart. viii. 67; Petron. 26.)

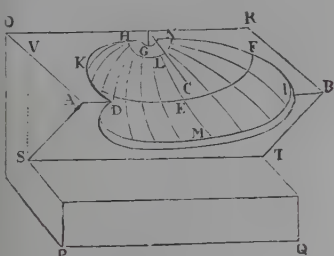
From the number of solaria which have been discovered in modern times in Italy (thirteen having been discovered in the neighbourhood of Rome alone), we must infer that they were very generally used among the ancients. The following woodcut represents one of the simplest horologia which have been discovered; it seems to bear great similarity to that, the invention of which Vitruvius ascribes to Berosus. It was discovered in 1741, on the hill of Tusculum, and is described by Zuzzeri, in a work entitled *D'una antica villa scoperta sul dosso del Tusculo, e d'un*

antico orologio a sole, Venezia, 1746, and by G. H. Martini, in his *Abhandlung von den Sonnenuhren der Alten*, Leipzig, 1777, p. 49, &c.



Horologium. (From Tusculum.)

The following woodcut shows the same solarium as restored by Zuzzeri.



The same restored.

The breadth as well as the height (A O and P A) are somewhat more than 8 inches; and the length (A B) a little more than 16 inches. The surface (A O R B) is horizontal. S P Q T is the basis of the solarium, which, originally, was probably erected upon a pillar. Its side, A S T B, inclines somewhat towards the basis. This inclination was called ἔγκλιμα, or *inclinatio solarii* and *enclima succisum* (Vitruv. *l. c.*), and shows the latitude or polar altitude of the place for which the solarium was made. The angle of the enclima is about 40° 43′, which coincides with the latitude of Tusculum. In the body of the solarium is the almost spherical excavation, H K D M I F N, which forms a double hemicyclium (*hemicyclium excavatum ex quadrato*, Vitruv.). Within this excavation the eleven hour-lines are marked which pass through three semicircles, H L N, K E F, and D M J. The middle one, K E F, represents the equator, the two others the tropic lines of winter and summer. The curve representing the summer tropic is somewhat more than a semicircle, the other two curves somewhat smaller. The ten middle parts or hours in each of the three curves are all equal to one another; but the two extreme ones, though equal to each other, are by one-fourth smaller than the rest. In the middle, G, of the curve D K H N I J, there is a little square hole, in which the gnomon or pointer must have been fixed, and a trace of it is still visible in the lead by means of which it was fixed. It must have stood in a perpendicular position upon the surface A B R O, and at a certain distance from the surface it must have turned in a right angle above the spheric excavation, so that its end (C) extended as far as the middle of the equator, as it is restored in the above woodcut. Another solarium is described in G. H. Martini's *Antiquorum Monumentorum Sylloge*, p. 93 f. (Lips. 1783); cf. Overbeck's *Pompeii*, p. 411.

Clepsydrae were used by the Romans in their camps, chiefly for the purpose of measuring accurately the four vigiliae into which the night was divided. (Caes. *de Bell. Gall.* v. 13; Veget. *de Re Milit.* iii. 8; Aen. Tact. c. 22.)

The custom of using clepsydrae as a check upon the speakers in the courts of justice at Rome is said to have been introduced by a law of Cn. Pompeius, in his third consulship (Tac. *de clar. Orat.* 38), who adds, before that time the speakers had been under no restrictions, but spoke as long as they deemed proper. But there is some inaccuracy here, as Cicero in B.C. 70 (*in Verr.* i. 9, 25) speaks of his *legitimae horae;* in B.C. 63 (*pro Rab. Perd.* 2, 6) his defence is limited to half an hour, and in B.C. 59 (*pro Flacc.* 33, 82) six hours are allotted. At Rome, as at Athens, the time allowed to the speakers depended upon the importance of the case. Pliny (*Epist.* ii. 11) states that on one important occasion he spoke for nearly five hours, ten large clepsydrae having been granted to him by the judices, but the case was so important that four others were added. (Compare Plin. *Epist.* vi. 2; Martial, vi. 35, viii. 7.) The law of Pompeius only limited the time during which the accuser was allowed to speak to two hours, while the accused was allowed three hours in the case of prosecutions *de vi.* (Ascon. *in Milon.* p. 37, ed. Orelli.) It is clear from the case of Pliny and others that this restriction was not observed on all occasions. In a case mentioned by Pliny (*Epist.* iv. 9), according to law (*e lege*) the accuser had six hours, while the accused had nine. An especial officer was at Rome as well as at Athens appointed to stop the clepsydra during the time when documents were read. (Apul. *Apolog.* i. and ii.; compare Ernesti, *de Solariis*, in his *Opuscul. Philolog. et Crit.* pp. 21–31; Wöpcke, *Disquisitiones arch. math. circa Solaria veterum*, Berol. 1842; Becker-Göll, *Gallus*, ii. p. 407 ff.; and especially Marquardt, *Privatl.* 370 ff.) [L. S.] [A. S. W.]

HORO'SCOPUS. [Astrologia, p. 213 *b*.]

HORREA'RII. [Horreum.]

HO'RREUM (ὡρεῖον, σιτοφυλακεῖον, ἀποθήκη) was, according to its etymological signification, a place in which ripe fruits, and especially corn, were kept, and thus answered to our granary. (Verg. *Georg.* i. 49; Tibull. ii. 5, 84; Hor. *Carm.* i. 1, 7; Cic. *de Leg. Agr.* ii. 33, § 89.) During the empire the name *horreum* was given to any place destined for the safe preservation of things of any kind, when not required for use. Thus we find it applied to a place in which statues were kept (Plin. *Epist.* viii. 18); to cellars (*horrea subterranea, horrea vinaria*, Dig. 18, 1, 76); to depôts for merchandise, and all sorts of provisions (*horreum penarium*, Dig. 30, 9, 3). Seneca (*Ep.* 45, § 2) even calls his library a *horreum*. But the more general appli-

cation of the word *horreum* was to places for storing fruit and corn; and in order to keep the floor dry, and out of the reach of vermin, they were often built, like our own, upon dwarf piers, and were then called *horrea pensilia* or *sublimia* (Colum. xii. 50, i. 6; Vitruv. vi. 6, 4).

In imperial times Rome possessed two kinds of *horrea*. The one class consisted of buildings in which the Romans might deposit their goods, and even their money, securities, and other valuables (Cod. 4, 24, 9), for which they had no safe place in their own houses. Public horrea of this kind are mentioned as early as the time of Antoninus Pius (Dig. 1, 15, 3); again under Alexander Severus (Lamprid. *Al. Sev.* 39; cf. Dig. 10, 4, 5). There were also private *horrea* or warehouses built on speculation in order to be let as strong rooms, like our London "repositories" and "pantechnicons." The second and more important class of *horrea*, which may be termed public granaries, were buildings in which a plentiful supply of corn was constantly kept at the expense of the state, and from which, in seasons of scarcity, the corn was distributed among the poor, or sold at a moderate price. These dated from C. Gracchus and his Lex Sempronia frumentaria; the ruins of the great granary (*horrea populi Romani*) which he built were seen down to the sixteenth century between the Aventine and the Monte Testaccio (Appian, *B. C.* i. 21; Plut. *C. Gracch.* 5; Liv. *Epit.* lx.; Vell. Pat. ii. 6, § 3; Cic. *pro Sest.* 25, § 55). The plan of C. Gracchus was carried further by Clodius, Pompey, and several of the emperors; and during the empire we thus find a great number of public *horrea* which were called after the names of their founders: *e.g.*, horrea Aniceti, Vargunteii, Seiani, Augusti, Domitiani, &c. According to the Regionary Catalogues, the number of these at length mounted up to 291. The officers who superintended them were called *horrearii* or *vilici ex horreis* (Dig. 9, 3, 5, § 3; Hirschfeld, *Getreideverw.* pp. 52, 61). The manner in which corn from these granaries was given to the people differed at different times. (Cf. Mommsen, *Privatl.* 395; *Staatsverw.* ii. 128–9, 469; FRUMENTARIAE LEGES.) [L. S.] [W. W.]

HORTUS (*κῆπος*), a garden. **1.** GREEK. Our knowledge of the horticulture of the Greeks is very limited. Curiously enough, however, the mythical and fairy-like garden of Alcinous (Hom. *Od.* vii. 112–130) has one important feature in common with the little that is recorded of the gardens of historical times. This is its strictly utilitarian character: it is divided into a fruit garden, a vineyard, and a garden of herbs, or more literally of *leek-beds* (*πρασιαί*, v. 127); there is no trace of the cultivation of flowers. The fruits named are simple ones—apples, pears, figs, pomegranates, and olives; there is nothing supernatural about them; and the artificial irrigation described is nothing more than has always been practised in Egypt and the East. We may say further, that there is nothing improbable in the idea of a succession of grapes and other fruit having been partially realised by early Greek gardening, though in the Homeric picture, with the various stages of growth and maturity all going on together, poetic embellishment has no doubt been carried far beyond the actual.

The Greeks had evidently little taste for landscape beauties, and the small number of flowers with which they were acquainted afforded but little inducement to ornamental horticulture. The nearest approach to it seems to have been in the sacred groves, which contained ornamental and odoriferous plants and fruit trees, particularly olives and vines. (Soph. *Oed. Col.* 16; Xen. *Anab.* v. 3, § 12.) That of the Grynean Apollo was full of timber trees and flowering shrubs (*δένδρων καὶ ἠμέρων*), pleasant to sight and smell, but without fruit (Pausan. i. 21, § 9).

The only passage in the earlier Greek writers in which flower-gardens appear to be mentioned, is one in Aristophanes, who speaks of *κήπους εὐώδεις* (*Aves*, v. 1066). At Athens the flowers most cultivated were probably those used for making garlands, such as violets and roses. The rose-garden in Demosthenes (*ῥοδωνιά*, *c. Nicostr.* p. 1251, § 16) was doubtless cultivated for profit, not for the owner's pleasure (cf. Sandys *ad loc.*). The suburbs of Athens abounded with gardens which in like manner must have served to supply the city with flowers and vegetables (Plin. *H. N.* xxxvi. § 16; Pausan. i. 19, § 2). And when we read of books on gardening (*τὰ περὶ κήπων ἐργασίας συγγράμματα*, [Plat.] *Min.* p. 316 E), we may safely assume that they treated the subject from the market-gardener's, not the aesthetic point of view. In the time of the Ptolemies the art of gardening seems to have advanced in the favourable climate of Egypt so far, that a succession of flowers was obtained all the year round. (Callixenus, *ap.* Ath. v. p. 196 d.) Longus (*Past.* ii. 3) describes a garden containing every production of each season, "in spring, roses, lilies, hyacinths, and violets; in summer, poppies, wild-pears (*ἀχράδες*), and all fruit; in autumn, vines and figs, and pomegranates and myrtles." That the Greek idea of horticultural beauty was not quite the same as ours, may be inferred from a passage in Plutarch, where he speaks of the practice of setting off the beauties of roses and violets, by planting them side by side with leeks and onions (*De capienda ex inimicis utilitate*, c. 10). Still it is easy to exaggerate their utilitarian tendencies: if the supply of flowers was regulated by commercial principles, the demand itself testified to a love of flowers for their own sake (cf. Becker-Göll, *Charikles*, i. 310–313).

It need hardly be said that the paradises of the Persian satraps (Xen. *Anab.* i. 2, § 7, ii. 4, § 14; *Cyrop.* i. 3, § 14; *Hell.* iv. 1, § 15) had nothing in common with gardens; they were enclosed parks for the preservation of game.

2. ROMAN. The Romans, like the Greeks, laboured under the disadvantage of a very limited flora. This disadvantage they endeavoured to overcome, by arranging the materials they did possess in such a way as to produce a striking effect. We have two very full descriptions of Roman gardens in the letters of the younger Pliny, referring to his Laurentine and Tuscan villas (Plin. *Ep.* ii. 17, v. 6). In front of the *porticus* there was generally a *xystus*, or flat piece of ground, divided into flower-beds of different shapes by borders of box. There were also such flower-beds in other parts of the garden. Sometimes they were raised so as to form terraces, and their sloping sides planted

with evergreens or creepers. The most striking features of a Roman garden were lines of large trees, among which the plane appears to have been a great favourite, planted in regular order; alleys or walks (*ambulationes*) formed by closely clipped hedges of box, yew, cypress, and other evergreens; beds of acanthus, rows of fruit-trees, especially of vines, with statues, pyramids, fountains, and summer-houses (*diaetae*). The trunks of the trees, and the parts of the house or any other buildings which were visible from the garden, were often covered with ivy. (Plin. *Ep.* v. 6; Cic. *ad Q. Fr.* iii. 1, § 2.) Rich well remarks that "this sketch of Pliny's garden might also pass for a faithful description of the pleasure-grounds belonging to the Villa Pamfili [Doria] at Rome"; and we may add, as a further point of coincidence in taste between the Romans and the modern Italians, their fondness for the *ars topiaria*, which consisted in tying, twisting, or cutting trees and shrubs (especially the box) into the figures of animals, ships, letters, &c. The importance attached to this part of horticulture is proved not only by the description of Pliny, and the notices of other writers (Plin. *H. N.* xvi. § 140, xxi. § 68, xxii. § 76; Martial, iii. 19, 2; Plin. *Ep.* v. 6, § 16), but also by the fact that *topiarius* is the only name used in good Latin writers for the ornamental gardener. Cicero (*Parad.* v. 2) mentions the *topiarius* among the higher class of slaves.

Attached to the garden were places for exercise, the *gestatio* and *hippodromus*. The *gestatio* was a sort of avenue, shaded by trees, for the purpose of taking gentle exercise, such as riding in a litter (Plin. *Ep.* ii. 17, § 13; v. 6, § 17; ix. 7;—Sen. *Ep.* 55 *init.*; Orelli, *Inscr.* 4336). The *hippodromus* (not, as one reading gives the word in Pliny, *hypodromus*) was a place for running or horse exercise, in the form of a circus, consisting of several paths divided by hedges of box, ornamented with topiarian work, and surrounded by large trees. (Plin. *Ep.* v. 6, § 32; Martial, xii. 50, 5; 57, 23.) [HIPPODROMUS.]

The flowers which the Romans possessed, though few in comparison with the species known to us, were more numerous than some writers have represented; but the subject still requires investigation. Their principal garden-flowers seem to have been violets and roses, and they also had the crocus, narcissus, lily, gladiolus, iris, poppy, amaranth, and others.

Conservatories and hot-houses are not mentioned by any writer earlier than the first century of our era. We then find them closed with *specularia*, i.e. windows of talc (*lapis specularis*) split into thin plates (Plin. *Ep.* ii. 17, §§ 4, 21; Sen. *Ep.* 90, § 25; Martial, viii. 14 and 68, xiii. 127). They were used both to preserve foreign plants and to produce flowers and fruit out of season. Columella (xi. 3, §§ 51, 52) and Pliny (*H. N.* xix. § 64) speak of forcing-houses for grapes, melons, &c. In every garden there was a space set apart for vegetables (*olera*).

Flowers and plants were also kept in the central space of the peristyle [DOMUS], on the roofs, and in the windows of the houses. Sometimes, in a town, where the garden was very small, its walls were painted in imitation of a real garden, with trees, fountains, birds, &c., and the small area was ornamented with flowers in vases. A beautiful example of such a garden was found at Pompeii (Gell's *Pompeiana*, ii. 4).

The phrase *hortus pensilis* is used in two senses: 1. Hanging gardens, *i.e.* terraces rising one above another on arches, of which the Isola Bella on the Lago Maggiore exhibits a modern instance; they are said, mostly by late writers, to have existed on a grand scale at Babylon and the Egyptian Thebes (Plin. *H. N.* xxxvi. §§ 49, 94; Curt. v. 1). 2. A movable frame like our melon or cucumber frames, but placed on wheels, and employed in forcing by market-gardeners (*olitores*). (Plin. *H. N.* xix. § 64, cf. Colum. xi. 3, § 52; Rich, s. v. *Hortus.*)

An ornamental garden was also called *viridarium* (Dig. 33, 7, 8), and the gardener *topiarius* or *viridarius*. The common name for a gardener is *vilicus* or *cultor hortorum*. We find also the special names *vinitor*, *olitor*. The word *hortulanus* is only of late formation. The *aquarius* had charge of the fountains both in the garden and in the house. (Becker-Göll, *Gallus*, iii. 64–88. Böttiger, *Racemationen zur Garten-Kunst der Alten*, affords no real information on ancient gardening, only speculations about Alcinous and the grotto of Calypso.) [P. S.] [W. W.]

A Roman garden. (From a painting at Herculaneum.)

HOSPES. [HOSPITIUM.]

HOSPITIUM (*ξενία, προξενία*). Hospitality is one of the characteristic features of almost all nations previous to their attaining a certain degree of civilisation. In civilised countries the necessity of general hospitality is not so much felt; but at a time when the state or the laws of nations afforded scarcely any security, and when the traveller on his journey did not meet with any places destined for his reception and accommodation, the exercise of hospitality was absolutely necessary. Among the nations of antiquity, with whom the right of hospitality was hallowed by religion, it was to some degree observed to the latest period of their existence, and acquired a political importance which it has never had in any other state. It was in Greece, as well as at Rome, of a twofold nature, either private or public, in as far as it was either established between individuals, or between two states. (*Hospitium privatum* and *hospitium publicum*, *ξενία* and *προξενία*.)

1. GREEK. In ancient Greece the stranger, as such (*ξένος* and *hostis*), was looked upon as an enemy (Cic. *de Off.* i. 12, § 37; Herod. ix. 11; Plut. *Aristid.* 10); but whenever he appeared

among another tribe or nation without any sign of hostile intentions, he was considered not only as one who required aid, but as a suppliant, and Zeus was the protecting deity of strangers and suppliants. (Ζεὺς ξένιος and ἱκετήσιος: Hom. *Od.* xiv. 57, &c. 283, ix. 270, xiii. 213, vii. 164: compare Apollon. *Argonaut.* ii. 1134; Aelian, *V. H.* iv. 1.) This religious feeling was strengthened by the belief that the stranger might possibly be a god in disguise (*Odyss.* xvii. 484). On his arrival therefore, the stranger, of whatever station in life he might be, was kindly received, and provided with everything necessary to make him comfortable, and to satisfy his immediate wants. The host did not inquire who the stranger was, or what had led him to his house, until the duties of hospitality were fulfilled. During his stay, it was a sacred duty of his host to protect him against any persecution, even if he belonged to a politically hostile race, so that the host's house was a perfect asylum to him. On his departure he was dismissed with presents and good wishes (*Odyss.* iv. 37 ff.). It seems to have been customary for the host, on the departure of the stranger, to break a die (ἀστράγαλος) in two, one half of which he himself retained, while the other half was given to the stranger; and when at any future time they or their descendants met, they had a means of recognising each other, and the hospitable connexion was renewed (Schol. *ad* Eurip. *Med.* 613). Hospitality thus not only existed between the persons who had originally formed it, but was transferred as an inheritance from father to son. To violate the laws of hospitality was a great crime and act of impiety, and was punished by men as well as gods (δίκαι κακοξενίας, Aelian, *l. c.*; Paus. vii. 25). Instances of such hereditary connexions of hospitality are mentioned down to a very late period of Greek history; and many towns, such as Athens, Corinth, Byzantium, Phasis, and others, were celebrated for the hospitable character of their citizens. (Herod. vi. 35; Thucyd. ii. 13; Plato, *Crito*, p. 45 C; Stobaeus, *Florileg.* tit. xliv. 40, &c.) But when a more regular and frequent intercourse among the Greeks began to be established, it was impossible to receive all these strangers in private houses. This naturally led to the establishment of inns (πανδοκεῖον, καταγώγιον, κατάλυσις, κατάλυμα), in which such strangers as had no hospitable connexions found accommodation. [CAUPONA.] For those occasions, on which numerous visitors flocked to a particular place for the purpose of celebrating one of the great or national festivals, the state or the temple provided for the accommodation of the visitors either in tents or temporary inns erected about the temple. (Aelian, *V. H.* iv. 9; Schol. *ad* Pind. *Ol.* xi. 51 and 55: compare Plato, *Legg.* xii. p. 952 E; Lucian, *Amor.* 12; Thucyd. iii. 68.) The kind of hospitality which was exercised by private individuals on such festive occasions probably differed very little from that which is customary among ourselves, and was chiefly shown towards friends or persons of distinction and merit, whose presence was an honour to the house wherein they stayed. (Xen. *Oecon.* 2, § 5; Plato, *Protag.* p. 315 D; Becker-Göll, *Charikles*, ii. pp. 3, 4.) In the houses of the wealthier Greeks a separate part (*hospitium* or *hospitalia* and ξενῶνες) with a separate entrance was destined for the reception and habitation of strangers, and was provided with all the necessary comforts for the temporary occupants. On the first day after their arrival they were generally invited to the table of their host; but afterwards their provisions (ξένια), consisting of fowl, eggs, and fruit, were either sent to them, or they had to purchase them themselves. (Vitruv. vi. 7, 4; Apul. *Metam.* ii. p. 19.) [L. S.] [W. W.]

What has been said hitherto only refers to *hospitium privatum*; that is, the hospitality existing between two individuals or families of different states. Of far greater importance, however, was the *hospitium publicum* (προξενία). Boeckh distinguishes two classes of πρόξενοι: 1st, citizens living in their own state and appointed by another state to act as its representatives; and 2nd, citizens appointed by their own state to show hospitality to foreigners in its name. This second class he supposes to have existed in Petilia and in Sparta, where, according to Herodotus (vi. 57), the kings appointed them: "qui magistratus ex civibus Spartanis a regibus nominabantur" (*C. I. G.* p. 11); and again (*l. c.* p. 731), "Spartae fuerunt magistratus quidam vel certe magistratibus similes curatores proxeni, a regibus nominati, iique Spartani qui reciperent peregrinos." Yet there is no reason to suppose that the πρόξενοι either at Sparta or at Petilia were a kind of magistracy, nor that their mode of appointment was different from that in other states. The five proxeni mentioned in the Petilian inscription were the usual proxeni acting as witnesses at the making of a will; and the Spartan proxeni, such as Lichas for Argos (Thuc. v. 76; ταῖς γυμνοπαιδίαις τοὺς ἐπιδημοῦντας ἐν Λακεδαίμονι ξένους ἐδείπνιζε, Xen. *Mem.* i. 2, 61), Clearchus for Byzantium (Xen. *Hell.* i. 1, 35), etc., were probably appointed in just the same way as *e.g.* Coroebus, the proxenus of Athens, the decree of whose appointment is still extant (*C. I. A.* ii. No. 50). Some light is thrown on the passage from Herodotus by an inscription published in the *Bull. de Corr. hellén.* 1881, p. 372 ff.: from this we learn that the Aetolian League ordained that each city of the league should appoint certain citizens to entertain the θεωροὶ of the king of Pergamum when they came to invite them to the games, and that the magistrates should report the names of these θεωροδόκοι (cf. *C. I. G.* No. 1193, Argolis) to the στρατηγὸς or to the πρόξενος. Again, as a stranger could not approach the god without the mediation of a proxenus (Eur. *Hel.* 146, etc.: cf. the rule of the temple of Apollo at Didymi, ἦν ξένος ἱεροποιῆι τῶι Ἀπόλλωνι προιεραῖσθαι τῶν ἀστῶν ὃν ἂν θέλητι ὁ ξένος, *Revue archéol.* 1874, p. 106), when Matrophanes of Sardes came to Delphi to consult the oracle, a decree was passed (σὺν ψάφοις ταῖς ἐννόμοις): εἶμεν δὲ καὶ τὰν πόλιν τῶν Δελφῶν πρόξενον τᾶς πόλιος τᾶς Σαρδιανῶν, since Sardes was not represented by a proxenus, *i.e.* one of the citizens was appointed to perform the necessary preliminaries to the sacrifice (προθύειν). The Spartan proxeni alluded to by Herodotus were probably citizens who in like manner were called upon to do the honours of the state to foreigners. Such public hospitality

is frequently mentioned (Athen. iv. p. 173 e, f; Plut. *Quaest. Gr.* 12, p. 293 E, etc.; cf. Becker-Göll, *Charikles*, ii. 6), and Plato suggests (*Legg.* xii. p. 952 E) that none but persons officially appointed should be allowed to entertain foreigners (cf. Schol. Dem. *c. Mid.* p. 579; Schol. Aristoph. *Av.* 958 ff.) in order to prevent intrigues.

To pass on then to the proxeni as usually understood. Boeckh (*Sth.* i.[3] p. 65), Wachsmuth (*Hell. Altertumskunde*, i. 1, p. 122), Westermann (*de publ. Athen. hon.* p. 44), etc., compare them to our modern consuls or ministers resident; Meier (*de Proxen.* p. 6) takes proxeny to be an honorary distinction (*honoris titulus*); and Monceaux (*Les Proxénies grecques*, p. 12 f.) explains it as a contract between a state and a citizen of another state, whereby the latter, in return for certain privileges, beeame there the *προστάτης* of the foreign city. Each of these definitions refers only to one part or another of the office of the proxeni. Part, and part only, of their functions was the same as that discharged by consuls and resident ministers now, with this difference, that the proxeni never were citizens of the state sent out to reside in the foreign state, but were selected from amongst the citizens of that foreign state. The proxeni as long as they resided in their native city represented the interests of the foreign state by which they were appointed, but it frequently happened that they took up their residence in the state itself whose proxeni they were, and in a few instances we read of women being appointed proxeni (cf. the Delphian decree in *C. I. A.* ii. No. 550, conferring proxeny on the Athenian priestess Chrysis): in both these cases the proxeny can only have been an honorary distinction. As we have fullest information concerning the Athenian proxeny, and as the manner of appointment and the privileges connected with the office in other states of Greece varied but slightly, it seems best to discuss the former at length, giving references where necessary to the other states. The *hospitium publicum* among the Greeks arose presumably from the *hospitium privatum*, of which it yet bore certain traces; cf. the phrase *καλέσαι τὸν δεῖνα ἐπὶ δεῖπνον εἰς πρυτανεῖον ἐπὶ ξένια* (*C. I. A.* ii. No. 414, etc.), or *ἐπὶ ξένια εἰς τὸ πρυτανεῖον* (*C. I. A.* ii. No. 209, etc.), and in one instance the tallies: *ποιησάσθω δὲ καὶ σύμβολα ἡ βουλὴ πρὸς τὸν βασιλέα τὸν Σιδωνίων*, etc. (*C. I. A.* ii. No. 86, l. 18 ff.; cf. *C. I. G.* No. 6778, and Xen. *Anab.* ii. 4, 1; *Ages.* 3, 4, etc.). Eustathius dates it back as far as the time of the Trojan war (on *Il.* iii. 204; cf. Liv. i. 1), and Antenor was represented in Polygnotus' painting in Delphi as proxenus (Paus. x. 26, § 7). Proxeni are mentioned in some very early inscriptions, *e.g.* in that from Petilia (*C. I. G.* No. 4), in the Locrian inscription in Roehl (*I. G. A.* No. 322), in the Corcyrean inscription in Rangabé (*Antiq. hellén.* i. No. 318: cf. Paus. iv. 14, § 1). The first proxeni of Athens recorded are Alexander, king of Macedon, *ὁ Φιλέλλην*, whom Mardonius sent to Athens on a political mission (Herod. viii. 136); Arthmius of Zeleia (Aeschin. *c. Ctes.* § 258; Dem. *c. Phil.* iii. p. 121, § 42; Din. *c. Aristog.* § 25); Pindar, who had praised Athens as *ἔρεισμα τῆς Ἑλλάδος*, and to whom they made a present of 10,000 drachmas (Isocr. *Antid.* § 166). The oldest extant decree conferring proxeny dates from the middle of the fifth century (Foucart in *Bull. de Corr. hellen.* 1877, p. 303 ff. = *C. I. A.* iv. No. 27; cf. Sauppe, *de prox. Athen.* p. 4 f.). The principal duties of a proxenus were to receive those persons, especially ambassadors, who came from the state which they represented (Dem. *de Cor.* p. 252, § 82, and Aeschin. *F. L.* § 89; Xen. *Hell.* v. 4, 22; *Symp.* 8, 40; Athen. xiii. 81, p. 603 f); to procure for them admission to the assembly, and seats in the theatre (Pollux, iii. 59; cf. Dem. *de Cor.* p. 234, § 28—Xen. *Hell.* iv. 5, 6), and in general to look after the interests (commercial or political, as the case might be) both of the state by whom they were appointed (*εἰσὶ δὲ πρόξενοι οἱ ἐν ταῖς ἑαυτῶν πατρίσιν ἄλλων προνοοῦντες πόλεων*, Schol. Aeschin. *c. Ctes.* § 138), as if it were their *δευτέρα πατρὶς* (Plat. *Legg.* i. p. 642 B; cf. Dem. *de Rhod. lib.* p. 194, § 15; Xen. *Hell.* vi. 4, 24), and of any individual citizen of that state. Thus Callippus, the proxenus of the Heracleotes at Athens, made inquiries concerning the banking account of Lycon of Heraclea, who had died (Dem. *c. Callipp.* p. 1237, § 5), and the proxenus at Argos took charge of the same person's money when he was carried thither wounded (*l. c.* p. 1238, § 10); a proxenus would assist such persons in the law courts (*Att. Process*, ed. Lipsius, p. 754), advance money to them (Dem. *c. Boeot.* ii. p. 1019, § 36) and ransom them when made prisoners of war (Hyper. *fr.* 79; Thuc. iii. 70 and Diod. xii. 57), etc. Nicias, the proxenus of Syracuse, did his best to dissuade his countrymen from warring against that city (Diod. xiii. 27); Nymphodorus of Abdera used his influence with Sitalces, king of Thrace, to further the cause of the Athenians, whose proxenus he was (Thuc. ii. 29); and in like capacity Artas, the king of the Messapians, assisted the Athenian fleet (Thuc. vii. 33; Polemon Perieg. *fr.* p. 144, ed. Preller). The Pharsalian Polydamas addressed the Lacedaemonians: *πρόξενος ὑμῶν ὢν . . . ἀξιῶ, ἐάν τέ τι ἀπορῶ, πρὸς ὑμᾶς ἰέναι, ἐάν τέ τι χαλεπὸν ὑμῖν ἐν τῇ Θετταλίᾳ συνιστῆται, σημαίνειν* (Xen. *Hell.* vi. 1, 4). The Athenians heard of the intended treachery of the Mitylenaeans from Doxander, their proxenus (Arist. *Pol.* v. 4 = p. 1304 a, 9; Thuc. iii. 2); and Alcibiades reminded the Lacedaemonians that he had done them many good offices, especially after their misfortune at Pylus (Thuc. iii. 89; Plut. *Alcib.* 14); cf. Thuc. ii. 85, etc. Proxeni were usually sent on embassies to the states by whom they had been appointed: Callias to Sparta (Xen. *Hell.* vi. 3, 3 f.), Thrason and Demosthenes to Thebes (Aeschin. *c. Ctes.* § 138 ff.; *F. L.* § 143), Lichas to Argos (Thuc. v. 76), etc.: cf. especially Thuc. v. 43 and Plut. *Alcib.* 14; they mediated between the two states (Plut. *Cim.* 18; Theopomp. in Schol. Aristid. p. 528, ed. Dindorf), sometimes even of their own accord, to judge from the case of Alciphron, the Spartan proxenus at Argos (Thuc. v. 59 f.).

As regards the honours and privileges which a proxenus enjoyed, the various Greek states seem to have followed different principles. At Athens, in very few instances only (e.g. *C. I. A.* i. No. 21; ii. No. 86), is proxeny alone conferred; it is usually coupled with the title of *εὐεργέτης*

(cf. Herod. viii. 136; Dem. *c. Lept.* p. 475, § 60), and sometimes with the honour of a golden crown (*C. I. A.* ii. No. 170, 171, etc., usually of the value of 1000 drachmas), and at a later time of an olive wreath (*C. I. A.* ii. No. 423, etc.). Amongst the privileges which were not necessarily included in the proxeny, but were specially granted, sometimes at a later time (*C. I. A.* ii. No. 1 c), as a reward for special services, none was more valuable than that which guaranteed both to themselves and to their property the protection of Athens everywhere and as against all persons whatsoever, it being the duty of the senate together usually with the generals or the prytaneis or both, *ἐπιμελεῖσθαι τοῦ δεῖνος ὅπως ἂν μὴ ἀδικῆται*: and in a decree conferring proxeny on a Delian, there is added *τοὺς ἀμφικτύονας τοὺς ἀεὶ ἀμφικτυονεύοντας ἐν Δήλῳ* (*Bull. de Corr. hellén.* 1879, p. 474 f.); and in *C. I. A.* ii. No. 115, *καὶ ἐάν τις ἄλλος που Ἀθηναίων παρατυγχάνει*. Antipater, the murderer of the Athenian proxenus at Iulis in Ceos, was condemned to death by the Athenian senate (*Mittheil. d. Arch. Inst.* 1877, p. 143, l. 37 f.); ambassadors were sent to king Philip to demand the liberation of the Athenian proxenus at Carystus ([Dem.] *de Halonn.* p. 86, § 38); the Athenian general Ergocles was condemned to death, amongst other reasons, for having injured the Athenian proxeni and citizens (Lys. *c. Ergocl.* § 1; cf. *c. Philocr.* § 2): see also *C. I. A.* ii. *add.* l. c. Smaller or less powerful states could not of course undertake to protect their proxeni on this extensive scale: thus the Acarnanians limited themselves to their own territory (*C. I. G.* No. 1793 a), as did also the Cnosians in Crete (*ἀσφάλειαν πολέμω καὶ εἰρήνας καὶ καταπλέουσι ἐς τὸς Κνωσίων λιμένας καὶ ἐκπλέοντι, αὐτοῖς καὶ χρήμασι τοῖς τούτων ἀσυλεὶ καὶ ἀσπονδεί*, *Bull. de Corr. hellén.* 1880, p. 354). It would seem that some states guaranteed the safety of their proxeni even in case of war with his native city, so that they enjoyed even *ἐμ πολέμῳ εἰρήνην* (Tenos, *C. I. G.* No. 2330), and Polybius (v. 95, 12) tells of a proxenus being set free without ransom; but Nicias experienced no such mercy at the hands of the Syracusans, whom he had served so faithfully (Diod. xii. 57; see also Thuc. iii. 52, 68). A second privilege which the Athenians granted to their proxeni was *πρόσοδος πρὸς τὴν βουλὴν καὶ τὸν δῆμον*, sometimes with the further privilege *πρώτοις μετὰ τὰ ἱερά* (*C. I. A.* ii. No. 209), *i.e.* "statim post peractas res sacras" (Meier, *l. c.* p. 17; cf. Aeschin. *c. Tim.* § 23, and *C. I. G.* No. 3640, *ἔφοδον [ἐπὶ τ]ὰμ βόλλαγ καὶ δᾶμομ μετὰ τὸγ χρημάτισμον [τ]ὸμ περὶ τῶν Ἴρων*: and in a late inscription from Ephesus, *μετὰ τὰ ἱερὰ καὶ τὰ βασίλεα, i.e.* βασίλεια, Wood, *Ephes. App.* p. 20). A third privilege was the right to acquire property in Attica (*ἔγκτησις*), sometimes confined to house property (*C. I. A.* ii. No. 42, etc.), sometimes with further limitations: *τῆς οἰκίας αὐτοῦ καὶ γῆς δυεῖν ταλάντοιν* (*C. I. A.* ii. No. 380), or *ἕως ἂν κατέλθωσιν* (*C. I. A.* ii. No. 121), etc.; occasionally this privilege was made hereditary (*C. I. A.* ii. No. 41, etc.). Other privileges were *ἰσοτέλεια* (*C. I. A.* ii. No. 48), *ἀσυλία* (*κα[ὶ πολέμου δ]ντος καὶ εἰρ[ήνης]*, etc. *C. I. A.* ii. No. 144), *ἀτέλεια* (*C. I. A.* ii. No. 42, etc.; but rarely granted, as we learn from Dem. *c. Lept.* p. 475, § 60, p. 496, § 131 f.). Only in Dinarch. *c. Dem.* § 45, and Hyper. *fr.* 80, is there anything said about citizenship being conferred together with proxeny by Athens: since not one of the numerous Attic inscriptions on proxeny bears out this statement, it must be considered doubtful, though other states which were as a general rule more lavish with their honours and privileges granted their proxeni citizenship (*e.g.* Mesambria, *C. I. G.* No. 2053 b, c, 2056; Tenos, No. 2330, 2353; Iasus, No. 2673 b, 2676, 2678, etc.) and besides *προδικία* (Delphi, *C. I. G.* No. 1692; *δίκαι πρόδικοι*, Paros, No. 2374 c, *addenda*, p. 1073), *προμαντεία*, *προεδρία* (Delphi, *C. I. A.* ii. No. 550), *ἐπιγαμία*, *ἐπινομία* (*Bull. de Corr. hellén.* 1885, p. 242; Dittenberger, *Syll.* No. 320), etc. It is evident that a proxenus could not really enjoy some of these privileges unless he actually took up his residence in the city which had conferred them; nay, in some cases it can be shown that the recipients of proxeny were at the time of their appointment residents at Athens: Archebius and Heracleides, who had taken refuge there (Dem. *c. Lept.* p. 475, § 60), in B.C. 390–89 (this seems to be the earliest instance), the physician Evenor on whom *προξενία* and *εὐεργεσία* (*C. I. A.* ii. No. 186, 1), then *ἔγκτησις* (No. 186, 2), at last *πολιτεία* (No. 187) was conferred because *πρότερόν τε τὴν τε εὔνοιαν ἀποδέδεικται τῷ δήμῳ καὶ χρήσιμον ἑαυτὸν παρέσχηκεν κατὰ τὴν τέχνην τοῖς δεομένοις τῶμ πολιτῶν καὶ ἄλλων τῶν οἰκούντων ἐν τῇ πόλει καὶ νῦν ἐπιδέδωκε*, etc.; see also *C. I. A.* ii. No. 380. This was the most privileged class of foreigners (*οἱ προτιμώμενοι τῶν ξένων ὑπ' Ἀθηναίων*, Bekk. *Anecd.* p. 298, 27; they had *πρόσοδον πρὸς τὸν πολέμαρχον*. *C. I. A.* ii. No. 42, etc.). The privileges usually combined with proxeny being so important, there was no lack of aspirants who strove in every possible way to further the interests of the Athenians (*τὰ συμφέροντα τῷ δήμῳ*: these were the *ἐθελοπρόξενοι*, Schol. Thuc. iii. 70, and Pollux, iii. 60, *ἀνανάγραπτον τὴν προξενίαν ἔχων*), and thus to attract their attention. From Hyper. *c. Demad. fr.* 79, we learn what kind of services might secure the coveted distinction: Epicerdes of Cyrene gave the Athenian prisoners in Sicily 100 minas (*C. I. A.* ii. No. 85; cf. Dem. *c. Lept.* p. 469, § 41); Pythodorus of Delos earned the distinction *ἐπειδὴ ἀνὴρ ἀγαθός ἐστι . . . περὶ τὰ χρήματα τὰ τοῦ θεοῦ* (*Bull. de Corr. hellén.* 1879, p. 474, l. 9 f.); two Tyrians brought a supply of grain to Athens (*C. I. A.* ii. No. 170), etc. The various steps leading to the appointment are clearly seen in the five inscriptions concerning Heracleides of Salamis in Cyprus (*Mitth. d. Arch. Inst.* 1883, p. 211 ff.): he was praised and voted a golden crown (of the value of 500 drachmas), *ἐπειδὴ ἐπέδωκεν τὸν σῖτον* (3000 *μέδιμνοι*) *τῷ δήμῳ πεντέδραχμον πρῶτος τῶν καταπλευσάντων ἐμπόρων* in B.C. 330–29, two years later *ἐπέδωκε τῷ δήμῳ εἰς σιτωνίαν* 3000 drachmas, and as a reward in B.C. 325–24 he and his descendants were made *πρόξενοι* and *εὐεργέται*, and the following privileges granted: *γῆς καὶ οἰκίας ἔγκτησιν κατὰ τὸν νόμον καὶ στρατεύεσθαι αὐτοὺς τὰς στρατείας καὶ εἰσφέρειν τὰς εἰσφορὰς μετὰ Ἀθηναίων*. Sometimes the report of ambassadors was the first step (*C. I. A.* ii. No. 50),

or friends of the candidate bestirred themselves on his behalf (*οἱ ἔμποροι καὶ ναύκληροι, C. I. A.* ii. No. 171); sometimes the would-be proxenus came to Athens to lay his claims before the senate (*Ἀθήναιον*, v. p. 522; cf. *C. I. A.* ii. No. 423: *δεδό[σθαι δὲ αὐτῷ κ]αὶ [πρ]οξε[ν]ί[αν] καὶ γῆς καὶ ο[ἰκίας ἔγκτησιν] αἰτησα[μέ]νῳ κατὰ τὸ[ν νόμον]*, etc.), or gained over an influential orator to interest himself in his candidature (Dem. *c. Lept.* p. 497, § 132); and some orators found this a very lucrative business (Hyper. *c. Dem.* col. xxiii.; cf. Din. *c. Dem.* § 45), though not without risk, as Hypereides' speech shows, *κατὰ Δημάδου παρανόμων*, for proposing that proxeny should be conferred on Euthycrates. The appointment (usually extending to the descendants) was made by a decree of the people in the usual way. In *C. I. A.* ii. No. 3 and No. 29, we find *ἔδοξε τῇ βουλῇ*: but in the former case the sons of Apemantus had simply asked to have at their own expense the *στήλη* restored on which the decree of proxeny was engraved, and in the latter there is no question of transferring the proxeny to the son, which Köhler (*Herm.* v. p. 17 f.) considered within the competence of the senate (wrongly; cf. *C. I. A.* ii. No. 121), but of engraving the decree on a *στήλη*, which could only be allowed by the senate *ἐὰν καὶ τῷ δήμῳ δοκῇ* (*C. I. A.* ii. No. 89, l. 14 f.). For it was a further distinction when a *στήλη* with the decree engraved was placed in the Acropolis, especially if that was done at the expense of the state (Hartel, *Studien üb. Att. Staatsrecht*, p. 165). A copy of the decree was sent to the city of the new proxenus (*Bull. de Corr. hellén.* 1880, p. 355, l. 51 ff., *καὶ πορτὶ τὸν Ταρσέων δᾶμον ὑποτάξαντας τὸ ἀντίγραφον τῶδε τῶ ψαφίσματος*), and frequently a second *στήλη* erected there, *e.g.* the Delphian decree in *C. I. A.* ii. No. 550, and the decree in *Bull. de Corr. hellén.* 1879, p. 474, l. 20 ff., ordering a second *στήλη* to be placed in the temple of Apollo in Delos at the expense of the Amphictyons. In some cities there were official lists of proxeni, *e.g.* in Thera (*C. I. G.* No. 2450), Anaphe (*C. I. G.* No. 2477 c), Bargylia (Le Bas et Waddington, *Voyage archéol.* v. No. 87, l. 27 f.: *ὅπως ἀναγράψῃ τὸ ὄνομα αὐ[τοῦ π]ατρόθεν ἐν τῇ στήλῃ, ἐν ᾗ καὶ οἱ ἄλλοι πρόξενοι*, etc.). Proxeny might be renounced (*ἀπειπεῖν*, *e.g.* by the elder Alcibiades) and be taken up again (*ἀναλαμβάνειν, ἀναιρεῖσθαι, e.g.* by his grandson, Thuc. v. 43, vi. 89; cf. the Parian inscription in *C. I. G.* No. 2374 d: *ἀναγράψαι δὲ αὐτοὺς καθάπερ πρότερον ἦσαν προξένους*).

An institution peculiar to Central Greece were the sureties of proxeny (*ἔγγυοι τᾶς προξενίας*: cf. Boeckh to *C. I. G.* No. 1771 ff., and *Bull. de Corr. hellén.* 1883, p. 47 f.). Some states granted the title of proxeni not to individuals of another state, but to the whole population *en masse*, e.g. the Molossians to the Agrigentines (*ἔδοξε τοῖς Μολοσσοῖς προξενίαν δόμειν τοῖς Ἀκραγαντίνοις*, Carapanos, *Dodone et ses Ruines*, p. 52); but this proceeding is not unique, as is said in the *Journ. of Hellen. Soc.* ii. p. 112, for in the list of proxeni of the Delphian temple arranged geographically we find: *ἐν Κυφαίραι ἃ πόλις* (*Bull. de Corr. hellén.* 1883, p. 191, l. 41); cf. also Dem. *c. Mid.* p. 530, § 50. In later times guilds had their own proxeni: thus the Athenian Diodorus was proxenus of the *σύνοδος τοῦ Διὸς τοῦ ξενίου* (*C. I. A.* ii. No. 475, a guild of Delian traders), and the *σύνοδοι τῶν περὶ τὸν Διόνυσον τεχνιτῶν* had proxeni in several places (A. Müller, *Bühnenalterth.* p. 401, n. 3). (Schubert, *de prox. Attica.*) [H. H.]

2. ROMAN. The hospitality of the Romans was, as in Greece, either *hospitium privatum* or *publicum*. Private hospitality with the Romans, however, seems to have been more accurately and legally defined than in Greece. The character of a hospes, *i.e.* a person connected with a Roman by ties of hospitality, was deemed even more sacred, and to have greater claims upon the host, than that of a person connected by blood or affinity. The relation of a hospes to his Roman friend was next in importance to that of a cliens (Gell. v. 13, § 2); or, according to Masurius Sabinus (*ib.* § 5), the hospes had even higher claims than a cliens. The obligations which the tie of hospitality with a foreigner imposed upon a Roman were to receive into his house his hospes when travelling (Liv. xlii. 1), and to protect and, in case of need, to represent him as his patron in the courts of justice (Cic. *Div. in Caecil.* 20, § 66). Private hospitality thus gave to the hospes the claims upon his host which the client had upon his patron; but without any degree of the dependence implied in the clientela. Private hospitality was established between individuals by mutual presents, or by the mediation of a third person (Serv. *ad Aen.* ix. 360), and hallowed by religion; for Jupiter Hospitalis was thought to watch over the *jus hospitii*, as Zeus Xenios did with the Greeks (Cic. *in Verr.* iv. 22, § 48; *pro Deiot.* 6, § 18; *ad Q. Fr.* ii. 12), and the violation of it was as great a crime and impiety at Rome as in Greece. When hospitium was formed, the two friends used to divide between them a *tessera hospitalis* (Plaut. *Poen.* v. 2, 87 ff.), by which they or their descendants—for the connexion was hereditary as in Greece—might recognise one another. From an expression in Plautus ("deum hospitalem ac tesseram mecum fero," *Poen.* v. 1, 25) it has been conjectured that this tessera bore the image of Jupiter Hospitalis. This relation, when once established, could not be dissolved except by a formal act (*renuntiatio*, Liv. xxv. 18; Cic. *in Verr.* ii. 36, § 89), and in this case the tessera hospitalis was broken to pieces (Plaut. *Cistell.* ii. 1, 27). We never find at Rome the indiscriminate and uninquiring hospitality of the heroic age of Greece, but some sort of laws of hospitality were probably common to all the nations of Italy (Aelian, *V. H.* iv. 1; Liv. i. 1). In many cases it was exercised without any formal agreement between the parties, and it was deemed an honourable duty to receive distinguished guests into the house (Cic. *de Off.* ii. 18, § 64; *pro Rosc. Am.* 6, § 15).

Public hospitality, also, seems to have existed at a very early period among the nations of Italy, and the *foedus hospitii* mentioned in Liv. (i. 9) can scarcely be looked upon in any other light than that of *hospitium publicum*. But the first direct mention of public hospitality being established between Rome and another city, is after the Gauls had departed from Rome, when it was decreed that Caere should be rewarded for its good offices by the establishment of

public hospitality between the two cities (Liv. v. 50). The Caerites thus obtained the right of isopolity with Rome; that is, the civitas without the suffragium and the honores [CIVITAS, p. 448 *b*; COLONIA, p. 480 *a*]. In the later times of the republic we no longer find public hospitality established between Rome and a foreign state; but a relation which amounted to the same thing was introduced in its stead,—that is, towns were raised to the rank of municipia (Liv. viii. 14), and thus obtained the civitas without the suffragium and the honores; and when a town was desirous of forming a similar relation with Rome, it entered into clientela to some distinguished Roman, who then acted as patron of the client-town. But the custom of granting the honour of *hospes publicus* to a distinguished foreigner by a decree of the senate seems to have existed down to the end of the republic (Liv. i. 45, v. 28, xxxvii. 54). The privileges of such a public hospes included a claim to honourable reception, entertainment at the public expense, admission to sacrifices and games and a complimentary present on certain occasions, and the more solid rights of buying and selling in his own name without let or hindrance, and of bringing actions at law without the intervention of a Roman patron (Marquardt, *Staatsverw.* i.² 45). Whether he undertook, in return, any duties towards Roman citizens analogous to those of the Greek proxenus, is uncertain. Public hospitality was, like the hospitium privatum, hereditary in the family of the person to whom it had been granted (Diod. Sic. xiv. 93). The honour of public hospes was sometimes also conferred upon a distinguished Roman by a foreign state. (Boeckh, *C. I. G.* i. n. 1331;—Cic. *pro Balb.* 18, § 41; *in Verr.* iv. 65, § 145. Compare Niebuhr, *Hist. of Rome*, ii. 58; Walter, *Gesch. des röm. Rechts*, p. 54 ff.; Göttling, *Röm. Staatsverf.* p. 216 ff.; Marquardt, as above.) [L. S.] [W. W.]

HO'STIA. [SACRIFICIUM.]

HOSTIS. [HOSPITIUM; POSTLIMINIUM.]

HYACI'NTHIA (Ὑακίνθια), a great national festival, celebrated every year at Amyclae by the Amyclaeans and Spartans. The festival dated from pre-Dorian times, but, like the Carneia, had been taken over by the Dorians; and was held in honour of the Amyclaean Apollo and of the youthful hero Hyacinthus, whom he accidentally struck dead with a quoit. This Amyclaean Apollo, however, with whom Hyacinthus was associated, must not be confounded with Apollo, the national divinity of the Dorians. (Müller, *Orchom.* p. 327; *Dor.* ii. 8, § 15.) This Hyacinthus is unmistakably a personification of the drying up of vegetation by the heat of summer: the quoit (δίσκος) is the sun's disc, Apollo the god who hurls it (Schömann, *Alterth.* ii. 404). The Hyacinthia lasted for three days, and began on the longest day of the Spartan month Hecatombeus (the Attic Hecatombaeon, Hesych. *s. v.* Ἑκατομβεύς: Manso, *Sparta*, iii. 2, p. 201; called also Ὑακίνθιος from this festival, Stein on Herod. ix. 7). On the first day of the Hyacinthia sacrifices were offered to the dead, and the death of Hyacinthus was lamented. Nobody wore any garlands or sung paeans at the sacrifices, nor was any wheaten bread offered: plain sacrificial cakes, apparently unleavened, were the order of the day, and great abstinence was practised. This serious and melancholy character was foreign to all the other festivals of Apollo. The second day, however, was wholly spent in public rejoicings and amusements. Amyclae was visited by numbers of strangers (πανήγυρις ἀξιόλογος καὶ μεγάλη, Didymus *ap.* Ath. iv. p. 139 e), and boys played the cithara or sang to the accompaniment of the flute, and celebrated in anapaestic metres the praise of Apollo, while others, in splendid attire, performed a horse-race in the theatre. This horse-race is probably the ἀγὼν mentioned by Strabo in connexion with the Hyacinthia (vi. p. 278). After this race there followed a number of choruses of youths conducted by a χοροποιός (Xen. *Ages.* 2, § 17), in which some of their national songs (ἐπιχώρια ποιήματα) were sung. During the songs of these choruses dancers performed some of the ancient and simple movements with the accompaniment of the flute and the song. The Spartan and Amyclaean maidens, after this, riding in chariots made of wickerwork (κάναθρα), and splendidly adorned, went in solemn procession. Numerous sacrifices were also offered on this day, and the citizens kept open house for their friends and relations; and even slaves were allowed to enjoy themselves. (Didymus, *ap.* Ath. iv. p. 139.) One of the favourite meals on this occasion was called κοπίς, and is described by Molpis (*ap.* Ath. iv. p. 140) as consisting of cake, bread, meat, raw herbs, broth, figs, dessert, and the seeds of lupine. Some ancient writers, when speaking of the Hyacinthia, apply to the whole festival such epithets as can only be used in regard to the second day; for instance, when they call it a merry or joyful solemnity. Macrobius (*Sat.* i. 18, § 2) states that the Spartans wore chaplets of ivy at the Hyacinthia as at a Bacchic rite, which can only be true if it be understood of the second day. The incorrectness of these writers is however in some degree excused by the fact, that the second day formed the principal part of the festive season, as appears from the description of Didymus, and as may also be inferred from Xenophon (*Hell.* iv. 5, § 11; compare *Ages.* 2, § 17), who makes the paean the principal part of the Hyacinthia. The third day's ceremonies are not specially described (Schömann, *l. c.*), but, according to the tradition, were of a solemn character, resembling those of the first day. The great importance attached to this festival by the Amyclaeans and Lacedaemonians is seen from the fact, that the Amyclaeans, even when they had taken the field against an enemy, always returned home on the approach of the season of the Hyacinthia, that they might not be obliged to neglect its celebration (Xen. *Hell.* iv. 5, § 11; Paus. iii. 10, § 1), and that the Lacedaemonians on one occasion concluded a truce of forty days with the town of Eira, merely to be able to return home and celebrate the national festival (Paus. iv. 19, § 3); and that in a treaty with Sparta, B.C. 421, the Athenians, in order to show their good-will towards Sparta, promised every year to attend the celebration of the Hyacinthia. (Thuc. v. 23.) [L. S.] [W. W.]

HY'ALUS. [VITRUM.]

HYBRIS, HYBREOS GRAPHE (ὕβρις, ὕβρεως γραφή). The fine instinct of the Greeks for civilisation is nowhere more conspicuous than in the early repression of wanton violence

(*ὕβρις*) in all its forms; and this, notwithstanding a singular disregard of human life. In modern Europe, for example, only a few of the most advanced nations have discontinued the use of arms; among these the wearing of the sword remained a distinction of the upper classes long after it had been dropped by the common people; and the growing practice of carrying revolvers shows that we are still liable to relapse. The Greeks, on the contrary, had abandoned the habit of going armed (*σιδηροφορεῖν*) at a very early, almost a pre-historic, period; and the Athenians were the first to set the example (Thucyd. i. 5, 6). Aristotle couples together the wearing of arms and the buying of wives as proofs of the barbarism of early Greek custom (*Pol.* ii. 8 = p. 1268 b, 40). In the absence both of wild beasts and roving criminals, the stick [BACTERIA], which no one was without, was regarded as sufficient protection to the lonely traveller. In strict keeping with this sentiment, all approaches to violence were guarded both by law and public opinion. In so backward a community as the Locrians of Italy, where the laws of Zaleucus prescribed mutilations unknown in Greece proper (Dem. *c. Timocr.* p. 744, § 140), there was yet a provision against abusive language (Stob. *Flor.* xliv. 21). "In the case of personal quarrels, it is noted that the Attic law allowed an action for every step in the quarrel, from the use of language 'calculated to provoke a breach of the peace,' through common and aggravated assault, up to grievous bodily harm and manslaughter. . . . Even more marked than this abandonment of arms was the strong feeling about *ὕβρις*, as they called it; about personal violence, which they would not allow even towards slaves." (Mahaffy, *Social Life in Greece*, ed. 3, pp. 388, 390.)

In Attic law, abusive words (*λοιδορία*) made the speaker liable to a small summary fine (*ἐπιβολή*), especially if uttered in a court of law or a sacred precinct; if they extended to certain definite charges against a man's character, the remedy was a *κακηγορίας δίκη* [KAKEGORIAS DIKÉ; cf. APORRHETA]: it was a legal defence, as in the recent (though not the old) English law of libel, to prove that the charge was true (Dem. *c. Aristocr.* p. 635, § 50). For an assault, whether common or aggravated, the plaintiff had his choice between a private action for damages [AIKIAS DIKÉ] and a public and criminal prosecution (*ὕβρεως γραφή*), in which, as a *τιμητὸς ἀγών*, any penalty might be demanded, and in extreme cases death. The former involved fewer risks, and was more commonly chosen, especially by diffident plaintiffs (Dem. *c. Conon.* p. 1256, § 1; cf. *c. Everg. et Mnes.* p. 1158, § 64). But, as has been seen under AIKIAS DIKÉ, *αἰκία* and *ὕβρις* might be intentionally confounded with the object of exciting greater odium against the defendant (cf. Dem. *c. Mid.* p. 526, § 38; Aristot. *Rhet.* i. 13, § 10; *Att. Process*, p. 647 Lips.).

In the use of the term *ὕβρις* there was a further distinction between indecent (*δι' αἰσχρουργίας*) and other assaults (*διὰ πληγῶν*: see the Second Argument to the Midias, p. 513, 10). If the offence were of the former kind, it would always be available when the sufferer was a minor of either sex (for the consent of the infant was immaterial), or when an adult female was forcibly violated: and this protection was extended to all conditions of life, whether bond or free (Dem. *c. Mid.* p. 529, § 46; Aeschin. *c. Timarch.* § 17; Hyperid. *ap.* Ath. vi. p. 267 a). It is a moot point whether the *γραφὴ ὕβρεως* protected slaves in other cases than attempts upon their chastity: Meier and Schömann, in the original *Att. Process*, upheld the limitation to *ὕβρις δι' αἰσχρουργίας*: the best recent criticism denies it (Hermann, *Staatsalterth.* § 114, n. 7; Becker-Göll, *Charikles*, p. 29 f.; Lipsius, *Att. Process*, p. 399 f.; Thalheim, *Rechtsalterth.* p. 33 f.). [The case, however, in Dem. *c. Nicostr.* p. 1251, § 16, proves nothing either way; cf. Sandys *ad loc.*] Aeschines is careful to state that it was not because the slave had any *rights* that he was thus protected, but for the good of the citizens, that they might learn to repress the habit of personal violence; his expression *οὐ γὰρ ὑπὲρ τῶν οἰκετῶν ἐσπούδασεν ὁ νομοθέτης* (*c. Timarch.* § 17) affords a curious parallel to the language of St. Paul (*μὴ τῶν βοῶν μέλει τῷ Θεῷ, ἢ δι' ἡμᾶς πάντως λέγει;* 1 Cor. ix. 9). The legal representative (*κύριος*) of a female or a minor might, if he pleased, consider the injury as a private rather than a public wrong, and sue for damages in a civil action [BIAION DIKÉ]. To justify an action for *ὕβρις διὰ πληγῶν*, it was of course necessary to prove that the defendant struck the first blow (*ὅταν ἄρχῃ χειρῶν ἀδίκων*, Aristot. *Rhet.* ii. 24, § 9; cf. [Dem.] *c. Everg. et Mnes.* p. 1151, § 40). Injury to a slave, if slight, might entitle the master to recover damages for the battery (*αἰκία*), or if serious for the loss of his services by a *δίκη βλαβῆς* (BLABES DIKÉ; Lips. *Att. Process*, p. 401, where it is maintained against Meier that there was an *αἰκίας δίκη* also in the case of slaves).

The *ὕβρεως γραφή*, as has been already stated, does not seem to have been frequent; there are no speeches extant upon an action of this kind, and the allusions to lost speeches (*e.g.* Athen. *l. c.*) tell the same tale. Besides the more serious character of the *γραφὴ* or public prosecution, it was more profitable to obtain compensation for the wrong than the mere punishment of the wrong-doer; the penalty in the latter case accrued to the state and not to the plaintiff. He had also to forfeit 1000 drachmas (*ὀφλεῖν χιλίας*) if he either relinquished the suit or failed to obtain a fifth of the votes. If, however, the case for the prosecution was both strong and clear, the redress afforded by the public action was prompt and efficient. Besides the legal protectors of women and children, any Athenian citizen in the enjoyment of his full franchise might volunteer an accusation; he had to pay no deposit (*πρυτανεῖα*) beforehand (Lipsius, *Att. Process*, p. 814): the declaration was laid before the thesmothetae, who, unless hindered by extraordinary public business, were bound to bring it for trial within a month before a Heliastic court. The severity of the sentence extended to confiscation or death; and if the latter were awarded, the criminal was executed on the same day: if a fine were imposed upon him, he was allowed but eleven days for its payment, and he was imprisoned until the claim of the state was liquidated. The law in Demosthenes (*c. Mid.* p. 529, § 47) mentions

imprisonment only ἐὰν ἐλεύθερόν τις ὑβρίσῃ: that in Aeschines (*c. Timarch.* § 16) draws no such distinction. Notwithstanding the strong presumption against the genuineness of documents inserted in the text of the Orators, there are some exceptions: and these particular laws have been defended on good grounds (Lipsius, p. 395, n. 565; Thalheim, p. 33, n. 5).

[The speech of Isocrates *against Lochites* (*Or.* 20), and that of Demosthenes *against Conon* (*Or.* 54), each technically an αἰκίας δίκη, abound with illustrations of the whole subject of ὕβρις. Cf. *Att. Process*, pp. 392–402, Lipsius; Thalheim, *Rechtsalterth.* § 6 = Hermann, *Staatsalterth.* § 61.] [C. R. K.] [W. W.]

HYDRA'LETA. [Mola.]

HYDRAULA. [Hydraulus.]

HYDRAU'LICA MA'CHINA. [Hydraulus.]

HYDRAULUS (ὕδραυλος), a water-organ. According to Athenaeus (iv. p. 174 c; cf. Plin. *H. N.* vii. § 125), it was the invention of Ctesibius of Alexandria [Ctesibica Machina]. Ctesibius probably lived about B.C. 250, in the reigns of Ptolemy Philadelphus and Euergetes; not, as stated by Athenaeus (*ib.* p. 174 d), under the second Euergetes 80 years later. He evidently took the idea of his organ from the Syrinx or Pandean pipes, a musical instrument of the highest antiquity among the Greeks. His object being to employ a row of pipes of great size, and capable of emitting the most powerful as well as the softest sounds, he contrived the means of adapting keys with levers (ἀγκωνίσκοι), and with perforated sliders (πώματα), to open and shut the mouths of the pipes (γλωσσόκομα), a supply of wind being obtained, without intermission, by bellows, in which the pressure of water performed the same part which is fulfilled in the modern organ by a weight (Heron, *Spirit.* 228). On this account the instrument invented by Ctesibius was called the water-organ (ὕδραυλις, Ath. *l. c.*; ὑδραυλικὸν ὄργανον, Heron, *Spirit.*; *hydraulica machina*, Vitruv. x. 13; Schneider, *ad loc.*; Drieberg, *Die pneum. Erfindungen der Griechen*, pp. 53–61; *hydraulus*, Plin. *H. N.* ix. § 24; Cic. *Tusc.* iii. 18, § 43). It is described in an epigram by the Emperor Julian (Brunck, *Anal.* ii. 403 = *Anth. Pal.* ix. 365), who mentions the swift fingers of the performer, but not the water-bellows; and more clearly in the following lines of Claudian (*de Mall. Theod. Cons.* 316–319):—

> "Et qui magna levi detrudens murmura tactu,
> Innumeras voces segetis moderatus aënae,
> Intonet erranti digito, penitusque trabali
> Vecte laborantes in carmina concitet undas."

We have here the keys, the innumerable pipes of metal, the lever as large as a beam which sets the water in motion: if we may accept the probable conjecture of Gräbner, *pedibus* for *penitus* in v. 318, this lever is moved by a pedal. Its pipes were partly of bronze (χαλκειὴ ἄρουρα, Julian; *seges aëna*, Claudian), and partly of reed (δόνακες, Julian). The number of its stops, and consequently of its rows of pipes, varied from one to eight (Vitruv. *l. c.*), so that Tertullian (*de Anima*, 14) describes it with reason as an exceedingly complicated instrument. The latest account of these water-organs (Gräbner, *de Hydraulicis veterum Organis*, an inaugural dissertation, Berol. 1867) adds little to what was previously known; and we are still in the dark as to the exact part played by the water, which, besides, must have rendered the instrument much less portable. As invented by Ctesibius, the organ was doubtless hydraulic: but the epigram of Julian omits all mention of the water, and we incline to think that, in later times, the mechanism was simplified and the bellows blown directly by the pedal, as in the modern harmonium; the water-power being retained only in the larger organs, which may have been fixtures. The organ figured below from a coin seems too small to allow room for such an arrangement. Mention is made of this instrument so late as the ninth century of our era: in the year 826, a water-organ was erected by a Venetian in the church of Aquisgranum, the modern Aix-la-Chapelle. (Quix, *Münsterkirche in Aachen*, p. 14.)

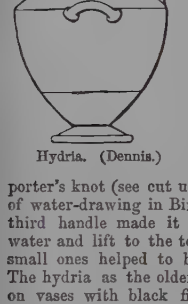
The organ was well adapted to gratify the Roman people in the splendid entertainments provided for them by the emperors and other opulent persons. Nero was very curious about organs, both in regard to their musical effect and their mechanism. (Sueton. *Ner.* 41, 54.) A contorniate coin of this emperor, in the British Museum (see woodcut), shows a small organ with a sprig of laurel on one side, and a man standing on the other, who may have been victorious in the exhibitions of the circus or the amphitheatre. It is probable that these medals were bestowed upon such victors, and that the organ was impressed upon them on account of its introduction on such occasions. (Havercamp, *de Num. contorniatis*; Rasche, *Lex. Univ. Rei Num.* s. v.° *Hydraulicum Instrumentum.*) The general form of the organ is also clearly exhibited in a poem by Publilius Porphyrius Optatianus, describing the instrument, and composed of verses so constructed as to show both the lower part which contained the bellows, the wind-chest which lay upon it, and over this the row of 26 pipes. These are represented by 26 lines, which increase in length each by one letter, until the last line is twice as long as the first. (Wernsdorf, *Poetae Lat. Min.* vol. ii. pp. 394–413.)

Organ, from a coin of Nero. (British Museum.)

There can be little doubt that ὑδραύλης, *hydraula* or *hydraules*, denotes the organist (Suet. *Ner.* 54; Petron. *Sat.* 36); and there is, as has been seen, sufficient evidence that the instrument was keyed and gave scope to the skill of the performer. That the hydraules was one who sang or recited to an accompaniment upon the hydraulic organ has been assumed as part of the theory that these organs were only played by mechanism; a conclusion

which, we think, raises greater difficulties than it solves. [J. Y.] [W. W.]

HY'DRIA (*ὑδρία*) is a generic term for any water-jar or water-pot, but specifically applied to a form of vessel more or less nearly resembling the AMPHORA. The hydria, however, had a rounder body and a shorter neck than the amphora. Another distinctive mark is its having three handles; a pair of small ones (*ὦτα* or *ὠτία*) at the shoulders, and a large vertical one either at the neck or in the middle of the side. Hence it is called by the Italians *vaso a tre maniche*. The *calpis* (*κάλπις*) is regarded by some German writers as identical with the hydria (Guhl and Koner; Blümner); according to Dennis, "The name hydria is applied to those of the earliest style which have a squareness about the shoulders, while a later and more elegant variety, with the shoulders rounded off, is generally called calpis:" it is admitted, however, that this distinction is conventional. Compare Birch, p. 364.


Hydria. (Dennis.)

Both forms occur frequently in vase-paintings, in which girls are represented carrying water on their heads, aided by a pad (*τύλη, σπεῖρα*) resembling a porter's knot (see cut under ARCULUM; a scene of water-drawing in Birch, p. 195). The large third handle made it easier to dip into the water and lift to the top of the head; the two small ones helped to balance it when carried. The hydria as the older form is found mostly on vases with black figures, the calpis with red figures, though the latter sometimes shows archaic designs. For other points of difference, see CALPIS.

The material was in general pottery, but a costly bronze *ὑδρία* is mentioned ([Dem.] *c. Everg. et Mnes.* p. 1155, § 52). For the use of the water-jug (in this case *κάλπις*) in Athenian weddings, see MATRIMONIUM, Vol. II., p. 136 *a*. The hydria was employed as a cinerary urn (Plut. *Philop.* 21; Lucian, *Demosth. Encom.* 29; *κάλπις, Anth. Pal.* xii. 74); and as the urn from which the dicasts were drawn by lot (Isocr. *Trapez.* § 33). In Plutarch (*Ti. Gracch.* 11) it is apparently the Roman voting-urn, properly called cista [CISTA]. A golden or gold-mounted *κάλπις* was used for unguents (Antiphan. *fr.* 106 M.; Polyb. xxxi. 3, § 17); this, of course, must have been much smaller than the ordinary size. Vases of all shapes are found "in miniature" in Etruscan tombs, and must have served a similar purpose. (Guhl and Koner, ed. 5, p. 191; Hermann-Blümner, *Privatalterth.* p. 163; Birch, *Anc. Pottery*, ed. 1873, p. 364; and especially Dennis, *Etruria*, ed. 1878, pp. cx., cxi.) [W. W.]

HYDRIAPHO'RIA (*ὑδριαφορία*) was one of the services which aliens (*μέτοικοι*) residing at Athens had to perform to the Athenians at the Panathenaea, and by which it was probably intended to impress upon them the recollection that they were mere aliens and not citizens. The hydriaphoria was performed by the wives of aliens (Pollux, iii. 55); whereas their daughters had on the same occasion to perform the *σκιαδηφορία* (the carrying of parasols) for the Athenian maidens (Pollux, vii. 134; cf. 174), and their husbands the *σκαφηφορία* (the carrying of vessels containing offerings of cakes, &c. for the goddess; see Aelian, *V. H.* vi. 1, with Perizonius: Dinarch. *ap.* Harpocrat. *s. v. σκαφηφόροι*, with Valesius). It has been inferred from the words of Aelian that these humiliating services were not demanded of the aliens by the laws of Solon, but introduced at a later period; on such a point, however, the authority of Aelian is of no value. The hydriaphoria was the carrying of a vessel with water (*ὑδρία*, Aristoph. *Eccles.* 738), which service the married alien women had to perform to the married part of the female citizens of Athens, when they walked to the temple of Athena in the great procession at the Panathenaea. The duties thus imposed upon *μέτοικοι* were a badge of inferiority, but cost nothing except in dignity: it does not seem correct to compare them, as Boeckh does (*P. E.* p. 538 = *Sth.*[3] i. 624), with the liturgies (Hermann, *Staatsalterth.* § 115, n. 10; Schömann, *Antiq. Juris Publici*, p. 190, *Antiq.* i. 354 E. T.) [L. S.] [W. W.]

HYDROMELI. [VINUM.]

HYLO'RI or HYLEO'RI (*ὑλωροί, ὑληωροί*) are said by Hesychius (*s. v.*) to have been officers who had the superintendence of forests (*ὕλην φυλάσσων*: compare Suidas, *s. v.*). Aristotle (*Polit.* vi. 5, § 4 = p. 1321 b, 30), who divides all public officers into three classes (*ἀρχαί, ἐπιμεληταί*, and *ὑπηρέται*), reckons the *ὑλωροὶ* among the *ἐπιμεληταί*, and says that by some they were called *ἀγρονόμοι*. They seem to have been a kind of police for the protection of the forests, similar to the German *Förster*. But the exact nature of their office, or the Greek states where it existed, are unknown (Gilbert, *Staatsalterth.* i. 333). It is tolerably certain that Attica was not one of these, for a reason given under AGRONOMI; see, however, Boeckh (*P. E.* p. 303 = *Sth.*[3] i. 372).

[L. S.] [W. W.]

HYPAETHROS. [TEMPLUM.]

HYPASPISTAE (*ὑπασπισταί*). [EXERCITUS, p. 778 *a*.]

HYPE'RETES (*ὑπηρέτης*). The word is derived from *ἐρέσσω, ἐρέτης*, and therefore originally signifies a rower; but in later times the word was applied to the entire crew of a vessel, as distinct from the *ἐπιβάται*, soldiers or marines (Thucyd. vi. 31, with Classen's note; Dem. *c. Polycl.* p. 1214, § 25; Polyb. v. 109, § 1). Sometimes, again, the *ὑπηρέται* or *ὑπηρεσία* are distinguished from the *ναῦται* (Dem. *c. Polycl.* p. 1216, § 30; Boeckh, *P. E.* p. 280 = *Sth.*[3] i. 349; *P. E.* p. 552 = *Sth.*[3] i. 641). Thus, in the Peloponnesian war the Athenian government had paid the wages of all on board (*P. E.* p. 275 = *Sth.*[3] i. 344); but in the time of Demosthenes the state paid only the *ναῦται*, while the trierarchs had to find and pay the *ὑπηρεσία* (Dem. *de Cor. Trier.* p. 1229, § 6; Fränkel, n. 859 on Boeckh). The name *ὑπηρέται* was also given to those men by whom the hoplitae were accompanied when they took the field, and who carried the luggage, the provisions, and the shield of the hoplites (Xen. *Cyrop.* ii. 1, § 31). The more

common name for this servant of the hoplites was σκευοφόρος (Boeckh, *P. E.* p. 271 = *Sthh.*[3] i. 339).

At Athens the name ὑπηρέτης, or the abstract ὑπηρεσία, seems to have been applied to a whole class of officers. Aristotle (*Pol.* iv. 15 = p. 1299 a, 20) divides all public offices into three classes,—ἀρχαί or magistracies, ἐπιμέλειαι or administrations, and ὑπηρεσίαι or services. Now all public officers at Athens, in as far as they were the representatives of the people, or the executors of its will, were appointed by the people itself or by the senate; and with the exception of some subaltern military officers, we never find that one public officer was appointed by another. A public officer, therefore, when he appointed another person to perform the lower or more mechanical parts of his office, could not raise him to the rank of a public officer, but merely engaged him as a servant (ὑπηρέτης), and on his own responsibility. These ὑπηρέται, therefore, were not public officers, properly speaking, but only in as far as they took a part in the functions of such officers. The original and characteristic difference between them and real public officers was, that the former received salaries, while the latter had none (Boeckh, *P. E.* p. 239 = *Sthh.*[3] i. 304). Among the ὑπηρέται were reckoned the lower classes of scribes [GRAMMATEUS], heralds, messengers, the ministers of the Eleven [HENDECA], and others. This class of persons, as might be supposed, did not enjoy any high degree of estimation at Athens (Pollux, vi. 31), and it is clear that they were not always Athenian citizens, but sometimes slaves. [DEMOSII.] (Cf. Schömann, *Assemblies*, p. 307 ff.; *Antiq. Jur. Publ.* p. 235 f.; *Antiq.* i. 400, E. T.)

Other senses of ὑπηρέτης are sufficiently explained in the Lexicons. [L. S.] [W. W.]

HYPERO'ON (ὑπερῷον). [DOMUS, p. 663 *b*.]

HYPO'BOLES GRAPHE (ὑποβολῆς γραφή). Of this action *Lexic. Seguer.* p. 311 says that it was preferred against persons suspected of having been supposititious children; and that if this fact was established at the trial, they were reduced to slavery. Even supposing with Meier (*de Bon. damn.* p. 29) that this action was preferred only when the children thus substituted were not of civic extraction, the punishment seems unnaturally severe; hence Thonissen (*Droit pénal*, p. 343) doubts the correctness of the grammarian's information. Midias was said to be a supposititious child (Dem. *c. Mid.* p. 563, § 149); Isaeus (*Pyrrh.* §§ 15, 36) hints that Phile belonged to the same class; cf. Aristoph. *Thesm.* 407, 511, and Dio Chrys. xv. 8, p. 237, ὅτι αἱ μὲν ἐλεύθεραι γυναῖκες ὑποβάλλονται πολλάκις δι' ἀπαιδίαν, ὅταν μὴ δύνωνται αὐταὶ κυῆσαι, etc. (Platner, *Proc. u. Klagen*, ii. p. 72; *Att. Process*, ed. Lipsius, p. 441 f.) [J. S. M.] [H. H.]

HYPOCAUSTUM. [BALNEAE, p. 278.]

HYPOCOSME'TAE (ὑποκοσμηταί) frequently occur in Athenian inscriptions of the time of the Roman empire, as assistants of the κοσμητής, who at that period was the chief officer who regulated the exercises of the Gymnasium. [Krause, *Gymnastik und Agonistik*, i. 212 ff.; *C. I. G.* 270, 274 (addit.); GYMNASIUM, p. 928 *a*.] [W. S.] [W. W.]

HYPO'CRITES (ὑποκριτής). [HISTRIO.]

HYPODE'MA (ὑπόδημα). [CALCEUS.]

HYPOGAEUM. [DOMUS, p. 672 *b*.]

HYPOGRA'MMATEUS (ὑπογραμματεύς). [GRAMMATEUS.]

HYPO'GRAPHIS. [PICTURA.]

HYPOMEI'ONES (ὑπομείονες). [HOMOEI.]

HYPOMO'SIA (ὑπωμοσία). [ANACRISIS, init.; DIAETETAE, p. 621 *b*; DIKE, p. 629 *b*.]

HYPO'NOMUS. [EMISSARIUM.]

HYPORCHE'MA (ὑπόρχημα) was a lively kind of mimic dance which accompanied the songs used in the worship of Apollo, especially among the Dorians. It was performed by men and women (Athen. xiv. p. 631 *c*). A chorus of singers at the festivals of Apollo usually danced around the altar, while several other persons were appointed to accompany the action of the song with an appropriate mimic performance (ὑπορχεῖσθαι). The hyporcheme was thus a lyric dance, and often passed into the playful and comic, whence Athenaeus (xiv. p. 630 *e*) compares it with the cordax of comedy. It had, according to the supposition of Müller, like all the music and poetry of the Dorians, originated in Crete, but was at an early period introduced into the island of Delos, where it seems to have continued to be performed down to the time of Lucian. (Athen. i. p. 15 *d*; Lucian, *de Saltat.* 16; compare Müller, *Dor.* ii. 8, § 14.) A similar kind of dance was the γέρανος, which Theseus on his return from Crete was said to have performed in Delos, and which was customary in this island as late as the time of Plutarch (*Thes.* 21). The leader of this dance was called γερανουλκός (Hesych. *s. v.*). It was performed with blows, and with various turnings and windings (ἐν ῥυθμῷ περιελίξεις καὶ ἀνελίξεις ἔχοντι), and was said to be an imitation of the windings of the Cretan labyrinth. When the chorus was at rest, it formed a semicircle, with leaders at the two wings (Pollux, iv. 101).

The poems or songs which were accompanied by the hyporcheme were likewise called hyporchemata. The first poet to whom such poems are ascribed was Thaletas: their character must have been in accordance with the playfulness of the dance which bore the same name, and by which they were accompanied. The fragments of the hyporchemata of Pindar confirm this supposition, for their rhythms are peculiarly light, and have a very imitative and graphic character. (Pind. *fr.* 71–82 Bergk; cf. Pratinas, *fr.* 1; Boeckh, *de Metr. Pind.* p. 201 ff., p. 270.) These characteristics must have existed in a much higher degree in the hyporchematic songs of Thaletas. (Müller, *Hist. of Greek Lit.* i. p. 23 ff.; compare with p. 160 ff.) [L. S.] [W. W.]

HYPOSCE'NIUM. [THEATRUM.]

HYPOTHE'CA. [PIGNUS.]

HYPOTHECA'RIA ACTIO. [PIGNUS.]

HYPOTRACHE'LIUM (ὑποτραχήλιον). [COLUMNA, p. 490 *b*.]

HYSPLENX (ὕσπληγξ), the rope drawn across the race-course at the starting-point. [STADIUM.] For other senses, see L. and S., *s. v.*

I. J.

JACULATO'RES (*πεζακοντισταί*). The same as *velites* or *rorarii*. [EXERCITUS, p. 784 *b*.]

JA'CULUM. [HASTA.]

JA'NITOR. [JANUA.]

JA'NUA (*θύρα*), a door. Besides being applicable to the doors of apartments in the interior of a house, which were properly called *ostia* (Isid. *Orig.* xv. 7; Verg. *Aen.* vi. 43, 81), this term more especially denoted the first entrance into the house, *i.e.* the front or street door, which was also called *anticum* (Festus, *s. v.*), and in Greek *θύρα αὔλειος, αὐλεία, αὐλίος, αὐλία* (*Od.* xxiii. 19; Pind. *Nem.* i. 19; Menand. *fr.* 238 Mein.; Harpocr. *s. v.*; Theophr. *Char.* 18; Theocrit. xv. 43; Herodian, ii. 1; Charit. i. 2). The houses of the Romans commonly had a back-door, called *posticum*, *postica*, or *posticula* (Festus, *s. v.*; Hor. *Epist.* i. 5, 31; Plaut. *Most.* iii. 3, 27; Suet. *Claud.* 18), and in Greek *παράθυρος*, dim. *παραθύριον*: also *κηπαία*, sc. *θύρα*, because it often led into a garden at the back (Hermipp. *fr.* 42 M.; [Dem.] *c. Everg. et Mnes.* p. 1155, § 53; cf. Plaut. *Stich.* iii. 1, 40–44). Different from this was *ψευδόθυρον*, *pseudothyrum*, a false, *i.e.* secret door, used either for safety or for illicit purposes (Cic. *in Verr.* ii. 20, § 50; *post Red. in Sen.* 6, § 14). For the internal doors, like the *μέσαυλος* or *μέταυλος*, see DOMUS, p. 663 *a*.

The doorway, when complete, consisted of four indispensable parts,—the threshold, or sill; the lintel; and the two jambs.

The threshold (*limen, βηλός, οὐδὸς ὀδός*) was an object of reverence, and it was thought unlucky to tread on it with the left foot. On this account the steps leading into a temple were of an uneven number, because the worshipper, after placing his right foot on the bottom step, would then place the same foot on the threshold also (Vitruv. iii. 4). Thus the woodcut under ANTAE shows five steps; the well-preserved temple at Nîmes, now called the *Maison Carrée*, is approached by three steps.

The lintel (*jugumentum*, Cat. *de Re Rust.* 14; *supercilium*, Vitruv. iv. 6) was also called *limen* (Juv. vi. 228), and more specifically *limen superum*, to distinguish it from the sill, which was called *limen inferum*. (Plaut. *Merc.* v. 1, 1.) Being designed to support a superincumbent weight, it was generally a single piece, either of wood or stone. Hence those lintels which still remain in ancient buildings astonish us by their great length. In large and splendid edifices the jambs or door-posts (*postes, σταθμοί*) were made to converge towards the top, according to certain rules, which are given by Vitruvius (*l. c.*). In describing the construction of temples he calls them *antepagmenta*, the propriety of which term may be understood from the ground-plan of the door under CARDO, where the hinges are seen to be behind the jambs. This plan may also serve to show what Theocritus means by the *hollow* door-posts (*σταθμὰ κοίλα θυράων, Idyll.* xxiv. 15). In the Augustan age it was fashionable to inlay the posts with tortoiseshell (Verg. *Georg.* ii. 463). Although the jamb was sometimes nearly twice the length of the lintel, it was made of a single stone even in the largest edifices. A very striking effect was produced by the height of these doorways, as well as by their costly decorations, beautiful materials, and tasteful proportions.

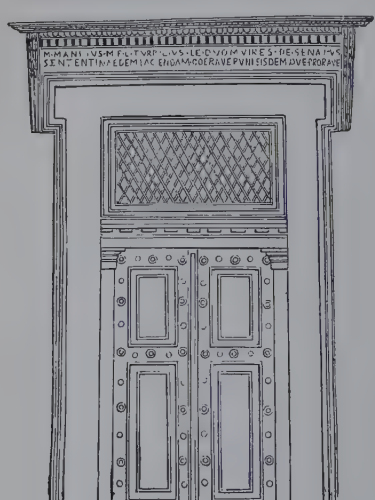
The door in the front of a temple, as it reached nearly to the ceiling, allowed the worshippers to view from without the entire statue of the divinity, and to observe the rites performed before it. These circumstances are illustrated in the accompanying woodcut, showing

Door of Temple. (From a bas-relief.)

the front of a small temple of Jupiter. The term *antepagmentum*, which has been already explained, and which was applied to the lintel as well as the jambs (*antepagmentum superius*, Vitruv. iv. 6, § 1), implies that the doors opened inwards. This is clearly seen in the same woodcut, and is found to be the construction of all ancient buildings at Pompeii and other places. In some of these buildings, as for example in that called "the house of the tragic poet," even the marble threshold rises about an inch higher than the bottom of the door (Gell's *Pompeiana*, 2nd Ser. vol. i. p. 144), so that the door was in every part behind the door-case. It was formerly assumed, on the strength of a passage in Plutarch (*Public.* 20), that in the older Greek houses the doors regularly opened outwards. But Plutarch only mentions this as an inference from the language of comedy; and it is probable that the practice had always been exceptional. Aristotle tells us that Hippias laid a tax on such doors (*Oecon.* ii. p. 1347), which doubtless led to the disuse of that mode of construction; and as he taxed at the same time balconies (*δρύφακτοι*) and other projections, it is likely that they had always been regarded as encroachments on the rights of the public. (Cf. Becker-Göll, *Charikles*, i. 92, ii. 146.) In a single instance only were the doors allowed to open outwardly at Rome; an exception was made as a special privilege in

honour of M. Valerius Publicola. (Plut. *l. c.*; Plin. *H. N.* xxxvi. § 112; Marquardt, *Privatleben*, p. 229.)

The lintel of the oblong door-case was in all large and splendid buildings, such as the great temples, surmounted either by an architrave and cornice, or by a cornice only. As this is not shown in the bas-relief above introduced, an actual doorway, viz. that of the temple of Hercules at Cora, is here added. Above the



Temple of Hercules at Cora.

lintel is an architrave with a Latin inscription upon it, and above this a projecting cornice supported on each side by a console, which reaches to a level with the bottom of the lintel. The top of the cornice (*corona summa*, Vitruv. iv. 6, § 1) coincided in height with the tops of the capitals of the columns of the pronaos, so that the doorway, with its superstructure, was exactly equal in height to the columns and the Antae. This superstructure was the *hyperthyrum* of Vitruvius (*l. c.*), and of the Greek architects whom he followed. The next woodcut shows (fig. 1) one of the two consoles which support the cornice of a beautiful Ionic doorway in the temple of Minerva Polias at Athens. In the inscription relating to the building of that temple, which is now in the Elgin Collection of the British Museum, the object here delineated is called *οἷς τῷ ὑπερθύρῳ*. Other Greek names for it, used by Vitruvius (iv. 6, § 4), are *parotis* and *ancon*, literally a "side-ear" and "an elbow." The use of consoles, or trusses, in this situation was characteristic of the Ionic style of architecture, being never admitted in the Doric. It is to be observed that Homer (*Od.* vii. 90), Hesiod (*Scut.* 271), and Herodotus (i. 179), use the term *ὑπέρθυρον*, or its diminutive *ὑπερθύριον*, to include the lintel. Upon some part of the hyperthyrum there was often an inscription, recording the date and occasion of the erection, as in the case of the temple of Hercules above represented, or else merely expressing a moral sentiment, like the celebrated "Know thyself" upon the temple at Delphi.

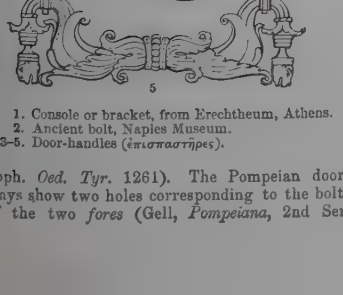
The door itself was called *foris* or *valva*, and in Greek *σανίς*, *θύρετρον*, or *κλισιάς* (more properly *κλειτιάς*, as now read, though against the MSS.). These words are commonly found in the plural, because the doorway of every building of the least importance contained two doors folding together, as in all the instances already referred to. When *foris* is used in the singular, we may observe that it denotes one of the folding-doors only, as in the phrase *foris concrepuit*, which occurs repeatedly in Plautus, and describes the creaking of a single valve, opened alone and turning on its pivots. These pivots made more noise than regular hinges [Cardo]; in Aristoph. *Thesm.* 487, the adulteress pours water on the *στροφεῖς* before going out to her assignation. Even the internal doors of houses were bivalve (Gell's *Pompeiana*, 2nd Ser. vol. i. p. 166); hence we read of "the folding-doors of a bed-chamber" (*fores cubiculi*, Suet. *Aug.* 82; Q. Curt. v. 6; *σανίδες εὖ ἀραρυῖαι*, Hom. *Od.* ii. 344, &c.; *πύλαι διπλαῖ*, Soph. *Oed. Tyr.* 1261). But in every case each of the two valves was wide enough to allow persons to pass through without opening the other valve also. Even each valve was sometimes double, so as to fold like our window-shutters (*duplices complicabilesque*, Isid. *Orig.* xv. 7). The mode of attaching doors to the doorway is explained under the article Cardo.

The remaining specimens of ancient doors are all of marble or of bronze; those made of wood, which was by far the most common material, have perished. The door of a tomb at Pompeii (Mazois, *Ruines de Pompéi*, vol. i. pl. xix. fig. 4) is made of a single piece of marble, including the pivots, which were encased in bronze, and turned in sockets of the same metal. It is 3 feet high, 2 feet 9 inches wide, 4½ inches thick. It is cut in front to resemble panels, and thus to approach nearer to the appearance of a common wooden door, and it was fastened by a lock, traces of which remain. The beautifully wrought tombs of Asia Minor and other Eastern countries have stone doors, made either to turn on pivots or to slide sideways in grooves. Doors of bronze are often mentioned by ancient writers. (Herod. i. 179; Plin. *H. N.* xxxiv. § 13.) The doors of a supposed temple of Remus, still existing at Rome, and now occupied as a Christian church, are of this material. The late Professor Donaldson (*Collection of Doorways from Ancient Buildings*, London, 1833, pl. 21) has represented them filling up the lower part of the doorway of the temple at Cora, as shown in the last woodcut, which is taken from him. The four panels are surrounded by rows of small circles, marking the spots on which were fixed rosettes or bosses, similar to those which are described and figured in the article Bulla, and which served both to strengthen and to adorn the doors. The leaves of the doors were sometimes overlaid with gold, which was an Eastern practice, as we see from the doors in the temple of Solomon at Jerusalem (1 Kings vi. 32–35); at other times they were enriched with the most exquisite carving. (Ovid. *Met.* viii. 703; Verg. *Georg.* iii. 26, *Aen.* vi. 20–32). Those in the temple of Minerva, at Syracuse, are said by Cicero (*Verr.* iv. 56, § 124) to have exceeded all others in the curious-

and beautiful workmanship executed upon them in gold and ivory. "It is incredible," says he, "how many Greeks have left writings descriptive of the elegance of these valves." One of the ornaments was "a most beautiful Gorgon's head with tresses of snakes," probably occupying the centre of a panel. In addition to the sculptures upon the valves themselves, the finest statues were sometimes placed beside them, probably at the base of the antepagmenta, as in the magnificent temple of Juno in Samos (Cic. *Verr.* i. 23, § 61). In the fancied palace of Alcinous (*Od.* vii. 83–94) the door-case, which was of silver with a threshold of bronze, included folding-doors of gold: whilst dogs, wrought in gold and silver, guarded the approach, probably disposed like the avenue of sphinxes before an Egyptian temple. As luxury advanced among the Romans metal took the place of wood, even in the doors of the interior of a house. Hence the Quaestor Sp. Carvilius reproved Camillus for having his chamber doors covered with bronze (*aerata ostia*, Plin. *l. c.*).

A lattice-work [CANCELLI] is to be observed above the bronze doors in the last woodcut, Donaldson having introduced it on the authority more especially of the Pantheon at Rome, where the upper part of the doorway is filled with a window such as that here represented.

The folding-doors exhibited in the last woodcut, instead of a rebate such as we employ, have an upright bronze pilaster standing in the middle of the doorway, so as to cover the joining of the valves. The fastenings of the door (*claustra*, Ovid, *Amor.* i. 6, 17; *obices*) commonly consisted in a bolt (*pessulus*; *μάνδαλος*, *κατοχεύς*, *κλεῖθρον*, *Att.* *κλῆθρον*, Soph. *Oed. Tyr.* 1262, 1287, 1294) placed at the base of each *foris*, so as to admit of being pushed into a socket made in the sill to receive it (*πυθμήν*,



1. Console or bracket, from Erechtheum, Athens.
2. Ancient bolt, Naples Museum.
3–5. Door-handles (*ἐπισπαστῆρες*).

Soph. *Oed. Tyr.* 1261). The Pompeian doorways show two holes corresponding to the bolts of the two *fores* (Gell, *Pompeiana*, 2nd Ser. vol. i. p. 167); and they agree with numerous passages which mention in the plural number "the bolts," or "both the bolts," of a door. (Plaut. *Aulul.* i. 3, 26; *Curc.* i. 2, 60, 71;—Soph. *ll. cc.*; Callim. *in Apoll.* 6.)

The above woodcut shows an ancient bolt preserved in the Museum at Naples. (Mazois, *Ruines de Pompéi*, vol. i. part 2, pl. vii.)

By night the front door of the house was further secured by means of a wooden and sometimes an iron bar (*sera*, *repagula*, *μοχλός*) placed across it, and inserted into sockets, on each side of the doorway. (Festus, s. v. *Adserere*; Ovid, *Amor.* i. 6, 24–56.) Hence it was necessary to remove the bar (*τὸν μοχλὸν παράφερειν*, *ἀναμοχλεύειν*, Eurip. *Med.* 1317) in order to open the door (*reserare*). (Theophrast. *Char.* 18; Plutarch, *Pelop.* 11; Plaut. *Cist.* iii. 18; Ovid, *Met.* v. 120.) Even chamber-doors were secured in the same manner (Heliodor. vi. 9; *cubiculi obseratis foribus*, Apul. *Met.* ix.); and here also, in case of need, the bar was employed as a further security in addition to the two bolts (*κλῆθρα συμπεραίνοντες μοχλοῖς*, Eurip. *Orest.* 1551, 1571; *Iph. Aul.* 345; *Androm.* 951). Where, as in the case of tyrants, midnight assassination was especially dreaded, we read of a bedchamber secured with a portcullis (*καταρράκτης*, *καταρρακτὴ πύλη*, Plut. *Arat.* 26); the drawbridge of Dionysius (Cic. *Tusc.* v. 20, § 59) is perhaps mythical. To fasten the door with the bolt was *januae pessulum obdere*, with the bar *januam obserare* (Ter. *Eun.* iii. 5, 55, iv. 6, 25; *Heaut.* ii. 3, 37). At Athens a jealous husband sometimes even proceeded to seal the door of the women's apartment. (Aristoph. *Thesm.* 427; Menand. *Incert.* 1, 11.) The door of a bedchamber was sometimes covered with a curtain [VELUM].

In the Odyssey (i. 442, iv. 802, xxi. 6, 46–50) we find mention of a contrivance for bolting or unbolting a door from the outside, which consisted in a leathern thong (*ἱμάς*) inserted through a hole in the door, and by means of a loop, ring, or hook (*κλείς*, *κληῖς*), which was the origin of keys, capable of laying hold of the bolt so as to move it in the manner required. The bolt by the progress of improvement was transformed into a lock, and the keys found at Herculaneum and Pompeii and those attached to rings (Gorlaei, *Dactylioth.* 42, 205–209) prove, that among the polished Greeks and Romans the art of the locksmith (*κλειδοποιός*) approached very nearly to its present state. (Achill. Tat. ii. 19; CLAVIS.)

The door represented in the first woodcut to this article has a ring upon each valve, which was used to shut the door, and therefore called the *ἐπισπαστήρ*. Herodotus (vi. 91) tells a story of a captive who, having escaped to a temple of Ceres, clung to the rings on the doors with both his hands. This appendage to the door was also called *κορώνη* (Hom. *Od.* i. 441; vii. 90) and *κόραξ* (Posidipp. *fr.* 5 M.; Brunck, *Anal.* iii. 168 = *Anth. Pal.* xi. 203), because sometimes curved like the beak of a raven or crow; or simply *κρίκος*, "a ring" (Harpocrat.). The lowest figure in the last woodcut shows a richly ornamented epispaster, from the collection at Naples. That with a lion's head is taken from a bas-relief representing the doors of a temple, in the collection at Ince-Blundell, near Liverpool.

The third figure is from the Neapolitan Museum.

Before the door of a palace, or of any private house of a superior description, there was a passage leading to the door from the public road, which was called *vestibulum* (Isid. *Orig.* xv. 7; Plaut. *Most.* iii. 2, 133; Gell. xvi. 5) and *πρόθυρον* (Vitruv. vi. 7, 5; Hom. *Od.* xviii. 10–100; Herod. iii. 35, 140). It was provided with seats (Herod. vi. 35). It was sometimes covered by an arch [CAMARA], which was supported by two pillars (Serv. *ad* Verg. *Aen.* ii. 469); and sometimes adorned with sculptures (Verg. *Aen.* vii. 181; Juv. vii. 126). Here persons waited, who came in the morning to pay their respects to the occupier of the house (Gell. iv. 1). In the vestibule was placed the domestic altar [ARA]. The Athenians also planted a laurel in the same situation, beside a figure designed to represent Apollo (Aristoph. *Thesm.* 489; Plaut. *Merc.* iv. 1, 11, 12); and statues of Mercury were still more frequent (Thucyd. vi. 27), being erected there on the principle of setting a thief to catch a thief (Schol. *ad* Aristoph. *Plut.* 1155; HERMAE).

The DONARIA offered to the gods were suspended not only from the ANTAE, but likewise from the door-posts and lintels of their temples (Verg. *Aen.* iii. 287, v. 360; Ovid, *Trist.* iii. 1, 34; Hor. *Carm.* iv. 15, 8; *Epist.* i. 1, 5, i. 18, 56;—Pers. *Sat.* vi. 45; Plin. *H. N.* xxxv. § 4), as well as of palaces, which in ancient times partook of the sanctity of temples (Verg. *Aen.* ii. 503; vii. 183). Victors in the games suspended their crowns at the door of a temple (Pind. *Nem.* v. 53). In like manner persons fixed to the jambs and lintels of their own doors the spoils which they had taken in battle. (Festus, s. v. *Resignare;* Plin. *H. N.* xxxv. § 7.) Stags' horns and boars' tusks were on the same principle used to decorate the doors of the temples of Diana, and of the private individuals who had taken these animals in the chase. Owls and other nocturnal birds were nailed upon the doors as in modern times (Pallad. *de Re Rust.* i. 35). Also garlands and wreaths of flowers were suspended over the doors of temples in connexion with the performance of religious rites, or the expression of public thanksgiving, being composed in each case of productions suited to the particular divinity whom they were intended to honour. In this manner the *corona spicea* was suspended in honour of Ceres (Tib. i. 1, 21; see also Verg. *Ciris*, 95–98). Laurel was so used in token of victory, especially at Rome (Ovid, *Met.* i. 562), where it sometimes overshadowed the CORONA CIVICA on the doors of the imperial palace. (Ovid, *Trist.* iii. 1, 35–49; Plin. *H. N.* xv. § 127; *laureatis foribus*, Sen. *Consol. ad Polyb.* 35; Val. Max. ii. 8, § 7.) The doors of private houses were ornamented in a similar way, and with different plants according to the occasion. More especially, in celebration of a marriage, either laurel or myrtle was placed about the door of the bridegroom. (Juv. vi. 79, 228; Claud. *de Nupt. Hon. et Mar.* 208.) Catullus, in describing an imaginary marriage, supposes the whole vestibulum to have been tastefully overarched with the branches of trees (lxiv. 278–293). The birth of a child was also announced by a chaplet upon the door (Juv. ix. 84), and a death was indicated by branches of cypress placed in the vestibulum (Plin. *H. N.* xvi. § 139; Serv. *in* Verg. *Aen.* iii. 64). In addition to trees, branches, garlands, and wreaths of flowers, the Romans sometimes displayed lamps and torches before the doors of their houses for the purpose of expressing gratitude and joy (Juv. xii. 92). Music, both vocal and instrumental, was sometimes performed in the vestibulum, especially on occasions when it was intended to do honour to the master of the house, or to one of his family (Pind. *Nem.* i. 19, 20; *Isthm.* vii. 3).

It was considered improper to enter a house without giving notice to its inmates. This notice the Spartans gave by shouting; the Athenians and all other nations by using the knocker (*ῥόπτρον*, Eurip. *Ion*, 1612; Aristoph. *fr.* 103; [Lys.] *c. Andoc.* init.; Harpocrat. *s. v.*), but more commonly by rapping with the knuckles or with a stick (*κρούειν, κόπτειν*, Becker-Göll, *Charikles*, i. 89 ff.; Plat. *Protag.* 310 B, 314 D). In the houses of the rich a porter (*janitor, custos, θυρωρός*) was always in attendance to open the door (Tibull. i. 1, 56). He was commonly a eunuch or a slave (Plat. *l. c.*), and was chained to his post (Ovid, *Amor.* i. 6; Sueton. *de Clar. Rhet.* 3). To assist him in guarding the entrance, a dog was universally kept near it, being also attached by a chain to the wall (Theocrit. xv. 43; Apollod. *ap.* Ath. i. 4; Aristoph. *Thesm.* 423, *Lysistr.* 1215; Tibull. ii. 4, 32–36); and in reference to this practice, the warning *Cave Canem*, *εὐλαβοῦ τὴν κύνα*, was sometimes written near the door. Of this a remarkable example occurs in "the house of the tragic poet" at Pompeii, where it is accompanied by the figure of a fierce dog, wrought in mosaic on the pavement (reproduced in the Pompeian house at the Crystal Palace). Instead of this harsh admonition, some walls or pavements exhibited the more gracious SALVE or XAIPE. The appropriate names for the portion of the house immediately behind the door (*θυρών*, Soph. *Oed. Tyr.* 1242; *Electr.* 328) denotes that it was a kind of apartment; it corresponded to the hall or lobby of our houses. Immediately adjoining it, and close to the front door, there was in many houses a small room for the porter (*cella*, or *cellula janitoris*, Sueton. *Vitell.* 16; Varro, *de Re Rust.* i. 13; *θυρωρεῖον*, Pollux, i. 77). [J. Y.] [W. W.]

IATRALIPTA, or IATRALIPTES (*Ἰατραλειπτής*), a sort of specialist physician, who in the treatment of disease almost confined himself to the use of friction and anointing (*ἰατραλειπτική*, Plin. *H. N.* xxix. § 2). According to Pliny (*l. c.*) the first person who brought this mode of practice especially into notice was Prodicus (or *Herodicus*) in the fifth century B.C. The iatralipta was a superior person to the mere alipta [see the word]; Harpocras, who is called by this title by the younger Pliny (*Epist.* x. 45), obtained from the Emperor Trajan the freedom of the cities of Rome and Alexandria. The word occurs in some editions of Celsus (*de Medic.* i. 1), but the better reading is *alipta*. It is found also in Galen (*de Compos. Medicam. sec. Locos*, vii. 5, tom. xiii. p. 104) and Paulus Aegineta (*de Re Med.* iii. 47). [W. A. G.]

IATROSOPHISTA (*ἰατροσοφιστής*), a medical title under the Roman Empire signify-

ing, according to Du Cange (*Glossar. Med. et Inf. Graecit.*), one who both taught medicine and also practised it, though it would seem more natural, from the etymology of the word, to consider it to mean a professor of medicine. The name is somewhat varied in form by different authors. Socrates (*Hist. Eccles.* vii. 13) calls Adamantius *ἰατρικῶν λόγων σοφιστής*. Stephanus Byzantinus (*s. v.* Γέα) mentions *τῶν ἰατρῶν σοφιστής*: Callisthenes (quoted in Du Cange), *ἰατρὸς σοφιστής*: and Theophanes (*ibid.*) *σοφιστὴς τῆς ἰατρικῆς ἐπιστήμης*. Several ancient physicians are called by this title, *e.g.* Magnus (Theophilus, *De Urinis*, Praef.), Cassius, the author of *Quaestiones Medicae et Naturales*, and others. [W. A. G.]

IATRUS (*ἰατρός*). [MEDICUS.]

IDUS. [CALENDARIUM, Roman.]

JENTA'CULUM. [CENA.]

IGNIARIA (*πυρεῖα*), fire-sticks. This contrivance of two specially adapted pieces of wood was one method known to the Greeks and Romans, and probably the most primitive, for producing fire. How far such a method takes us back in the history of civilisation, or how widely it is even now distributed among savage tribes, need not be discussed here: reference may be made to Tylor's *Early Hist. of Mankind*, p. 237; E. Reclus, in *Encycl. Brit.* s. v. *Fire*, &c. Nor need we consider whether the idea was started, as Lucret. v. 199 seems to suggest, by a forest catching fire from friction (cf. Thuc. ii. 77). By Greek and Roman authors it is clearly regarded as having originated in a rude state of life, and so *πυρεῖα* are appropriately made part of the contents of Philoctetes' cave (Soph. *Phil.* 36; it is pressing poetical accuracy too far to contend, as Hermann does, that the *πυρεῖα* there must be flints, because flints are mentioned in line 296): the invention is ascribed to Hermes (*Hymn. ad Merc.* 111). Virgil, however (*Georg.* i. 135), supposes the striking of flints to be the original method, and Pliny (*H. N.* xvi. § 208) conceives the igniaria to have been adopted by scouts on a campaign, or shepherds in the field when flints were not to be obtained. It was probably because of its antiquity that it was the method prescribed for relighting the vestal fire, if by any negligence it went out (Fest. s. v. *Ignis;* VESTALES). In Greece the sacred fires seem to have been relighted from the sun's rays by means of concave mirrors (Plut. *Num.* 9).

But, however ancient, the use of igniaria was by no means obsolete in civilised times. "Fire," says Seneca (*Nat. Qu.* ii. 22), "is produced by man in two ways, either struck from a flint or by friction of two pieces of wood" (he omits the burning-glass); and we have elaborate instructions in Greek from Theophrastus, and in Latin from Pliny, as to the selection of wood and the nature of the instruments. It is convenient here to explain how these igniaria were formed, and also to notice briefly the other methods used. The *πυρεῖα*, or igniaria, consisted of the *ἐσχάρα*, a block of soft wood with a hollow in it, and the *τρύπανον* of hard wood, which was twirled round, like an auger, in the hollow of the *ἐσχάρα*. In Latin there were no distinctive names for the two parts, beyond "quod teritur" and "quod terit" (Plin. *l. c.*). For the *ἐσχάρα*, ivy was considered the best wood; for the *τρύπανον*, laurel; but holm-oak and some other woods also could be used, the olive being specially excepted (Theophr. v. 9, 6; Plin. xvi. 207). The sparks produced by this friction, just as those produced by striking the flint, were caught in shavings of wood or dry leaves and grass (Theophr. *l. c.*; Plin. *ib.* 208; Blümner, *Technologie*, ii. 353).

The flint (which was preferred for general use when it could be obtained) appears generally as *lapis*, the word *silex* being used for any hard stone or rock, and by no means appropriated to flint. Pliny (xxxvi. § 138) gives *pyrites* as the name for the best fire-stone; it was struck either by a piece of iron or by another stone (cf. Verg. *Georg.* i. 135; *Aen.* i. 174, vi. 6; Soph. *Phil.* 296). Lastly, the material used as tinder might be ignited by a burning-glass from the sun's rays (Plut. *l. c.*); but it is clear from its omission by Seneca that this was not an ordinary method.

It remains to explain the use of *ramenta sulpurata*, i.e. chips of wood smeared with sulphur (Mart. x. 3). It must not be supposed that these were, like lucifer matches, a *substitute* for the three methods described above. They were merely an improvement upon the simpler kind of tinder, to catch more quickly the spark which still had to be produced by one or other of these methods. This is clear from Plin. xxxvi. § 138, where, speaking of the spark from the flint, he says, "quae excepta sulpure vel fungis aridis vel foliis dicto celerius praebet ignem;" and so Seneca, *Nat. Qu.* i. 1, 8, "apud nos quoque ramenta sulpure adspersa ignem ex intervallo trahunt." From the context it might be supposed that Seneca meant these sulphured chips to be ignited by the sun, but from his expressions in the passage cited above (*Nat. Qu.* ii. 22) it is clear that burning-glasses were not in common use. The effect of sulphur to make a fire spread quickly is noticed by Juv. xiii. 145. The process was much the same as that which prevailed up to the present century: the sparks obtained from the flint or from the igniaria fell on the *fomes* or tinder; as this smouldered the heat ignited the sulphur, and so the *ramenta* caught fire: the matches, in fact, saved time and blowing. These *sulpurata ramenta* were provided by vendors of sulphur, who drove a double trade, joining broken glass with sulphur, hence called *gregale sulpur* (Stat. *Silv.* i. 6, 73; cf. Plin. xxxvi. § 199), and also selling the sulphur matches, or exchanging them for broken glass, which would be sold again when they had mended it with their sulphur. Martial's "sulpurata merx" (xii. 57) may include mended glass as well as matches, but the "pallentia sulpurata" (i. 41) are certainly the yellow *sulpurata ramenta* of x. 3, and not, as Mr. Simcox (on Juv. v. 48) supposes, the glassware mended with and discoloured by sulphur. (See Friedländer, *ad loc.*; Blümner, *Technologie*, iv. 407; VITRUM.) [G. E. M.]

IGNO'BILES. [NOBILES.]

IGNOMI'NIA. [INFAMIA.]

ILE (*ἴλη*). [EXERCITUS, p. 784.]

ILLUSTRES. When Diocletian and after him Constantine the Great re-organised the Roman administration, the principal magistrates and officials were divided into three classes:—1. The *Illustres*, who held the first rank;

2. The *Spectabiles;* and 3. The *Clarissimi.* The title of *Illustres* belonged only to the Consules, the Patricii, the Praefectus praetorio, the Praefectus urbi, the Praepositus sacri cubiculi, the Magistri militum, the Magister officiorum, the Quaestor sacri palatii, the Comes sacrarum largitionum, the Comes privatarum, and the Comes domesticorum. Even among the Illustres there was a gradation of rank, the Consuls and Patricii being regarded as higher in dignity than the others. The titles *Sublimissimi, Excellentissimi,* and *Magnifici* are used as synonymous with Illustres. Among the privileges of the Illustres we read that in criminal cases they could only be tried by the emperor himself or by an imperial commission, and that they could appear before the courts by means of procurators. (Cod. Theod. vi. 6, &c., with the commentary of Gothofred; Walter, *Geschichte des römischen Rechts,* § 380, 2nd ed.; Gibbon, *Decline and Fall,* c. 17, vol. ii. p. 21, London, 1846.) [W. S.] [A. S. W.]

IMA'GINUM JUS. [NOBILES.]

IMAGO. Imago was the ordinary Latin word used to signify the copy or likeness of anything ("Imago ab *imitatione* dicta," Festus, p. 112); and, as applied to copies of nature, it includes pictures, statues, busts, or any mode of artistic representation. More particularly, however, *imago* was used to denote the ancestral likenesses which were exhibited in the more public parts of a Roman noble's dwelling. In the houses of the nobility the *imagines* of the forefathers of the head of the household were placed in the *alae,* the two wings which opened out of the hinder part of the *atrium,* or central hall, one on either side (Marquardt, *Privatleben der Römer,* i. p. 233; Vitruv. vi. 3, 6, "Imagines ad latitudinem alarum sint constitutae:" cf. Juv. viii. 19). These imagines were portrait-masks in wax (*expressi cera vultus,* Plin. *H. N.* xxxv. § 6); and the origin of these waxen masks is to be sought, not in the idea of immortalising the features of the dead for the benefit of posterity, but in the ancient beliefs connected with burial and with the life of the dead. That the primary use of the imago was for the purposes of funeral ceremonies is stated by Pliny (*l. c.,* "expressi cera vultus—ut essent imagines quae comitarentur gentilicia funera"); and the original part it played in these ceremonies is shown by the close analogies that we meet with in most of the civilised nations of the ancient world. Benndorf has shown the close resemblance that the Roman imagines bear to the portrait-masks for covering the faces of the dead, which are found in a great many ancient civilisations; they are analogous to the portrait-heads of the Egyptian mummies, and the light masks of gold, silver, bronze, iron, or tin, which are found used for this purpose in Nineveh, Phoenicia, Carthage, and by Schliemann at Mycenae in Greece (Benndorf, *Antike Gesichtshelme und Sepulcralmasken* in the *Denkschriften der Kaiserlichen Academie der Wissenschaften,* xxviii. pp. 302 ff.). The original use of the Roman portrait-masks must similarly have been for covering the faces of the dead. The custom at Rome was to lay out the dead before burial, and in funerals of special distinction this lying in state lasted for seven days (Serv. *ad Aen.* v. 64). For this purpose the services of an embalmer (*pollinctor*) were required; and it is a probable supposition that the services of the *pollinctor* did not end with preparing the body for burial, but that he also fashioned the mask that was to be buried with it. This was done by taking a mould of the face from nature. From this mould he would proceed "to take a cast in wax, to put the finishing touches (*emendare*) and colouring on this waxen image, which was then laid either on the dead man's face or on his effigy" (Benndorf, *l. c.* p. 371). The imagines were then waxen casts from moulds, which were taken from nature; they were faces in relief (*expressi cera vultus*) which received the colours and touches of nature (Lessing, *Sämmtl. Schrift.* x. p. 290). The original mask which was made from the mould was no doubt burnt or buried with the body (Marquardt, *l. c.* p. 236): but a fresh mask might be made from this mould, which was the imago placed in the atrium of a Roman house; and which was used on the occasion of the death of a member of the household, when the imagines of the ancestors formed a part of the funeral procession. Marquardt thinks that the masks might be renewed from time to time, and that on the occasion of such funerals it was not in every case the "fumosae imagines" (Senec. *Ep.* 44, 5; Juv. viii. 8) that were brought to light. The imagines as used in funerals were merely masks which were fitted on to the faces of the actors who represented the dead man's ancestors; but the imagines as kept in the atrium were probably masks fitted on busts. This is the conjecture of Quatremère de Quincy, whose account of the combined uses of these masks, for funeral purposes and for exhibition in the atrium, is extremely probable. He says, "Nothing prevents us from believing that the family portraits in coloured wax had attached to them busts, with the whole head, the neck, the breast, and the commencement of the drapery; but that, for their use in funeral ceremonies, the front part of the head which constituted the face was detached to serve as a mask" (De Quincy, *Le Jupiter Olympien,* p. 37). In the ceremonies of the apotheosis of a deceased emperor described by Herodian, it is not clear whether the imago was a waxen model of the whole form, or a waxen mask fitted on to a statue (Herod. iv. 2, 2, *κηρῷ δὲ πλασάμενοι εἰκόνα, πάντα ὁμοίαν τῷ τετελευτηκότι, ἐπὶ μεγίστης ἐλεφαντίνης κλίνης εἰς ὕψος ἀρθείσης προστιθέασιν*); but we have here probably described a masked statue resembling the masked busts in the atrium. These busts were placed along the walls of the *alae* in small shrine-like recesses (*armaria,* Plin. *H. N.* xxxv. § 6; *ξύλινα ναΐδια,* Polyb. vi. 53), and under each imago was an inscription (*titulus*) giving the name and deeds of the person represented by it. Such inscriptions were called *tituli* (Liv. x. 7, 11), or *indices* (Tibull. iv. 30, "nec quaeris quid quaque index sub imagine dicat"), or *elogia;* having this last name, Mommsen says, because they were regarded as *excerpts* from the fuller *commentarii gentilicii* (Mommsen, *C. I. L.* p. 277, *elogium* from *eligere*). They were brief records of the person's history written in prose, although Atticus, we are told, made a new departure in the composition of tituli by writing them in pointed verse (Corn. Nep. *Attic.* 18). They were in many cases not trustworthy,

family pride sometimes leading to their forgery or falsification (Liv. iv. 16; vii. 40). The imagines were arranged in such an order that, when connected by lines drawn upon the wall, they showed the *stemma* or family tree (Plin. *H. N.* xxxv. § 6, "stemmata vero lineis discurrebant ad imagines pictas"), and the immense length of some of these *gentilia stemmata* (Suet. *Ner.* 37) shows the great antiquity of the practice of preserving the imagines of ancestors; although the fact that some of these pedigrees were traced to a mythical ancestor (Suet. *Galba*, 2) shows that some of these portraits were imaginary representations; that is, if we suppose every link in the chain of descent represented in the atrium of a noble house to have had an imago corresponding to it. On festal days the recesses in which these imagines were kept were thrown open, and the busts crowned with laurel (Cic. *pro Murin.* 41, § 88). The triumphators of a family were regarded with especial pride; there seem to have been two portraits of them in the houses that could boast of this distinction: for we find that, while they had a statue in the vestibule (Juv. vii. 125, "hujus enim stat currus aeneus alti. Quadrijuges in vestibulis"), there was also a full-length portrait of them in the atrium, standing on the triumphal car (Juv. viii. 2, "stantes in curribus Aemilianos"). In this latter passage of Juvenal the portrait is spoken of in connexion with the *stemma* and the *picti vultus majorum*, which shows that this second representation of a triumphator in the atrium was made to bring him into connexion with the table of descent. Whether these full-length portraits to any degree replaced the older waxen masks, or were only used in the case of triumphators, is doubtful. A passage in Martial (ii. 90, 6, "atriaque inmodicis artat imaginibus") and one of Vitruvius (vi. 3, 6, "imagines cum suis ornamentis") seem to point to the fact that such full-length portraits were somewhat generally used in later times to represent the more distinguished members of the family (Mommsen, *Staatsr.* i.² p. 429, n. 1).

A complete alteration in the fashion of the imagines was caused, during the Empire, through the decreasing number of ancient and noble families, and the rise of new families, who had no imagines, and yet wished to decorate the atrium with portraits. The old waxen masks were now replaced by *clipeatae imagines*, bronze or silver medallions, such as had been long used for the decoration of temples and public places (Plin. *H. N.* xxxv. § 6). The senate-house during the Empire was decorated with the medallions (*clipei*) of famous orators (Tac. *Ann.* ii. 37, 83); and at Pompeii the walls of the *alae* in private houses are adorned with portrait-medallions of this kind (Marquardt, *l. c.* p. 239). These medallions sometimes represented the emperors and other prominent persons unconnected with the family; but they also replaced the waxen masks as portraits of ancestors (Just. Cod. v. 37, 22), to such an extent indeed that Pliny tells us that in his time the older form of the imago had wholly disappeared (Pliny, *H. N.* xxxv. § 6, "Imaginum quidem pictura in totum exolevit"). By this is meant only that the custom of forming such waxen masks as portraits had ceased, for the older imagines kept in the *armaria* are found as late as the year 276 A.D. (Vopiscus, *Florian.* 6, in which the expression "imagines aperirent" shows that the passage refers to the older waxen masks; Marquardt, *l. c.* p. 239, n. 3).

As has been stated above, the first use assigned to the imagines at Rome was their exhibition in public funerals. This leads to the consideration of the *Jus imaginum*, or the conditions that had to be satisfied by a man before his imago could be exhibited in the funeral processions of any of his descendants. The right was confined to those who had filled the offices of dictator, consul, censor, praetor, and curule aedile: it coexists with the right of the *toga praetexta* and the *sella curulis* (Cic. *in Verr.* v. 14, 36, "togam praetextam, sellam curulem, Jus imaginis ad memoriam posteritatemque prodendae"), and coincides nearly with the possession of curule office, although the interrex, a curule magistrate, does not seem to have been included (Mommsen, *Staatsr.* i.² p. 427, n. 2). We find that the actors at such funerals who wore the imagines of the dead were adorned with the insignia of the offices these had filled in life, with the toga praetexta of the consul or praetor, the purple robe of the censor, or the toga picta of the triumphator, and sat on curule chairs to listen to the laudatio of the member of the race, whose funeral they attended, and to the mention of their own past deeds (Polyb. vi. 53). The *Jus imaginum* must originally have been a sole patrician right, when the patricians filled all the highest offices, and were indeed the only true members of a gens, with which the funeral imagines were intimately connected (Plin. *l. c.* "ut essent imagines quae comitarentur gentilicia funera"); but on the growth of the new nobility of office, which followed on the equalisation of the two orders, it became a privilege of the noble plebeians as well; and the distinction between those who had the *Jus imaginum* and those who had not was equivalent to the distinction between *nobiles* and *novi homines*. This right might, however, be lost after death by one who satisfied the conditions of having held curule office. If it was affirmed by the ruling powers at Rome that a man had not died in the full possession of citizen rights, he lost the privilege of having his imago exhibited, as we see in the case of Brutus and Cassius, the exhibition of whose masks at the funerals of their race was not permitted (Tac. *Ann.* iii. 76, 5); and we find the extinction of this right made part of a penal sentence on a man who had anticipated condemnation by suicide on a charge of *majestas* (Tac. *Ann.* ii. 32, 2, "ne imago Libonis exsequias posterorum comitaretur"). But, as it was possible to fall below this right, so it was possible to rise above it. The representation of the imago was a human privilege; and consequently the deified emperor might not be borne in the procession at the funeral of a member of his race (Dio Cass. xlvii. 19).

Connected with the *Jus imaginum* is the question what restrictions were laid down by the state on the exhibition in public of statues, medallions, or other representations of individual citizens. Mommsen thinks that in the older times at Rome it was forbidden to set up the statue or bust of a living man in a public place, or even in a public part of the house, such as

the atrium. In the last two centuries of the Republic this restriction seems to have been removed or neglected; for we find M. Claudius Marcellus, consul in 152 B.C., placing his own statue in the temple of Honos and Virtus founded by his grandfather (Ascon. *in Pison.* p. 12), and L. Fabius Maximus, as curule aedile in 56 B.C., erecting on the Fabian archway a statue of himself (*C. I. L.* i. p. 278; Mommsen, *l. c.* 434, 435). The setting up of the busts and statues of one's forefathers in public seems never to have been forbidden; Pliny, in tracing the origin of the *clipei*, tells us that Appius Claudius, consul in 307 B.C., set up medallions of his ancestors in the temple of Bellona which he had built, with the *tituli honorum* beneath them (Plin. *H. N.* xxxv. § 6), and in the second century B.C. we find the portraits of ancestors taking their place on Roman coins (Mommsen, *Römisches Münzwesen*, p. 462). It is probable that an exhibition of this sort was held by the same standing right as the exhibition in the atrium of those who satisfied the conditions of the *Jus imaginum*; and that therefore it did not require the consent of the state. But the community or the senate might order the setting up of a statue of those who had filled no magistracy, but had done some signal service to the state. Such statues were granted to Horatius Cocles and Cloelia (Liv. ii. 10; ii. 13); and to the boy Aemilius Lepidus by a decree of the senate (Val. Max. iii. 1, 1). Under the Empire, the *princeps* has a standing right of having his statue set up in any public place during his lifetime, and of granting a similar privilege to any officer or magistrate, as Tiberius granted it to Sejanus (Tac. *Ann.* iv. 2, 4; 74, 3). To the emperor's statue, and even to his head on coins, a peculiar sanctity attached; to clasp his imago was equivalent to taking sanctuary, and this right of asylum led to abuses which claimed legal restraint (Tac. *Ann.* iii. 36, 1; Furneaux's note, Gai. *Inst.* i. 53; Mommsen, *Staatsr.* ii.[2] p. 737, n. 1). The right of individuals to have statues during their lifetime was also extended under the early principate. Augustus ordained that with the honour of a triumph or triumphal ornaments should be joined the erection of a bronze statue of the triumphator (Dio Cass. lv. 10); while Claudius permitted the same honour to those who had built or restored a public building at their own cost (*ib.* lx. 25). But, since the permission to have the triumphal insignia as well as to erect buildings for public uses had to be gained from the senate, the permission to have a statue practically depended on the will of this body, or rather on the will of some member of the ruling house who guided their decisions (Mommsen, *Staatsr.* i.[2] p. 438).

(Marquardt, *Privatl. der Römer*, i. pp. 235–239, 243; O. Benndorf, *Antike Gesichtshelme und Sepulcralmasken* in the *Denkschriften der Kaiserlichen Academie der Wissenschaften*, xxviii.; Eichstädt, *De imaginibus Romanorum dissertationes duae*; Quatremère de Quincy, *Le Jupiter Olympien*, pp. 36, 37. On the *Jus imaginum*, Mommsen, *Römisches Staatsrecht*, i.[2] pp. 426 *sqq.*) [A. H. G.]

IM'BRICES. [Tegula.]

IMMU'NITAS. Immunitas means an exemption from burdens imposed by the state; *munus*, according to the definition of Paulus (Dig. 50, 16, 18), is an "*onus*, quod cum remittatur, vacationem militiae munerisque praestat inde immunitatem appellari." Such a remission might either be granted to individual citizens of a special state from some or all of the munera imposed by that state, or to classes of individuals throughout the Roman world; or the immunitas might take the form of special exemptions granted to whole states from certain duties which they owed to Rome: and in this, its most usual form, immunitas is generally equivalent to exemption from tribute.

This immunity conferred on states was, in the earlier Roman Empire, inseparable from the idea of *societas*, and was not regarded as a special privilege conferred on certain favoured communities amongst the socii. According to the old Roman principle, alliance with Rome excluded *stipendium* of any kind. This was not only the case with the Italians, but with the allied states out of Italy. In any classification the *foederatae* and *liberae civitates* invariably appear as *immunes* [see Socii]. It is true that in the less organised portions of the Roman Empire the assertion that a nation was free did not necessarily imply that it was *immunis*; on the conquest of Epirus in 167 B.C., though all the Illyrians were declared *liberi*, only some were declared "non solum liberi sed etiam immunes" (Liv. xlv. 26). But the general principle of the taxation of free civic communities did not begin until the period of the later Republic or the early Empire. We find it in the case of Byzantium, which Tacitus describes as tributary (*Ann.* xii. 63), although after the Macedonian war it had been in alliance with Rome and had certainly not been taxed in the early Republic; and in the case of the tributary states of Asia mentioned by Tacitus (*Ann.* ii. 47), two of which, Magnesia ad Sipylum and Apollonidea, were *liberae* (Strabo, xiii. p. 621; Cic. *pro Flacco*, 29, 71). This change is specially noticeable in the East, and probably originated with Pompey's organisation of Asia. Henceforth immunitas was not a necessary accompaniment of autonomy nor even of the *Latinitas* which was conferred on states in the last century of the Republic and in the Empire (Mommsen, *Staatsr.* iii. p. 684 ff.; Marquardt, *Staatsverw.* i. p. 354 ff.); and the immunitas of states became more of an exceptional political privilege. Sometimes it was a special immunity, such as the *beneficium* claimed by the state Tyras in Moesia that its citizens should be freed from the port dues of Illyricum (*C. I. L.* iii. n. 781); sometimes a general exemption from all external burdens, such as that enjoyed by Ilium (Dig. 27, 17, 1; cf. Suet. *Claud.* 25). A mode of establishing immunitas for a state was the conferring of the *jus Italicum*, which implied quiritarian ownership of the soil, and consequently exemption from the land-tribute. This was generally done when the state was declared a *colonia*, but a colonia so created did not necessarily possess this right (Dig. 50, 15, 8, 6, "Divus Antoninus Antiochenos colonos fecit salvis tributis"), although a partial immunitas might be conferred upon it (Dig. *ib.* "Divus Vespasianus Caesarienses colonos fecit non adjecto ut et juris Italici essent, sed tributum his remisit capitis: sed divus Titus etiam solum immune factum interpretatus est"). Many states in Lusitania, Gaul, Germany, Syria, and

Phoenicia, were coloniae and had the *jus Italicum* (Dig. *l. c.*).

The immunitas which was conferred on classes of individuals invariably took the form of an exemption from local burdens, which was granted by Rome either to Romans or to the members of the particular state by which the burdens were imposed. In the leges by which Rome recognised the position of free states she often claimed exemptions for classes of her own citizens; thus in the Lex Antonia de Termessibus the publicani of Rome are exempted from the portoria of Termessus (*C. I. L.* i. n. 204, ii. 35): and the Roman soldiers in the Empire were exempt from duties on all goods which they might carry into or purchase in the provinces for their own use (Tac. *Ann.* xiii. 51; Cod. iv. 61, 3). For another class of munera, personal duties, such as that of being a *tutor*, a limit of age was fixed after which exemptions were permitted (Dig. 50, 6, 4). But, besides such special exemptions, general immunities from local burdens were granted to classes of citizens. Thus during the Empire, and probably by an edict of Augustus, all who belonged to the senatorial order, *i.e.* senators and their direct descendants, were freed from the munera of the community to which they belonged (Dig. 50, 1, 22, 5). They were also freed from the necessity of undertaking its *honores*, which in the municipia were generally regarded as munera, but they retained their position as members of their native state, and were at liberty to fill the local magistracies if they pleased (Dig. 50, 1, 23, "municeps esse desinit quantum ad munera, quantum vero ad honores retinere creditur originem"). Great difficulty was experienced, from an early period of the Empire, in finding citizens willing to undertake public duties in the Italian and provincial towns (see Lex Malacitana, *C. I. L.* ii. n. 1964, c. li.), and the classes of those who claimed an exemption from such burdens (*excusatio municipalium munerum*) were closely scrutinised and were constantly being narrowed. The effective grounds of such *excusatio* were various. One was the number of children possessed by the claimant, another the exercise of certain professions which required release from state burdens "ut necessariam operam publicis utilitatibus exhiberent" (Dig. 50, 6, 6, 12): thus merchants and ship-owners who supplied the state with corn, conductores vectigalium, and certain collegia and corpora of artisans were excused such duties, and a general exemption was granted to rhetors, philosophers, grammarians, and physicians practising their profession in their native state and in Rome (Dig. 27, 1, 6, 8; 50, 6, 6, 12;—Cod. 10, 47 and 48).

Special immunities might further be granted to individuals: the right to confer such immunities was one that Rome reserved to herself both in the foedera and in the laws other than foedera which regulated the rights of her allied states. Exemption from military service was the most frequent of these privileges which she conferred (Lex Jul. Munic. *C. I. L.* i. n. 206, l. 93, "vacatio rei militaris ex foedere," Liv. xxiii. 20, 2), but the power extended to other munera as well, and in the Lex Acilia Repetundarum of 123 B.C. "militiae munerisque publici in sua civitate vacatio" was conferred on any Latin who might convict a Roman citizen under this law (*C. I. L.* i. n. 198, c. 79). During the Empire the exemption from tribute to Rome might be conferred, in an individual case, by a beneficium of the princeps (Suet. *Aug.* 40).

The acts conferring such immunities on states or individuals were called *beneficia* (Cic. *Phil.* i. 1, 3; 7, 17; ii. 36, 91;—Dig. 50, 15, 4, 3); they were, during the Republic, ordained or ratified by a decree of the people (Cic. *Phil.* v. 4, 10), and were revocable if they were no part of a sworn *foedus*. Some immunities of free states might be recalled by the senate through the terms of the lex data (Lex de Term. ii. 6, "ne quis magistratus milites introducito, nisi senatus nominatim decreverit"), and in the case of a foedus being rescinded or libertas being recalled the immunitates they conferred were necessarily lost (Suet. *Tib.* 41). In the Empire such beneficia were conferred by the princeps, and the legal principles regulating them were, that they might be resumed again by the princeps who conferred them, and that their validity ceased with the princeps who had granted them (Mommsen, *Staatsr.* ii.[2] p. 1126 ff.). This latter principle was instituted by Tiberius (Suet. *Tit.* 8) and continued down to Titus, who introduced the change of conferring all such grants by a single edict (Suet. *ib.*). This principle was followed by later emperors; but this did not exclude special investigation of the grounds of certain exemptions, for instance that of Tyras by Severus (*C. I. L.* iii. n. 781). Prescription was not in every case sufficient to establish a baseless immunity (*C. I. L.* l. c. "nec facile quae per errorem aut licentiam usurpata sunt praescriptione temporis confirmentur"), but the principle was finally developed that immunities granted to states were understood to continue to subsequent generations (Dig. 50, 15, 4, 3). Personal immunities granted to individuals ceased in most cases with their death ("cum persona extinguuntur," Dig. *l. c.*; cf. Dig. 50, 6).

(Mommsen, *Römisches Staatsrecht*, ii.[2] p. 1126 ff.; iii. p. 684 ff. and p. 474; Marquardt, *Römische Staatsverwaltung*, i. pp. 354–358; Madvig, *Verfassung und Verwaltung des römischen Rechts*, i. p. 84.) [A. H. G.]

IMPE'NDIUM. [FENUS.]

IMPERATI'VAE FERIAE. [FERIAE.]

IMPE'RIUM and IMPERA'TOR. Imperium is the name of the power attaching to the higher magistrate of the Roman People, as soon as he has been fully installed in office by the passing of a Lex Curiata. It is qualified by the nature of the office to which it appertains (Mommsen, *Staatsr.* ii.[2] p. 845): we have a kingly imperium, a consular imperium, a praetorian imperium, and a dictatorial imperium. In all cases it includes the capacity for both civil and military command. The praetor, for instance, is equally qualified to take command of an army and to administer justice between the citizens; he does both by virtue of the imperium of his office. The details of the manner in which the imperium operates in the processes of Roman Law will be better discussed under JURISDICTIO. Here we have rather to consider the historical and constitutional aspects of the question.

Imperium domi et militiae.—Instead of dividing (as modern states commonly do) the functions of civil and military command, the Romans merely distinguished locally two spheres of

administration. Outside the walls (*militiae*, "on service") the imperium exists in all its fulness. Its civil and military powers are exercised at pleasure by every provincial governor. Inside the walls (*domi*) the imperium is, under the Republic, limited by various restrictions; it is subject to the *intercessio* of a colleague, to *provocatio ad populum*, and to extinction by the lapse of the period of time assigned to the office. From the year 494 B.C. the imperium at home is likewise crossed by the rival power of the magistrates of the plebs. From all these restrictions the imperium abroad is free. The difference between the two is not sufficient to make military rule absolutely impossible in the city. On the occasion of a triumph the magistrate (unless he be stopped by a tribune) rides with his army through the street. When the city is actually attacked, it must of course be defended by men enrolled under military discipline, and to the magistrate with imperium the command of these men would necessarily belong; unless, however, he got rid of *intercessio* and *provocatio* by being nominated dictator, he would be somewhat hampered in the exercise of that command. But under ordinary circumstances the distinction between the two localities was enough practically to exclude military government from the space within the walls, to confine the magistrate "at home" to the civil functions of his imperium, and so to justify the verbal opposition of *domi* and *militiae*.

The magistrate legally qualified to act both *domi* and *militiae* was further bound by constitutional custom not to confuse the two spheres, but to mark his entry on the freer field of authority by a solemn exit under special auspices, by the change of dress in which he laid aside the gown of peace for the crimson mantle (*paludamentum*), and by the assumption of the axes which symbolised his enlarged powers. Under the regulations of the later Republic, the occasions on which he was to transfer himself from the one field of government to the other were not left to the discretion of the magistrate, but were marked out for him by the law. The praetor, for instance, who has the *urbana provincia* assigned to him, must remain at home administering justice. Under Sulla's regulations the same appears to have been the case with the consuls, unless the contrary was ordered by a senatusconsultum "ut exeant paludati" (Cic. *ad Fam.* viii. 10), which again could be frustrated by the veto of a tribune. On the other hand, this march out must not be put off too long. If the magistrate allows the last day of his year of office to pass while he is still within the walls, his imperium will lapse along with his magistracy. Probably Sulla's law prescribed a precise time in the December of each year for the ceremony. These points are best illustrated by the situation described in Cicero's speech *de Provinciis Consularibus*, ch. 15; and fully discussed in Mommsen's monograph entitled *Rechtsfrage zwischen Caesar und den Senat*.

Acquisition of the Imperium.—It would perhaps be going too far to say that the imperium was conferred by a Lex Curiata. We find consuls who have failed to obtain this nevertheless holding the senate and conducting the general business of chief magistrate at Rome. It seems to follow that by virtue of their election they can exercise much of the power of their office, and it is that power which is called imperium. Nevertheless it is clear that some of the main functions appertaining to the imperium could not properly be performed unless the magistrate were empowered by a Lex Curiata. Without this the praetor could not sit in judgment (Dio Cass. xxxix. 19), the consul could not hold the assembly for the election of his successors (Dio Cass. xli. 43) nor triumph after a victory (Cic. *ad Att.* iv. 16, 12). It even seems that he could not without it properly take the command of an army at all ("consuli, si legem curiatam non habet, attingere rem militarem non licet," Cic. *de Leg. Agr.* ii. 12, 30). Such rules might, however, be evaded. The Agrarian Law of Rullus (B.C. 63) provided indeed first that a Lex Curiata should be passed for the commissioners, but ordained further that if it were not passed its effects should nevertheless accrue to them. (Cic. *ib.* 11, 28, "quid postea si ea lata non erit? . . . tum ii decemviri, inquit, eodem jure sint quo qui optima lege.") This provision, though Cicero speaks of it as monstrous, could be inserted in any law or plebiscitum creating an extraordinary command. Even in the case of the consul, it was held that the law of Sulla practically dispensed with the necessity for his getting a Lex Curiata before he took command of his province and army. Appius Claudius, consul in 54 B.C., who had been prevented by tribunician intercessio from passing his Lex Curiata, declared nevertheless (Cic. *ad Fam.* i. 9, 25), "se, quoniam ex S. C. provinciam haberet, lege Cornelia imperium habiturum quod urbem introisset." The law of Sulla manifestly only repeated the old doctrine [see MAGISTRATUS] that the magistrate *cum imperio*, though he may be prohibited from exercising his power except in his own provincia, does not lose it (however long the lapse of time) till he comes again within the city walls. But as the law says, "totidem litteris," that he is to be "cum imperio," this is held by Appius to confer the imperium by implication. Cicero, though he thinks that Lentulus may have a fighting case if he wishes to dispute the claim of Appius to supersede him, nevertheless is clearly of opinion that this claim is good in law ("ne id quidem valde dubium est").

Collision of Imperium.—The rules as to the collision of imperium, when two magistrates, inferior and superior, are acting in one sphere, are the same as those for the collision of auspices [see MAGISTRATUS]. When two magistrates of equal power are acting together "at home," their relations are ruled by the principle of intercessio [see MAGISTRATUS]. As the imperium outside the walls is not subject to intercessio, a different principle there obtains. Two equal magistrates must either agree between themselves who is to command (Liv. xxii. 30, 4), or must divide the army between them (*ib.* 27, 9), or must take command alternately (*ib.* 27, 6). In any case there is always some one whom each soldier is bound to obey without question or interference.

Transition to the Principate.—After the Second Punic War the assignment of definite districts to each single magistrate becomes the rule, and a double command is rare. Each

magistrate or pro-magistrate *cum imperio*, having now his locally defined province, is commonly bound not to interfere with his colleagues by exercising any authority in their districts. Nevertheless we have instances in which a co-ordinate or superior proconsular power is committed to a person other than the proper governor of a province. This *infinitum imperium* is ascribed by Cicero (*in Verr.* ii. 3, § 8, and iii. 91, § 213) to M. Antonius, praetor of 74 B.C., who was commissioned against the pirates. Pompey received it for the same purpose by the Gabinian Law (B.C. 67). Pompey had an "aequum imperium cum proconsulibus" (Vell. ii. 31) on any ground within 50 miles of the sea. At a later period (B.C. 57) the *imperium infinitum* was again granted to Pompey as curator of the corn supply of Rome, and it was even proposed, though not carried, to give him a *majus imperium* over that of the ordinary governors (Cic. *ad Att.* iv. 1, 7). Such a superior command was actually voted to the proconsuls Brutus and Cassius in the last days of the Republic. (See Mommsen, *Staatsr.* ii.[3] p. 655.)

The general rule, that the magistrate must govern his province personally, was also broken through in favour of Pompey. From the year 55 B.C. till Caesar's victory at Ilerda in 49 B.C. he was proconsul of Spain; yet he never set foot in his province, but governed it through legati, while he remained at Rome. In the year 52 he was both consul and pro-consul; for the remaining years he was specially exempted from the rule that the imperium of the pro-magistrate must lapse, as soon as its holder comes within the city walls.

Pompey set a yet more notable precedent for the system of the Principate, when he lent to Caesar for service in Gaul a legion which had pronounced the *sacramentum* in his name. The soldiers so lent owed allegiance to Pompey even while serving in Caesar's army; and when the senate required each of the two proconsuls to send a legion for service against the Parthians, Pompey offered as his contribution that one which was in Caesar's camp. Caesar at once acquiesced in the demand.

Proconsulare Imperium of the Principate.—In B.C. 27 the senate assigned certain provinces to Augustus. He governed them, as Pompey had done, by means of legati, who were invested with the subordinate imperium *pro praetore*. The Emperor remained in the city without forfeiting his proconsular imperium, although it is not clear whether the latter could be exercised over the city itself. Besides his proconsular authority over his own provinces, Augustus had an "infinitum imperium majus," concurrently with his brother proconsuls in the senatorial provinces (Dio Cass. liii. 32, 5; cf. also the case of Germanicus, Tac. *Ann.* ii. 43). The *infinitum imperium* was especially convenient for the command of the fleet which was concentrated in the hand of Augustus. Lastly, every soldier in the empire had pronounced the sacramentum "in verba Caesaris Augusti." The precedent of Pompey's Gallic legion was extended to the whole army: all were soldiers of the Emperor. He either commanded them personally or by his legates, or else lent them to his colleagues in the Proconsulare Imperium or to the proconsuls of the senatorial provinces. Germanicus in Germany and Blaesus in Africa have each an independent imperium, but have only borrowed troops. They may command them in the field, but the Emperor retains the sole appointment of the officers, the sole charge of the recruiting, and the sole right to discharge men from the service. If these powers are ever exercised by another person, it is only by delegation from the Emperor (Mommsen, *Staatsr.* ii.[3] pp. 848–851).

The Emperor being regarded as continually a general at the head of his army, not only keeps the insignia commonly associated with the name of Imperator, the laurel wreath and laurelled fasces, but has various prerogatives which may be deduced from those of the Republican general. The guard of honour which escorted the commander in the field attends the Emperor at home, and becomes the garrison of the town of Rome. [See PRAETORIANI.] The power of the general to settle his invalided veterans on the lands he has conquered (as Scipio did at the Spanish Italica: Appian, *Hisp.* 38) is interpreted as conferring on the Emperor the right to grant away the *ager publicus;* and the power of rewarding good service on the part of the auxiliary soldiers by the gift of citizenship (Cic. *pro Balbo*, 8, 19) develops into the right to make Roman citizens at will.

It is noticeable that the *proconsulare imperium*, though it was in truth, as Mommsen says (*Staatsr.* ii.[3] p. 840), "the single definite qualification absolutely necessary to the Princeps, and further sufficient by itself alone to constitute the office," is never mentioned by Augustus himself in the account of his own offices and powers, which is preserved to us in the Monumentum Ancyranum. The assignment of provinces was undoubtedly within the competence of the senate, and it was now held (in extension of the theory propounded by Ap. Claudius) that the senate might therewith confer the power necessary for their government. The official silence gives us to understand that it was a mere matter of administrative arrangement that the charge of certain provinces and armies with the proconsular imperium thereto appertaining was committed to Augustus. [PRINCEPS.]

Title of Imperator under the Republic.—Imperator means, of course, "one possessed of the imperium." Strictly speaking, then, the title should be equally applicable "at home" and "on service." But from a very early period it was felt to be "uncivil" in the magistrate to flaunt his authority in the face of his fellow-citizens at home. The nickname of Imperiosus applied to a Manlius who had unduly magnified his office (Liv. vii. 4, 3) shows the invidious associations of the word. Hence the title of Imperator is never assumed by the magistrate discharging civic functions, nor is the word ever used to describe him. In the army, on the other hand, "Imperator" is the regular mode of address of the soldier to the magistrate under whom he is serving. It is quite clear from Liv. vii. 10, 10, and vii. 16, 5, that this address was used from the first moment that the general took the field, and not only after a victory. The same may be gathered from Appian's story (*Bell. Civ.* iv. 40) of a proscribed man, Rheginus (who had never, so far as we know, won a victory or

enjoyed a triumph); one of his old soldiers is described as recognising him with the words: Ἄπιθι χαίρων, αὐτοκράτορ· τοῦτο γάρ μοι προσήκει καὶ νῦν καλεῖν σε.

After a victory it was the custom for the troops to greet their commander with a solemn acclamation. In so saluting they employed their every-day title of address, and the cry "Imperator, Imperator," sounded from rank to rank. This ceremony relieved the general so honoured from the obligation of veiling his imperium, and stamped upon him the appellation thus publicly uttered. Henceforth he appends the word Imperator to his name, and the title is used even by civilians who have occasion to address him. In the later Republic the senate sometimes gives emphasis to the honourable distinction by itself inviting or sanctioning the assumption of the title by a victorious general. This assumption is commonly the first step towards claiming a triumph. If it befall a man more than once in his life to achieve successes in the field which thus authorise him to advertise his imperium to the world, he sometimes indicates in adverbial phrase the repetition of his honours, and signs himself "Imperator iterum" or "Imperator ter." Though not every possessor of the imperium is justified in styling himself Imperator, the converse is strictly true; it is impossible for any one to be called Imperator unless he is vested with the imperium. No officer serving under the direct command of another without independent auspices of his own may accept this address (it was refused to the elder Drusus while still only a legate, Dio Cass. liv. 33, 5), and no one who has the title can retain it after he lays down his imperium. This occurs for the proconsul the moment he comes within the city walls, unless his imperium be extended for the day of triumph by decree of the people. [See TRIUMPHUS.] In this case the title lapses with the imperium after that day.

Use of the title by Caesar.—The elder Caesar during the last fourteen years of his life always styled himself Imperator. There is no reason to suppose that in so doing he overstepped any legal restriction. From the day of his victory over the Helvetii in B.C. 58 down to his death he was continuously vested with the imperium, first as Proconsul, then as Consul (B.C. 48), and then as Dictator. As the imperium never lapsed there was no necessity to lay down the title, though his retention of it in the city was "uncivil" doubtless, and arrogant. The title follows Caesar's name in all official documents. [PRINCEPS.]

Praenomen Imperatoris.—With Octavian we come to an entirely new use of the word. In the third year of the triumvirate (B.C. 40) he dropped his praenomen Caius and adopted instead the word Imperator as a praenomen. Side by side with "Marcus Antonius Marci filius" we now find "Imperator Caesar Divi filius." Mommsen (*Staatsr.* ii.[3] pp. 767–770) has explained this strange transformation in a most ingenious conjecture. He holds that Octavian chose to assume that the title Imperator had so coalesced with the name of Caesar as to have become a sort of honorary cognomen, like Magnus or Africanus. On this assumption he himself would have a hereditary right to his adoptive father's appellation; and once granted that Imperator was a part of the name, it might be transferred at will from the place of cognomen to that of praenomen, just as Nero and Drusus were used as praenomina by several members of the imperial family. Whether we accept this explanation or not, there is no doubt of the fact that Augustus employed the word Imperator as a proper name—ὥσπερ τι κύριον, as Dio Cassius (xliii. 44) says of the emperors of his own time. The next three principes did not adopt the *praenomen imperatoris*, but retained each his own ordinary praenomen of Tiberius or Caius. With Nero the practice of Augustus was revived, and succeeding emperors likewise assumed this praenomen, some in conjunction with, some in substitution for, the ordinary one.

Salutation Pro Imperio.—Though not every princeps assumed the word Imperator as part of his name, yet every one of them possessed the proconsulare imperium, and was therefore qualified to be addressed as Imperator either by his troops or by the senate. It was the custom at the beginning of each reign for the senate and soldiers to attest their recognition of this qualification in a solemn greeting which exactly follows the precedent of the greeting after a victory. The study of the imperial coins has led the best authorities (see Mommsen, *Staatsr.* ii.[3] p. 782) to the conclusion that, notwithstanding the immense difference in the practical significance of the ceremony in the two cases, the salutation *pro imperio* and the salutation after a victory are in law precisely the same thing, and that they are counted as similar units by every emperor who signifies the number of his acclamations among his list of honours. Thus, if we find Imp. IV. attached to a name, we are to understand that the sum is made up by one accession to the throne and three victories.

Whensoever the senate thus salutes a man as Imperator, this is a solemn proclamation that they have either conferred on him (as is their right) the proconsulare imperium, or fully acknowledge him as already invested with it. It is not unnatural that such a salutation by the senate should count as the *dies imperii*, the day from which the Emperor dates the commencement of his reign. In the register of the sacred college of the Arval Brothers we find a feast "ob diem imperii [Vitellii] . . . Germanici quod xiii. Kal. Mai. statutum est," and the date is found to synchronise with the day on which the senate heard of the defeat and death of Otho and voted the customary decrees for his successor (Henzen, *Acta Fratr. Arv.* p. xciv.; Tac. *Hist.* ii. 55; Mommsen, *Staatsr.* ii.[3] p. 842). In the case of Caligula the *dies imperii* is still more clearly defined. The 18th of March is honoured with a festival, "quod hoc die C. Caesar Augustus Germanicus a senatu Imperator appellatus est" (Henzen, *ib.* p. xliii.).

The case is different when we find the soldiers giving this salutation to a man who does not possess the imperium which is its legitimate foundation. There are republican precedents to show that this need not in every case be construed as an act of mutiny. In the 7th year of the Second Punic War, after the defeat and death of P. and Cn. Scipio in Spain, the remnant of the Roman army placed at their head a knight

named Marcius, who extricated them from their danger. When Marcius sent letters to the senate announcing these events (Liv. xxvi. 2), he signed himself *pro praetore*, thus assuming that he had *de facto* acquired the imperium necessary to justify his command of the troops. As he styled himself *pro praetore* his soldiers would doubtless address him as Imperator, indicating thereby their intention to treat him as if he were their lawful commander. The same lesson may be gathered from the story of the first meeting of Sulla and Pompey. Pompey had on his own authority raised an army in Picenum, had baffled the superior forces opposed to him, and effected a junction with Sulla. When the two met, Pompey of course addressed the victorious proconsul as Imperator: Sulla made use of the same title in reply, thus acknowledging Pompey, not as a mere officer of his own, but as invested with an independent command. In both these cases the *de facto* imperium was presumed without any intention of rebellion against legal authority, but in obedience to the supposed necessities of the situation, and with the intention of having the assumption afterwards properly ratified. In somewhat the same way under the Principate, troops whose command was vacant by the death of him whose soldiers they had been, might, irregularly but without any gross breach of constitutional order, offer a provisional allegiance to a new commander. This was done by the praetorians to Claudius after the assassination of Caligula. In the present decay of its practical power no choice was left to the senate but to confirm the initiative of the soldiers. This initiative is all the more justified when the person chosen (as Nero, for instance) already possesses the proconsular imperium as colleague of his predecessor. In this case, as no new imperium begins, the event is not counted in the list of acclamations (Mommsen, *Staatsr.* ii.[3] 1155). More generally, however, the soldiers in giving this salutation discard a prior allegiance. Here, too, we may find an early parallel in the story told by Livy (vii. 39), of a military insurrection during the Samnite War. The mutineers seized on a retired officer named Quinctius, and offered him the choice of death or *imperium et honorem*. Forced to submit, he was at once saluted "Imperator," and carried to the camp. In like manner when the army of Germany, for instance, greeted its legate Vitellius as Imperator, this acclamation was an act of revolution and civil war. It ascribed the *proconsulare imperium* to one who not only did not already possess it, but who could not possess it without supplanting his legal commander. It further proclaimed the intention of these soldiers to prove their assertion good at the point of the sword.

Vitellius, as we have already seen, dated his reign not from this first salutation, but from the day when his authority was acknowledged by the senate. It was no doubt the more correct and more modest proceeding that the Emperor should thus ignore the irregular inception of his reign, and refer his power to the moment when it was legitimately conferred. But we also find another theory prevalent. From the moment when the pretender has accepted from any voice the salutation of Imperator, he has claimed to be in possession of the magisterial authority which serves as a basis for that title. If these pretensions are afterwards made good, he may without any great breach of propriety look upon them as having received a retrospective sanction, and may refer back to the moment of claim as the moment of acquisition. So we are told (Suet. *Vesp.* 6) that Vespasian kept as his *dies imperii* the day (July 1st) when he was first saluted Imperator by the legions of Egypt, though for months later the senate and the city of Rome were under the control of his rivals.

History of the Title under the Principate.—The supreme importance of the proconsulare imperium and of the functions attached to it added lustre to the derived name of Imperator. It might indeed attach to other persons than the reigning princeps. The Emperor's colleagues might accept the solemn salutation after a victory and assume the title of honour. Tacitus tells us (*Ann.* i. 3) that Augustus "privignos imperatoriis nominibus auxit," and again (ii. 26) of the younger Drusus, that he "nonnisi apud Germanos assequi nomen imperatoris et deportare lauream posse." The title is frequent on their coins, and the word is sometimes used to describe them (Tac. *Ann.* ii. 17, 2; iii. 12, 4). It is also clear that Imperator was the every-day mode of address which the soldiers used towards them no less than towards the princeps. Velleius tells (ii. 104) that when Tiberius was sent by Augustus to take command of the army of Pannonia, his old soldiers crowded round him, exclaiming, "Videmus te, Imperator, salvum recepimus . . . ego tecum, Imperator, in Armenia," &c. The same was probably the case with the senatorial proconsuls of Africa. The soldiers would not have been likely publicly to salute Blaesus Imperator, as they did after his victory over Tacfarinas (Tac. *Ann.* iii. 74), unless they had been used to call him by that name in private. On this occasion Tiberius allowed to Blaesus the assumption of the title, but the precedent was not afterwards followed. By the time of Domitian the word had become so distinctive an emblem of the supreme power that an unfortunate senator was put to death because by a slip of the tongue on the part of the crier he had been proclaimed Imperator instead of Consul. Gradually the proconsular and military associations connected with the words "imperium" and "imperator" fall away. In the jurists of the 2nd century "imperium" and "imperatoria potestas" denote the whole of the powers conferred on the chief of the state (Mommsen, *Staatsr.* ii.[3] p. 877, n. 1). "Imperator" becomes the title of the chief magistracy, and to a great extent supplants that of "princeps" by which Augustus had chosen to describe himself. [J. L. S. D.]

IMPLUVIUM. [DOMUS.]

IMPU'BES. In the Roman law there were several distinctions of age which were made with reference to the legal position of a person. 1. The first period was from birth to the end of the seventh year, during which time persons were called *infantes*, or *qui fari non possunt*. 2. The second period was from the end of seven years to the age of puberty, which came to be fixed at the end of fourteen or twelve years, according as the person was a male or female

(*infantia majores*). 3. The third period was from the age of puberty to the end of the twenty-fifth year, during which period persons were *adolescentes*, *adulti*, *puberes*, *minores* XXV *annis* or *annos* or *annorum*, or simply *minores* [CURATOR]. 4. The fourth period was from the age of twenty-five, during which persons were *majores*.

Thus impuberes were divided into two classes: *infantes* or those under seven years of age, and *infantia majores* or those above seven, who are generally understood by the term *impuberes*. An impubes not in the power of a father, whether above or below infantia, was subject in respect of his property to a guardian called *tutor*, and hence the term *pupillus* or ward is often used as equivalent to impubes. Of the two classes of impuberes:—

1. *Infans, infantia.*—Infans properly means *qui fari non potest*. The phrase *qui fari potest* is itself ambiguous; but the Romans in a legal sense did not limit it to the mere capacity of uttering words, which a child of two or three years old generally possesses, but they understood by it a certain degree of intellectual development; and, accordingly, the expression *qui fari potest* expressed not only that degree of intellectual development which is shown by the use of speech, but also the capacity of speaking fluently and grammatically, and so of using legal forms of words. A person while he was an infans could not perform any legal act, nor could he incur any liability on account of a delict. The termination of infantia was fixed from a very early time by a positive rule of law at the end of the seventh year.

2. *Impuberes, infantia majores.*—An impubes who had passed the limits of infantia and was not in the power of a father could do any legal act with the sanction (*auctoritas*) of his tutor; without the interposition of his tutor he could only do those acts which were for his benefit, not such as might injure him. Accordingly, such an impubes could be a promisee in a stipulation (*stipulari, stipulator*), but he could not be the party making the promise (*promittere, promissor*); in other words, as Gaius (iii. 107) expresses it, a pupillus could only be bound with the sanction of his tutor, but he could bind another without such sanction (cf. Inst. i. 21, pr. 1). An impubes who was pupillus could not release a debt without the concurrence of his tutor, though he could enter into a binding contract by himself that he should be released from a debt. He could not pay money without his tutor; nor could he receive money without his tutor in payment of a debt,—at least it was not a valid payment; but since the rule as to the incapacity of an impubes was made only to save him from loss, the praetor would not allow him to recover the debt again, while he retained the benefit of the previous payment. He could enter into a betrothal (*sponsalia*) alone, because the auctoritas of the tutor had reference only to property; and sponsalia did not give rise to any liability to be sued. An impubes could not without the sanction of his tutor be plaintiff or defendant in a suit. He could acquire the ownership of property alone, but he could not alienate it, or manumit a slave unless with the concurrence of his tutor. Such sanction was also necessary to enable a pupillus to transfer possession of a thing; for though possession as such was not founded on legal right, legal advantages were attached to it. As to the acquisition of possession, possession itself being a bare fact, and one of its fundamental conditions being the *animus possidendi*, the pupillus could not properly acquire possession for himself, till he was legally capable of an act of will; but with the co-operation of his tutor he was allowed to acquire possession, while he was an infans, and thus the acquisition of possession by a pupillus was facilitated *utilitatis causa*. There was no formal difficulty in this case, because it was not necessary that words should be used. Subsequently the legal doctrine was established that a tutor could acquire possession for his pupillus (Dig. 41, 2, 1, § 20).

An impubes could acquire a hereditas with the sanction of his tutor, which sanction was necessary, because a heres was personally liable for the debts of the deceased; but in early times such acquisition could not be effected, since the hereditas could only be acquired by means of a very formal act (*actus legitimus*), called *cretio*, in which the tutor was incapable of interposing. This difficulty was got over by the doctrine of *pro herede gestio*: the tutor might permit the pupillus to act as heres, which was allowed the same effect as cretio; and this doctrine would apply even in the case of infantes, as no expression of words was necessary in order to the *pro herede gestio*. In the case of the praetorian succession (*bonorum possessio*), the father could apply for it on behalf of his child, and the tutor on behalf of his pupillus, without any act being done by the impubes. By the imperial legislation, a tutor was allowed to acquire the hereditas for his pupillus, and the father for his son, who was in his power, and therefore the doctrine of *pro herede gerere* was rendered unnecessary in this case. According to Savigny, the rule that an *impubes major infantiâ* could act for his own benefit without the sanction of a tutor was unknown to the early civil law, which did not recognise any act of a pupillus unless it was sanctioned by his tutor. But as the age of puberty was only fixed because it was necessary to fix some limit which might apply to all cases; and as in many cases, when a person bordered on the age of puberty (*pubertati proximus*) and had not yet attained it, he might have sufficient understanding to do many legal acts, a person who was *proximus pubertati* was in course of time considered competent to do certain legal acts without the auctoritas of a tutor, though to secure him against fraud and mistake he could only do such acts as were for his own advantage. This relaxation of the old law was beneficial both to the impubes and to others; but owing to its being confined to such narrow limits of time, it was of little practical use, and accordingly it was extended as a positive rule to a longer period below the age of puberty. It was, however, necessary to fix a limit here also, and accordingly it was determined that such limited capacity to do legal acts should commence with the termination of infantia, which, legally defined, is that period after which a person, either alone or with a tutor, is capable of doing legal acts. The principle of the law

was that a person could not act for himself, until he had understanding enough to know what he was doing (*qui jam aliquem intellectum habent*); and though a person who was not much above the age of infantia (*infanti proximus*) might not have such understanding, a more liberal interpretation was given to the law (*benignior juris interpretatio*), by virtue of which a pupillus who was *infanti proximus* was placed on the same footing as one who was *pubertati proximus*. (Compare Inst. iii. 19, 10, with Gaius, iii. 108.)

There has been considerable difference of opinion among commentators as to the exact meaning of the terms *pubertati proximus* and *infantiae* or *infanti proximus* (Gaius, iii. 109). (See Gensler, in *Ziv. Arch.* iv. 18; Dirksen, in *Rhein. Mus.* i. 316.) They signify respectively one who is near attaining pubertas and one who has just outgrown infancy; but whether there was an intermediate period during which an impubes was neither *infantiae proximus* nor *pubertati proximus*, is doubtful.

An impubes who was in the power of his father could not bind himself by legal acts even with the sanction of his father; for, in the case of a pupillus, the auctoritas of the tutor was only allowed in respect of the pupillus having property of his own, which a son in the power of his father could not have.

An impubes *major infantia* was liable on account of his delicts, if he understood the nature of his acts, and there was a presumption of such understanding in the case of an impubes *pubertati proximus*. An impubes could not contract a valid marriage.

According to the legislation of Justinian (Inst. i. 22) pubertas in the case of a male was attained with the completion of the fourteenth, and in a female with the completion of the twelfth year; but it seems probable that in early Roman law the age of puberty might differ in individual cases instead of being a fixed period. In the case of females, the rule of twelve years was established much earlier than the corresponding rule in the case of males, and was unquestionably the law according to the writings of the jurists. (As to the ancient practice, see Serv. in *Aen.* vii. 53; Quint. *Ded.* 279.)

There was a dispute among the jurists as to the test for determining the puberty of males. The Sabinians maintained that the age of puberty was to be determined by physical capacity (*habitu corporis*), to ascertain which a personal examination might be necessary; the Proculians fixed the age of fourteen complete, as that which absolutely determined the attainment of puberty (Gaius, i. 196; Ulp. *Frag.* 11, 28); and this latter view was, as we have seen, confirmed by Justinian, fourteen being the ordinary age of puberty in males and twelve in females. The view of the Proculians appears to have been that of the ancient law, which was modified as manners became more refined (Cod. 5, 60, 3).

The attainment of puberty by a man was celebrated by sacrifices and by the assumption of the toga virilis: thus *investis* is opposed to *vesticeps* or *pubes*. In Apuleius (*de Mag.* 98) a tutor is blamed for having given the toga virilis to his pupillus at too early an age (Voigt, *Zwölf Tafeln*, i. § 32). On attaining puberty, a man became capable of exercising public rights, though with some restrictions. Thus a person could not participate in the Comitia Centuriata, and was not liable for military service till he had reached *juventus*, i.e. completed his seventeenth year. (Dionys. iv. 16; Tubero, *Hist. bei Gell.* x. 28, 1: cf. Liv. xxii. 57, 9; xxv. 5, 8; xliv. 44, 3;—Plut. *C. Gracch.* 5, as cited by Voigt; see also Marquardt, 121.) As to the protection given to *minores viginticinque annis*, see CURATOR. (Bynkershoek, *Obs.* iii. 24; Cramer, *de Pubert. termino;* Klein, *Schriften herausg. von Ratjen*, 40, &c.; Savigny, *Syst.* § 1091; Rossbach, *Römische Ehe*, 273 f., 275 f., 403 f.; Marquardt, *Privatleben*, i. 121 f.; Becker-Göll, *Gallus*, ii. 108 f.; Voigt, *Zwölf Tafeln*, i. § 32).

There appears to have been no practice among women, similar to that among men, of adopting the toga virilis, as women probably wore the toga praetexta till they were married. (See Rossbach, *Die Röm. Ehe*, 273 and 417; and for a contrary opinion, Voigt, *ubi supra*, i. 32, n. 14, and *Rhein. Mus. f. Phil.*, N. F., 1878, xxxiii. 486.) It is to be noticed that, though the pupillaris tutela ended with females on the completion of their twelfth year, they still remained subject to tutela of a modified kind (*perpetua tutela mulierum*) until the later period of Roman law. [G. L.] [E. A. W.]

INAUGURA'TIO was in general the ceremony through which the augurs obtained, or endeavoured to obtain, the sanction of the gods to something which had been decreed by man. It was of especial importance under the kings, for it was the formal rite whereby the gods declared their acceptance of a certain person as the agent through whom alone they would have dealings with the community, and who therefore had an imperative claim upon the obedience of the citizens. The king himself asked the gods for the sign of their approval: the augur only attended to recite the proper formula of consultation, and to interpret according to the rules of his art the answer given. It is a serious mistake to suppose with Lange that a king was inaugurated under the auspices of an interrex: as soon as an interrex had named a rex, the right of auspices passed to the latter, and he himself asked the gods for their approval of his nomination (Liv. i. 18, 44, 55; Plut. *Num.* 7). Under the republic the inauguratio of the rex sacrificulus and of the flamines was performed by the college of pontiffs in the Comitia Calata (Labeo in Gell. xv. 27). This was due to the fact that while the king had the *spectio*, or right of taking the auspices himself, this was not the case with the rex sacrificulus (Mommsen, *Röm. Staatsr.* ii. 9). The pontifex maximus naturally acted with the assistance of the augurs; and hence he had the right to enforce the inauguratio, if it was refused by the augurs, and if he considered that there was no sufficient ground for refusing it (Liv. xxvii. 8, xl. 42). In the case of the pontiffs, augurs, vestal virgins, Salii, and probably all the other priests, the inauguration took place, not at an assembly, but *pro collegio* (Marquardt, *Röm. Verw.* iii. 223). Livy seems to represent one augur alone as performing the right of inauguratio in the case of Numa Pompilius (Liv. i. 18; compare Cic. *Brut.* 1, 1; Macrob. *Sat.* ii. 9); and it would seem that in some cases a newly-appointed priest might himself not only fix upon

the day, but also upon the particular augur by whom he desired to be inaugurated (Cic. *l. c.*; and *Philip.* ii. 43, 110).

The higher magistrates continued to be inaugurated under the republic (Dionys. ii. 6), and for this purpose they were summoned by the augurs (*condictio, denuntiatio*) to appear on the Capitol on the third day after their election (Serv. *ad* Verg. *Aen.* iii. 117). This inauguratio conferred no priestly dignity upon the magistrates, but was merely a method of obtaining the sanction of the gods to their election, and gave them the right to take the auspicia; and on important emergencies it was their duty to make use of this privilege. At the time of Cicero, however, this duty was scarcely ever observed (Cic. *de Divin.* ii. 36, 76). A building was "inaugurated" only when it was to be used for meetings of the senate, or when the rites to be performed there required it should be a *templum*. The *inauguratio* hallowed the site, and the *consecratio* the building. Thus the *Aedes Vestae* was consecrated, but not inaugurated, and meetings of the senate were never held there.

[The word *inauguratio* is post-classical, but the verb *inaugurare* is commonly in use.] Cp. AUSPICIA. [L. S.] [A. S. W.]

INAURIS, an ear-ring; called in Greek **ἐνώτιον**, because it was worn in the ear (**οὖς**), and **ἐλλόβιον**, because it was inserted into the lobe of the ear (**λοβός**), which was bored for the purpose; also **ἔρματα**, from **εἴρω**, "to string together" (cf. **ὅρμος**: Hom. *Il.* xiv. 182, *Hymn.* ii. *in Ven.* 8; Plin. *H. N.* xii. § 2).

Ear-rings were worn by both sexes in Oriental countries (Plin. *H. N.* xi. § 136); especially by the Lydians (Xen. *Anab.* iii. 1, § 31), the Persians (Diod. Sic. v. 45), the Babylonians (Juv. i. 104), and also by the Libyans (Macrob. *Sat.* vii. 3, § 7), and the Carthaginians (Plaut. *Poen.* v. 2, 21). Among the Greeks and Romans they were worn only by females.

This ornament consisted of the ring (**κρίκος**, Diod. Sic. *l. c.*) and of the drops (*stalagmia*,

Ear-rings. (British Museum.)

Festus, p. 317; Plaut. *Men.* iii. 3, 18). The ring was generally of gold, although the common people also wore ear-rings of bronze (see Nos. 1, 4, from the Egyptian Collection in the British Museum). Instead of a ring a hook was often used, as shown in Nos. 6, 8. The women of Italy still continue the same practice, passing the hook through the lobe of the ear without any other fastening. The drops were sometimes of gold, very finely wrought (see Nos. 2, 7, 8), and sometimes of pearls (Plin. *ll. cc.*; Sen. *de Ben.* vii. 9, § 4; Ovid. *Met.* x. 265; Claud. *de VI. Cons. Honor.* 528; Sen. *Phaedr.* 400) and precious stones (Nos. 3, 5, 6). The pearls were valued for being exactly spherical (Hor. *Epod.* 8, 13), as well as for their great size and delicate whiteness; but those of an elongated form, called *elenchi*, were also much esteemed, being adapted to terminate the drop, and being sometimes placed two or three together for this purpose (Plin. *H. N.* ix. § 113; Juv. vi. 459). In the Iliad (xiv. 182, 183), Hera, adorning herself in the most captivating manner, puts on ear-rings made with three drops; on the epithets **τρίγληνα μορόεντα**, see Helbig, *d. Hom. Epos*, p. 271 f.; Leaf, *ad loc.*; GEMMA. Pliny observes (xi. § 136) that greater expense was lavished on no part of the dress than on the ear-rings; and according to Seneca the value of two or three estates might be worn in a single ear (*de Ben.* vii. 9, § 4; cf. *de Vita Beata*, 17, § 2). All the ear-rings above engraved belong to the Hamilton Collection in the British Museum; we add another of a more elaborate description, in which animal figures of high artistic beauty take the place of mere ornamental patterns.

Inauris. (British Museum.)

In opulent families the care of the ear-rings was the business of a female slave, who was called *Auriculae Ornatrix* (Gruter, *Inscr.*). The Venus de' Medici, and other female statues, have the ears pierced, and probably once had ear-rings in them. The statue of Achilles at Sigeum, representing him in female attire, likewise had this ornament (Serv. in Verg. *Aen.* i. 30; Tertull. *de Pall.* 4). [J. Y.] [W. W.]

INCENDIUM, the crime of setting any object on fire, by which the property of a man is endangered. It was thus a more general term than the modern *arson*, which is limited to the act of wilfully and maliciously burning the property of another. The crime of incendium was the subject of one of the laws of the Twelve Tables, which inflicted a severe punishment on the person who set fire to property maliciously (*sciens prudens*); but if it were done

by accident (*casu, id est negligentia*), the law obliged the offender to repair the injury he had committed (Dig. 47, 9, 9). The punishment, however, of burning alive, which is mentioned in the passage of the Digest referred to, is supposed by modern commentators not to have been contained in the Twelve Tables, but to have been attributed to earlier times in the imperial period. In the Second Punic War a great fire broke out at Rome, which was evidently occasioned *humana fraude*. The offenders were discovered and punished (*animadversum est*), but Livy unfortunately does not state in what manner (Liv. xxvi. 27). The crime of incendium was the subject of various enactments in the last century of the Republic. Sulla in his Lex Cornelia de sicariis punished malicious (*dolo malo*) incendium, but only in the city or within a thousand paces of it, with *aquae et ignis interdictio*, since it was frequently employed as a means for the perpetration of murder, which was especially the subject of this law (Dig. 48, 8, 1). Cn. Pompeius in B.C. 52 made incendium a crime of *vis* by his Lex Pompeia de vi, in consequence of the burning of the Curia and the Porcia Basilica on the burial of Clodius; and the dictator Caesar also included it in his Lex Julia de vi, which enacted that any act of incendium committed by large numbers of men, even if the object of their assembling together was not incendium, should be treated as *vis* and punished with *aquae et ignis interdictio* (Cic. *Phil.* i. 9, 23; cf. *Parad.* 4). The more recent Lex Julia de vi seems to have been less severe, but it is uncertain what punishment it ordained (Paul. 5, 26, 3). The crime of incendium fell equally under *vis publica* and *vis privata* (Dig. 48, 6, 5; Paul. *l. c.*): and besides the two criminal prosecutions given by the Lex Cornelia de sicariis and the Lex Julia de vi publica seu privata, a person could also bring actions to recover compensation for the injury done to his property: (i.) by the actio legis Aquiliae, in case of accidental incendium (Dig. 9, 2, 27, 5; 48, 19, 28, 12); (ii.) in the case of a person who had committed robbery or done injury during an incendium, there was a praetorian action de incendio, which compelled him to restore fourfold the amount (Dig. 47, 9, 1 to 5). In the imperial period various distinctions were made in the crime. First, a distinction was made according to the greater or smaller danger of the incendium to the contiguous objects: thus incendium in the city was punished with more severity than incendium in the country (Dig. 48, 19, 28, 12; 47, 9, 1, 12;—Paul. 5, 20, 1 and 2). Secondly, a distinction was made according as the act had been performed *dolo, culpa,* or *casu*. If the incendium was not malicious, but still might have been avoided by ordinary care, and when *casus* therefore approximated to *culpa*, a person had to make compensation, and if he was unable to pay damages he might receive a slight punishment ("levius castigatur," "modice vindicatur," Dig. 47, 9, 9 and 11; 48, 19, 28, 12: cf. Coll. Leg. 12, 6; Paul. 5, 3, 6); but if the incendium was purely accidental (*fortuitum*), no compensation was necessary (Dig. 48, 19, 28, 12).

During the later Republic incendium, as falling under the Lex Cornelia or the Lex Julia, would have formed the subject of an ordinary JUDICIUM PUBLICUM. During the Empire it gave rise to a *cognitio extraordinaria*, held usually by the Praefectus urbi, but in some cases by the Praefectus vigilum. The more serious cases, those that involved *dolus*, or *culpa* of an aggravated character, came before the Praefectus urbi (Dig. 1, 15, 3 and 4), who could exercise his discretion in inflicting any of the severer punishments attached to the crime. The only fixed rule as to the penalty was that malicious incendium in the town was punished *capite* (Dig. 49, 9, 12, 1); the position of the guilty party often determining the mode of punishment. Thus *humiliores* were thrown to wild beasts, and the penalty of being burnt alive was probably reserved for the same classes; those in a better position ("in aliquo gradu") were punished by the sword (Dig. *l. c.*), and for those of a still higher rank ("altiores") *deportatio* was the penalty. Milder cases of incendium, those which were not committed *dolo*, but in which *casus* approximated to *culpa*, were tried summarily by the Praefectus vigilum, in virtue of the jurisdictio he exercised as chief of the fire-brigade at Rome (Mommsen, *Staatsr.* ii.² p. 1058; see VIGILES). He tried those who had carelessly given rise to fires in their own homes ("qui negligentia apud se ignes habuerint," Dig. 1, 15, 4), and thus endangered the property of others; sometimes he dismissed the accused with a caution, but in cases of culpable negligence he might punish *fustibus* or *flagellis* (Dig. 1, 15, 4). He probably had the preliminary cognisance in all cases of incendium, since it was his duty to remit the more aggravated cases to the jurisdiction of the Praefectus urbi (Dig. 1, 15, 3 and 4).

(Rein, *Criminalrecht der Römer*, pp. 765–774.) [W. S.] [A. H. G.]

INCENSUS. [CAPUT; CENSUS.]

INCESTUM. *Incestus*, derived from *in* and *castus*, is applied as an adjective to any act that may be regarded as a breach of morality or religion. Hence the substantive *incestum* in its earliest signification, and before the juristic distinction between incest *jure gentium* and incest *juris civilis* had been developed, was applied to acts which religion, or natural morality which had a religious sanction, distinctly forbade. It was applied therefore to breaches of religious obligation, such as the unchastity of a Vestal, and to sexual relations established between individuals within certain degrees of consanguinity. The latter class of actions was the widest covered by the term *incestum*, and it is within this class that we get the later distinction between incestum jure gentium, which includes nearly though not quite all such actions as morality forbids, and incestum juris civilis, which includes such actions as were forbidden by positive law. It is thus not an exhaustive classification, for there were relations prohibited by morality (*mores*), and which therefore did not belong to the Jus Civile, such as relations between those in the same line of kinship (*ex transverso, ex latere*) which did not fall under the Jus Gentium, since this only forbade connexion between ascendants and descendants (Dig. 23, 2, 68, "jure gentium incestum committit qui ex gradu ascendentium vel descendentium uxorem duxerit;" Dig. 23, 2, 8,

"sororem ducere non potest, quia hoc jus moribus non legibus introductum est:" cf. Dig. 45, 1, 35, 1).

The old Roman law did not know of this distinction, and probably took cognisance of incest only as a religious offence. A survival of this view is found in the sacra and piacula which even at a late period followed a condemnation on a charge of incest (Tac. *Ann.* xii. 8): and the case of a distinct breach of religion, such as the unchastity of a Vestal, was always treated in this spirit (Platner, *Quaestiones histor.* p. 25). The Vestal was tried before the pontifices (Liv. viii. 15; Cic. *de Leg.* ii. 9, 22, "incestum pontifices summo supplicio sanciunto"), and, if found guilty, was led through the forum and buried alive in the campus sceleratus near the Colline gate (Dionys. viii. 89, ix. 40; Liv. viii. 15, xxii. 57; Juv. iv. 9; Festus, s. v. *sceleratus campus*), her paramour being scourged to death (Liv. xxii. 57; Festus, s. v. *probrum*). It is probable that the violation by Clodius of the women's festival of the *Bona Dea* was regarded as a case of religious incest. It is never distinctly called *incestum;* but the combined elements of impiety and unchastity in the act would have made it akin to the Vestal's breach of her vow. In this instance, however, after the report of the religious colleges had been made, the case was tried before a special secular tribunal (Cic. *ad Att.* i. 13, 3).

To constitute the incest which arose from marriage within the prohibited degrees of relationship, *dolus* was necessary; and thus ignorance of the fact was always excused. Ignorance of the law was a valid plea in exceptional cases; it was an excuse for the woman when the incest was *juris civilis*, and also for men under age, probably under the same condition (Dig. 48, 5, 38, 2, 4 and 7; Savigny, *System*, iii. p. 391). The prohibited degrees of relationship might exist either between ascendants and descendants, or collaterally (*ex latere*). To the former class belong those who bore to one another the relation of parents to children ("quae parentum liberorumve locum inter se obtinent," Gaius, i. 58; Just. *Inst.* i. 10, 1); that is, the relation of actual parents to children by *cognatio*, the relation of step-parents and children and the relation of parents and children in law by *affinitas*, or the relation of parents and children by *adoptio*. The relations of *affinitas* were apparently no bar to marriage in Cicero's time (Cic. *pro Cluent.* 5, 11); they were perhaps first made such by the Lex Julia (Schulin, *Geschichte des röm. Rechts*, p. 205), and were subsequently interpreted in the most extended sense (Dig. 23, 2, 14, 4). The relationships of ascent and descent created by adoption were considered to continue even after the adoption had been dissolved by manumission (Just. *Inst.* i. 10, 1; Gaius, i. 59: cf. Dig. 23, 2, 14). The other class of prohibited degrees included those who were collaterally related either by nature or by adoption; the connexion, however, between an adoptive brother and sister ended with the dissolution of the adoption; they might therefore marry when emancipated, and a consequence of this was that, if a man wished to adopt his son-in-law, he had first to emancipate his daughter, and if to adopt his daughter-in-law to emancipate his son (Just. *Inst.* i. 10, 2; Gaius, i. 61; Dig. 23, 2, 17, 1). Marriage between brothers and sisters in law was incestum *juris civilis*, but the principle was subject to modification, as in the temporary permission of marriage with a deceased brother's wife (Cod. 5, 5, 9). Marriage relations between uncle and niece, aunt and nephew, were prohibited until the time of Claudius; through his marriage with Agrippina the law was modified (Suet. *Claud.* 26; Tac. *Ann.* xiii. 5 and 7), so that, while marriage with a brother's daughter was permitted, that with a sister's daughter was not: but finally both kinds of marriage were again prohibited by Constantine (Cod. Theod. iii. 12, 1). This did not extend to adoption: "avunculus nemo fit per adoptionem" (Dig. 23, 2, 12, 4), and a man might marry his adoptive sister's daughter (Just. *Inst.* i. 10, 3). Marriage between cousins was allowed originally (Cic. *pro Cluent.* 5, 11; Plut. *Qu. Rom.* 6), but afterwards forbidden (Cod. Theod. iii. 10). A change of status did not affect existing relationships; and as the dissolution of adoption did not dissolve most of the degrees of relationship, so in the case of slaves manumission did not dissolve the connexions, both in the degrees of cognatio. and of affinitas, which prohibited marriage (Dig. 23, 2, 14, 2).

In early times at Rome there was no legislation on the subject of incestum; nor even when the later distinctions had originated was there any direct legislation on the subject; the Lex Julia de adulteriis only treated incest in so far as it was also adulterium: but the jurists attached all the imperial edicts and their interpretation to this Lex Julia, and so brought *incestum* under the heads of *adulterium* and *stuprum* (Rein, *Criminalrecht*, p. 873). The ordinances on the subject then attached firstly to incestuous marriage, in which case the marriage was void and the children illegitimate (Just. *Inst.* i. 10, 2; Gaius, i. 64): the man was punished by *relegatio* (Paul. 2, 19, 5), and the punishment was *levius* when the marriage was concluded *palam*, and therefore presumably "bonâ fide" (Dig. 48, 5, 39, 5), *gravius* when it was concluded *clam* (Dig. 23, 2, 68);—secondly to incestuous adultery—that is, adultery with a married woman within the bounds of relationship: the punishment was *deportatio in insulam* for the man, *relegatio* for the woman (Paul. 2, 26, 15, 38);—and thirdly incestuous stuprum, or incest when the related woman was unmarried, which was punished in the case of the man by *deportatio* (Dig. 48, 18, 5).

As there was no separate legislation on the subject of incestum, so there was no separate process for the trial of the crime, except in the case of incest regarded from a purely religious point of view. We find that the ordinary cases were originally made the subject of a *judicium populi* (Plut. *Qu. Rom.* 6), and the old penalty of being thrown from the Tarpeian rock (Quint. viii. 8) reappears under the Empire (Tac. *Ann.* vi. 19). We hear of trials for incest during the Empire taking place before the senate (Tac. *Ann.* vi. 49), and, as connected with the Lex Julia de adulteriis, it would have been made the subject of an ordinary *judicium publicum*. The torture of slaves, for the purpose of eliciting evidence against their masters, was permitted in these cases (Cic. *in Mil.* 22, 59; Dig. 48, 18, 5), and we read of an accused Vestal being required

"familiam in potestate habere" (Liv. viii. 15), which means that she was prevented from manumitting her slaves and so escaping the evidence which might be wrung from them by torture.

(Rein, *Criminalrecht der Römer*, pp. 869 ff.; *Privatrecht der Römer*, pp. 404 ff.; Walter, *Geschichte des römischen Rechts*, pp. 830 ff.; Schulin, *Geschichte des römischen Rechts*, pp. 176, 204 ff.; Madvig, *Verfassung und Verwaltung des römischen Staates*, p. 830.) [A. H. G.]

INCITE'GA, a corruption of the Greek **ἀγγοθήκη** or **ἐγγυθήκη**, a term used to denote a piece of domestic furniture, variously shaped, and made of silver, bronze, or wood; sometimes adorned with figures; and employed to hold amphorae, bottles, alabastra, or any other vessels which were round or pointed at the bottom, and therefore required a separate contrivance to keep them erect (Athen. v. p. 209 f—210 c; Festus, s. v. *Incitega*; Bekk. *Anecd.* p. 245; Wilkinson, *Anc. Egyptians*, ed. Birch, vol. ii. pp. 8, 9, 42). Some of those used at Alexandria were triangular (Ath. *l. c.*). We often see them represented in ancient Egyptian paintings. The annexed woodcut shows three **ἀγγοθῆκαι**, which are preserved in the British Museum. Those on the right and left hand are of wood, the one having

Incitegae. (British Museum.)

four feet, the other six; they were found in Egyptian tombs. The third is a broad earthenware ring, which is used to support a Grecian amphora.

Of the two Greek forms, **ἐγγυθήκη** is the best attested (Lys. *ap.* Ath. l. c. *fr.* 18 Bekk. = 20 Scheibe), **ἀγγοθήκη**, from **ἄγγος**, a vessel, the most intelligible. The frequent employment in ancient times of vessels not made to stand is further illustrated by the cuts under ALABASTROTHECA, ALABASTRUM, AMPHORA, and CHYTROPUS. [J. Y.] [W. W.]

I'NCOLA. [DOMICILIUM.]

INCORPORA'LES RES. [DOMINIUM.]

INCUNA'BULA or **CUNA'BULA** (**σπάργανα**), swaddling-clothes.

The first thing done after the birth of a child was to wash it; the second to wrap it in swaddling clothes, and the rank of the child was indicated by the splendour and costliness of this its first attire. Sometimes a fine white shawl, tied with a gold band, was used for the purpose ([Hom.] *Hymn. in Apoll. Del.* 121, 122); at other times a small purple scarf, fastened with a brooch (Pind. *Pyth.* iv. 114 (203); **χλαμύδιον**, Longus, i. 2, § 3). The poor used broad fillets of common cloth (*panni*, Luke ii. 7, 12, Ezek. xvi. 4, *Vulg.*: comp. Hom. *Hymn. in Merc.* 151, 306; Apollod. *Bibl.* iii. 10, § 2; Aelian, *V. H.* ii. 7; Eurip. *Ion*, 32; Dion Chrysost. vi. p. 203,

Incunabula, from a bas-relief.

ed. Reiske; Plaut. *Amphitr.* v. 1, 55, *Truc.* v. 13). The preceding woodcut, taken from a beautiful bas-relief at Rome, which is supposed to refer to the birth of Telephus, shows the appearance of a child so clothed, and renders in some degree more intelligible the fable of the deception practised by Rhea upon Saturn in saving the life of Jupiter by presenting a stone, enveloped in swaddling-clothes, to be devoured by Saturn instead of his new-born child (Hes. *Theog.* 485). It was one of the peculiarities of the Lacedaemonian education to dispense with the use of **σπάργανα**, and to allow children to enjoy the free use of their limbs (Plut. *Lycurg.* 16). Plato also is in favour of freedom, and ridicules the notion that infants are to be kept for two years in swaddling-clothes (*Legg.* vii. p. 789 E). Aristotle mentions mechanical appliances as used by some nations to prevent children from growing crooked (*Pol.* vii. 17 = p. 1336 a, 11). (Cf. Becker-Göll, *Charikles*, ii. 21; Blümner, *Privatalterth.* p. 289; FASCIA.) [J. Y.] [W. W.]

INCUS (**ἄκμων**), an anvil. The representation of Vulcan and the Cyclopes on various works of art show that the ancient anvil was formed like that of modern times. When the smith wanted to make use of it, he placed it on a large block of wood (**ἀκμόθετον**, Hom. *Il.* xviii. 410, 476, *Od.* viii. 274; *positis incudibus*, Verg. *Aen.* vii. 629, viii. 451); and when he made the link of a chain, or any other object which was round or hollow, he beat it upon a point projecting from one side of the anvil. The annexed woodcut, representing Vulcan forging a thunderbolt for Jupiter, illustrates these circumstances; it is taken

Incus, anvil, from a gem.

from a gem in the Royal Cabinet at Paris. It appears that in the "brazen age" not only the things made upon the anvil, but the anvil itself, with the hammer and the tongs, were made of bronze (Hom. *Od.* iii. 433, 434; Apollon. Rhod. iv 761, 762). In later times it was made of the finest wrought iron (*nucleus quidam ferri*), specially hardened for the purpose (Plin. *H. N.* xxxiv. § 144). The invention of the anvil and other smith's tools was ascribed to Cinyras of Cyprus (Plin. *H. N.* vii. § 195). Cf. Blümner, *Technol.* ii. 187 ff. [MALLEUS.] [J. Y.] [W. W.]

INDEX. [LIBER.]

INDIGITAMENTA. [PONTIFEX.]

INDU'SIUM. [TUNICA.]

INDU'TUS. [AMICTUS; TUNICA.]

INFA'MIA. The infamia at Rome was a moral censure pronounced by a competent authority in the state on individual members of the community, as a result of certain actions which they had committed, or certain modes of life which they had pursued. This censure involved disqualification for certain rights in public and private law, and the persons so censured and disqualified were called *infames*. A clear conception of the grounds and consequences of infamia can only be gathered from a consideration of the specific modes of its exercise. There is hardly a term in Roman law which admits so little as this of a general description, and this is owing to the impossibility of tracing the development of rules out of a practice which was originally not regulated by any certain rules. That principles were developed which specified with some accuracy the kinds of actions which produced infamia, and perhaps also the kinds of disqualification which followed it, we know from the definite enumeration of such actions in the title of the Digest which treats of the subject (Dig. 3, 2), from the Lex Julia Municipalis of 45 B.C. (*C. I. L.* n. 206), and to a less degree from the Lex Acilia Repetundarum of 123 B.C. (*C. I. L.* n. 198). These enumerate on the whole similar kinds of actions as producing infamia; but the disqualifications are in each case dissimilar, and adapted to the special spheres of action of which the documents severally treat. Of these the title in the Digest, which treats of infamia only so far as it affected procedure in the praetor's court, gives the clearest answer to the question "What constitutes infamia?" but an answer only applicable to an age when the idea had reached its final form. The answer to the question "What were the consequences of infamia?" is only given with reference to the special object considered, which is here the working of the praetor's court. When we look from the praetorian to what was probably its original source, the censorian infamia, we are leaving codification and coming to scattered facts of history. The relation of the censor's to the praetor's infamia is indeed difficult to establish. There are two alternative suppositions possible as to their connexion, either that they were pursued independently of one another, or that the praetorian was based on the censorian. It is not a distinction of much importance in one respect, because in both cases the grounds of infamia would probably have coincided, though the purposes would have differed. But, as the only object of the praetorian infamia was to preserve the dignity of the praetor's court ("dignitatis tuendae et decoris sui causa," Dig. 3, 1, 1), it seems more natural on the whole that it should have been based on the censorian, which had the more important object of excluding from service to the state, from the army, the senate and the comitia, people who were disgraced by unworthy acts or occupations. This will justify us in treating infamia under two aspects, its primary and its secondary. Primarily it is a matter of public law, as shown in the censor's exercise of it, in the Lex Acilia and the Lex Julia Municipalis. Secondarily it is a matter of private law, as shown in the list of those "qui edicto praetoris ut infames notantur" (Dig. 3, 1, 1, § 8). The questions to be considered are the causes of infamy, its primary and its secondary effects.

The original view of infamy being that it was a course pursued in the public interest, the causes of infamy were those acts which it was considered would render a man unworthy of continuing to perform the public duties with which he was invested. The power of pronouncing this moral verdict rested with the censor, and was originally not an extraordinary power added to his other functions, but one arising naturally out of his duty of registering the names of Roman citizens in their several orders on the occasion of a census; although at a later period the censor might summon citizens at other times than when the census was in progress. It was a duty exercised in the interests of the whole state, and was a standing safeguard for the preservation of the *πάτρια ἔθη* of the community (Dionys. xix. 16), regulated originally not by fixed rules, but by the standard of morality or respectability which it was conceived should be maintained by each of the three orders—the senate, the equites, and the voting and military populace (Cic. *de Leg.* iii. 3, 7, "censores mores populi regunto; probrum in senatu ne relinquunto;" Liv. iv. 8, 2, "in senatu equitumque centuriis decoris dedecorisque discrimen sub dicione ejus magistratus esset;" cf. Liv. xlii. 3, 7; xl. 46, 1). The profession, for instance, which disqualified for office would not have disqualified for the right of voting; while some professions, such as that of an actor, disqualified for every honour. The censor's power in this case closely resembles that of the consul, who can refuse to receive the names of those candidates for office whom he deems unworthy of the position they desire to fill (Vell. ii. 92). There were no fixed rules to bind either magistrate: and much as the censor's decisions resembled a trial at law in outward appearance, in the accusation that was usually, though not always, put forward by a third party (Liv. xxxix. 42, 7), and the defence which was permitted to the accused (Plut. *C. Gracch.* 2), it differed from it in the fact that there were no fixed rules of procedure for conducting the case, and no fixed rules of law for binding the decision arrived at (Cic. *pro Cluent.* 45, 126, "censores nihil se testibus, nihil tabulis, nihil denique causa cognita statuisse dicent"). It was not a *judicium*, says Cicero, but an *animadversio* and an exercise of *auctoritas* (Cic. *pro Cluent.* 42, 117), and it was not followed by strictly penal consequences. Though it might

disqualify, it did not punish, and the result of the censor's judgment was only *ignominia* (Cic. *de Repub.* 4, 6, "ut omnis ea judicatio versatur tantum modo in nomine, animadversio illa ignominia dicta est"). The process was spoken of as a *notatio*, from the *nota* which the censor wrote under the name of the person affected (Liv. xxxix. 42, 6, "ut censores motis e senatu adscriberent notas;" Cic. *pro Cluent.* 45, 118, "subscriptiones"), the offence which formed the ground of censure being usually spoken of as a *probrum*. An attempt was made to check the arbitrary employment of this notatio by a plebiscitum passed in 58 B.C. by Publius Clodius. This enjoined that the individual, before being subjected to ignominia, must be condemned by both censors and must be impeached by a third party (Ascon. *in Pison.* p. 9; Dio Cass. xxxviii. 13). This would have taken the initiative from the censor, and in this respect, as well as in the closer investigation which this change necessitated, brought the censorian process nearer to a process of law. But this plebiscitum was soon abrogated, and since the censor's decisions continued to be arbitrary it is little wonder that they did not become permanent. They might be set aside at each new lustrum by the incoming censor; and since the modes of decision were not fixed, the decisions themselves were not respected. Yet we find that, in the case of certain offences that involved ignominy, a permanent character had begun to be given by succeeding censors to a decision once pronounced. This was the case with perjury (Cic. *de Off.* i. 13, 40, "eos omnes censores, quoad quisque eorum vixit, quia pejerassent, in aerarios reliquerunt"), with condemnation in a disgraceful suit (Cic. *pro Cluent.* 42, 119, "turpi judicio damnati in perpetuum omni honore ac dignitate privantur"), and especially in the case of disgraceful professions, such as that of an actor was accounted. The precedent having been established that this disqualified for all civic honours (Augustin. *de Civ. Dei*, ii. 12, "genus id hominum tribu moveri notatione censoria voluerunt;" Tertull. *de Spect.* 22, "scenicos manifeste damnant ignominia et capitis deminutione"), it was natural that it should continue to be respected, and thus we find how the censorian infamia came to assume in time a tralaticiory character that gives us the permanent categories in the Lex Julia Municipalis and in the Digest. Certain standing offences came to be regarded as necessarily involving *notatio*, and as involving a *notatio* that the censors thought fit to make permanent; and we would naturally expect that offences which were thought deserving of a permanent notatio would involve the most serious disqualification, that of exclusion from all civic duties. It is possible, therefore, to say with Savigny, that there were a class of offences involving permanent disqualification, and that of the most severe kind, and we may safely seek such cases in later documents, such as the praetor's edict in the Digest; but that these cases had the exclusive title of infamia, and that this was distinguished from the censoria notatio, can hardly be established from the evidence adduced (Cic. *pro Cluent.* 42, 119; Dig. 48, 7; Cod. 12, 1, 2; Savigny, *System*, ii. §§ 76 *sq.*).

If we turn to the special cases on which the censor laid the mark of ignominy, we shall find that they comprehend breaches of almost all the duties to society, from family to state obligations. In the higher spheres of office the ex-magistrate might be degraded for a misuse of his powers (Plut. *Tib. Gracch.* 2; Liv. xliv. 16, 8), the judex for accepting bribes (Cic. *pro Cluent.* 42, 119), the soldier for shirking service (Liv. xxiv. 18) or showing cowardice or disobedience in battle (Liv. xxvii. 11; Val. Max. ii. 9, 7). As regards the mass of citizens, we find that the misuse of the right of voting called down the infamia, as we find in the case of the censor who disqualified the whole burgess community, "quod et innocentem se condemnassent et condemnatum consulem et censorem fecissent" (Liv. xxix. 37). Further, any disgrace that attached to appearance in a court of law, false witness and false oaths (Cic. *de Off.* iii. 31, 111), criminal condemnation in a judicium populi, theft and some other private delicts ("furtum et captae pecuniae," Cic. *pro Cluent.* 42, 120), and dishonourable conduct in trade (Suet. *Aug.* 39), involved infamy. It was also the result of certain professions, such as that of a mime (Macrob. *Saturn.* ii. 7, 3), and of dishonour attaching to a man in private life, arising from non-performance of the *sacra gentilicia* (Dionys. xx. 13), misuse of the powers of divorce (Val. Max. ii. 9, 2), and even from bad husbandry, neglect of property (Plin. *H. N.* xviii. § 11), and luxurious living (Plut. *Tib. Gracch.* 14). When we turn from these instances to the more definite categories of offences mentioned in the Lex Julia Municipalis and in the praetor's edict (Dig. 3, tit. 2, "De his qui notantur infamia;" Cod. ii. 12, "ex quibus causis infamia irrogatur"), we find that infamia followed condemnation on account of a criminal offence, originally when *calumnia* or *praevaricatio* had been established (Dig. 3, 2, 1), but finally as a result of any condemnation in a *judicium publicum* (Dig. 48, 1, 7; Just. *Inst.* iv. 18, 2), to expulsion of soldiers from the army *ignominiae causa* (cf. Lex Jul. Munic. l. 121), and to perjury of certain kinds; to certain private delicts, theft, robbery, injury, and deceit (*dolus malus*), the infamia extending to cases of compromise ("damnatus pactusve est," Dig. 2, 2, 1) and to usury (Cod. 2, 12, 20); to breaches of other obligatory relations, such as pro Socio, Tutelae, Mandati, Depositi (Dig. *l. c.*: cf. Cic. *pro Rosc. Com.* 6; Lex Jul. Munic. l. 111), and to insolvency in regard to all obligations ("bona possessa, proscripta, vendita," Cic. *pro Quinct.* 15; Lex Jul. Munic. ll. 113–117; Gaius, ii. 154); to certain acts concerning the relations of the sexes: one who has married or given in marriage a woman before the period of mourning has elapsed, or has been the cause of double marriage or double *sponsalia* with a woman, is infamis. Infamia was also attached to the keeping of a house of ill-fame and to certain professions, such as those of actors and gladiators (Dig. *l. c.*; Lex Jul. Munic. ll. 117 and 123). It will be seen from these instances that infamia always follows as the result of a personal act, and depends, as Savigny says, either on a judicial sentence or on an extra-judicial matter of fact.

The primary effect of infamia was always a disqualification for certain public rights. The

nature of the disqualification depended partly on the rank of the person disqualified, but was always regulated to some degree by the gravity of the offence. The senator, guilty of an action that disgraced his position, was removed from the list (Val. Max. ii. 9, 2), the knight was forced to give up his position in the equestrian centuries (Liv. xxix. 37, 9), and the commoner was removed from the tribe ("tribu moveri"). This expression of "removal from the tribe" may signify two distinct kinds of disqualification: either the minor one of removal from a higher to a lower tribe (Liv. xlv. 15, "neque enim, si tribu movere possit, quod sit nihil aliud quam mutare jubere tribum, ideo omnibus quinque et triginta tribubus emovere posse, id est civitatem libertatemque eripere:" cf. Cic. *pro Cluent.* 43, 122), or the severest disqualification of relegation from all the thirty-five tribes to the position of an *aerarius* (Liv. xlii. 10, "omnes quos senatu moverunt, quibusque equos ademerunt, aerarios fecerunt et tribu moverunt"), that is, to the position of "civitas sine suffragio," in which, as Livy says, "libertas civitasque," so far as the active manifestations of political life were concerned, were wholly lost. Thus this extreme disqualification is spoken of as a "capitis minutio," and certain actions which were held by the censors necessarily to involve it are spoken of by Cicero as "summae existimationis et paene dicam capitis" (Cic. *pro Rosc. Com.* 6). The fact that certain actions could be spoken of as necessarily involving this extreme infamia shows that disqualification was not wholly regulated by rank. The magistrate who has misused his functions, and the eques who has disgraced himself in war, may not only lose their rank in the senate and the equestrian centuries, but be relegated to the position of aerarii (Liv. xliv. 16, 8; Val. Max. ii. 9, 7). And it is extremely probable, as has been stated, that certain offences, by whomsoever they were committed, came to be considered as necessarily involving this relegation, and in the case of such offences the principle may have been upheld that the relegation should be permanent; that is, that it should be sanctioned in turn by each succeeding censor. In this way a table of actions that involved infamia might be drawn up and applied in various ways. In the Lex Julia Municipalis it is applied for the exclusion of unworthy members from the local senate of "conscripti" or "decuriones": and as early as the Lex Acilia certain acts (such as service as a gladiator) and circumstances (such as condemnation in a *judicium publicum*) were taken as involving perpetual disqualification from the bench of judices which the law created (Lex Acilia, c. 13).

If we turn from the primary or public law to the secondary or private law effects of infamy, we find that these arose from the mode in which the praetor's edict was framed. In the edict three classes of individuals were distinguished as regards their capacity to postulate (Dig. 3, 1, "de postulando"). The first class was composed of those not able to postulate for themselves, the second of those able to postulate only for themselves, and the third of those able to postulate for themselves, and only in exceptional cases for others. In this third class were included "omnes qui edicto praetoris ut infames notantur" (Dig. 3, 1, 1, 8). This limited capacity for postulation, which was a restriction originating solely from the praetor's regard for the dignity of his court, was followed by some important consequences. One of its results was that an infamous person could not, as a rule, act as a *cognitor* nor as a *procurator* (*Fragm. Vatic.* 322–324). The consequence of this was that no action could be assigned to an infamous person, because all such assignments took the form of commissions to a cognitor or procurator. This effect of infamy was, however, counteracted by the form of assignment known as *utiles actiones*. These did not require the nomination of a cognitor or procurator; and as the person to whom the assignment was made in this form prosecuted the claim in his own name ("utiliter eam movere suo nomine conceditur," Cod. 4, 39, 9), an infamous person to whom postulation in his own interest was never forbidden could not be excluded. Another result of the limitation of the power of postulation by an infamous person was that no such person could undertake a *popularis actio*; that is, a case in which a money penalty was enforced on behalf of the state, because the sustainer of such an action was a procurator of the state (Dig. 47, 23, 4). An adversary could not be compelled to contest an action with a procurator who was infamis, or with a procurator appointed by an infamis. He could put forward an *exceptio*, which the praetor was bound to grant. These exceptiones were finally removed by Justinian (*Inst.* iv. 3, 11).

A distinction between the working of infamia in the time of the Republic and of the Empire respectively arose from the relative importance of civic honours in these two periods. During the Republic the civic privileges possessed by the ordinary citizen, especially the right of voting and of serving in the army, were of more importance: and accordingly the public-law effects of infamy played a larger part in this period. In the Empire it is the private-law effects that are brought most prominently before us. Again, as during the Empire the populus had sunk into comparative unimportance, the censorian powers of the "cura morum," so far as they were exercised by the emperors, were concerned, more particularly than in the Republic, in preserving the purity of the two higher orders, the senate and the equites. And lastly it is clear that the censorian infamia of the Republic, since it was concerned wholly with civic honours, could not affect women; yet we find in the Empire that infamia did attach to women, as to those taken in adultery (Dig. 23, 2, 43, 12). The omission of the mention of infamia as attaching to the woman who contracts an unlawful marriage (Dig. 3, 2, 1), while it attaches to the man, is explained by the fact that women were prevented by their sex from postulating for others at all (Dig. 3, 1, 5), and it was not necessary to mention them in the list of infames, which is, in this connexion, a list of those who could postulate only in certain cases for others.

(Mommsen, *Römisches Staatsrecht*, ii. 1, p. 375 ff.; Savigny, *System des römischen Rechts*, ii. § 76 ff., translated under the title of "Jural Relations," by W. H. Rattigan, pp. 125 ff.) [A. H. G.]

INFA'MIS. [INFAMIA.]

INFANS. [IMPUBES.]

INFE'RIAE. [FUNUS, p. 893 *b*.]

I'NFULA, a flock of white and red wool, which was slightly twisted, drawn into the form of a wreath or fillet, and used by the Romans for ornament on festive and solemn occasions. In sacrificing it was tied with a white riband [VITTA] to the head of the victim (Verg. *Georg.* iii. 487; Lucret. i. 88; Sueton. *Calig.* 27), and also of the priest, more especially in the worship of Apollo and Diana, but sometimes of other deities as well. ("Sacerdotes Cereris cum infulis ac verbenis," Cic. *Verr.* iv. 50, § 110; Verg. *Aen.* ii. 430, x. 538; Servius, *in loc.*; Isid. *Orig.* xix. 30; Festus, s. v. *Infulae.*) The "torta infula" was worn also by the Vestal Virgins. (Prud. *c. Symm.* ii. 1085, 1094.) It would seem that the infula was itself knotted at intervals with the vitta (Rich); the loose flocks of wool would require some such fastening, and it is thus represented on a painting found at Herculaneum. At Roman marriages the bride, who carried wool upon a distaff in the procession [FUSUS], fixed it as an infula upon the door-posts of her future husband on entering the house. (Lucan, ii. 355; Plin. *H. N.* xxix. § 30; Servius *ad* Verg. *Aen.* iv. 459. MATRIMONIUM, Vol. II. p. 144.) [J. Y.] [W. W.]

INGENUUS. Ingenuus, like most Roman terms signifying a personal status, has had a history of its own. Its meaning is only distinctly expressed for us in the later developments of Roman law; but we have strong reasons for believing that the meaning there given was not the earliest it bore. If we presume that the term originated when the community of Roman citizens was a purely patrician community, and was applied to members of this community, it would have signified, as Ortolan expresses it, "one who was born in a gens, one who had a genealogy, one who could show a line of descent free to its fountain source from every taint of vassalage" (Ortolan, p. 27, E. T.). This conjecture, it is true, receives no confirmation from the passages (Liv. x. 8; Cincius, *ap.* Fest. p. 241) quoted to support it, which have, as will be shown, a wholly different bearing; but, if the word found a place in the nomenclature of the Roman patrician community, it could have signified no more and no less than *gentilis*, only emphasising that side of gentilitas which insists on a perfectly pure descent as a necessary qualification for the status. Later, however, with the growth of plebeian privileges, ingenuus came to be used as denoting a distinction within the plebeian community. Free men (*liberi*) are divided into *ingenui* and *libertini* (Gaius, i. 10). Such a distinction could only have been of importance within a circle in which the taint of vassalage was found; that is, not in the patrician community, which of necessity excluded this taint, but only within the plebeian. (Liv. vi. 40, "nec ex patricio sanguine ortus, sed unus Quiritium quilibet, qui modo me duobus ingenuis ortum sciam.") *Ingenuus* will now be defined by the definition of *libertinus:* and the stages of meaning which this latter word passed through will necessitate different stages of meaning in the word *ingenuus* in this second period of its history. The term *libertini*, we are told, was originally used to cover, not merely manumitted slaves, but their descendants in the first degree (Suet. *Claud.* 24). It was employed, therefore, to signify one who was born of free, but not of freeborn parents. Ingenuitas denoted the opposite status to that of a libertinus, and ingenuus must therefore at this time have denoted one who was sprung from freeborn parents. The sons of libertini were subsequently placed on an equality with the other Roman burgesses, and were from this time onwards ingenui. During the period, therefore, in which we can with some degree of certainty trace the history of this word, ingenuus first denoted one who had free ancestors in the second degree, and freeborn ancestors in the first degree; later it denoted one who had free ancestors in the first degree. In this later sense, the sense in which it is found defined in the Institutes, it denotes one who is "born in a state of freedom," "qui statim ut nascitur liber est" (Just. *Inst.* i. 4): and this is the sense in which it is said by Livy and by Cincius to be equivalent to the original meaning of patricius. The statements, "patricios eos appellari solitos, qui nunc ingenui vocantur" (Cincius *ap.* Fest. p. 241), and "patricios primo esse factos, qui patrem ciere possent, id est nihil ultra quam ingenuos" (Liv. x. 8, 10), are simply statements of a theory which is probably correct, that the word *patricii* originally denoted the sole free citizens of Rome. It may be remarked that the word *ingenuus*, although it always signified "born in a state of freedom," did not necessarily signify "born in the possession of citizen rights." The citizen who is made a citizen is yet an *ingenuus*, provided he be a freeborn man; throughout its history, as applied to the mixed plebeian community, the word has libertini as its main antithesis. There is only one reason that would make us regard libertinus as not having been always the sole antithesis of ingenuus. For it is probable that, in the early period, one born out of due wedlock was not an ingenuus, a restriction which was removed in the course of the development of Roman law (Gaius, i. 11; Marcianus, "nec interest justis nuptiis conceperit an vulgo"). But there is nothing to show that children born out of wedlock, though perhaps originally not ingenui, were ever called libertini.

At the time of Justinian all that was necessary to constitute *ingenuitas* in the child was that it should be the son of a free mother. It was ingenuus whether it was conceived or born while the mother was in a state of freedom, the status of the father not being taken into consideration, and the condition of marriage not being required (Just. *Inst.* i. 4). Ingenuitas was on the whole a gift of birth, and a libertinus could not by adoption become ingenuus (Gell. v. 19). But under the empire *ingenuitas* or the *Jura ingenuitatis* might be acquired by the favour of the princeps. It could be acquired in two ways, indirectly by the gift of the gold ring (*jus aureorum annulorum*), or directly by the *natalibus restitutio*. The gold ring had long been the mark of equestrian rank, and the conferring of the gold ring on a libertinus carried with it, in the early principate, not merely ingenuitas, but admission to the equestrian order. At the time when this symbol raised a libertinus to the rank of knighthood it

was sparingly employed, generally for the purpose of raising the position of the freedmen of the emperor's household (Mommsen, *Staatsr.* iii. p. 519, n. 1); and the gift, when it carried these consequences with it, must have asserted the fullest ingenuitas, involving a dissolution of all the rights of the patronus. From the time of Commodus, however, the gift of the gold ring ceased to denote admission to the equestrian order (Mommsen, *Staatsr.* ii. p. 893), and became merely a means for the conferring of a partial ingenuitas. It merely granted the enjoyment of the rights implied in ingenuitas during the lifetime of its possessor, and did not destroy the patronal rights (Dig. 38, 2, 3, "hic enim vivit quasi ingenuus, moritur quasi libertus"). The other mode of conferring ingenuitas was by the direct method of the *natalibus restitutio;* this was considered by a legal fiction to be a restoration to one of the primitive rights of man, the right of being born in a state of freedom (Dig. 40, 11, 2, "in quibus initio omnes homines fuerunt, non in quibus ipse nascitur, cum servus natus esset"). When such a restitutio was granted to a libertinus, the patronal rights were lost: and consequently the patron was usually consulted, and his consent obtained, before the change was made (Dig. *l. c.*). The possession of ingenuitas was sometimes a matter of dispute, and we find the mention of a *Judicium ingenuitatis* for the decision of this question (Tac. *Ann.* xiii. 27). (Mommsen, *Römisches Staatsrecht*, iii. p. 72 *sq.*, pp. 518, 519; ii. 2, p. 518.) [A. H. G.]

INGRA'TUS. [PATRONUS.]

INJU'RIA. Injuria, in the general sense, signifies a violation of law, what is not *jus* ("Injuriam autem hic accipere nos oportet non quemadmodum circa injuriarum actionem contumeliam quandam, sed quod non jure factum est, hoc est contra jus," Dig. 9, 2, 5, § 1). Similarly a person acting unlawfully is called *injurius* (compare *inlex*), but later *injustus* (Voigt, *Zwölf Tafeln*, i. § 39). Hence the phrase *damnum injuria datum* means unlawful damage to property [DAMNUM, &c.].

Injuria, in a special sense, is the term which denotes a particular kind of wrong or delict, committed against a man's person, as distinct from his property. Injuria, in this sense, is any unlawful act by which an insult (*contumelia*, ὕβρις) is conveyed by one person to another. Thus every intentional violation of the right of another is injuria, as implying contumelia, though, if such a wrongful act falls under the category of any other offence, the penalty of the latter is applicable, and not that of injuria (Windscheid, *Pandekten*, § 472, n. 1). It follows from the nature of this delict that it cannot arise without an intention to act unlawfully (*dolus*). The external acts constituting it might be various in kind. Thus it might be done by assaulting a man, as by striking or beating him; by other conduct likely to bring a man into contempt or derision, as by vociferous abuse (*convicium*), scurrilous songs and verses, libellous writings of any kind; by insulting gestures, by spitting at a man (Plaut. *Curc.* iv. 2, 17; Cic. *ad* Quint. *fr.* ii. 3, 2); by going about unkempt and unshorn, or in mourning attire, with the object of falsely suggesting that the person so acting was suffering by the misconduct of another person; by demanding a debt in a way likely to injure a man's character (*clamore, flagitare, poscere*, Plaut. *Pseud.* i. 5, 143; iv. 7, 46; *Curc.* v. 3, 5); by summoning a debtor to court (*in jus vocatio*) in an illegal manner (Porph. *in* Hor. *Sat.* i. 9, 77); by obtaining an execution order against a person as if he were insolvent; by illegally distraining on a man's goods, &c. A man might sustain injuria either in his own person, or in the person of members of his family who were in his power. Injuria to a wife was also injuria to her husband. No injuria could be done to a slave, but certain acts done to a slave were an injuria to his master, when the acts were such as appeared from their nature to be insulting to the master; as, for instance, if a man should flog another man's slave: but for verbal abuse of a slave, or striking him with the fist, Gaius (iii. 222) says, there was no formula provided, nor would an action be readily granted by the praetor.

The Twelve Tables had various provisions on the subject of injuria. The penalty of injuria for a limb broken was retaliation (Gaius, iii. 223, "propter membrum ruptum talio erat;" cf. Festus, *s. v.* Talio); for a bone broken or bruised, three hundred asses if the person injured was a freeman, one hundred and fifty if he was a slave. It seems probable, however, that Gaius made a mistake in classifying these punishments under injuria, the prominent idea in the law of the Twelve Tables respecting them being that of damage to the person rather than that of insult. (Voigt, *Zwölf Tafeln*, ii. § 129.)

The ordinary penalty for injuria in the Twelve Tables was twenty-five asses (Gaius, iii. 223). Gaius adds that such a sum seemed an adequate compensation in those days of excessive poverty. Libellous songs or verses (*occentus:* cf. Hor. *Ep.* ii. 1, 145, "Fescennina per hunc inventa licentia"), by which persons were frequently defamed at public festivities, were followed in addition by a punishment affecting the caput of the offender, which involved scourging as well as loss of liberty (cf. Hor. *Ep.* l. c. 154), or which, according to one interpretation of a passage of Cicero (*Rep.* iv. 10), was death. The penalty of twenty-five asses provided by the Twelve Tables was subsequently found insufficient in many cases, and so an action was established by the praetor (*actio injuriarum aestimatoria*), in which the injured party was allowed to claim such damages as he thought he was entitled to, and the judex might give the full amount or less. This became the ordinary remedy on account of injuria, but a Lex Cornelia gave a special action in cases of *pulsatio, verberatio*, and forcible entry into a man's house.

In determining the damages in the *actio aestimatoria* the praetor had to distinguish between an atrocious outrage (*atrox injuria*) and that of a less serious kind. An injuria had the character of *atrox*, either from the act itself, or the place where it was done, as for instance a theatre or forum; or from the condition of the person outraged, as if he were a magistratus, or if he were a senator and the wrong-doer were a person of low condition. Infamia was a sequence of condemnation in an *actio injuriarum* [INFAMIA].

The *actio injuriarum* was regarded as a vindictive action, in satisfaction of a purely personal injury (*actiones vindictam spirantes*), and

so could not be maintained by the heir of the person outraged. It became the rule that every kind of injuria might be made the subject of either criminal or civil proceedings (Inst. iv. 4, 10). The criminal proceedings and punishment were *extra ordinem* [CRIMEN]. Various imperial constitutions affixed the punishment of death to libellous writings [LIBELLI]. (Gaius, iii. 220–225; Paul. *Sent. Rec.* 5, 4; Cod. Theod. ix. 34; Cod. ix. 35, 36; Inst. iv. 4; Dig. 47, 10; Keller, *Inst.* 141, &c.; Huschke, *Gaius*, 118, &c.; Rein, *Criminalrecht*, § 354, &c.; Voigt, *Zwölf Tafeln*, ii. §§ 129, 130.) [G. L.] [E. A. W.]

INJURIARUM ACTIO. [INJURIA.]

INO'A (Ἰνῶα), festivals celebrated in several parts of Greece, in honour of the ancient heroine Ino. At Megara she was honoured with an annual saerifice, because the Megarians believed that her body had been cast by the waves upon their coast, and that it had been found and buried there by Kleso and Tauropolis (Paus. i. 42, § 8). Another festival of Ino was celebrated at Epidaurus Limera, in Laconia. In the neighbourhood of this town there was a small but very deep lake, called the water of Ino, and at the festival of the heroine the people threw barley-cakes into the water. When the cakes sank it was considered a propitious sign, but when they swam on the surface it was an evil sign. (Paus. iii. 23, § 5.) An annual festival, with contests and sacrifices, in honour of Ino, was also held on the Corinthian Isthmus, and was said to have been instituted by king Sisyphus. (Tzetzes *ad Lycophr.* 107.) [L. S.]

INOFFICIO'SUM TESTAME'NTUM. [TESTAMENTUM.]

INQUILI'NUS. [EXSILIUM, p. 516 *b*.]

INSA'NIA, INSA'NUS. [CURATOR.]

INSIGNE (*σημεῖον, ἐπίσημα, ἐπίσημον, παράσημον*), a badge, an ensign, a mark of distinction. Thus the BULLA worn by a Roman boy was one of the insignia of his rank (Cic. *in Verr.* i. 58, § 152). Five classes of insignia more especially deserve notice:—

I. Those belonging to officers of state or civil functionaries of all descriptions, such as the FASCES carried before the CONSUL at Rome, the latus clavus and shoes worn by senators [CALCEUS; CLAVUS], the carpentum and the sword bestowed by the emperor upon the praefect of the praetorium. (Lydus, *de Mag.* ii. 3, 9.) The Roman EQUITES were distinguished by the "equus publicus," the golden ring, the angustus clavus [CLAVUS], and the seat provided for them in the theatre and the circus (Hor. *Epod.* 4, 15; Mart. v. 8 and 14). The insignia of the kings of Rome—viz. the trabea, the toga praetexta, the crown of gold, the ivory sceptre, the sella curulis, and the twelve lictors with fasces, all of which except the crown and sceptre were transferred to subsequent denominations of magistrates—were copied from the usages of the Etruscans and other nations of early antiquity. (Flor. i. 5; Sallust, *Cat.* 51; Verg. *Aen.* vii. 187, 612, xi. 334; Lydus, *de Mag.* i. 7, 8, 37.)

II. Badges worn by soldiers. The centurions in the Roman army were known by the crests of their helmets [GALEA], and the common men by their shields, each cohort having them painted in a manner peculiar to itself. (Veget. ii. 17; compare Caes. *B. G.* vii. 45.) [CLIPEUS, p. 460 *b*.] Among the Greeks the devices sculptured or painted upon shields (see woodcut, p. 459 *b*), both for the sake of ornament and as badges of distinction, employed the fancy of poets and of artists of every description from the earliest times. Thus the seven heroes who fought against Thebes, all except Amphiaraus, had on their shields expressive figures and mottoes, differently described, however, by different authors. (Aeschyl. *Sept. c. Theb.* 375–652; Eurip. *Phoen.* 1107–1138; Apollodor. *Bibl.* iii. 6, § 1.) Alcibiades, agreeably to his general character, wore a shield richly decorated with ivory and gold, and exhibiting a representation of Cupid brandishing a thunderbolt (Plut. *Alcib.* 16; Ath. xii. p. 534 *e*). The first use of these emblems on shields is attributed to the Carians (Herod. i. 171); and the fictitious employment of them to deceive and mislead an enemy was among the stratagems of war (Paus. iv. 28, §§ 5–7; Verg. *Aen.* ii. 389–392).

III. Family badges. Among the indignities practised by the Emperor Caligula, it is related that he abolished the ancient insignia of the noblest families, viz. the torquis, the cincinni, and the cognomen "Magnus." (Suet. *Calig.* 35.)

IV. Signs placed on the front of buildings. A figure of Mercury was the common sign of a GYMNASIUM; but Cicero had a statue of Minerva to fulfil the same purpose (*ad Att.* i. 4). Cities had their emblems as well as separate edifices; and the officer of a city sometimes affixed the emblem to public documents as we do the seal of a municipal corporation (Antigonus Caryst. *Hist. Mir.* 15).

V. The figure-heads of ships. The insigne of a ship was an image placed on the prow, and giving its name to the vessel (Tac. *Ann.* vi. 34; Caes. *B. C.* ii. 6). Paul sailed from Melita to Puteoli in the Dioscuri, a vessel which traded between that city and Alexandria (Acts xxviii. 11). Enschedé has drawn out a list of one hundred names of ships, which occur either in classical authors or in ancient inscriptions (*Diss. de Tut. et Insignibus Navium*, reprinted in Ruhnken, *Opusc.* pp. 257–305). The names were those of gods and heroes, together with their attributes, such as the helmet of Minerva, painted on the prow of the ship which conveyed Ovid to Pontus (*a picta casside nomen habet*, *Trist.* i. 9, 2); of virtues and affections, as Hope, Concord, Victory; of countries, cities, and rivers, as the Po, the Mincius (Verg. *Aen.* x. 206), the Delia, the Syracuse, the Alexandria (Athen. v. p. 208 f); and of men, women, and animals, as the boar's head, which distinguished the vessels of Samos (Herod. iii. 59; Choerilus, p. 155, ed. Naeke; Hesych. *s. v.* **Σαμιακὸς τρόπος**: Eust. *in* Hom. *Od.* xiii. p. 525), the swan, the tiger (Verg. *Aen.* x. 166), the bull (*προτομὴν ταύρου*, Schol. *in* Apoll. Rhod. ii. 168). Plutarch mentions a Lycian vessel with the sign of the lion on its prow, and that of the serpent on its poop, manifestly intended to express the form of the chimaera (*Mul. Virt.* p. 247 F). After an engagement at sea, the insigne of a conquered vessel, as well as its aplustre, was often taken from it and suspended in some temple as an offering to the god (Plut. *Themist.* 15). Figure-heads were probably used from the first origin of navigation. On the war-galleys of the Phoenicians, who called them, as Herodotus says (iii. 37), *παταικοί*, *i.e.* "carved images," they

had sometimes a very grotesque appearance. It would appear that the *παράσημα* of Greek ships were sometimes distinct from their names; the latter were always feminine among the Greeks (Boeckh, *Seeurk.* p. 81 ff.; Becker-Göll, *Charikles*, i. 192), the former not so.

Besides the badge which distinguished each individual ship, and which was either an engraved and painted wooden image forming part of the prow, or a figure often accompanied by a name and painted on both the bows of the vessel, other insignia, which could be elevated or lowered at pleasure, were requisite in naval engagements. These were probably flags or standards, fixed to the aplustre or to the top of the mast, and serving to mark all those vessels which belonged to the same fleet or to the same nation. Such were "the Attic" and "the Persic signals" (*τὸ Ἀττικὸν σημεῖον*, Polyaen. iii. 11, § 11; viii. 53, § 1). A purple sail indicated the admiral's ship among the Romans, and flags of different colours were used in the fleet of Alexander the Great (Plin. *H. N.* xix. § 22). (Cf. Becker-Göll, *Charikles*, i. 189–192; NAVIS, Vol. II. p. 216 *b*.) [J. Y.] [W. W.]

INSI'LIA, from *insilire*, a part of the loom (only in Lucret. v. 1353). They were supposed to be the treadles, pressed by the weaver's foot; but the epithet *levia*, smooth or polished, does not suit these; and the insilia are more probably the heddles or leash-rods which open the warp. (Schneider, Index to *Scriptores Rei Rusticae*, s. v. *Tela*; Rich, *s. v.*; Munro, *ad loc.*)

As the word is not found elsewhere, its meaning can only be guessed (Munro: so also Blümner, *Technol.* i. 143 n.). [W. W.]

I'NSTITA (*περιπόδιον*). 1. A flounce; a fillet. The Roman matrons sometimes wore a broad fillet with ample folds, sewed to the bottom of the tunic and reaching to the instep. The use of it indicated propriety and good taste in dress (Hor. *Sat.* i. 2, 29; Ovid, *Ars Amat.* i. 32). It must have resembled a modern flounce. The notion that it was a train rather than a flounce, favoured by Rich (*s. v.*) and Becker, is decisively rejected by Göll (Becker-Göll, *Charikles*, ii. 27, iii. 255).

2. The word instita seems sometimes to have borne much the same sense as FASCIA, *e.g.* the girth of a bed, which might also be used as a bandage (Petron. *Sat.* cc. 20, 97). In a rather obscure line of Statius ("Candida pampineo subnectitur instita filo," *Theb.* vii. 654), it appears to mean a riband or fillet [VITTA] tied round a thyrsus: Rich gives an example of this from a Pompeian painting. [J. Y.] [W. W.]

I'NSTITOR. [INSTITORIA ACTIO.]

INSTITO'RIA ACTIO. According to the Jus Civile, a person could not be sued on a contract which his agent had entered into on his account. But as in course of time, with the growth of commerce, the Romans came to carry on various lucrative occupations by means of slaves (cf. Poste's *Gaius*, iv. 71, comm.), the praetor remedied the inconvenience of the civil law by allowing in the case of the *actio institoria* and certain other cases an additional action against a person by whose authority a contract had been made (*actiones adjecticiae qualitatis*). By the formula *institoria* a principal was made liable for business debts contracted by anyone, whether his son or his slave, or the slave of another or a free person, whom he had made his *institor*—i.e. manager of a trade or business, as banker, innkeeper, &c. ("ideo autem institoria appellatur, quia qui negotiationibus praeponuntur institores vocantur," Inst. iv. 7). Probably at first an action was only given on account of contracts made by filiifamilias or slaves of the owner of the business, but afterwards extended. (Cf. Inst. *l. c.*) The person who contracted with an institor would have two debtors: 1, the institor, the contracting party; and 2, his master or employer. In the formula *institoria* brought against the latter, the name of the institor would appear in the *intentio*, that of the master in the *condemnatio*. [ACTIO.]

The principle of the actio institoria was finally extended to all contracts of agents who were not institores, and so a contract entered into with an agent could always be enforced against his principal ("actio ad exemplum institoriae actionis," called by commentators *actio utilis* or *quasi institoria*). Institores are coupled with *nautae* by Horace (*Ep.* xvii. 20) and with the *magister navis* (*Carm.* iii. 6, 30). [Cf. EXERCITORIA ACTIO.] (Gaius, iv. 71; Inst. iv. 7; Dig. 14, 3.) [G. L.] [E. A. W.]

INSTITUTIONES. A student beginning the study of law was instituted in the subject (*institui*); i.e. he went through an elementary course of legal instruction under the direction of a competent lawyer. (For an account of Roman legal education, see Bremer, *Die Rechtsschulen*, u.s.w.) Such introductory study naturally led to the publication of law books of an educational kind, which were called *Institutiones*. There were various institutional works written by the Roman jurists. Thus Callistratus, who lived under Septimius Severus and Antoninus Caracalla, wrote three books of Institutes. Aelius Marcianus wrote sixteen books of Institutes, under Caracalla, or shortly afterwards. Florentinus, who probably lived in the time of the Antonines, wrote twelve books of Institutes, from which there are forty-two excerpts in the Digest. Paulus also wrote two books of Institutiones. There still remain fragments of the Institutions of Ulpian (see facsimile in Böcking's edition of Ulpian).

But the most important treatise of this kind that we know of was the Institutes of Gaius, in four books or commentaries. They were formerly only known from a few excerpts in the Digest, from the epitome of Gaius contained in the Breviarium of Alaric II. the Visigoth, from the Collatio, and a few quotations in the commentary of Boethius on the *Topica* of Cicero, and in Priscian. The MS. of Gaius was discovered in the library of the chapter of Verona, by Niebuhr, in 1816. It was first copied by Goeschen and Bethmann-Hollweg, and an edition was published by Goeschen in 1820. The deciphering of the MS. was a work of great labour, as it is a palimpsest, the writing on which has been washed out, and in some places erased with a knife, in order to adapt the parchment for the purposes of the transcriber. The parchment, after being thus treated, was used by transcribing upon it some works of Jerome, chiefly his Epistles. The old writing was so obscure that it could only be seen by applying to it an infusion of gall-nuts. A fresh examination of the MS. was made by Bluhme, but with little

additional profit, owing to the accidental loss of the paper containing the results of his work. A second edition of Gaius was published by Goeschen in 1824, with valuable notes, and an index of the sigla used in the MS. The preface to the first contains a complete demonstration that the MS. of Verona is the genuine *Commentarii* of Gaius, though the MS. itself has no title. An improved edition of Goeschen, by Lachmann, appeared in 1842. In 1866 an apograph or facsimile of the MS. by Boecking was published, which was based on Goeschen's collation, and some notes made by Bluhme. An entirely new and independent facsimile of the MS. was made by the German philologist Studemund in 1866, 1867, 1868, and published in 1874. It contains many amendments of and some not inconsiderable additions to the readings of Goeschen and Bluhme. The editions of Gaius which have appeared since 1874 have made Studemund's apograph the foundation of their text. The most trustworthy of these is that by Krüger and Studemund.

It appears from internal evidence that Gaius wrote his Institutes under Antoninus Pius and Marcus Aurelius. According to Dernburg (*Die Institutionen des Gaius, ein Collegienheft aus dem Jahre* 161 A.D.), the work is made up of lectures, which Gaius had previously delivered. It was the favourite text-book in the law schools till it was superseded by the Institutes of Justinian. Of Gaius himself hardly anything is known. His full name has not come down to us. (Cf. Roby's *Introduction to the Digest*, pt. i. ch. xiii.; Huschke, *Gaius; Étude sur Gaius*, par E. Glasson, §§ 2, 3. For the characteristics of his style, see Kalb, *Archiv für Latein. Lexikographie*, i. 82, &c.) Gaius belonged to the school of the *Subiniani* [JURISCONSULTI]. The jurists whom he cites in his Institutes are Cassius, Fufidius, Javolenus, Julianus, Labeo, Maximus, G. Mucius, Ofilius, Proculus, Sabinus, Servius, Servius Sulpicius, Sextus, Tubero. Many passages in the Fragments of Ulpian are the same as passages in Gaius, which may be explained by assuming that both these writers copied such parts from the same original. Marcian and Ulpian follow a similar system of arrangement to that of Gaius, but it is more probable that they did not copy it from him.

The treatise of Gaius, unlike the *Edictum perpetuum* and other compilations of Roman law intended for practical purposes, is intended to be arranged on scientific principles, though its order of subjects is frequently confused. Its subject-matter is distributed under the three heads of (1) persons, (2) things, (3) actions—"omne jus quo utimur vel ad personas pertinet, vel ad res, vel ad actiones" (i. 8). The contrast between *personae* and *res* may have been derived from writings on *jus sacrum* (cf. Krüger's *Gesch. des Quellen*, § 24, n. 41, with passages from Augustine there cited). Some writers suppose that this threefold division of law originated with Gaius, but one would rather gather from the way in which he introduces it that it was already well known in the Roman schools. There has been considerable difference of opinion as to the exact nature of the division. It is generally supposed that the first head of it (the first book), which treats of persons, comprehends the status of persons regarded as the subjects of rights; others affirm that it treats of legal capacity, or of the three conditions which correspond to the threefold capitis deminutio. According to Savigny, this part of the work treats only of persons so far as they belong to the familia in the widest Roman acceptation of that term, and so in his opinion the law of persons is equivalent to family law (Savigny, *Syst.* i. 393). The law of persons consists in fact of the divisions of men into free and slaves, free-born and freedmen, and then notices the different kinds of power which one person may exercise over another—the power of the master over the slave (*dominica potestas*), the power of the father over his children (*patria potestas*), the power of a husband over a wife (*manus*), the power exercised over a person *in mancipii causa*. Lastly, it treats of *tutela*, which in its origin was a kind of *potestas*. Thus the object of the law of persons seems to be, not to describe family relations generally, but to distinguish men according as to whether they are independent or subordinate, capable of acting for themselves or under some incapacity in this respect. The second part treats of *res;* that is, of property in the widest meaning of the term, comprehending the law of ownership and the law of obligation, which two divisions occupy the second and third books. The fourth book treats of actions or procedure.

It was the object of Justinian to comprise in his Code and Digest or Pandects a complete body of law. But these works were not adapted to elementary instruction, and the writings of the ancient jurists were no longer allowed to have any authority, except so far as they had been incorporated in the Digest. Moreover, the Commentaries of Gaius, the favourite text-book of the schools, were antiquated. It was therefore necessary to prepare an elementary treatise, for which purpose Justinian appointed a commission consisting of Tribonian, Theophilus, and Dorotheus; the two latter were professors of law, and assisted Tribonian in the compilation of the Digest.

The commission was instructed to compose an institutional work which should contain the elements of the law (*legum cunabula*), and should not be encumbered with useless matter (Prooem., Inst.). Accordingly they produced a treatise, under the title of Institutiones or Elementa (*de juris docendi ratione*), which was chiefly compiled from the Institutes of Gaius and his *res cottidianae* (Const. Imperatoriae, § 6). But though the Institutiones of Justinian were mainly based on those of Gaius, its compilers sometimes followed other works. Thus the first passage in the Institutes is taken from Ulpian, and the passage (ii. 17, § 2, "si quis priori") is from the fourth book of Marcian's Institutes (Dig. 36, 1, 29). Florentinus is also used. In some instances the Institutiones of Justinian are more clear and explicit than those of Gaius. An instance of this occurs in Gaius (iii. 109) and the Institutes of Justinian (iii. 19, 10). (See Gneist's *Institutionum Syntagma.*) The Institutiones consist of four books, which are divided into titles. It is supposed that Tribonian only exercised a general superintendence over the work of compiling them, and that Theophilus and Dorotheus each undertook the task of compiling two books. (Cf. E. Grupe, *De Justiniani Institt. compositione.*)

The arrangement of the Institutes is generally the same as that of the work of Gaius; the difference between them in this respect is chiefly owing to the changes in the Roman law which had been made between the time of Gaius and that of Justinian. The Institutes treat only of Privatum Jus; except that there is a title *de officio judicis*, and a title on Judicia Publica at the end of the fourth book, which are not treated of by Gaius.

The Institutiones were published and given statutable authority on the 21st November, A.D. 533, shortly before the publication of the Digest.

There are numerous editions of the Institutes. The *editio princeps* is that of Peter Schoeffer (Mainz, 1468), which contains the gloss. The best modern editions are those of Schrader (1832), with commentary, Huschke (1868), and Krüger (1867, 1st ed.). There is a Greek paraphrase of the Institutes, which has long been attributed to Theophilus, one of the compilers of the Institutes, though, according to several modern authorities, without sufficient evidence. (See Ferrini, Praef.) It throws considerable light on the text of the Institutes, and contains additional information of an historical kind. The best edition of the paraphrase is that of W. O. Reiz, The Hague, 1751, 2 vols. 4to. A new edition is in progress by E. C. Ferrini (*Institutionum Graeca paraphrasis Theophilo antecessori vulgo tributa*, 1884–5), but only parts of it have as yet appeared. [G. L.] [E. A. W.]

INSTITUTO'RIA ACTIO. [INTERCESSIO.]

INSUBULUM. [TELA.]

INSULA. [DOMUS.]

INTEGRUM RESTITUTIO, IN. [RESTITUTIO.]

INTENTIO. [ACTIO.]

INTERCESSIO. LEGAL. It is intercessio when a person takes upon himself the debt of another. To become intercessor a person must incur liability by entering into a contract or other transaction with some one else's creditor. Thus a payment by one person of another's debt is not intercessio, because no liability is incurred by such payment (Dig. 16, 1, 4, § 1). Nor is it intercessio to promise a debtor to indemnify him for outgoings to his creditor, since no relation is thereby created between the party promising and the creditor. He who intercedes may either (1) take upon himself the debt of another and become debtor in place of that other (privative intercession), or (2) become debtor while the person for whom he intercedes is also debtor (cumulative intercession).

1. To the first head, that of privative intercession, belong (*a*) the case of a man taking upon himself an already existing obligation of another, so as to release the latter from all liability. In this case the old debt is put an end to by a species of novation, called *expromissio*, the creditor accepting the intercessor as his debtor in the place of his previous debtor, and thus discharging the latter; (*b*) the case of a person taking an obligation on himself which does not already exist, but which the person for whom he intercedes would otherwise have contracted for himself. This is called *intervention* (cf. Dig. 16, 1, 18, § 14: "Si quum essem tecum contracturus, mulier intervenerit, ut cum ipsa potius contraham, videtur intercessisse").

2. To the second head, that of cumulative intercession, belong (*a*) the case of a person becoming surety for another; (*b*) the case of a person becoming a party to a correal obligation otherwise than as *fidejussor* (as to *correi*, cf. Inst. iii. 16, "De duobus reis stipulandi et promittendi;" and see art. OBLIGATIO); (*c*) the giving a thing in pledge for the debt of another (Dig. 16, 1, 8 pr., 32, § 1).

It may be convenient to give some account in this place of the law relating to a surety's liability. It was a general rule that a contract of suretyship could only be entered into in a formal way by question and answer. In the case of a sponsor, the *interrogatio* was, "Idem dari spondes?" In the case of a *fidepromissor*, it was, "Idem fidepromittis?" In the case of a *fidejussor*, it was, "Idem fide tua esse jubes?" The object of having a sponsor, fidepromissor, or fidejussor, was greater security to the stipulator. With respect to one another sureties were *consponsores* (Cic. *ad Att.* xii. 17), *confidepromissores*, *confidejussores*. In the Institutes of Gaius, a distinction is made between sponsores and fidepromissores on the one side, and fidejussores on the other. Each sponsor or fidepromissor (the obligation of sponsor and fidepromissor became identical, but only cives could be sponsores) was originally liable for the whole debt for which he was security, and he had no means of action against a co-sponsor. The liability did not pass to his heredes. By the Lex Publilia, sponsores who had been compelled to pay the debt had a special action *in duplum* against the principal debtor, which was called *actio depensi*.

The Lex Furia de sponsione, B.C. 345, made a considerable change in the position of sponsores and fidepromissores, by enacting that a sponsor or fidepromissor should only be liable for his share of the debt with his co-sureties, who were alive at the time when the money became due (*singuli viriles partes*), and that he should cease to be liable after the lapse of two years. A Lex Apuleia, which was passed before the Lex Furia, gave one of several sponsores or fidepromissores who paid more than his share an action against the rest for contribution; but this lex was rendered useless by the Lex Furia, at least in Italy, to which country alone the Lex Furia applied, while the Lex Apuleia extended to places out of Italy.

Fidejussores were of later institution than sponsores and fidepromissores, and, on account of the preference given to them, gradually superseded the older kind of surety. Each fidejussor was liable for the whole debt, as if he were sole debtor, his obligation being that of a correus (*singuli in solidum obligantur*). Fidejussores were never released from their obligation by length of time, and the heres of a fidejussor was bound. A fidejussor who had been compelled to pay the whole amount had no redress against his co-fidejussores, but every surety could recover on a *mandati judicium* from his principal whatever he had been compelled to pay on his account. A creditor might sue either the debtor or his fidejussor, and after he had elected to sue one of them he could not sue the other. Sponsores and fidepromissores could only become parties to a debt which was contracted by stipulation, though in some cases they might

be bound when their principal was not, as in the case of a pupillus who promised without the auctoritas of his tutor, or of a man who promised something after his death; but a fidejussor might be accessory to all obligations, whether contracted *re*, *verbis*, *litteris*, or *consensu*, or arising in any other way.

The stringent liability of fidejussores was somewhat lessened by special enactments of the emperors in their favour (*beneficia*). Thus, by a rescript (*epistola*) of Hadrian, a fidejussor who was sued might require (*ope exceptionis*) the creditor also to sue the other solvent fidejussores, each according to his proportion. If any one of them was not solvent, his share became a burden to the rest. According to a change in the law made by Justinian (*Novell.* 4), a fidejussor might compel the creditor to sue his debtor, if solvent, before having recourse to him (*beneficium excussionis*). A fidejussor before paying the debt might insist that the creditor should assign to him all his rights of action against co-fidejussores (*beneficium cedendarum actionum*).

The Lex Cicereia provided that a creditor who obtains the guarantee of sponsors and fidepromissors should previously declare to them the amount of the debt to be guaranteed and the number of sponsors or fidepromissors by whom it was guaranteed. If it was judicially proved that the creditor had not complied with the requisitions of the law, the sureties were released. This rule was subsequently made the practice in the case of fidejussores also (Gaius, iii. 123). A Lex Cornelia limited the amount for which any person could be a security for the same person to the same person within the same year to twenty thousand sesterces, but with some exceptions, one of which was a security *dotis nomine*. No person could be bound in a greater amount than his principal, but he might be bound in less.

In the legislation of Justinian sponsores and fidepromissores are not recognised, they having been entirely supplanted by fidejussores. The subject of the sponsio often occurs in Cicero's letters; and in one case he was called on in respect of a sponsio alleged to have been given by him twenty-five years before (*ad Att.* xii. 17). Cicero uses the expression *appellare* to express calling on a surety to pay (*ad Att.* i. 8). Certain informal kinds of guarantee, called *mandatum qualificatum* and *constitutum debiti alieni*, which are also species of intercession, were established in later Roman law; for an account of these, see MANDATUM and CONSTITUTUM.

Women were incapacitated from doing certain acts on account of the weakness of the sex. In the early part of the reign of Augustus, and in that of Claudius, it was declared by the Edict that women should not *intercedere* for their husbands. Subsequently, in the reign of Claudius, A.D. 46, the Senatusconsultum Velleianum absolutely prohibited women becoming sureties or borrowing money for others, two particular modes of intercession. The law was extended by the jurists to other cases of intercession, which, though not expressly provided for in the SC., were within its principle. A woman who was sued in respect of her intercessio, or her heres, might plead the statute (exceptio SC. Velleiani). Whatever she paid in ignorance of her right so to plead, she might recover. In certain cases a woman was permitted to renounce the benefit of the senatusconsultum; and there was a considerable number of exceptions to the rule that a woman who interceded could plead the senatusconsultum. (For the changes made by Justinian in the law on the subject, see Windscheid, *Pandekten*, ii. § 488.) Hence the term *intercessio* is used in two senses in our sources: (1) for any undertaking by one person of the obligation of another, which is its ordinary sense; (2) in a narrower sense, for any such undertaking, which is contrary to the SC. The Novella 134, c. 8, was specially intended to prevent a wife interceding under any circumstances for her husband.

(Dig. 16, 1, ad SC. Velleianum; Paulus, *S. R.* 2, 11; Cod. 4, 29; Gaius, iii. 115–127; Inst. iii. 20, de fidejussoribus; Dig. 46, 1; Cod. 8, 41, de fidejussoribus et mandatoribus; Girtanner, *Die Bürgschaft nach gemeinen Civilrecht;* Hasenbalg, *Die Bürgschaft des gemeinen Rechts;* Kattenhorn, *Ueber Intercessionen der Frauen;* Vangerow, *Pandekten*, iii. §§ 577, 578, 579, 581; Windscheid, *Pandekten*, iii. § 476, &c., § 485, &c.; Poste's *Gaius*, iii. §§ 110–127, comm.) [G. L.] [E. A. W.]

INTERCESSIO. CONSTITUTIONAL. Intercessio is used to denote the right of veto possessed by Roman magistrates: a right of which, as Mommsen has pointed out, there are two distinct aspects. One of these is the power possessed by the higher magistrates of forbidding the actions of the lower magistrates: the other is the power possessed, not only by higher magistrates, but by magistrates of equal power, of rendering invalid actions already performed by magistrates of lower or equal authority. The former power is distinct from the latter in that it is an attribute solely of *major potestas*, and is not necessarily followed by the invalidity of the act it forbids, if this act is performed in spite of the veto; its fullest exercise is shown in the complete suspension of public business known as the JUSTITIUM, and it is sometimes spoken of as an exercise of the right of *intercessio* (Liv. x. 37). But *intercessio* is more often applied to the employment of the second power, the use of which was far more frequent in the working of the political machinery. It represents the right of a magistrate to render ineffective the completed actions of his inferior or equal. It is an attribute, therefore, not only of *major* but of *par potestas*, and the invariable effect of its exercise is the invalidity of the act against which it is levelled. With the institution of the double magistracy in place of the monarchy, the intercession originated within the limits of *par potestas;* with the creation of the lower magistrates of the people originated the conception of *major potestas* as giving the right of veto: and this idea culminated in the powers that were vested in the subsequently-created tribune, who had *major potestas* over every magistrate of the state except the dictator. The intercessio was thus a supervision, exercised by closely-related magistrates, who were theoretically irresponsible during their year of office over one another's functions, for the prevention of illegal or inequitable actions; and on the part of the tribune a general supervision over all other magistracies in the interests,

originally of the plebs, later of the whole community.

The intercession originated with the principle of colleagueship, and, except in the case of the tribune, was mainly confined within the limits of colleagueship. Thus the dictator has it against his inferior colleague the consul, the consul against his inferior colleague the praetor; but the consul can also veto the acts of the aedile or quaestor, who are not his colleagues, if we may accept the application to Roman practice of a principle laid down in the municipal law of Salpensa (c. 27; *C. I. L.* n. 1963), although there is no known instance of the exercise of such a veto at Rome. The tribune, outside the bounds of his own college, can exercise the right of intercession against all the patrician magistrates except the dictator—against the consul, praetor, aedile, and quaestor. In the case of *major potestas* the right of intercession is unshackled; but between certain magistrates of wholly dissimilar character, neither *major* nor *par potestas* existed. No relation of this kind could be established between the aedile and quaestor, or between the consul and censor, and accordingly such magistrates have no power of vetoing one another's actions. Another restriction, and one that was necessary to prevent utter confusion in the working of this power, was that the veto could not be vetoed; the intercession is final, and the act that is declared void cannot be re-established by any further exercise of this power. Another limitation of the intercession is found in its purely *civil* character: intercession only exists where divided authority is found; for the purposes of administration *militiae* such a division of authority was never tolerated; and thus Cicero excludes the intercessio resting on *appellatio*, the only form in which it could have manifested itself outside Rome, from the military sphere altogether (Cic. *de Leg.* iii. 3, 6). A further limitation rests on the theory that the intercession is only valid when directed against the actions of a magistrate. It was not, therefore, permitted against the decisions of juries in civil cases; the magistrate's functions being confined to proceedings *in jure*, all those *in judicio* were outside the sphere of the veto. In the *quaestiones*, in which the distinction between proceedings *in jure* and *in judicio* disappeared [JUDICIUM PUBLICUM], the veto was similarly not permitted against the finding of the magistrate and jury, the reasons being that the quaestiones were a development of civil process, in which the intercession was not permitted, and that the magistrate's acts here, during the process, are not distinguishable from those of the jury. But it appears that against the purely magisterial actions that formed the preliminary of a quaestio, intercession was still possible; in the trial of Vatinius, when the praetor, on application, had named a certain day for the trial, Vatinius appealed to a tribune "ne causam diceret" (Cic. *in Vat.* 14, 33).

The intercession may conveniently be considered from three points of view, according to the sphere of the magistrate's actions against which it was directed: the decree (*edictum*), the *rogatio*, and the *senatusconsultum*.

(i.) Against the magistrate's decree (*edictum*), whether as forming a part of civil jurisdiction of the ordinary judicial magistrates, the praetors, or of criminal jurisdiction conducted by the consul, aedile or quaestor, or of the ordinary administration of the duties imposed on individuals by the state, the intercession was most frequently directed. Intercession in all these cases rests on *appellatio*, the request for help (*auxilium*) put forward by an individual who appeals against the decree by which he feels himself injured. The *appellatio* must be made personally to the magistrate and the intercession exercised personally by him. Thus we find tribunes attaching themselves to consuls, to prevent the execution of their edict on the occasion of an expected levy (Liv. iv. 55, 3), and the praetor Caelius Rufus taking up his position next to the chair of his colleague Trebonius, waiting for appeals from the latter's decisions (Caes. *Bell. Civ.* iii. 20, "tribunal suum juxta C. Treboni praetoris urbani sellam collocavit, et si quis appellavisset fore auxilio pollicebatur"); and in the time of the Empire, when the princeps in virtue of his imperium received such appeals, we find Tiberius taking up a similar position close to the praetor's chair (Tac. *Ann.* i. 75, 1). This necessity for the presence of the assisting magistrate was most marked in the case of the tribune (Gell. xiii. 12, "Tribuni antiquitur creati intercessionibus faciendis quibus praesentes fuissent"), who were prevented for this reason from staying a night without the walls. Certain further limitations and formalities in the appellatio are known to us from the Lex Salpensana (c. 27), such as the rule that an interval of three days was granted to the magistrate to inform himself of the grounds of the appellatio made to him, and the rule that no magistrate could intercede more than once in the same case: regulations which, though applying to the organisation of a municipal town, may with certainty have their origin referred to Roman practice. In civil jurisdiction the intercessio might be employed at any stage of the proceedings *in jure;* the usual appeals were from one home praetor to another, although they might possess different *provinciae*. Thus Verres the praetor urbanus had his decisions vetoed by his colleague Piso, who was probably praetor peregrinus in cases where Verres had decided contrary to his own edict (Cic. *in Verr.* i. 46, 119: cf. Caes. *Bell. Civ.* iii. 20); but the consul, who possesses no *jurisdictio*, can yet veto the decisions of the praetor, as we find him in one case vetoing the decisions of the praetor urbanus in a case of *bonorum possessio* (Val. Max. vii. 7, 6). This, however, was unusual, and the general principle was to confine intercession to magistrates possessing somewhat similar authority, with the exception of the tribune. So powerful and far-reaching was the tribune's veto against the decree of the magistrate, that it has been thought that the tribune's right of intercession sprang from his power of *auxilium*, and that his other powers of veto, against the rogatio and the senatusconsultum, were of later growth. His interferences were for the most part against criminal jurisdiction, which, like civil jurisdiction, might be interfered with at any stage of the proceedings before the magistrate, and against the exercise of administrative power, more particularly against that of the consul (Cic. *de Repub.*

ii. 33, 58, "contra consulare imperium tribuni plebis constituti"). In matters of state-administration, such as the raising of consular levies (Liv. ii. 43) or the quaestorian collection of the taxes (Liv. xxx. iii. 42), it is the execution of the decree resting on the magistrate's right of *coercitio* that is interfered with by the tribune. From an appeal of this sort made to the tribune from the coercitio of a magistrate, a kind of quasi-judicial process results, more especially if the appeal had been made to the whole college, the process being spoken of as a *cognitio* of the tribunes (Liv. xlii. 33, "cognituros se de quo appellati essent"). We have such a process described by Livy (*l. c.*) on the occasion of an appeal from a consular levy. The matter is heard before the college of tribunes ("ad subsellia tribunorum"), before which appear the appellants and the magistrate appealed against, to defend the fact against which the appeal has been lodged. The collegium gives its verdict sometimes with the grounds of their decision (Ascon. *in Milon.* p. 47). It is possible, Mommsen thinks, that the college may in cases like this have found by a majority; although if one tribune persevered in the intercession, he might overrule the adverse decision of his other colleagues (Mommsen, *Staatsr.* i. p. 280).

(ii.) Against the *rogatio* the intercession might be directed as against any other act of the magistrate, and here we find the two aspects of the veto strongly marked; the right to forbid the question being put at all, and the right to intercede against the question after it has been put. The first right belongs to magistrates with *major potestas:* the consul can forbid the praetor to question the people (Liv. xxvii. 5); and it was from this power the consul possessed of forbidding the question, that the constitutional custom arose for the praetor to consult the consul before putting the rogatio (Liv. xlv. 21, "sed et praetor novo maloque exemplo rem ingressus erat, quod non consulibus certioribus factis de sua unius sententia rogationem ferret"). But the intercession against a rogatio that had been already put, though it probably belonged originally to the *par majorve potestas* throughout the circle of the magistracies, soon became the exclusive right of the tribune. It might be pronounced in any of the assemblies, and against any kind of act brought before these assemblies; against elections (Liv. iv. 50, 8; xxv. 2, 6), against *leges*, including formal acts such as the Lex Curiata (Cic. *de Leg. Agr.* ii. 12, 30), and against *plebiscita* (Plut. *Tib. Gracch.* 10). Certain formalities were observed in the intercession against a rogatio; it seems to have been irregular to pronounce the intercessio before the day of voting arrived (Cic. *ad Att.* iv. 16, 6; Ascon. *in Cornel.* p. 58), and indeed before the speeches for and against the law had been made (Liv. xlv. 2, "quum ita traditum esset, ne quis prius intercedat legi, quam privatis suadendi dissuadendique legem potestas facta esset"). In the case of leges, the correct time for interposing the veto seems to have been when the introductory acts of the magistrate were over, and just before the voting had commenced (Mommsen, *Staatsr.* i. p. 285); in elections we find the tribune interceding after the praerogativa had voted (Liv. xxvii. 6, 5).

(iii.) Against a *senatusconsultum.* The intercession against a senatusconsultum, as against a rogatio, rested originally on the *par majorve potestas.* It was exercised by the tribune against the tribune (Cic. *pro Sest.* 31, 68), consul (*ib.* 34, 74), and praetor (Cic. *ad Fam.* x. 12, 3 and 4), and originally by the consul against the consul (Liv. xxx. 43, 1) and praetor, although it is unlikely that intercession was ever applied in the last-mentioned case, since the praetor did not usually summon the senate while the consul was at Rome. We find no instance of the consul's vetoing a senatusconsultum proposed by the tribune, and it is concluded accordingly that he did not possess this power. The exercise of intercession in the senate was simplified by the magistrate, who intended to veto the resolution, declaring his intention beforehand. This must be the meaning of the declaration often made by magistrates in the senate—by the consul, for instance, against his colleague, that "he would not allow any business to proceed," "non passurum quicquam agi" (Liv. xxvi. 26, 7; xxx. 40, 8: cf. xlii. 10, 10, "Popillius prae se ferens, si quid decerneret, intercessurum, collegam deterruit"). This threat did not necessarily suspend the particular business in the senate; the motion on which the veto was put, was, if passed by a majority, drawn up as a *senatus auctoritas.* Sometimes the senate requested the magistrate to suspend the intercession ("intercessionem remittere," Liv. xxxvi. 40, 10), and sometimes attached to a particular decree a general vote of censure on any magistrate who should veto it (Cic. *ad Fam.* viii. 8, 6, "qui impedierit prohibuerit, eum senatum existimare contra rempublicam fecisse"). The intercessio on certain kinds of senatusconsulta might be forbidden by law; thus the Lex Sempronia in 123 B.C. forbade the intercession on the senatorial assignment of the consular provinces (Cic. *de Prov. Cons.* 8, 17; *de Domo*, 9, 24). The veto on a senatusconsultum did not apparently interrupt the procedure of the senate, since it was usually pronounced after the voting on the measure (Val. Max. ii. 27), or while the voting was in progress (Cic. *ad Fam.* x. 12, 3), but never apparently during the debate. Hence the advantage of the preliminary declaration that the veto would be pronounced.

If we may trust tradition, this right of intercession was not originally confined to magistrates who had the right of summoning or even of sitting in the senate, since it is stated that the tribune possessed the former before he possessed either of the latter powers, sitting on a bench before the doors for the purpose of examining the decrees (Val. Max. ii. 27). In the course of time, as the tribune gained the right of taking part in the debate and of summoning the senate, his intercessio came to outweigh that of the consuls. Consular intercession against a senatusconsultum continued in force long after such intercession against a rogatio had ceased to be recognised: but before the close of the Republic it yielded even in this domain to that of the tribune. The evidence, which is entirely negative, is strongly in favour of Mommsen's view that after the time of Sulla consular intercession against a senatusconsultum is not found, as against that of Willems, who

holds that traces of it are found down to the close of the Republic (Mommsen, *Staatsr.* i. p. 282, n. 7; Willems, *Le Sénat de la République Romaine*, ii. p. 200, n. 2). It is not necessary to imagine that the consular right of intercession in these cases was removed by direct legislative enactment, but that it ceased to be usual, and in time came to be regarded as unconstitutional. The tendency of republican development was to make the tribunate the sole forbidding power, and, in so far as the intercession represented a guardianship of the law, to raise the tribunate into the great corrective power in the state. (Mommsen, *Römisches Staatsrecht*, i. p. 67, and pp. 268 *sq.*; ii. pp. 290 *sq.*: and for intercession in the senate cf. Willems, *Le Sénat de la République Romaine*, ii. pp. 199 *sq.*) [A. H. G.]

INTERCISI DIES. [DIES.]

INTERCOLUMNIA. [TEMPLUM.]

INTERDICTIO AQUAE ET IGNIS. [EXSILIUM.]

INTERDICTUM. In certain controversies, chiefly when possession or quasi-possession (possession of a servitude) is in dispute, the praetor or proconsul intervenes in a paramount or sovereign capacity, and commands some performance or forbearance; which commands, formulated in solemn terms, are called "interdicts" or "decrees"—decrees, when he commands that something be performed; for instance, when he orders that something be produced, or something be restored: interdicts, when he forbids some act; as when he forbids the violent disturbance of a possession, unimpeachable on the ground of defects (*sine vitio*; see below), or the desecration of consecrated ground. Interdicts, then, are orders either of restitution (*restitutoria*, obliging a person to make over property to another), or of production (*exhibitoria*), or of abstention (*prohibitoria*). (Gaius, iv. 139, 140, ed. Poste.) This passage contains the essential distinction between an ordinary actio and an interdiction, so far as the praetor or proconsul is concerned. In the case of an actio, the praetor pronounces no decree, but simply issues a formula appointing a judex, whose business it is to investigate the matter in dispute, and to pronounce a sentence consistently with the formula which is his authority for acting. In the case of an actio, therefore, the praetor neither orders nor forbids a thing to be done, but he says simply, "Judicium dabo" (I will grant a trial). In the case of an interdict, the praetor makes an order that something shall be done or shall not be done, and his words are accordingly words of command: "Restituas, exhibeas, vim fieri veto." This direct interposition of the magistrate is appropriately expressed by the word *principaliter*, which does not, as some writers have supposed, refer to the fact of the command being the first formal proceeding in order of time, but to its being a special act of magisterial interference.

It is probable that interdicts were first given by the magistrate in cases where there was no statutory action (*legis actio*), and the interference of the supreme executive authority was required in the interest of law and order. In this way protection was given to public and sacred property, as public roads, rivers, temples, altars; the exercise of family and proprietary rights was made more secure, and new rights of praetorian origin were established. Something of a penal character attached to the interdict procedure, the sponsio or wager, which the parties to it entered into, in order that their rights under the interdict might be determined, being always *poenalis*, i.e. paid as a penalty by the unsuccessful to the successful party, and not a mere matter of form (*praejudicialis*). This kind of penalty may have taken the place of the *multa* or fine, by which disobedience to the interdict was originally punished.

The interdict procedure, as described by our authorities, was not more summary in its character than the ordinary procedure in an action, but it is probable that it consisted at first of an absolute command, which the magistrate, as guardian of public order, compelled obedience to, after holding an informal inquiry to satisfy himself that the law had been broken. In granting interdict process the magistrate did not exercise jurisdictio, but simply an act of imperium, and he determined at first without the assistance of a judex whether his authority should be interposed. Thus the interdict belonged to *cognitio extraordinaria*, not to *cognitio ordinaria*.

But in course of time the interdict lost its summary character, the praetor finding it more convenient to transmit interdict cases to a judex than to determine them himself. Accordingly, he made his command or prohibition conditional, at the same time directing the parties to the proceeding to stake a wager (*sponsio*) on the question to be decided by a judex whether the interdict had been violated. Thus, if a party to whom an interdict was directed, refused to admit the claim of his opponent, the subsequent proceedings resembled in their main features those of an ordinary action. Even the distinction as to the mode of commencing the proceedings by an authoritative order instead of by giving a judex seems to have been sometimes disregarded. Thus Savigny observes that in one of the most important interdicts, that *de vi*, the formula is, "Judicium dabo" (Dig. 43, 16, pr.). But, as he explains, the old genuine formula was, "Restituas" (Cic. *pro Caecin.* 8, § 23); and the "Judicium dabo" must have been introduced when the formulae of the two old interdicts (*de vi armata* and *de vi quotidiana*) were blended together, and at a time when the distinctions between interdictum and actio had become a matter of indifference.

The mode of proceeding as to the interdict was as follows. The party aggrieved, having summoned the defendant to court, stated his case to the praetor, which was the foundation of his demand for an interdict, and was therefore analogous to the *postulatio actionis*. If the magistrate, after hearing the parties, saw sufficient *primâ facie* reason, he might grant the interdict, which was often nothing more than the words of the edict addressed to the litigant parties, with the addition that the subject-matter of the dispute was designated. Thus the cases in which the praetor would grant an interdict were provided for in his album with appropriate forms. The praetor, before granting an interdict, made no inquiry into the merits of the case, but simply determined the previous questions whether under the alleged circumstances the interdict applied for was applicable;

and if so, how it should be framed. An interdict, like all decrees of a magistrate, was delivered orally, but its terms were registered in the praetor's book (*tabulae, codex*), and a copy was perhaps given to the complainant (Bethmann-Hollweg, *Civ. Proc.* § 98): hence *edere interdictum* is equivalent to *reddere interdictum*.

The interdict laid down the conditions which were to determine whether the defendant was liable or not. If he had violated its terms, he was bound to make restitution to the complainant; and if he did so, the dispute was of course at an end, in which case the proceeding would be a summary one. This is not stated by Gaius, but follows of necessity from the nature of the case; and when he says, that when the praetor has ordered anything to be done, or forbidden anything to be done, the matter is not then at an end, but the parties go before a judex or recuperatores, he means that this further proceeding takes place, if the praetor's edict does not settle the matter. If the parties disputed whether the terms of the interdict had been violated or not, it was necessary that further application should be made to the praetor within a year from the time when the interdict had been granted. Thus, when the praetor's order did not terminate the dispute, he directed that an action should be tried, and for this purpose framed a formula by which the judex, recuperatores, or arbiter named in it were instructed as to the case they were to try. The inquiry would be, whether anything had been done contrary to the praetor's edict, or whether that had been done which he had ordered to be done: the former inquiry would be made in the case of a prohibitory interdict; and the latter in the case of an exhibitory or restitutory interdict. The word *interdictum* was, strictly speaking, only applicable to the prohibitory command, *decretum* being the term for a command of a positive nature, but interdictum became the general term for commands of either kind. The subsequent course of the proceedings depended on the question, whether the action was based on a sponsio (as was at first invariably the case), or a *formula arbitraria* was granted. In the case of a prohibitory interdict, there was always a sponsio: that is, the parties were required by the magistratus (*in jure*) to deposit or give security for a sum of money, the loss of which was in the nature of a penalty (*poena*) to the party who failed before the judex.

In the case of an exhibitory or restitutory interdict, the proceeding was sometimes *per sponsionem*, and therefore before a judex or recuperatores, and sometimes without any sponsio, being tried under a *formula arbitraria* [ACTIO] by a judex or arbiter. When the formula of the interdict was framed in the latter way, it ceased to be penal in character. A defendant in an interdict proceeding of an exhibitory or restitutory kind might claim a *formula arbitraria*, if he did so at the first stage of the proceedings, when they were before the magistrate (*in jure*); if he omitted to claim in due time, a sponsio was necessary. A plaintiff might sue, as he pleased, either *per sponsionem* or *per formulam arbitrariam* (Gaius, iv. 162; Ulp. *Fragm.* 7, 8; Cic. *pro Tull.* § 53). In Cicero's time the *formula arbitraria* seems not to have been allowed in the case of *vis armata* (Bethmann-Hollweg, *Civ. Proc.* § 98, n. 107; Keller, *Sem.* ii. p. 340). In the case of Caecina (Cic. *pro Caecin.* 8, 23) a sponsio had been made: Cicero says, addressing the recuperatores, "Sponsio facta est: hac de sponsione vobis judicandum est." When the matter came before a judex or arbiter, the course of proceeding was, generally speaking, similar to the ordinary action [ACTIO].

The chief division of interdicts (*restitutoria, exhibitoria, prohibitoria*) has been stated. The purposes to which they were applicable were various. Thus, under Jus publicum and sacrum, we find, *interdictum de via publica, de flumine publico, de locis sacris* (religious); under the law of status and family law, *interdictum de homine libero* (corresponding to our writ of habeas corpus), *de homine liberto, liberis exhibendis*. But the greater number of interdicts were given for the protection of private property, and more especially for the protection of possession.

The importance of what are called the possessory interdicts is that the praetor, in granting them, takes no account of title to property, but simply assists the person who is in actual possession of property. Thus he gives a thief or malâ-fide possessor the benefit of such interdicts, as well as an owner or a bonâ-fide possessor. The owner cannot escape liability under them by setting up the plea of title. The question to be determined, when these interdicts are in question, is not one of right, but of fact. [POSSESSIO.]

Interdicts relating to possession are divided into those for the purpose of acquiring possession, retaining possession, or recovering possession (Gaius, iv. 144).

The Interdicta adipiscendae possessionis causa were not strictly possessory interdicts, as Savigny has shown (*Das Recht des Besitzes*, p. 410), since they are not founded on former or actual possession, but on some other title, as on a title of pledge or of bonorum possessio. The Interdictum quorum bonorum, so called from its initial words, belongs to this class of interdict; it was given to the bonorum possessor (BONORUM POSSESSIO; Dig. 43, 2, 1). Its operation was to compel a person who had possession of the property of which the bonorum possessio was granted to another, to give it up to such person, whether the person in possession of such property possessed it under a claim of right or not. The bonorum emptor was entitled to an analogous interdict, which was called Possessorium [BONORUM EMPTIO]. An interdict called Sectorium was granted to a person who bought goods at a public auction in order that he might thereby obtain possession of them; the name *sectores* being applied to persons who bought property in such manner (Gaius, iv. 146; Cic. *pro Rosc. Am.* 36, 103).

The Interdictum Salvianum was granted to a landlord; it enabled him to take possession of the stock of his tenant (*colonus*) who had hypothecated it for his rent (Dig. 43, 3).

The Interdicta retinendae possessionis causa were granted for the protection of a person in actual possession. A person was considered to be in actual possession who had the physical control of a thing, and who intended to deal

with the thing as his own. [POSSESSIO.] There were two interdicts by which a person in possession was protected, named respectively Uti possidetis and Utrubi, from the initial words of the Edict. The Interdictum uti possidetis applied to land or houses, and the other to movables. The Uti possidetis protected the person who at the time of obtaining the interdict was in actual possession, provided he had not obtained possession from the other party (*adversarius*) either by violence (*vi*), or by fraud (*clam*), or as his tenant at will (*precario*), which were the three *vitia possessionis* (Festus, *s. v.* Possessio; Gaius, iv. 160). In the case of the Interdictum utrubi, the possession of the movable thing was by the interdict declared to belong to him who had possessed the thing during the greater part of the previous year, "nec vi nec clam nec precario" (Gaius, iv. 151). If a person had acquired possession from another, he might count the time during which the person from whom he acquired was in possession. In the time of Justinian the person who was in actual possession when the proceedings commenced was entitled to this interdict, whether he had been in possession for the greater part of the previous year or not.

An Interdictum recuperandae possessionis might be claimed by him who had been forcibly ejected (*vi dejectus*) from his possession of an immovable thing, and its effect was to compel the wrongdoer to restore the possession or to make good all damage. The initial words of the interdict were, "Unde tu illum vi dejecisti;" and the words of command were "ei restituas" (Cic. *pro Caecin.* 30, 88; *pro Tull.* §§ 29, 44;—Gaius, iv. 154; Dig. 43, 16, 1). There were two cases of *vis*: one of *vis* simply, to which the ordinary interdict applied, which Cicero calls *quotidianum*; the other of *vis armata*, such as was obtained by Caecina against Aebutius. The plaintiff had to prove that he was in possession of the premises, and had been ejected by the defendant or his agents (*familia* or *procurator*, Cic. *pro Tull.* § 29). The defendant might put in an answer (*exceptio*) to the plaintiff's claim for restitution; he might show that the plaintiff's possession commenced either *vi*, *clam*, or *precario* with respect to himself (*pro Caecin.* 32, 92; *pro Tull.* § 34); but this exceptio was not allowed in the case of *vis armata* (*pro Caecin.* 8, 22; 32, 93). The defendant might also plead that a year (*annus utilis*) had elapsed since the violence complained of, but this plea could not avail in a case of *vis armata* (Cic. *ad Fam.* xv. 16).

The Interdictum de precaria possessione or de precario was the remedy by which a thing could be recovered from a person who held it by the lease and licence of another, but not under a contract. It is called *precarium* because the person who received such permission usually obtained it by request (*prece*); but express request was not necessary to constitute a precarium, for it might arise by tacit permission (Paul. *Sent. Rec.* v. 6, 11). The person who was permitted to have detention of the thing obtained at the same time interdict possession of it, unless it was otherwise agreed. In either case the permission could at any time be recalled, restitution being enforced by the Interdictum de precario, as in the case of *vis*. In the later period of Roman law a regular action was given for the recovery of the precarium, as in the case of depositum; nevertheless the precarium was never regarded as a contract in the strict sense. The Interdictum de precario originally applied to land only, but it subsequently extended to movable things. The liability imposed by the Edict was to restore the thing, but not its value, in case it was lost, unless *dolus* or *culpa lata* could be proved against the defendant. But from the time that the demand is made against the defendant, he is *in mora*, and, as in the case of the other interdicts, he is answerable for all *culpa*, and for the fruits or profits of the thing; and generally he is bound to place the plaintiff in the condition in which he would have been if there had been no refusal. No exceptions were allowed in the case of a precarium. The origin of the precarium is referred by Savigny to the relation which subsisted between a patronus and his cliens, to whom the patronus gave the use of a portion of the ager publicus. If the cliens refused to restore the land upon demand, the patronus was entitled to the Interdictum de precario. As the relation between the patronus and the cliens was analogous to that between a parent and his child, it followed that there was no contract between them, and the patron's right to demand the land back was a necessary consequence of the relation between him and his cliens. (Festus, *s. v.* Patres.) The precarium did not fall into disuse when the old ager publicus ceased to exist [AGRARIAE LEGES]. It was in fact extended and applied to other purposes: thus a mortgagor might have possession of a thing under a precarium with the mortgagee.

Gaius (iv. 156) makes a third division of Interdicta into *simplicia* and *duplicia*. Simplicia are those in which one person is the plaintiff (*actor*), and the other is the defendant (*reus*): all Restitutoria and Exhibitoria Interdicta are of this kind. Prohibitoria Interdicta are either *simplicia* or *duplicia*. They are duplicia in the case of the Interdictum uti possidetis and Utrubi, because, as in these interdicts each party claims to be in possession, one of them cannot be regarded as plaintiff or defendant more than the other (Gaius, iv. 160).

Interdicts were used for the purpose of putting one of two parties to an action in interim possession of a thing till the action was decided (Rudorff, *Ueber das Interdict* Quem Fundum, &c.; *Zeitschrift*, vol. ix.). In the Interdicta duplicia, the interim possession of the property in question pending the issue was given to the party who made the highest bid for it: such bidding between the parties for the mesne profits was termed *fructuum licitatio* (Gaius, iv. 166, &c.). In the case of the Interdicta duplicia, it may perhaps have been necessary for the purpose of founding jurisdiction, that the parties should feign an act of violence (*vis ex conventu*, Gaius, iv. 166, Muirhead's ed., which may be equivalent to the *vis moribus facta* of Cicero, *pro Caecin.* 1, § 2; 8, § 22; DEDUCTOR). In the later period of Roman law there was no difference between interdict procedure and that by which other actions were tried (Inst. iv. 15, 8).

(Gaius, iv. 138–170; Ulp. *Inst. fr.* v.–viii.; Paulus, *Sent. Rec.* v. 6; Inst. iv. 15; Dig. 43; Cod. 8, 1, 9; Savigny, *Besitz.* §§ 34–

43; Zimmern, *Rechtsg.* iii. §§ 71–74; Keller, *Civilproc.* §§ 74–76; Bethmann-Hollweg, *Civilproc.* ii. 98; Schmidt, *Das Interdiktenverfahren*, &c.; Huschke, *de causa Siliana;* Machelard, *Théorie des Interdits;* Muirhead, *Historical Introduction to the Private Law of Rome*, § 73.) [G. L.] [E. A. W.]

INTERPRES, an interpreter. This class of persons became very numerous and necessary to the Romans as their empire extended. Embassies from foreign nations to Rome, and from Rome to other states, were generally accompanied by interpreters to explain the objects of the embassy to the respective authorities (Cic. *de Divin.* ii. 64, 131, *de Finib.* v. 29, 89; Plin. *H. N.* xxv. § 6; Gell. xvii. 17, 2; Liv. xxvii. 43). In large mercantile towns the interpreters, who formed a kind of agents through whom business was done, were sometimes very numerous, and Pliny (*H. N.* vi. § 15) states that at Dioscurias in Colchis there were at one time no less than 130 persons who acted as interpreters to the Roman merchants, and through whom all the business was carried on.

All Roman praetors, proconsuls, and quaestors who were entrusted with the administration of a province, had to carry on all their official proceedings in the Latin language (Val. Max. ii. 2, § 2); but as the provincials could not be expected to know this language, they had always among their servants [APPARITORES] one or more interpreters (hired in the province, not brought from Rome), who were generally Romans, but in most cases undoubtedly freedmen (Cic. *pro Balb.* 11, 28). These interpreters had not only to officiate at the conventus [CONVENTUS], but also explained to the Roman governor everything which the provincials might wish to be laid before him (Cic. *in Verr.* iii. 37, 84, *ad Fam.* xiii. 54; Caes. *Bell. Gall.* i. 19; compare Dirksen, *Civil. Abhandl.* i. p. 16, &c.). [L. S.] [A. S. W.]

INTERREX (in Greek historians, μεσοβασιλεύς). The fundamental principle of the Roman constitution was that the people, though sovereign, could only act through their representatives the magistrates; and hence when the regular magistracy was through any reason vacant, the political life of the people ceased. Originally there was but one supreme and responsible magistrate at Rome, the king holding office for life; and it was to supply the vacancy caused by the complete cessation of this magistrate's functions that the *interrex* was instituted. The interregnum had a long history in the Roman state, and was one of the most distinct survivals of the early regal constitution. It dates, tradition tells us, from the earliest transmission of the supreme power, and the last recorded demand for the office was in 43 B.C., on the death of the two consuls for the year (Dio Cass. xlvi. 45). As an institution it finds no parallel in governments outside Italy (Cic. *de Repub.* ii. 12, 23, "prudentes illi principes novam et inauditam ceteris gentibus interregni ineundi rationem excogitaverunt"); but that, like the monarchy, it was not a purely Roman but an essentially Latin institution is shown by its presence, in the constitution of the Italian municipia (*C. I. L.* ix. 1635, x. 6232; Mommsen, *Staatsr.* i. 647, n. 3). Since the interrex was, through the vacancy of the supreme office, the sole representative of the people, he is not a delegate in the sense in which the *praefectus urbi* was, who was merely the king's representative, nor yet in the sense in which the proconsul was during the Republic, when strictly delegated authority was not permitted within the walls. He is not *pro magistratu*, but *magistratus*, and still continued to be a magistrate under the Republic in spite of the fact that he was not elected by the people. For the interrex was a survival, and dates back to a period when popular election was unknown; although, if we exclude popular election from the original regal constitution, the position of the interrex in this period is extremely doubtful. The question raised is, whether the interrex was merely an occasional institution in the regal period, as in the Republic, employed only where the regular transmission of the regal office had been interrupted through exceptional circumstances, or whether, as represented by our authorities, it was a standing part of the procedure in the appointment of a king. The question is, therefore, whether the king of Rome was usually nominated by his predecessor, recourse being had to an interregnum only in exceptional cases, or whether he was nominated in every case by the interrex. The former view would, on the whole, seem most natural, and, if we refuse to attribute popular election to the regal period, is the one most usually held [REX]; but there is one serious objection that has been brought against it,—namely, that nomination of the future king during the lifetime of his predecessor would be a breach of the Roman legal principle that no formal act can be conditioned by time or other circumstances (Mommsen, *Staatsr.* i. 214). The appointment of a successor would certainly belong to those "actus legitimi qui non recipiunt diem vel condicionem," under which fall the *hereditatis aditio* and the *datio tutoris*, and which "in totum vitiantur per temporis vel condicionis adjectionem" (Dig. 50, 17, 77). Mommsen concludes, therefore, that the king was in every case nominated, not through the rex, but through the interrex (*Staatsr.* i. 213, 214), and that the interregnum as a part of the standing procedure of the Roman commonwealth ceased when the election of successors by those in office was permitted in the supreme magistracy, as it was on the institution of the consulate. It then became only an occasional office, necessarily resorted to where there were no supreme magistrates of Rome, and no one duly qualified to hold the election for their successors. In the case of the death of both the consuls, or of a complete vacancy in the office through any impediment to the elections, this state of things was realised. The praetor, though technically a colleague of the consul, could not hold the consular elections (Cic. *ad Att.* ix. 9, 3, "in libris habemus non modo consules a praetore sed ne praetores quidem creari Jus esse"); and consequently, on the vacancy of the consular office, recourse was had to an interregnum.

The conditions of an *interregnum* are fully expressed by Cicero (*de Leg.* iii. 3, 9), in the words "ast quando consulari potestate magistratus magisterve populi (i.e. dictator) nec erunt, *reliqui magistratus ne sunto, auspicia patrum sunto*, ollique ex se produnto qui comitiatu consules rite creare possit." The condition "reliqui magistratus ne sunto" refers to the

patrician magistracies, as they were called; that is, to the *magistratus populi*, but not to the *magistratus plebeii*, which represented only a part of the community. This condition is fully explained by the original position of the interrex. He was then appointed by the senate, when the auspices had lapsed to the *patres* through the vacancy of the regular patrician magistracy (*auspicia ad patres redeunt*); and in republican times the auspices could not return to the patres, as long as they were held, whether as *majora* or *minora auspicia* (Messala *ap.* Gell. xiii. 15, 4), by patrician magistrates (Ps.-Cic. *ad Brut.* i. 5, 4, "dum unus erit patricius magistratus, auspicia ad patres redire non possunt"); and consequently the retirement of all the patrician magistrates was a necessary preliminary to the introduction of an interrex (Dionys. viii. 90, ἀποδείκνυται μεσοβασιλεύς, αἱ δὲ ἄλλαι κατελύθησαν ἀρχαί). When a sudden occasion arose for the appointment of an interrex, it was the duty of the senate to give notice to the patrician magistrates and request them to retire from office. In the year 43 B.C., when the death of the two consuls Hirtius and Tansa rendered an interregnum necessary, the absence of many of the patrician magistrates from Rome rendered it impossible for this communication to be made in time; the interregnum was thus rendered impossible, and the extraordinary measure was resorted to of appointing two *privati* with *consularis potestas* to hold the election for the consulship (Dio Cass. xlvi. 45). The resignation of plebeian magistrates was not required, and it was apparently not necessary for delegates such as the proconsuls to lay down their commands, since they were not *magistratus* (Mommsen, *Staatsr.* 632, n. 4).

The interregnum is said by tradition to have dated from the first vacancy of the regal officer, after the death of Romulus (Cic. *de Rep.* ii. 12; Liv. i. 17; Dionys. ii. 57; Suidas, s. v. μεσοβασιλεύς). With the vacancy in the sole magistracy, the auspices under which the state had been founded and which were the mark of divine acceptance of the kingly rule, returned to the *patres;* that is, in the regal period, to the patrician senate. The first interregnum was an exercise of collective rule by the senate, which however, on the model of the kingly rule, took the form of the creation of a succession of interreges. The accounts of this system given by our two chief authorities, Livy and Dionysius, do not quite correspond; but the general principle was that the senate was divided into decuries (Serv. *in Aen.* vi. 809, "Romulo mortuo cum senatus *regnaret per decurias*"): each decury having fifty days' government allotted to it, within which period each individual of the decury exercised rule for five days. The succession of the decuries was determined by *sortitio* according to Dionysius (ii. 57, διακληρωσάμενοι); and both Livy and Dionysius represent the rule as being based on the collegiate principle, the whole decury possessing the imperium (Dionys. *ib.* τοῖς λαχοῦσι δέκα πρώτοις ἀπέδωκαν ἄρχειν τῆς πόλεως τὴν αὐτοκράτορ' ἀρχήν), while the one who ruled for five days had the fasces and all the external symbols of the regal power (Dionys. *ib.*; Liv. i. 17, "decem imperitabant, unus cum insignibus imperii et lictoribus erat"). There are many points in this system which were not observed in republican times; the collegiate system disappeared, and no portion of the body qualified to appoint an interrex became his colleague or shared his imperium. Again the *sortitio* had disappeared as a means of appointing the interrex, and *comparatio* which took the form of election had superseded it (Liv. v. 31, 8, "interrex creatus M. Furius Camillus;" App. *Civ. Bell.* i. 98, τῇ βουλῇ προσέταξεν ἑλέσθαι τὸν καλούμενον μεταξὺ βασιλέα). The first interrex was elected in republican times, and he nominated his successor, as the consul nominated the dictator, each successive interrex holding office for five days. There was no definite limit for the number of interreges that might be nominated in succession. The number that succeeded one another during a single interregnum varies from the mininum of two (Liv. vii. 1, 8) to the known maximum of fourteen (Liv. viii. 23, 17), and possibly in one case reached a still higher number (Mommsen, *Staatsr.* i. 658, n. 4); the only fixed rule being that there must be at least two interreges, the first interrex being incapable of holding the consular elections, probably because he was regarded as having received the auspices irregularly. The technical expression for the appointment of an interrex is *prodere interregem* (Liv. vi. 41, "sed nos quoque ipsi sine suffragio populi auspicato interregem prodamus"); and this expression refers, in republican times, not only to the appointment of the first interrex by election, but to the nomination of each of the other interreges by his predecessor (Liv. v. 31, 8). The existence of an *interregnum* and the creation of an individual *interrex* are not always identical. The interregnum often lasted some days before a special interrex was appointed, as in the year 52 B.C., in which fully twenty-one days elapsed before an interrex was elected (Mommsen, *Staatsr.* 654, n. 4). But during this period the supreme authority had not lapsed, it was only dormant; the auspices were in the hands of those members of the state who in republican times were qualified to appoint an interrex: and who these members were remains to be considered.

On the one hand, we are told that the interrex could only be chosen by patricians (Cic. *pro Dom.* 14, 38, "a patricio prodi necesse est;" Liv. iii. 40, "patricios coire ad prodendum interregem"); on the other hand, we find that the republican senate, which was not exclusively patrician, was sometimes bidden to appoint an interrex (App. *l. c.*, τῇ βουλῇ προσέταξεν ἑλέσθαι κ. τ. λ.). There is no doubt, however, that in strict law the republican senate as such had nothing to do with the appointment of an interrex; in the early Republic their active existence ceased with the interregnum, since, before the tribune gained the right of transacting business with the senate, there was no magistrate who could consult them. They might, however, in the later Republic, suggest that the *patricii* should meet for the appointment of an interrex, the tribune, no doubt, putting the question. This probably became their duty, so that the patricii felt no obligation to meet except on the suggestion of the senate; and it is on a senatusconsultum of this kind that the tribune's veto might be put (Ascon. *in Milon.* p. 32, "dum Pompeius et T. Munatius tribunus plebis referri ad senatum *de patriciis convocandis* qui

interregem proderent non essent passi"). Who these *patricii* were that met to appoint the interrex, and how they assembled, has been a matter of much dispute. One view that has been advanced is that they were the members of the Comitia Curiata, but this is rendered untenable through its having been shown that this was not a purely patrician assembly; another is that they were the *patres familiarum patriciarum gentium* assembled in the *concilium populi;* but the most probable view is that of Mommsen, that they were the patrician members of the senate, who met for this purpose (*Staatsr.* i. 654). This is most in accordance with the traditions of the regal period, which limits the interregnum to the patrician senate (Dionys. ii. 57, *τῶν πατρικίων οἱ καταγραφέντες εἰς τὴν βουλήν*). Two necessary qualifications of the interrex were that he should be a patrician (Cic. *pro Dom.* 14, 38) and a senator. The list of the known interreges shows that these were always senators, and in this respect the original idea of the interregnum as an intermediate senatorial rule was upheld. From this list it also appears that out of the thirty-five known interreges, thirty-three are known to have held curule office, while the remaining two probably had. Hence Willems concludes that past curule office was a necessary qualification for an interrex: that they were chosen, therefore, from the *senatores curules patricii*, the *senatores patricii pedarii* being excluded (Willems, *Le Sénat de la République romaine*, ii. pp. 14, 16). It seems further shown from the names we have that for the nomination of the successive interreges neither the *sortitio* nor an appeal to the *ordo senatorius* was employed, and that the interrex was free in nominating his successor, provided the above-mentioned qualifications were observed; although this does not prevent us from supposing that the succession of interreges was arranged beforehand, and that it was not wholly unknown whom the interrex for the time being would nominate as his successor (*ib.* p. 16).

The interrex was, as already stated, a magistrate, and before the institution of the plebeian offices a sole magistrate, the principle of colleagueship being absent from the institution as known to us under the Republic. Originally during his short tenure of office he must have consulted the senate and administered the state; but when the tribunes obtained the *Jus agendi cum patribus*, the necessity for the former duty was dispensed with, and the chief object of the interregnum came to be that the Comitia Centuriata might be consulted as to the appointment of a consul. He need not apparently have taken the oath of office, which was not due till five days after entrance, and the interrex's tenure of office terminated with this period (App. *Bell. Civ.* i. 20; Mommsen, *Staatsr.* i. 660). With the creation of the supreme patrician office—that is, with the election of a single consul—the existence of the interregnum necessarily terminated and the interrex retired. (Mommsen, *Römische Staatsrecht*, i. 647–660; Willems, *Le Sénat de la République romaine*, ii. pp. 7–31.) [A. H. G.]

INTERULA. [TUNICA.]

INTESTA'BILIS. In the Twelve Tables it was declared "qui se sierit testarier, libripensve fuerit, ni testimonium fateatur, improbus intestabilisque esto" (Gell. xv. 13, § 11; cf. id. vi. 71, vii. 7, § 4). According to this passage, a person who had been a witness on any solemn occasion, such as the making of a will by mancipium, and afterwards refused to give his testimony, was *intestabilis;* that is, disqualified from being a witness on any other occasion.

Thus, in the Twelve Tables and in subsequent law, a person was said to be *intestabilis*, who was incapable of being a witness to a solemn legal transaction. (Dig. 28, 1, 26: "Quum lege quis intestabilis jubetur esse, eo pertinet, ne ejus testimonium recipiatur." Inst. Just. ii. 10, 6: "Neque mulier, neque impubes . . . nec cui bonis interdictum est, nec is quem leges jubent improbum intestabilemque esse, possunt in numero testium adhiberi:" cf. Hor. *Sat.* ii. 3, 181.)

The word had its meaning extended in the time of the Emperors, being used to express one who could not summon witnesses to attest his will; that is to say, one who was incapable of making a will (Dig. 28, 1, 18, § 1; Theoph. *Par.* ii. 10, 6). The punishment of declaring an offender intestabilis was imposed by various statutes: *e.g.* by the Lex Cornelia injuriarum, the Lex Julia de adulteriis, the SC. Augusti de famosis libellis. (Marezoll, *Von der bürgerl. Ehre*, p. 85 ff.; Burchardi, *de Infamia*, 22; Danz, *Lehrbuch der Geschichte d. R. R.* ii. 15, 107; Voigt, *Die Zwölf Tafeln*, i. § 27, n. 5.) [G. L.] [E. A. W.]

INTESTA'TO, HEREDES AB. [HERES.]

INTESTI'NUM OPUS, joiner's work, is referred to in some passages of Vitruvius as used in the interior of buildings; but there is nothing in his allusions to it that requires explanation (Vitruv. ii. 9; v. 2 and 3). [P. S.]

INTU'SIUM. [TUNICA.]

INVENTA'RIUM. [HERES.]

INVESTIS. [IMPUBES.]

IREN. [EIREN.]

IRPEX, HIRPEX, or URPEX (perhaps from ἅρπαξ), a harrow with iron teeth, used to clear the fields of weeds and to level and break down the soil, drawn by oxen (Cato, *R. R.* 10; Varr. *L. L.* v. § 136; P. Diac. p. 105 M.; Servius on Verg. *Georg.* i. 95). It was probably simpler than our harrow, since Varro calls it *regula*, i.e. a straight piece of wood. The word is a rare one, and the bush-harrow seems to have been more in use (Verg. *l. c.*; CRATES). [J. Y.] [W. W.]

ISELA'STICI LUDI. [ATHLETAE.]

ISO'DOMUM OPUS. [MURUS.]

ISOPOLITEIA. [CIVITAS.]

ISO'TELEIS. [CIVITAS.]

ISTHMIA. One of the four great Hellenic festivals. It was celebrated at the Isthmus of Corinth; and though inferior to the splendour of Olympia, it probably surpassed the Nemea in brilliancy (cf. Themist. *Orat.* xv. p. 229, xxviii. p. 413, ed. Dind.; and Aristid. Ἰσθμ. εἰς ποσειδ. iii. p. 41, Dind. vol. i.). Indeed, when one considers the natural advantages of Corinth as a centre of commerce, it is rather surprising that the Isthmian games did not attain higher importance than those of Olympia. Pindar describes the scene of the Isthmia by a variety of poetic expressions, *e.g.* τὰν ἁλιερμέα Ἰσθμοῦ δειράδα (Pind. *Isth.* i. 9), ἴσθμιον νάπος (*Isth.* vii. 63), πόντου γέφυρ' ἀκάμαντος (*Nem.* vi. 40), &c. A

sacred enclosure planted with pines, within which was the temple of the Isthmian Poseidon, surrounded the scene of the games (Strab. viii. 380). Pausanias saw here a theatre and a stadium of white marble (λίθου λευκοῦ), but does not speak of the hippodrome, whence it may perhaps be inferred that it had disappeared or gone to ruin before the time of his visit (Paus. ii. 1, 7). A late inscription, belonging probably to Hadrian's reign, refers to the restoration of several edifices here which had fallen into decay. In it are mentioned καταλύσεις, or lodging-places, for the athletes who came to the Isthmian games from all parts of the world (τοῖς ἀπὸ τῆς οἰκουμένης ἐπὶ τὰ Ἴσθμια παραγενομένοις ἀθληταῖς); also, ἐγκριτήριοι οἶκοι, in which it is likely that the admissibility of intending candidates was discussed and determined; and a portico with vaulted chambers attached (στοὰ σὺν κεκαμαρωμένοις οἴκοις), in which probably those who intended to compete made ready and waited during the interval before their turn to engage came on (Boeckh, *C. I.* n. 115, p. 573, vol. i.). The kraneion, a gymnasium standing in an enclosure of the same name planted with cypresses, might have been used by the athletes in training for the games (Paus. ii. 2, 4; Plut. *Alex.* 14; Athen. xiii. 6, 589; Diog. Laert. vi. 77, p. 351).

For information respecting the origin of the games, there remains to us nothing but obscure traces of primitive cults, which kept their seat in the Isthmus even into historic times. The myth which seems to be of greatest antiquity ascribes the institution of the festival to Poseidon and Helios, when Castor won the prize in the stadium, Kalaïs in the δίαυλος, Orpheus in playing on the cithara, Herakles as πάμμαχος (*i.e.* as pancratiast), Polydeukes in boxing, Peleus in wrestling, Telamon in discus-throwing, and Theseus in the armour-race. In horse-racing, Phaëthon was victorious with the riding-horse, and Neleus with the four-horse chariot. On this occasion there was also a ship-race, in which the Argo obtained the prize (Dion. Chrysost. *Orat. Corinth.* xxxvii. t. ii. p. 107). In this myth nearly all the potentates of prehistoric Hellas are observed grouped in one tableau.

Another legend represents the Isthmian games as founded by Poseidon to honour the memory of Melikertes, son of Athamas king of Orchomenos and Ino, who cast herself with Melikertes into the sea, becoming thereupon a Nereid with the name Leukothea, while her son became the sea-deity Palaemon (Schol. *ad* Pind. *Isthm.* p. 514 *seq.* B; Ovid. *Met.* iv. 521 *seqq.*).

According to another tradition, the Nereids appeared to Sisyphos, and commanded him to found the games in honour of Melikertes. A modification of this myth states that the corpse of the son of Ino lay unburied upon the shore of the Isthmus; that the Corinthians were, in consequence, sorely pressed by famine; and that, consulting the oracle as to the means of relief, they were directed to inter the dead youth and establish the games in memory of him.

Yet another myth informs that Theseus founded the Isthmia in grateful commemoration of his victory over the wicked giant Sinis Pityokamptes (Schol. *ad* Pind. *Isthm.* p. 514 B). Now, since both Sinis and Theseus were children of Poseidon, the institution of the festival by the latter might be looked upon as an act of atonement offered by him to his offended father; and this view would help us to understand the statement that the Melikertes festival took rank rather as a mystic rite than as a popular assembly, the cynosure of sightseers (Plut. *Thes.* 25, τελετῆς ἔχων μᾶλλον ἢ θέας καὶ πανηγυρισμοῦ τάξιν). The other legends as to the origin of the Isthmia need not detain us. In almost all we see that, as the mythic history of the Olympic games takes us back to Zeus, so that of the Isthmian refers us ultimately to Poseidon. Plut. (*l. c.*) says that Theseus founded the latter in emulation of Herakles, who had established the former. Later accounts represent Theseus as having confirmed, by the institution of the games, a friendly political relationship between Athens and Corinth. According to Hellanikos, and Andron of Halicarnassus, Theseus made a covenant with the Corinthians by which Athenian theoroi should receive at the Isthmia so much standing-ground (προεδρία) as could be covered by the sail of the theoric vessel (Plut. *l. c.*). The inscription of the Parian marble numbers 995 years backwards from its own time to the institution of the Isthmian games by Theseus.

In the time of the Cypselids at Corinth, the celebration of these games was suspended for seventy years (Solin. 12). Solon offered a reward of a hundred drachmae to every Athenian ἰσθμιονίκης, from which it is evident that in his time the Isthmia had obtained wide celebrity as a periodic festival. It is noteworthy that even the destruction of Corinth by Mummius in 146 B.C. did not break the continuity of the games. They flourished under the Roman empire, and Corinthian coins of the reigns of Hadrian, Verus, M. Aurelius, and Commodus, frequently bear the inscription ISTHMIA. In the reign of Julian these, like the other great Hellenic games, were zealously celebrated, but they ceased to exist probably about Olymp. 293, when Christianity became the established religion of the Roman empire.

Of the four great Pan-Hellenic festivals, two —the Olympia and Pythia—were *penteteric*, i.e. recurring after intervals of four years: while two—the Nemean and Isthmian—were *trieteric*, i.e. recurring after intervals of two years. Hence Pliny (*H. N.* iv. § 5) and Solinus (c. 9) are in error when they represent the Isthmia as quinquennial. Cf. Pindar, *Nem.* vi. 40, where he uses the words: ἐν ἀμφικτιόνων ταυροφόνῳ τριετηρίδι Ποσειδάνιον ἂν τέμενος. Eusebius places the first historic Isthmiad in Olymp. 49, 3 (*Chron.* libr. post. p. 125, interp. Hieron. ed. Scal. ii.). The Isthmia occurred in the first and third years of each Olympiad. As to the season in which they were held, so much alone is certain (cf. Boeckh, *Explic. ad Pind. Olymp.* ix. p. 183) that the Isthmia which fell in the first year of an Olympiad took place in summer (Thucyd. viii. 10; Curt. iv. 5, 11), and that those which fell in the third took place in spring (Xen. *Hell.* iv. 5; Liv. xxxiii. 32, 33). Dodwell argued from Pindar, *Olymp.* ix. 83, with Schol., that the former were celebrated on the 12th of the Attic month Hecatombaeon, which corresponded with the penultimate month of the Corinthian year (Dodw. *de Cycl.* vi. 3,

p. 283 ff.). Corsini held that this summer festival occurred on the 12th of the Corinthian Panemos, which, according to him, coincided with the Attic Hecatombaeon; according to Boeckh, with Metageitnion. But Boeckh (*ad* Pind. *l.* c.) shows the inconclusiveness of their reasoning.

The programme of the Isthmian games included gymnic equestrian and musical contests, the gymnic being probably the oldest. The Isthmian contests no doubt resembled in the main those of the other three great festivals. They were open to boys, men, and youths, well grown but not quite matured to manhood (*ἀγένειοι*). Mention is on record of *ἰσθμιονίκαι* who obtained prizes in the stadium (for men and boys), the pancratium (for men and *ἀγένειοι*), and the pentathlum (Dion Chrysost. *Διογ. ἢ ἰσθμ. Orat.* ix. p. 291, vol. i. Reisk., and Krause, *Pyth. Nem. Isthm.* pp. 209 ff.). In equestrian contests we hear only of victories with the four-horse chariot and the riding-horse, but we cannot, from absence of reference to other equestrian contests, infer that there were none except these.

Pausanias (i. 2, v. 2) mentions a general truce which prevailed during the Isthmian games (*ἰσθμικαὶ σπονδαί*), and dated from the mythic age. In historic times this truce was regularly proclaimed throughout Hellas by heralds called *σπονδοφόροι*, whose persons were sacred, but who were not obeyed, however, if the festival was not at the time under legitimate management (cf. Xen. *Hell.* iv. 5, 2; Diod. xiv. 86, p. 709; Paus. iii. 10, 1).

The Eleans alone of the Hellenic states sent no theoroi to these games; nor did any from Elis, except the people of Lepreum, present themselves as candidates for Isthmian honours (Paus. *l. c.* and vi. 16, 2).

We have little or no information as to the special rules which regulated the celebration of the Isthmia, but we may suppose them to have been similar to the rules observed at the Olympia, Nemea, and Pythia (*vid.* Aristid. *περὶ ὁμον., Or.* xlii. p. 781; Themist. *Or.* xv. p. 229; Krause, *Olympia*, § 15, 144–156). We know, however, that the same person might here compete in as many as three contests on one and the same day (Paus. vi. 15, 3). We gather from Plutarch (*Sympos.* v. 2) that women were admitted to poetical competitions. The beginning of the games was announced by a herald, who, advancing into the middle of the scene, proclaimed silence with a trumpet, and then in a set form of words declared the festival to have begun (Liv. xxxiii. 32; Themist. *l. c.*).

The Isthmia were naturally even from prehistoric times under the control of the Corinthians (cf. Paus. v. 2, 1; 22, 3; Plut. *Thes.* 25). In Pindar they alone are referred to as the presidents (cf. *Nem.* ii. 20). But in Olymp. 96 the games were held by the Laconizing Corinthian exiles, under the protection of Agesilaus, who interrupted the celebration of the festival by the Argives and those of the Corinthians who had submitted to them. As soon as he withdrew, the Argives celebrated the games over again. But in Olymp. 98. 2, by the peace of Antalkidas, the Corinthians were freed from the Argive yoke, and recovered control of the Isthmia. When Corinth was destroyed by Mummius (B.C. 146), the management of the festival passed to the Sicyonians, who retained it until the restoration of Corinth by Julius Caesar, when the *ἀγωνοθεσία* returned to its original possessors (Paus. ii. 2, 2). We have no account of the number of presidents of the games (*ἀγωνοθέται*), who were chosen apparently for their wealth and nobility. It is supposable that, like the Hellanodikae at Olympia, they wore a distinctive robe of office; and we know from Dion Chrysost. (*Orat.* ix. *Διογ. ἢ ἰσθμ.* p. 291, vol. i. ed. R.) that their heads were adorned with crowns.

The prize of victors at the Isthmia, like that won at each of the other three great festivals, had during the historic period no intrinsic value, its symbolic worth being thereby immeasurably enhanced. In Homeric times, such prizes always possessed intrinsic worth, and it is a mere anachronism when some myths describe the primitive Isthmia as an *ἀγὼν στεφανίτης*. The victor's meed in historic times was a wreath of parsley (*σέλινον*: cf. Pind. *Nem.* iv. 88; *Olymp.* xiii. 31). It has been thought that the Nemean differed from the Isthmian wreath in that the former was made of green or fresh, while the latter was made of dry parsley (Schol. Pind. *Olymp.* xiii. 45); but this view lacks proof. Tradition has it that the original parsley-wreath was succeeded in prehistoric times by a wreath of pine; but in the classical period we hear only of the former being awarded, as it continued to be in the time of Timoleon (cf. Diod. xvi. 679; Plut. *Tim.* 26). Nor was it until probably long after the restoration of Corinth by Julius Caesar that the pine-wreath supplanted it. But under the Empire isthmionikae are regularly represented as crowned with the pine, called simply *ἡ πίτυς*, like the Olympian garland, *ὁ κότινος* (*vid.* Plut. *Symp.* v. 3, 1–3; Paus. v. 21, 5, vi. 13; Luc. *Anach.* 9, 16). While parsley was suited to an *ἀγὼν ἐπιτάφιος*, the pine was characteristic of the worship of Poseidon (cf. Plut. *Symp.* l. c.). A Corinthian coin of the reign of Verus shows the pine-wreath, and from this onward to the abolition of the festival the wreath of the isthmionikae continued to be woven of pine. Here, as in the other great games, the victor received with the crown a palm branch in token of his victory (Plut. *Symp.* viii. 4, 1; Paus. viii. 48, 2). At these games Flamininus (and Nero afterwards) declared the autonomy of Hellas (Liv. xxxiii. 32; Suet. *Ner.* 22, 24). Rhetoricians, poets, and other writers brought their productions under public notice at the Isthmia (Dion Chrysost. *Διογ. ἢ περὶ ἀρετῆς*, pp. 277, 278, vol. i. R.). According to Dion Chrysost. (*Διογ. ἢ ἰσθμ. Orat.* ix. p. 289, vol. i. R.), visitors came from Italy, Sicily, Libya, Thessaly, the Ionian States, and even the Borysthenes, to be present at the great Isthmian festival.

As the Olympia, Pythia, and Nemea lent their names to minor festivals, so the name Isthmia was applied to other games than those held at the Isthmus of Corinth. The number of inferior Isthmia, however, was not as large as that of the inferior copies of the other great games. Coins and inscriptions remain, which refer to Isthmia held at Ancyra in Galatia. Isthmia at Nicaea in Bithynia are mentioned on a coin of this town, struck in the time of Vale-

rianus. The Isthmia at Syracuse are known to us only from the isolated statement of a schol. to Pind. *Olymp.* xiii. 158, which, however, is credible from the fact that Syracuse was founded by Corinth. Several ancient authors whose writings are lost treated the subject of the Isthmian games. Both Plutarch and Athenaeus refer to a work on this subject written by the epic poet Euphorion (Plut. *Sympos.* v. 3, 2, 3; Athen. iv. 182). For further information, the reader may be referred to Krause (*Pyth.*, *Nem.*, *Isthm.*), whose work has been chiefly followed in the present article. [J. I. B.]

ITA'LIA. [COLONIA; PROVINCIA.]

ITER. [VIAE.]

ITHOMAEA (*Ἰθώμαια*), an annual festival celebrated at Ithome, in honour of Zeus Ithomatas, with which in early times a musical contest was connected. (Paus. iv. 33, § 3; Steph. Byz. *s. v.*). [L. S.]

ITI'NERIS SERVITUS. [SERVITUTES.]

JUDEX, JUDI'CIUM. A Roman magistratus generally did not investigate the facts in dispute in such matters as were brought before him: he appointed a judex for that purpose, and gave him instructions [ACTIO; INTERDICTUM]. Accordingly, the whole proceedings in a civil action were expressed by the two phrases *jus* and *judicium*, of which the former comprehended all that took place before the magistratus (*in jure*); and the latter, all that took place before the judex at the actual trial of the issue (*in judicio*). The office of judex (*judicandi munus*) in private causes was either performed by public bodies of persons,—that is, by the decemviral or centumviral colleges,—or, as became the ordinary rule, by private persons selected by the magistratus, with the co-operation of the parties, from such classes of persons as were qualified to serve. The decemviri are probably to be identified with the *decemviri stlitibus judicandis* of the Twelve Tables, and may have been the judges instituted by Servius Tullius for determining private suits, when the principle of limiting magisterial power by the institution of private judges may have been first established. (Dionys. iv. 25: but see Mommsen, *Röm. Gesch.* 566, 1; Lange, *Röm. Alterth.* 601, 903.) The centumviri were a body of one hundred and five members, three being chosen from each tribe (Festus, *Epit.* "centumviralia judicia"). These two plebeian colleges came to be amalgamated for certain purposes, while in certain other cases they acted separately.

Cases concerning rights of freedom and citizenship were submitted to the decemviri (Cic. *pro Caec.* 33, 97; *pro Domo*, 29, 78). The centumviri decided cases relating to property and inheritance (Cic. *de Or.* i. 38, 57; Plin. *Ep.* 5, 1;—Val. Max. vii. 7, 1, 2, 5; viii. 2, 4). The constitution and practice of these judicial bodies were considerably changed by Augustus (Suet. *Aug.* 36; Plin. *Ep.* 5, 21; Dio Cass. liv. 26: cf. Lange, 906); but the whole subject is obscure.

Judex, *arbitri*, and *recuperatores* are the different terms used for private judices selected for the particular occasion. The recuperatores were perhaps an imitation of the courts established by treaty between Rome and neighbouring states for exercising jurisdiction, when a citizen of one state sought a legal remedy in another state (Festus, s. v. *reciperatio:* cf. Dionys. vi. 95). Recuperatores might be peregrini, whereas only a civis could be a judex proper; and so the appointment of recuperatores, which was made under the imperium as distinct from the jurisdictio of the magistratus, was a means of securing an impartial tribunal in cases in which peregrini were concerned.

The distinctive characteristics of the procedure in actions tried by recuperatores cannot be clearly ascertained. It appears that of some actions they had exclusive cognisance, while in certain others they might be used concurrently with other kinds of judices. They were, it seems, more expeditious in their proceedings than other judices (cf. Cic. *pro Tull.* § 10, "ut quam primum de re judicaretur"). A recuperator never acted alone, but was always associated with others, the maximum number in a case not exceeding five. Recuperatores could not try a *judicium legitimum*, but only *unus judex* (Gaius, v. 103–109).

Sometimes the judex was called *arbiter;* thus judex and arbiter are named together in the Twelve Tables (Festus, s. v. *reus;* Gell. xx. 1, 7). Arbiter (ar=*ad* and bitere=*ire*), as opposed to judex, is a judge appointed to try a case according to the principles of *bona fides*, the case being of such a kind as is best left to the free discretion of an impartial person, whereas the province of a judex proper was defined by the magistratus. Either a single arbiter might be appointed or several might be associated together. Arbitri, who acted under a private agreement between the parties to a suit for the purpose of settling it (*arbitri ex compromisso*), are to be distinguished from arbitri appointed by a magistratus. The distinction between judex and arbiter led to a division of actions into *arbitria* and *judicia*, though judicium in a general sense includes arbitrium. The following is the distinction between an arbitrium and judicium according to Cicero (*pro Rosc. Com.* 4, 10):—In a judicium the demand was of a certain sum or definite amount (*pecuniae certae*); in an arbitrium the amount was not determined (*incerta*). In a judicium the plaintiff obtained all that he claimed or nothing, as the words of the formula show: "Si paret H. S. ccc. dari oportere." The corresponding words in the arbitrium were "quantum aequius melius id dari," and their equivalents were "ex fide bona, ut inter bonos bene agier" (*Top.* 17, 66). In a dispute about dos, which Cicero calls "arbitrium rei uxoriae," the words "quod aequius melius" were added. (Cf. Gaius, iv. 61, 62.)

From the arbitria the actions called *bonae fidei* were derived, while the actiones *stricti juris* were judicia in the strict sense [ACTIO]. The formula arbitraria was a combination of an arbitrium and judicium in one formula (Keller, § 28).

There was an idea of agreement between the plaintiff and defendant in the selection of a judex, though the actual appointment (*judicis datio*) was made by the magistratus. It was the rule for him to appoint the person or persons agreed on between the parties. If they were unable to agree, the plaintiff proposed some one ("judicem ferre adversario," Cic. *pro Rosc. Com.* 14, 42; 15, 45; but the defendant,

by swearing that the person proposed was not impartial ("iniquum ejurare," Cic. *de Or.* ii. 70, 285; *in Verr.* iii. 60, 137; *Phil.* xii. 7, 18), could prevent his appointment. If the defendant abused his right of rejection with the object of preventing a trial, he was probably a defendant who made no defence (*indefensus*). The above was the mode of taking a judex or arbiter (*sumere judicem*) in the time of the republic: it was not, however, applicable to recuperatores, the practice of choosing these being for the magistratus to select a number of persons, either by lot (*sortitiones* from the conventus) or by special selection (*decurias scribere*); and for this list, which was larger than was necessary, to be reduced by rejections of the plaintiff and defendant to the number of judges required (Cic. *in Verr.* ii. 13, 15, 16, 17; iii. 11, 59;—*C. I. L.* i. 81). Under the empire the magistratus selected the judex in all cases, the parties having simply a right of challenge on certain grounds. (For an account of the effect of the leges judiciariae on the qualification and modes of appointment of judices, see below.)

Mention is often made of the Judicia Populi in the Latin writers. A judicium was commenced by the accuser, who must be a magistratus, declaring in a contio, that he would on a certain day accuse a certain person, whom he named, of some offence, which he also specified. This was expressed by the phrase *diem dicere* ("Virginius Caesoni capitis diem dicit," Liv. iii. 11). If the offender held any high office, it was necessary to wait till his time of service had expired, before proceedings could be thus commenced against him. The accused was required to give security for his appearance on the day of trial; the security was called *vades* in a causa capitalis, and *praedes* when the penalty for the alleged offence was pecuniary. If such security was not given, the accused was kept in confinement (Liv. iii. 13). If nothing prevented the inquiry from taking place at the time fixed for it, the trial proceeded, and the accuser had to prove his case by evidence. The investigation of the facts was called *anquisitio* with reference to the proposed penalty: accordingly, the phrases *pecunia*, *capite* or *capitis anquirere*, are used (Liv. xxvi. 3). When the investigation was concluded, the magistratus promulgated a rogatio, which comprehended the charge and the punishment or fine. It was a rule of law that a fine should not be imposed together with another punishment in the same rogatio (Cic. *pro Dom.* 17, 45). The rogatio was made public during three nundinae, like any other lex; and proposed at the Comitia for adoption or rejection. The form of the rogatio, the effect of which was to drive Cicero into banishment, is given in the oration *pro Domo* (18, 47). The accused sometimes withdrew into exile before the votes were taken; or he might make his defence, of which we have an instance in the oration of Cicero for Rabirius. Though these were called Judicia Populi, and properly so in the early ages of the state, the leges passed in such judicia in the later period of the republic were often Plebiscita.

The offences which were the chief subjects of Judicia Populi and Publica were Majestas, Adulteria and Stupra, Parricidium, Falsum, Vis Publica and Privata, Peculatus, Repetundae, and Ambitus, which are treated under their several heads.

With the passing of special enactments for the punishment of particular offences, was introduced the practice of forming a body of Judices for the trial of such offences as the enactments were directed against.

The Judicia Populi were originally held in the Comitia Curiata, and subsequently in the Centuriata and Tributa. A lex of P. Valerius Publicola (Liv. ii. 8; Cic. *Rep.* ii. 31) gave an appeal (*provocatio*) to the populus from the magistratus; and a law of C. Sempronius Gracchus (Cic. *pro Rab. Perd.* 4, 12) declared to the same effect: "Ne de capite civium Romanorum injussu populi judicaretur."

The kings presided in the Judicia Populi, and the consuls succeeded to their authority. For an account of later changes, see JUDICIUM PUBLICUM.

As many of those who were tried in the quaestiones perpetuae belonged to the class of the Optimates, it often happened that the judices acquitted those members of their own body who would have been convicted by impartial judices. Accordingly a struggle arose between the popular party and the Optimates, whom the popular party wished to exclude from the office of Judex. The laws which relate to the constitution of the body of Judices are called Judiciariae, whether these laws related only to this matter, or made rules about it and other things also. The first lex which excluded the Senators from the Album judicum selectorum was a Lex Sempronia of C. Gracchus, B.C. 123, in accordance with which the judices were taken only from the Equites (Liv. *Epit.* lx.; Appian, *B. C.* i. 22; Tac. *Ann.* xii. 60; Cic. *Act.* i. *in Verr.* 13, 38; Ps.-Ascon. *ad Div. in Caecil.* p. 103 Or.; Vell. Pat. ii. 6, 32). This arrangement lasted above forty years, and gave satisfaction to the popular party; but it did not work well in all respects, because the magistrates in the provinces favoured the rapacity of the Publicani, in order to keep on good terms with the Equites, to which class the Publicani belonged (Cic. *Verr.* iii. 41, 94). The Lex Acilia repetundarum (formerly known as the Lex Servilia), B.C. 121, seems to have directed that the album for this quaestio should be composed of Equites; that is, of persons registered in the census as having a certain amount of property, other than senators. A Lex Servilia Caepionis, B.C. 106, seems to have associated senators with the Equites as judices. There is a passage in Tacitus (*Ann.* xii. 60) in which he speaks of the Serviliae leges restoring the judicia to the senate; but the Lex Servilia Glauciae, B.C. 104, is said to have given the judicia to the Equites, and consequently it either repealed the Lex of B.C. 106 indirectly, or it may merely have confirmed the Lex Sempronia; for the real nature of the Lex of B.C. 106 is hardly ascertainable. The Lex Servilia of B.C. 104 excluded from the function of Judices every person who had been tribunus plebis, quaestor, triumvir capitalis, tribunus militum in one of the first four legions, triumvir agris dandis assignandis, who was or had been in the senate, who was infamis, every person who was under thirty or above sixty years of age, every person who did not live in Rome or

in the immediate neighbourhood, every father, brother, or son of a person who was or had been in the senate, and every person who was beyond seas. The attempts of the tribune M. Livius Drusus the younger, B.C. 91, had no lasting result [LEGES LIVIAE].

A Lex Plautia, B.C. 89, enacted that the Judices should be chosen by the tribes, fifteen from each tribe, without any distinction of class, thereby putting the nomination of judges in the hands of the people. The Optimates triumphed under L. Cornelius Sulla, who by a Lex Cornelia, B.C. 80, enacted that the Judices should be taken from the senate and 300 Equites. But a Lex Aurelia (B.C. 70) enacted that the Judices should be chosen from the three classes—of Senators, Equites, and Tribuni Aerarii (Vell. ii. 32; Liv. *Epit.* xcvii.; Cic. *pro Cluent.* 47, 130). The Tribuni Aerarii were taken from the rest of the citizens, and were, or ought to have been, persons of some property. Thus the three decuriae of Judices were formed; and it was either in consequence of the Lex Aurelia or some other lex that, instead of one urn for all the tablets, the decuriae had severally their balloting urn, so that the votes of the three classes were known. Dio Cassius (xxxviii. 8) ascribes this regulation to a Lex Fufia, and he says that the object was that the votes of the decuriae (*ἔθνη*, *γένη*) might be known, though those of individuals could not, owing to the voting being secret. It is not known if the Lex Aurelia determined the number of Judices in any given case. A Lex Pompeia, passed in the second consulate of Pompey (B.C. 55), seems to have made some modifications in the Lex Aurelia as to the qualification of the Judices; but the new provisions of this lex are only known from Asconius, who explains them in terms which are very far from being clear.

A Lex Judiciaria of Julius Caesar (Suet. *Jul.* 41; Cic. *Phil.* i. 8, 19) took away the decuria of the Tribuni Aerarii, and thus reduced the Judices to two classes (*genera*, the *γένη* of Dio Cassius). A Lex Judiciaria, passed after his death by M. Antonius, restored the decuria of the Tribuni Aerarii, but required no pecuniary qualification from them: the only qualification which this lex required was, that a person should have been a centurion or have served in the legions. It appears that the previous Lex Pompeia, Lex Aurelia, and a Lex of Caesar had given to those who had been centurions (*qui ordines duxerant*) the privilege of being judices (*judicatus*), but still they required a pecuniary qualification (*census*). The Lex of Antonius, besides taking away the pecuniary qualification, opened the judicia to the soldiers (Cic. *Phil.* i. 8, 20; v. 5, 12; Suet. *Jul.* c. 41). It seems probable that the expression *ex centuriis*, which is used by Asconius in speaking of the change introduced by this Lex Pompeia, had reference to the admission of the centurions into the third class of judices.

Augustus, who altered the whole constitution of the body of judices by his leges judiciorum publicorum et privatorum, added to the existing three Decuriae Judicum, a fourth Decuria, called that of the Ducenarii, who had a lower pecuniary qualification, and only decided in smaller matters (*de levioribus summis*, Suet. *Aug.* 32). Caligula (Suet. *Calig.* 16) added a fifth Decuria, in order to diminish the labours of the judices. Augustus had already allowed each Decuria, in its turn, an exemption for one year, and had relieved them from sitting in the months of November and December. The whole number of judices was raised by Augustus to near 4000 (Plin. *H. N.* xxxiii. § 30); and the judices in civil cases were taken out of this body. They were chosen by the praetors out of the persons who had the property qualification, and the duty of serving as a judex thus became one of the burdens to which all citizens with any property were liable.

The judices in a quaestio were selected from an album in which the names of persons qualified to serve were inscribed by the praetor. According to the Lex Acilia repetundarum (l. 12–19), the praetor peregrinus in the first year, and subsequently the praetor to whom the quaestio was allotted, was bound to select 450 judices from the tribes, and to publish an album with their names inscribed on it ("judices de quaque re constituti"), from which he was bound to choose judices for this quaestio. The same practice probably obtained in respect of the other quaestiones. Whether the praetor urbanus or peregrinus were bound to make their choice from such lists is uncertain. According to Mommsen, the praetor urbanus was not, till after the enactment of the Lex Aurelia, and the praetor peregrinus was unrestricted in his choice till a later date. The Lex Aurelia for the first time required the praetor urbanus to make a general list for all trials which were not specially excepted; the judicia quae imperio continentur and recuperatoria—trials held under the jurisdiction of the praetor peregrinus, municipal magistrates, and governors of provinces—being, according to Mommsen, exempted from this limitation as to the choice of judices. The rules as to the selection of judices to form a consilium in a quaestio differed at different times and in different quaestiones.

In early times the notion that the parties to a trial should agree to select the judges who were to try the issue between them had some influence. Thus, according to the Lex Acilia repetundarum, the prosecutor proposed 100 judices out of the 450 in the album of this quaestio; the defendant then proposed a like number, and from the 100 of his opponent each party then chose 50. Under the Leges Judiciariae of Sulla, a decuria of the senate was chosen by the praetor by lot, from which each party might reject three, or, if they were senators, a greater number. The general rule which came to be established was, that the presiding praetor chose the judices for a quaestio by lot from an album, both the accusator and the reus having certain rights of rejecting or challenging (*rejicere*) such judices as they did not like (Cic. *ad Att.* i. 16). The exercise of the right of challenge might make a fresh ballot for judices (*subsortitio*) necessary (Cic. *Verr.* i. 61, 157). The judices appointed according to the provisions of the Lex Licinia de Sodalitiis, B.C. 55, were called *editicii*; in this case the prosecutor designated four tribes, of which the defendant could reject one, the prosecutor then nominating the judges from the remaining three without any challenge being allowed to the defendant.

Editicius or *exlitius judex* is properly a judex

which one of the parties has allowed the other to select (cf. Serv. *ad* Verg. *Ecl.* iii. 50: "nec quemquam fugio, id est consentio etiam ad editium. Edititius autem judex est, quem una pars eligit." Festus, p. 381 M.: "Exlitius judex, quem una pars eligit;" Cic. *pro Planc.* 15–17, §§ 36–43).

In the matter of Clodius and the Bona Dea, the senate attempted to carry a lex by which the praetor who was to preside at the trial should be empowered to select the judices at his discretion, the effect of which would have been to prevent their being challenged by Clodius. After a violent struggle, a lex for the regulation of the trial was proposed by the tribune Fufius and carried: it only differed from the lex recommended by the senate in the mode of determining who should be the judices (*judicum genus*): a difference, however, which was not unimportant, as it secured the acquittal of Clodius. The judices voted by ballot, and a majority determined the acquittal or condemnation of the accused. If the votes were equal, there was an acquittal (Plut. *Marius*, 5). Each judex was provided with three tablets (*tabulae*), on one of which was marked A, Absolvo; on a second C, Condemno; and on a third N. L., Non liquet. The judices voted by placing one of these tablets in the urn (*urna*, Juv. *Sat.* v. 4), which was then examined for the purpose of ascertaining the votes. It was the duty of the magistratus to pronounce the sentence of the judices; in the case of condemnation, to adjudge the legal penalty; of acquittal, to declare him acquitted; and of doubt, to declare that the matter must be further investigated (*amplius cognoscendum*).

The Lex Pompeia de vi and de ambitu (B.C. 52) determined that eighty judices were to be selected by lot, out of whom the accuser and the accused might reject thirty. In the case of Clodius (B.C. 61), in the matter of the Bona Dea, there were fifty-six judices. It is conjectured that the number fixed for a given case by the Lex Aurelia was seventy judices.

It will be noticed that the number of judices composing a consilium varied, and that it was always considerable.

As to the whole number of judices, included at any given time in the Album Judicum, it seems almost impossible to state anything with precision; but it is obvious from what has been said, that the number must have varied with the various changes already mentioned. After the time of Augustus the number was about 4,000, and from this period, at least, there is no doubt that the Album Judicum contained the whole number of persons who were qualified to act as judices, both in Judicia Privata and Judicia Publica, with the exception perhaps of the persons who were to act as judges in the centumviral court. The fourth Decuria of Augustus was limited in its functions to the Judicia Privata in which the matter in dispute was of small value. There is much difference of opinion among modern writers of authority on the question whether the leges judiciariae previous to Augustus affected Judicia Privata; and if so, to what extent. It is probable that the Lex Sempronia and the succeeding enactments were only intended to apply to criminal trials, and that the praetor began to take judices privati from the Equites by his own authority (*ad Att.* vi. 1, 15; *pro Rosc. Com.* 14; cf. Suet. *Aug.* 32), instead of confining his choice to the senate as had been the previous practice. But we may accept Mommsen's view that the Lex Aurelia extended to judicia legitima, so that the unus judex had to be taken from the general album which this law first established. Under the empire the quaestiones were gradually superseded by the judicia extraordinaria, by which change criminal justice was exclusively administered by officials, thus becoming inquisitorial in its character, with a procedure less like that of a private action.

A judex when appointed was bound to discharge the functions of the office, it being a *munus publicum*, unless he had some valid excuse (*excusatio*). A person might also be disqualified from being a judex on various grounds (Keller, § 11). There were certain seasons of the year when legal business was done at Rome ("cum res aguntur," Gaius, ii. 279, and Mr. Poste's comm.), and at these times the services of the judices were required. These legal terms were regulated according to the festivals and seasons, so that there were periods of vacation (Cic. *ad Att.* 1, 1, "cum Romae a judiciis forum refrixerit"); in the provinces the term depended on the conventus. A judex was liable to a fine if he was not in attendance when he was required. In the new organisation of the Italian towns [LEX RUBRIA DE GALLIA CISALPINA; LEX JULIA MUNICIPALIS] the magistrates had a power analogous to jurisdictio, and appointed a judex as the praetor did at Rome. The album decurionum, generally speaking, served as an album judicum, but Augustus allowed the plebs to share in the judicial office.

In the provinces the governors generally appointed judices at the conventus, which they held for the administration of justice (Cic. *in Verr.* ii. 13, 32;—*ad Att.* vi. 1, 15; 2, 4), but in some provinces there were special regulations respecting the mode of making such appointments.

The magistratus could fix the place and the time at which the trial was to take place. In the case of a *judicium quod imperio continetur* (Gaius, iv. 105), judgment had to be given during the year of office of the praetor who granted the formula; a *judicium legitimum*, on the other hand, was not originally limited to any time, but by a Lex Julia it had to be concluded within a year and six months (Gaius, iv. 104).

The magistratus could compel a judex to proceed in a case ("judicium cogere," Lex Rubria, c. 20, l. 23; c. 21, l. 24); he could also put a stop to the proceedings for a time or altogether, but he had no right of interfering with the actual conduct of the proceedings, though he could punish a judex for his misbehaviour. A judex who culpably gave a wrong decision was said to make the cause his own (Inst. iv. 5, pr., "Judex qui litem suam facit;" Theoph. *Paraphr.* *καθ' ἑαυτοῦ δίκην ἤγειρε*), and was liable to an action for the damage which the party injured by his decision had sustained. The judex on entering upon his duty (*officium*) had to take an oath that he would discharge it faithfully (Cic. *de Invent.* i. 39, 70).

When the judex was appointed, the proceed-

ings *in jure* or before the praetor were terminated, which was sometimes expressed by the term *litis contestatio*, the phrases *lis contestata* and *judicium acceptum* being equivalent in the classical jurists [LITIS CONTESTATIO]. The parties appeared in the forum before the judex and presented the formula to him in which he was named (*editis formulis*). The appearance before the judex took place according to Gaius (iv. 15) on the third day (*comperendinum diem, ut ad judicem venirent, denuntiabant*) after his appointment in the early procedure, and this may have continued to be the rule in subsequent times. The judex was generally aided by advisers learned in the law (*jurisconsulti*), who were said *in consilio adesse* (Cic. *pro P. Quintio*, 10, 30; *Top.* 17, 66; *in Verr.* ii. 29, 72;—Suet. *Dom.* 8;—Plin. *Ep.* i. 20; v. 1;—Gell. xii. 13, 2; Val. Max. viii. 2, 2), but the judex alone was empowered to give judgment. The case was first briefly stated to the judex by the parties (*causae conjectio, collectio:* Gaius, iv. 15; cf. XII. Tab., "ante meridiem causam conjiciunto," Gell. v. 10, 9), after which the judex fixed a day for hearing the cause. The proceedings, which were public, commenced with the speeches of the advocati or patroni of each party (*continua oratio, peroratio:* cf. Gell. *l. c.* "cum perorant ambo praesentes"), the parties themselves being present or the persons who carried on the action in their stead (*cognitor, procurator*). It was an injunction of the law of the Twelve Tables that the trial should terminate in a day from sunrise to sunset (Gell. xvii. 2, 10); but owing to the lengthy speeches of the advocates, adjournments (*ampliatio*) became necessary, and in Cicero's time were common. The theory, however, was that on the day of adjournment a new action commenced. Hence the terms *prima, secunda,* and *tertia actio*. Accordingly the speech of an orator had to be continuous (*continua, perpetua oratio*); that is, it could not be interrupted by an adjournment, but another counsel on the same side took up the case when it commenced again. Under the empire an adjournment of a trial from day to day was freely allowed. In order to prevent speeches being prolonged with the object of procuring an adjournment ("dicendo diem eximere;" cf. Cic. *pro Quint.* 10, 22), the duration of speeches in publica judicia was limited to a certain time by the Lex Pompeia A.U.C. 702, and this limit was probably extended to privata judicia by the Lex Julia (Plin. *Ep.* i. 23; vi. 2). The argument of counsel in their speeches was directed to points of law as well as of fact, the judex differing from our jury in not being confined to questions of fact, but having also to decide such questions of law as were indicated in the formula.

The evidence was of various kinds. 1. It might consist of the confession of the defendant in court, the confession *in judicio* differing from the confession *in jure* in that it did not conclude the trial, but was only treated as evidence. 2. Sworn witnesses (*jurati testimonium dicunt*) might be examined and cross-examined (*testium interrogatio*) in open court as to what they had seen and heard (Cic. *pro Rosc. Com.* 15, 44, *pro Flacc.* 10, 22; Quintil. v. 7; Paul. v. 15; Dig. 22, 5; Cod. 4, 21; cf. A. Escher, *Diss. de testium ratione*). The number of witnesses was generally unlimited, but in trials before recuperatores it was limited to ten (Or.-Henz. *Inscr.* 6428; Val. Prob. § 4, 8). In imperial times a judex might restrict the number of witnesses in order to expedite a trial. The giving of evidence in a private action was a voluntary act, except that witnesses to a mancipation, and those who had been ordered by a judex in a judicium publicum to give evidence, were bound to come forward. Testimony of absent witnesses by affidavit or otherwise (*testimonium per tabulas*) was allowed, but its evidentiary value was considered inferior to oral evidence (Quint. v. 7, § 2; Dig. 22, 5). 3. Documents (*scripta, tabulae, instrumenta*), whether public or private, could be put in, such as statutes, edicts, or account books (*tabulae*). (Cic. *de Part. Or.* 37, 130; Quint. v. 5; Gell. xiv. 2, § 7; Dig. 22, 4; Cod. 4, 21.) 4. The parties might produce objects as evidence for the inspection of the court. 5. As to the application of the oath *in judicio*, see JUSJURANDUM.

After the evidence had been given, an argumentative discussion (*altercatio*) took place between the patroni or advocati of the parties (Quint. vi. 4; Plin. *Ep.* iii. 9). The ordinary course of the proceedings was changed if either the plaintiff or defendant failed to appear in the actio (*judicium desertum, eremodicium*). If the defendant when duly summoned was in default, the plaintiff might insist on being heard and on the case being decided. If the plaintiff did not appear, the defendant could demand absolution (Cod. vii. 43). After the case had been fully heard, the judex proceeded to give judgment; if there were several judices, the majority decided. If the judex could not come to a satisfactory conclusion, he might declare this upon oath, and so make the proceedings abortive. This was done by the form of words "juravi mihi non liquere atque ita judicatu illo solutus sum" (Gell. xiv. 2). The sentence had to be pronounced orally in court, and in the presence of the parties. The sentence was either of *absolutio* or *condemnatio* [ACTIO]. The part of the formula which empowered the judex to condemn or acquit was called the condemnatio [ACTIO]. The defendant might satisfy the plaintiff after the judicium had been constituted by *litis contestatio* (*post acceptum judicium*, Gaius, iii. 180; iv. 114), and before judgment was given: in this case it was a disputed question between the Sabinians and Proculians [JURISCONSULTI] whether in case the action was one of strict law (*stricti juris, judicii*) the judex should acquit or whether he should condemn, on the ground that, at the time when the judicium was constituted, the defendant was liable to be condemned, and it was the business of the judex merely to follow his instructions. It was agreed that in case of a formula *bonae fidei*, or formula empowering the judex to decide according to *bona fides*, it was his duty under these circumstances to acquit; but the question was whether he could thus acquit in actions *stricti juris* as well as those *bonae fidei* ("omnia judicia esse absolutoria," Gaius, iv. 114). The question was only of formal importance, as the plaintiff would be prevented by an *in integrum restitutio* from having double satisfaction.

While the *legis actiones* were in force, if a specific thing was vindicated, the judgment could only be for the restitution of the thing,

and a subsequent *arbitrium liti aestimandae* would be necessary to determine the damages (Gaius, iv. 48); but under the process of the formula, the judex gave judgment in all cases pursuant to the formula, in a sum of money, even when a res was the object of a vindication (Gaius, *l. c.*). In a formula arbitraria the judex was ordered only to condemn in case the defendant refused to make proper satisfaction ("nisi arbitratu tuo satisfaciat," Inst. iv. 6, 31), and so in this case a preliminary declaration by the judex of the rights of the parties called *pronuntiatio* was necessary; and if it was not obeyed by the defendant, a *condemnatio* followed.

The sum of money was either fixed or not fixed in the formula. If the claim was for a certain sum of money, the amount was inserted in the *condemnatio*, and the judex was bound to give that or nothing to the plaintiff. If the claim was for damages or satisfaction, the amount of which was not fixed in the formula, the *condemnatio* was either limited to a sum named in the formula (*taxatio*), and which the judex could not exceed except at his own peril (*litem suam faciendo*); or the amount of damages might be left to the free discretion of the judex, as in an action for the recovery of property from the possessor, or in an action claiming the production of a particular thing (*actio ad exhibendum*). Generally the term in the formula which expressed the damages which was the object of the demand was "quanti res est." This may mean either the market value of the thing, or the value of the thing to the particular claimant, *id quod interest actoris* or *utilitas actoris* (as to these two different measures of damages, see Poste's Gaius, iii. §§ 210–219, comm.). Res, as thus used in the formula, may mean either a thing in the limited sense of the word, or generally the claim or demand, and the fixing this at a money value was equivalent to *litis aestimatio*. The judex was always bound to condemn in some definite sum, even though the formula did not contain a definite sum (Gaius, iv. 48–52). In some judicia there might be an *adjudicatio* without a *condemnatio* [ADJUDICATIO]. In the division of judicial functions between the magistratus and judex consisted what is called the *ordo judiciorum privatorum*, which existed in the early periods of Rome, and continued till the time of Diocletian. At the same time with the *ordo judiciorum privatorum* existed in exceptional cases the proceedings *extra ordinem* or *extraordinaria cognitio*, in which the magistratus made a decision by a *decretum*, without letting the matter come to a judex. Finally, under Diocletian and his successors the *extraordinaria cognitio* supplanted the old mode of procedure, the function of judex and magistratus being combined in all cases. Thus the magistratus is frequently called judex. In the Theodosian Code the term *judex* is used to designate the governor of a province. [JUDEX PEDANEUS; ACTIO.]

(Cf. Cicero's three speeches in civil actions: *pro P. Quintio, pro Q. Roscio Comoedo, pro A. Caecina*, with Bethmann-Hollweg's description of them, *C. P.* ii. Appendix; Gaius, bk. iv.; Dig. 5, 1; Tigerstrom, *de Judiciis apud Romanos;* Keller, *Der römische Civilprocess;* Bethmann-Hollweg, *Der römische Civilprocess;* E. Hartmann, *Der Ordo Judiciorum und die Judicia extraordinaria;* O. Karlowa, *Der römische Civilprocess;* Zimmern, *Rechtsgeschichte;* Rudorff, *Rechtsgeschichte.*) [E. A. W.]

JUDEX ORDINA'RIUS. [JUDEX PEDANEUS.]

JUDEX PEDA'NEUS. This term first occurs in the writings of the Roman classical jurists, being used by Ulpian, Paulus, and subsequent writers. It appears to have been introduced, not to denote a particular species of judex, but to distinguish a judex privatus from a magistratus, the magistratus being sometimes called judex, as the practice of his deciding cases himself without the intervention of a judex proper became more frequent. The word *pedarii* or *pedanei* was applied to senators or decuriones who had not attained the office of magistratus, and hence the expression *judex pedaneus* may have been derived (Gell. iii. 18; Orell. *Inscr.* 3721 (Album Canusinum, v. 261), "duumviralicii, aedilicii, quaestoricii, pedani, praetextati"). When the formulary procedure came to an end, and with it the institution of judices privati, the Praetor or Praeses, who was sometimes designated as judex ordinarius or judex simply (Cod. Theod. i. 7), generally decided civil actions himself; but in order to prevent him being overburdened with judicial work, a body of paid official judges, probably taken from the matriculated advocati of each court [ADVOCATUS], was appointed to assist him in trying such actions, who were called judices pedanei, "hoc est qui negotia humiliora disceptent" (Cod. 3, 3, 5). Diocletian, A.D. 294, expressly allowed magisterial jurisdiction to be delegated to these judices, but at the same time he enjoined praesides generally to decide cases themselves, and only to make use of judices pedanei when it was absolutely necessary (Cod. 3, 3, 2). Julian, A.D. 362, prohibited praesides from appointing judices pedanei except in unimportant cases (Cod. Just. 3, 3, 5; Cod. Theod. i. 16, 8; Orelli-Henzen, 6431). The proceedings before this new kind of judices pedanei were the same as before the Praetor or Praeses. It would seem that they acted on each occasion when they were employed under a special commission from the magistrate, certain kinds of cases being delegated to them. The more general terms—judex datus a magistratu, judex delegatus, judex specialis—are sometimes used instead of judex pedaneus. These judges are also called *arbitri*, *διαιτηταί*. The Greek term for judex pedaneus is *χαμαιδικαστής* (Theoph. iv. 15, pr.; Lydus, *de Magistr.* iii. 8).

(Cod. Just. 3, 3, *de pedaneis judicibus; Nov.* 82, *περὶ τῶν δικαστῶν*; Bethmann-Hollweg, *Der römische Civilprocess*, ii. § 71, iii. § 140; A. Pernice in *Der Zeitsch. d. Sav. Stift.* 103, &c.; Mommsen, *Röm. Staatsrecht*, ii.[2] 938.) [E. A. W.]

JUDEX QUAESTIO'NIS. [JUDEX.]

JUDICA'TI A'CTIO. A defendant who was condemned in an action was under an obligation to satisfy the judgment, *i.e.* to pay to the plaintiff the sum of money which the judex had awarded; and the actio judicati was the mode which the successful party had to adopt in order to compel the defendant to fulfil his obligation. The ground of the actio judicati being the judgment debt, the defendant was not allowed to go behind the judgment and dispute the

original claim. In the "legis actio per manus injectionem," which was the ancient process for obtaining execution against a judgment debtor, the defendant was not able to defend the action himself, though, if a third person undertook the cause on his behalf as vindex, the action might be defended; but in the actio judicati the defendant was entitled to defend himself on the ground that he had not been condemned or that the condemnation was invalid. He was obliged, however, to give security to the amount of the judgment (*judicatum solvi satisdare*); and if his defence was unsuccessful, he was mulcted in double the amount of the judgment. The object of the actio judicati was to obtain a decree of the magistratus by which execution was ordered against the person (*duci jubere*, Cic. *pro Flacc.* 19, § 45, 20, § 48; Lex Rubr. c. 21, 22) and the property of the defendant (*missio in bona*) [BONORUM EMPTIO]. Under the Empire the Praetor could enforce a judgment at once by pignoris capio. The actio judicati could not be brought till the time allowed the judgment debtor for paying his debt had elapsed (Gaius, iii. 78; Gell. xx. 1, §§ 42–45).

When the original action had been carried on by a procurator on behalf of another, the actio judicati might be maintained by or against the principal. [PROCURATOR.]

(Dig. 42, tit. 1; Cod. 7, 52; Gaius, iv. 9, 25, 102, 171; Cic. *pro Flacc.* 21, § 49 ff.; Paulus, *Sent. Rec.* 1, 19; Savigny, *System*, &c., vi. 411; Bethmann-Hollweg, *Der römische Civilprocess*, §§ 111, 156.) [G. L.] [E. A. W.]

JU'DICES E'DITI. [JUDEX.]

JUDI'CIA DUPLI'CIA. [FAMILIAE ERCISCUNDAE ACTIO.]

JUDI'CIA LEGI'TIMA. [IMPERIUM.]

JUDI'CIA QUAE IMPERIO. [IMPERIUM.]

JUDI'CIUM. [JUDEX.]

JUDI'CIUM PO'PULI. [JUDEX.]

JUDI'CIUM PRIVA'TUM. [JUDEX.]

JUDI'CIUM PU'BLICUM. The original distinction between civil and criminal jurisdiction at Rome, though not strongly marked as regards the classes of offences with which they were respectively concerned nor as regards the penalties which followed on conviction in either case, was yet always kept up by differences of procedure. Civil jurisdiction was regularly divided into proceedings *in jure* and *in judicio*,—that is, into proceedings, in the first instance, before the ordinary civil magistrate, the praetor; in the second, before a judex appointed by the praetor. Criminal procedure, on the other hand, was an inquiry (*quaestio*) undertaken by the magistrate, perhaps in some cases independently, but more often under guidance of a consilium; and the decision of the magistrate, when questioned by the employment of the right of *provocatio*, led to a trial before the people, a *judicium populi*. During the last century and a half of the Republic a kind of procedure grew up which was in some sort a fusion of these two processes, and which may be described as an application of civil procedure in some of its most salient points to criminal cases. The judicium publicum bears a resemblance to civil jurisdiction in the facts that the presiding magistrate is usually the civil magistrate, the praetor, and that the case is heard before a bench of judices. But it differs from civil procedure in that the old distinction between jus and judicium disappears, and the magistrate sits with the judices, guides their decisions, and pronounces the verdict. From this close assimilation of the functions of the magistrate and of the judex developed the custom of speaking of the judices as the *consilium* of the magistrate (Cic. *ad Fam.* viii. 8, 3; *pro Cluent.* 30, 83), the number of the judices that formed this consilium being considerably larger than the number which decided an ordinary civil suit, and bearing more resemblance to the old bench of the *recuperatores*. Much of the terminology, however, of the judicium publicum is derived from the old criminal jurisdiction. The magistrate, who is sometimes said in civil terminology *judicium exercere*, is also called, in the terminology of the criminal law, a *quaesitor* (Cic. *pro Cluent.* 20, 55; Serv. *in Aen.* vi. 432) or one *qui de ea re quaesit* (Lex Acil. § 49; *C. I. L.* i. n. 198), while the judicia themselves are usually spoken of as *quaestiones;* and the criminal character of these courts is shown further by the facts that anyone might be the accuser (Just. *Inst.* iv. 18, 1: "Publica autem dicta sunt quod cuivis ex populo exsecutio eorum plerumque datur;" cf. Dig. 23, 2, 43, 10), and that condemnation was followed by strictly penal consequences. But, formally at least, the civil character of the court predominated; in the earliest established, that by the Lex Calpurnia of 149 B.C., the *actio sacramenti* was retained (Lex Acil. § 23); and in every case what the accuser demands is compensation for a delict and in the interest of the injured party. This is most obvious in trials for extortion and peculation, which were always followed by an assessment of damages (*litis aestimatio*, Lex Acil. §§ 58, 59;—Cic. *pro Mur.* 20, 42; *ad Fam.* viii. 8, 3): yet since this compensation was also exacted in the interest of the state, and since the state attached consequences other than mere compensation to conviction in such trials, these courts belong not to private but to public law.

The judicia publica were usually presided over by the praetor, and the guidance of the earliest of these judicia, the *quaestiones repetundarum*, was entrusted to the praetor peregrinus (Lex Acil. § 12); but the growing numbers, not only of the quaestiones, but of the several divisions of each quaestio, rendered it necessary that other judges should preside, and the court was sometimes directed by a foreman chosen from the jury. The *quaesitor* or *quaesitor judicii* (Ascon. *in Milon.* p. 46) is often distinct from the praetor who grants the trial; and the *judex quaestionis*, who presided in the courts *de veneficiis et sicariis*, was a criminal judge of somewhat lower rank than the praetor, holding an office that belonged to the regular circle of the magistracies (Cic. *pro Cluent.* 54, 148; *Brut.* 76, 264; Mommsen, *Staatsr.* ii. p. 586 ff.). The judices who formed the consilia of the several presidents of these courts were selected from the *album judicium*, the register which furnished the juries both for criminal and civil cases [JUDEX], and the law by which each quaestio was established directed the mode in which the judices should be chosen for that particular quaestio. The presiding magistrate actively assisted in the investigation, directed the find-

ing of the jury (Ascon. *in Milon.* p. 46), and pronounced the sentence which was based on their verdict, the decision being given according to a bare majority, and equality of votes being followed by acquittal (Cic. *ad Fam.* viii. 8, 3; Plut. *Mar.* 5). The magistrate could not qualify the sentence, since this was fixed by law; and there was no appeal from the decision of the judices. The appeal had never been allowed against the decision of a judex in civil cases: nor could the acts of the magistrate be appealed against either by *provocatio* or *appellatio*, since, during the trial, his acts were undistinguishable from those of the jury. The only possible appeal was against an act of the magistrate that formed a preliminary to the trial, and there is an instance in which such an appeal was employed (Cic. *in Vatin.* 14, 33; see INTERCESSIO).

The substitution of the judicia publica for the judicia populi was not effected by a sudden revolution in criminal judicature, but by a gradual extension of the former process. Fresh spheres of law were ever being usurped by the new system, and new standing courts (*quaestiones perpetuae*), modelled on this system, were from time to time constituted by special enactment. Each court might have somewhat different regulations as to procedure, and each depended for its validity on a separate *lex*. Thus the *lex majestatis* is accompanied by a *quaestio de majestate* (Cic. *pro Cluent.* 35, 97); the *legis quaestionesque* on certain crimes are indissolubly connected (Cic. *Phil.* i. 9, 23), and the judge in a special court is one "qui ex hac lege quaeret" (Lex. Acil. § 17). To the last these judicia bore on them the marks of their gradual growth, and there was little attempt at arrangement or logical classification of crimes. Not unfrequently the same offences were grouped under different laws, and an accuser might choose whether he should prosecute a man under *repetundae* or *peculatus*, under *vis* or *majestas*, or whether he should bring the crime of *incendium* under the law *de sicariis* or the law *de vi* (Rein, *Criminalrecht*, p. 63). This lack of arrangement and of connexion between the offences grouped together was increased by the subsequent juristic interpretation, although at the same time attempts were made to determine definitely the character of the crimes covered by a single lex, and to prevent the possibility of an appeal to more than one law in the case of a single crime (Suet. *Tit.* 8, "vetuit inter cetera de eadem re plurimis legibus agi"). So little continuity was there in the character of these courts that at a time when the most essential characteristic that was common to them, that of trial before a jury directed by a magistrate, had disappeared and given place to the *cognitiones extraordinariae* of the Empire, there was found no definition applicable to a judicium publicum, except that it was a court constituted by a special kind of lex (Dig. 48, 1, 1, "non omnia judicia, in quibus crimen vertitur, et publica sunt, sed ea tantum, quae ex legibus judiciorum publicorum veniunt").

The earliest notices of the term *judicium publicum* are found in the Lex Bantina of about 130 B.C. (§ 2, *C. I. L.* i. n. 197) and in the Lex Acilia Repetundarum of 123 B.C. (§ 11, *C. I. L.* i. n. 198); the earliest of these courts was that constituted by the Lex Calpurnia Repetundarum in 149 B.C., and shortly afterwards (in 142 B.C.) a quaestio de sicariis was established (Cic. *de Fin.* ii. 16, 54). The Lex Acilia Repetundarum of 123 B.C., which we possess, is a reconstitution of the court for the trial of extortion, and it is probable that about the same time fresh courts were added by C. Gracchus. The law of Gracchus against judicial corruption "ne quis judicio circumveniretur," was re-enacted by Sulla, who established a quaestio on its basis (Cic. *pro Cluent.* 55, 157, "quam L. Sulla ejus rei quaestionem hac ipsa lege constituerat"), but it is probable that it had formed the ground of a quaestio before the time of Sulla: and in the year 117 a quaestio de ambitu existed, which may be referred to the Gracchan period (Plut. *Mar.* 5). Sulla established several additional quaestiones, and may be said to have given the final form to criminal procedure at Rome. He re-established the court for the trial of extortion by the Lex Cornelia Repetundarum (Cic. *pro Rab. Post.* 4, 9), and instituted courts for the trial of treason by the Lex Cornelia de majestate (Cic. *ad Fam.* iii. 11, 2; *pro Cluent.* 35, 97), for the trial of assassination, poisoning, and incendium by the Lex Cornelia de sicariis et veneficis (Cic. *pro Cluent.* 54, 118; Dig. 48, 1, 1; Just. *Inst.* iv. 18, 5), and for trials in matters of breach of trust, inheritance, and forgery by the Lex Cornelia de falsis (Dig. 48, 1, 1), testamentaria (Just. *Inst.* iv. 18, 7), or nummaria (Cic. *in Verr.* i. 42, 108). To the same period may perhaps be referred a quaestio de vi (established by a Lex Plotia, Sall. *Cat.* 31) and one on peculatus (Cic. *pro Cluent.* 53, 147). In spite of the peculiarities of legislation which may have attached to these several courts, such for instance as the exclusion of the equites and lower orders from the operation of the law "ne quis judicio circumveniretur," a principle which C. Gracchus had established and which Sulla maintained (Cic. *pro Cluent.* 55, 151), there were some ordinances common to all these laws. Such was the rule which gave the accused the choice between having the votes given openly or by ballot, which was afterwards repealed (Cic. *pro Cluent.* 20, § 55; 27, § 75), and that which gave accused of senatorial rank a wider right of challenging than was possessed by others (Cic. *in Verr.* ii. 31, 77). Further changes were introduced by Caesar. Besides his alteration in the constitution of the *album judicum* [JUDEX], he reconstituted several courts by new laws. To him belong a Lex Julia de Repetundis, which introduced no change in the existing law beyond making anyone who shared in the spoils of a provincial governor liable to a charge of repetundae (Cic. *pro Sest.* 64, 135; *pro Rab. Post.* 4, 8: cf. *ad Fam.* viii. 8, 2, for the formula "Quo ea pecunia pervenisset"), and Leges Juliae de vi and de majestate (Cic. *Phil.* i. 9, 23). It is somewhat difficult to determine which of the Leges Juliae that created or re-instituted quaestiones are to be referred to Julius, and which to Augustus. Amongst them we find Leges Juliae de vi publica, de vi privata, peculatus, ambitus, de adulteriis, and de annona. The Lex Pompeia de parricidiis and the Lex Fabia de plagiariis were also laws on which courts of this kind rested (Dig. 48, 1; Just. *Inst.* iv. 18).

Certain penal consequences were from the first attached to condemnation in a judicium publicum, ranging from a fine to exile, which was, as a rule, the severest punishment during the Republic; and these penalties were progressively increased. Thus Caesar added to exile confiscation of half the property of the condemned, and attached to condemnation for parricide confiscation of the whole property (Suet. *Jul.* 42; Dio Cass. xliv. 49), and in the time of the Empire death was not an unfrequent consequence of condemnation in these courts, confiscation of property being usually added. The jurists divide judicia publica into *capitalia* and *non capitalia* (Dig. 48, 1, 2). "Capitalia" are those "ex quibus poena mors aut exsilium est, hoc est aquae et ignis interdictio,"—*relegatio*, a modified exile introduced during the Empire not involving loss of caput. "Non capitalia" are those "ex quibus pecuniaria aut in corpus aliqua coercitio poena est." Condemnation in a judicium publicum also involved disqualification of various degrees. Thus those condemned for *ambitus* were originally disqualified for holding office for ten years, and were at a later period excluded wholly from the senate and the magistracy (Schol. Bob. *in* Cic. *pro Sulla*, 5, 17), and as early as 123 B.C. condemnation in certain kinds of judicia publica excluded from a seat in the senate (Lex. Acil. § 13). *Infamia*, which during the Empire was the severest and most permanent kind of disqualification attached originally to condemnation in those courts where *calumnia* or *praevaricatio* had been proved (Dig. 3, 2, 1), was extended by a senatusconsultum as a consequence of *vis privata* (Dig. 48, 7, 1), and finally made the result of any condemnation in a judicium publicum (Dig. 48, 1, 7; Just. *Inst.* iv. 18, 2; see INFAMIA).

(Mommsen, *Römisches Staatsrecht*, i. pp. 168 and 182 ff., ii. pp. 223 and 569 ff.; Lange, *Römisches Alterthümer*, iii. pp. 165, 455, 505; Rein, *Criminalrecht der Römer*, pp. 63 ff.; O. E. Hartmann, *Ueber die römische Gerichtsverfassung*, § 29, p. 314.) [A. H. G.]

JU'GERUM or **JUGUS** (the latter form, as a neuter noun of the third declension, is common in the oblique cases and in the plural), a Roman measure of surface, 240 feet in length and 120 in breadth, containing therefore 28,800 square feet (Varr. *R. R.* i. 10; *L. L.* v. 35 M.; Colum. *R. R.* v. 1, § 6; Plin. *H. N.* xviii. § 9, cf. § 178; Quintil. i. 10, § 42; Isid. *Orig.* xv. 15). It was the double of the *Actus Quadratus*, and from this circumstance, according to Varro and Columella, it derived its name (as if from *junctus*). The word is really, however, a by-form of *jugum;* and Pliny's etymology is far preferable: "quod uno jugo boum in die exarari posset." The jugerum was not, like the ACTUS, a measure of length as well as of surface; the contrary notion rests only on a single passage of Pliny, who describes the vale of Tempe as *ferme sesquijugeri latitudine* (*H. N.* iv. § 31). He is here, no doubt, translating from a Greek source, and uses *jugerum* loosely as the equivalent of πλέθρον (Hultsch, *Metrol.* p. 64 n.). The uncial division [AS] was applied to the jugerum, its smallest part being the scrupulum of 10 feet square = 100 square feet. Thus the jugerum contained 288 *scrupula* (Varr. *R. R.* l. c.). The jugerum was the common measure of land among the Romans. Two jugera formed a *heredium*, a hundred *heredia* a *centuria*, and four *centuriae* a *saltus*. Two jugera were the traditional amount of land given to each citizen in old times as heritable property (Varr. *l. c.*; Niebuhr, *Hist. of Rome*, ii. 156 ff., and Appendix i.). The jugerum was a little over 2 roods 19 perches, or almost § of an English acre; see the Tables. (Cf. Hultsch, *Metrol.* p. 69; Mommsen, *R. H.* i. 195=i. 162, tr. Dickson; Rudorff, *Gromat. Inst.* p. 280.) [P. S.] [W. W.]

JUGUM (ζυγόν, rarely ζυγός, Plat. *Tim.* 63 B) signified in general that which joined two things together. It denoted more especially—

1. In architecture any cross beam (Vitruv. x. 8, 19).

2. The transverse beam which united the upright posts of a loom, and to which the warp was attached (Ovid, *Met.* vi. 55). [TELA.]

3. The transverse rail of a trellis (Varr. *R. R.* i. 8;—Col. *R. R.* iv. 17, 20, xii. 15; *Geopon.* v. 29), joining the upright poles (*perticae*, χάρακες) for the support of vines or other trees. [CAPISTRUM.] Hence by an obvious resemblance the ridges uniting the tops of mountains were called *juga montium* (Verg. *Ecl.* v. 76; Hor. *Epod.* 1, 11; and in rhetorical prose like that of Florus).

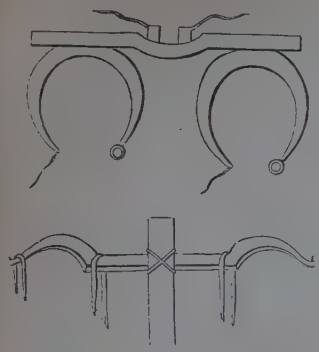
4. The cross-bar of a lyre (Hom. *Il.* ix. 187).

5. A scale-beam, and hence a pair of scales [LIBRA]. The constellation Libra was consequently also called Jugum (Cic. *de Div.* ii. 47, § 98).

6. The thwart or transverse seat of a boat (Aesch. *Agam.* 1618; Soph. *Ajax*, 249; Verg. *Aen.* vi. 411). This gave origin to the term ζυγίτης, as applied to a rower (NAVIS, Vol. II. p. 215 *a*). A vessel with many benches or banks for the rowers was called νῆϊς πολύζυγος or ἑκατόζυγος (Hom. *Il.* iii. 293; xx. 247).

7. The yoke by which ploughs and carriages were drawn. The yoke was in many cases a straight wooden plank or pole laid upon the horses' necks; but it was commonly bent towards each extremity, so as to be accommodated to the part of the animal which it touched (*curva juga*, Ovid, *Fast.* iv. 216; *Trist.* iv. 6, 2). The following woodcut shows two examples of the yoke, the upper from a MS. of Hesiod's Works and Days, preserved at Florence, the lower from a MS. of Terence belonging to the Vatican library. These may be compared with the still ruder forms of the yoke as now used in Asia Minor, which are introduced in the article ARATRUM. The practice of having the yoke tied to the horns and pressing upon the foreheads of the oxen (*capite, non cervice junctis*, Plin. *H. N.* viii. § 179), which is now common on the continent of Europe, and especially in France, is strongly condemned by Columella on grounds of economy as well as of humanity (*R. R.* ii. 2). He recommends that their heads should be left free, so that they may raise them aloft, and thus make a much handsomer appearance (Cic. *Nat. Deor.* ii. 63, § 159; Ovid, *Met.* vii. 211). All this was effected by the use either of the two collars (*subjugia*, Vitruv. x. 3, 8; μεσάβα, Hesiod, *Op. et Dies*, 467; Paley, *ad loc.*; ζεῦγλαι, Hom. *Il.* xvii. 440, xix. 406; Aesch. *Prom.* 463; Eurip. *Med.* 479) shown in the upper figure of the woodcut, or of the notches (γλυφαί, γλυφίδες) cut in the yoke, with the bands of leather (*lora;*

vincla, Tib. ii. 1, 7; *ταυροδέτιν βύρσαν ἐπαυχενίην*, Brunck, *Anal.* iii. 44 = *Anth. Pal.* vi. 41; *λέπαδνα*, Hom. *Il.* v. 730, with Schol.), seen in the lower figure.



Yokes. (From ancient MSS.)

This figure also shows the method of tying the yoke to the pole (*temo*, *ῥυμός*) by means of a leathern strap, or more probably a rope (*ζυγόδεσμον*, Hom. *Il.* xxiv. 270), which was lashed from the two opposite sides over the junction of the pole and yoke. These two parts were still more firmly connected by means of a pin (*ἔμβολος*, Schol. *in* Eurip. *Hippol.* 666; *ἔστωρ*, Hom. *l. c.*; Arrian, *Exped. Alex.* ii. 3, § 7; *ἔνδρυον*, i.e. an *oaken* peg, Hesiod, *Op. et D.* 467). But the fastening was sometimes much more complicated, especially in the case of the celebrated Gordian knot, which tied the yoke of a common cart, and consisted only of flexible twig, or bark, but in which the ends were so concealed by being inserted within the knot, that the only way of detaching the yoke was that which Alexander adopted (Arrian, *l. c.*; Q. Curt. iii. 2; Schol. *in* Eurip. *l. c.*). The passage of *Homer* (*Il.* xxiv. 268–274) gives the fullest account of the way in which the yoke was attached to the pole; but, after the acute and learned investigations of Leaf (*Journ. Hell. Soc.* v. 185 ff.) and Helbig (*Hom. Epos*, 147 ff.), some points still remain unexplained. In the last line, the words *ἐξείης* and *γλωχῖς* are still obscure. The following summary of the longer discussion is condensed from Mr. Leaf's note *ad loc.*:—"The most probable explanation of the whole arrangement is as follows:—The pole was curved sharply upwards at the end, running up to an almost vertical point (*πέζα*). In the actual bend (*πέζῃ ἐπὶ πρώτῃ*) the yoke was laid across the pole. Attached to the yoke was a ring (*κρίκος*): through this a peg (*ἔστωρ*) was passed and fastened into a hole in the pole. The *ζυγόδεσμον*, a rope nine cubits long, was then used to bind the *πέζα* with three turns to the *ὀμφαλός*, a boss on the yoke itself; the long ends which remained after this being carried back to the car itself, where they were fastened to an upright post which arose from the front of the breast-work. This post and the rope from it to the end of the pole are constantly depicted in archaic vase-paintings, and there can be little doubt as to the identification of the rope with the *ζυγόδεσμον*."

Besides being variegated with precious materials and with carving, the yoke, especially among the Persians, was decorated with elevated

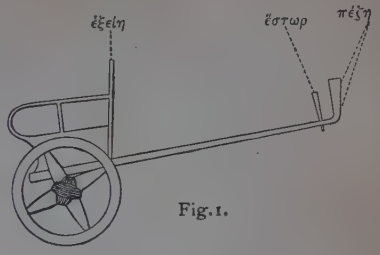


Fig. 1.

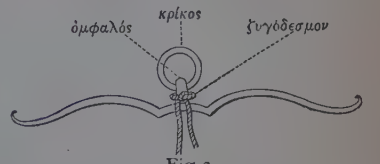


Fig. 2.

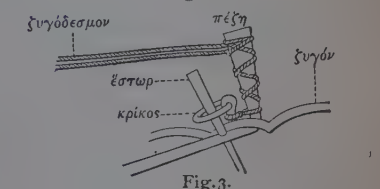


Fig. 3.

Fig. 1. Chariot and pole.
Fig. 2. Yoke and appendages, from the front.
Fig. 3. Means by which the yoke is attached to the pole.
(From Leaf's Iliad, ii. 485.)

plumes and figures. Of this an example is presented in a bas-relief from Persepolis, preserved in the British Museum. The chariot of Dareius was remarkable for the golden statues of Belus and Ninus, about eighteen inches high, which were fixed to the yoke over the necks of the horses, a spread eagle, also wrought in gold, being placed between them (Q. Curt. iii. 3). The passages above cited show that when the carriage was prepared for use, the yoke which had been laid aside was first fastened to the pole, and the horses were then led under it. Either above them, or at the two ends of the yoke, rings were often fixed, through which the reins passed. These frequently appear in works of ancient art representing chariots.

Morning and evening are often designated in poetry by the act of putting the yoke on the oxen (Hes. *Op. et Dies*, 581) and taking it off (Verg. *Ecl.* ii. 66; Hor. *Carm.* iii. 6, 42; *Epod.* 2, 63; Ovid, *Fast.* v. 497; *βούλυσις*, *βουλυτός*, Arrian, *l. c.*; Hom. *Il.* xvi. 779, *Od.* ix. 58; Cic. *ad Att.* xv. 27; *βουλύσιος ὥρη*, Arat. *Diosem.* 387).

By metonymy *jugum* meant the quantity of land which a yoke of oxen could plough in a day (Varr. *R. R.* i. 10). It was used for "a pair" of animals, Greek *ζεῦγος*, Latin usually

par, as in *aquilarum jugum* (Plin. *H. N.* x. § 16). By another figure common to all languages it is the yoke of slavery (Aesch. *Agam.* 953, 1071; Hor. *Sat.* ii. 7, 92; Tac. *Agric.* 31; Florus, ii. 14 = i. 30 Jeep). The yoke under which the Romans made their conquered enemies to pass, and sometimes, as at Caudium, passed under it themselves (Liv. ix. 4, § 3; 6, §§ 1, 3), was composed of a spear supported transversely by two others placed upright (Liv. iii. 28, § 11). [J. Y.] [W. W.]

JUGUMENTUM. [JANUA, p. 987 *a*.]

JUNIO'RES. [COMITIA.]

JURA IN RE. [DOMINIUM.]

JURE, A'CTIO IN. [JURISDICTIO.]

JURE, CE'SSIO IN, was a mode of transferring rights by means of a fictitious suit, and so far resembled the forms of conveyance by fine and common recovery which, till lately, were in use in England. The proceeding was the following. The person to whom the object of transfer belonged (*dominus qui cedit*), and the person to whom it was to be transferred (*vindicans, cui ceditur*), appeared before the magistratus; in whose presence the intended transferee vindicated the thing as his own. The magistratus then asked the party making the transfer whether he opposed a contravindication; and on his declaring that he did not or remaining silent, the magistratus decreed (*addixit*) the object to the vindicant. The admission of the right of the vindicant or transferee by the real owner was the foundation of the magisterial decree, the rule of procedure being "confessus pro judicato est." The proceeding was in form a "legis actio in rem," made to serve the purpose of a conveyance. In jure cessio was probably recognised by the Twelve Tables (cf. Paulus on *Vat. Fragm.* 50, "et mancipationem et in jure cessionem lex XII. Tab. confirmat"), though, at the time of the passing of this law, it may only have been used as a mode of manumission. The uses to which in jure cessio was applied, according to the law as laid down by the classical jurists, were the following:—1, to manumit a slave per vindictam [MANUMISSIO] (cf. Liv. ii. 5); 2, to emancipate a filiusfamilias; 3, for the purpose of adoption; 4, to transfer the tutela legitima mulierum; 5, to transfer the hereditas legitima (Gaius, ii. 34–37); 6, to transfer ownership of res, whether mancipi or nec mancipi, though the alternative form of mancipatio was generally preferred (Gaius, ii. 25); 7, for creating servitudes, rustic servitudes alone being also created by mancipatio (Gaius, ii. 29, 30). In jure cessio being a legis actio, it could not be carried out by means of agents.

In jure cessio is last mentioned in Constitutions of Constantine. It was obsolete in the time of Justinian, and the compilers of his legislation omitted mention of it in excerpts, where it occurred. (Gaius, ii. 24; Ulp. *Fragm.* 19, 9; Schilling, *Inst.* ii. § 154; Leist, *Mancipation*, § 36, &c.; Ihering, *Geist des R. R.* ii. 579 ff.; Aug. Schultze, *Privatrecht und Process in ihrer Wechselbeziehung*, §§ 459 ff., 477 ff.; Sohm, *Institut des röm. Rechts*, 3rd edit., p. 30, &c.; Voigt, *Zwölf Tafeln*, ii. § 75.) [E. A. W.]

JU'RGIUM has been thought to be a contracted form of *juridicium;* it is doubtless derived from *jus*, but the verb *jurgare* suggests *jure agere* as a more probable etymology. In its legal sense, however, the word is pointedly distinguished from *litigare*, and denotes wrangling or complaint without legal proceedings. Nonius, s.v. *Jurgium* (5, § 34 = p. 430), quotes a passage from Cicero (*de Rep.* iv. *fr.* 24) commenting on the words SI JURGANT in the Twelve Tables: "Si jurgant, inquit. Benevolorum concertatio, non lis, ut inimicorum, sed jurgium dicitur." Et in sequenti: "Jurgare igitur lex putat inter se vicinos, non litigare." Rudorff states that the term *jurgium* was applied to the small disputes between owners of contiguous lands. Hence he explains the words of Cicero (*de Legg.* i. 21, § 55), "Usucapionem XII. Tabulae intra quinque pedes esse noluerunt:" the balks or strips of five feet in width which divided the praedia were not to be encroached upon and then claimed through lapse of time. He refers for a like use of the word to Horace (*Ep.* ii. 1, 38, "Excludat jurgia finis," and ii. 2, 170):

> "Sed vocat usque suum, qua populus adsita certis
> Limitibus vicina refugit jurgia."

(Rudorff, *Zeitschrift für die Rechtsw.* x. 346, *Ueber die Gränzscheidungsklage.*)

Compare also Cicero (*de Legg.* ii. 8, § 19), "Feriis jurgia amovento." It is needless to tell people not to go to law on holidays, when the courts are shut; the meaning is, that private wranglings are to cease in honour of the day. *Rixa* differs from jurgium as implying a quarrel that comes to blows (Tac. *Hist.* i. 64; Juv. xv. 52). (Cf. Donaldson, *Varronianus*,[2] p. 213; Forcellini, *Lexicon*, s.v. *Jurgium.*) [G. L.] [W. W.]

JURI'DICI. With a view of making the administration of justice more directly dependent on the emperor, Hadrian appointed over Italy four magistrates of consular rank (*consulares*) who had both criminal and civil jurisdiction (Spart. *Hadr.* 22; Capitolin. *Ant. Pi.* 2, *M. Ant. Phil.* 11; Appian, *B. C.* i. 38). This institution of Hadrian did not long survive him, but M. Aurelius imitated it by appointing a number of imperial officials of praetorian rank with the title of juridici, who were to perform certain administrative functions outside Rome—the *urbica dioecesis.* (*M. Ant. Phil.* l. c. "datis juridicis Italiae consuluit ad id exemplum, quo Hadrianus consulares viros reddere jura praeceperat:" *C. I. L.* v. 1874.) These juridici had jurisdiction in respect of *fideicommissa* (Dig. 40, 5, 41, § 5), and in disputes concerning the office of curialis [CURIALIS]; they also nominated guardians (*Vat. fr.* 205, 232, 241); and they may have been competent to decide some other civil causes; but they do not appear to have had any criminal jurisdiction. They probably exercised other besides judicial functions connected with the administration of justice. The jurisdiction of juridici was not taken from that of the municipal magistrates, but from that of the Roman courts, which continued, however, to decide matters of importance. Each juridicus had a particular district specially assigned to him ("regiones quae sunt sub juridicis": cf. Marquardt, *Staatsverw.* i. 74, &c.). The office of juridicus lasted till about the middle of the third century.

An imperial official who exercised the higher jurisdiction in Egypt was called *juridicus*, whence the title of the Italian *juridici* is derived

(Walter, *Rechtsgesch.* 36, n. 24; Orelli-Henzen, 6488).

(The information contained in this article is principally taken from Mommsen, *Staatsrecht*, ii.[2] 1038 ff.; cf. Bethmann-Hollweg, *Der römische Civilprocess*, § 66; Becker-Marquardt, *Röm. Alterth.* iii. 1, § 56, &c.) [E. A. W.]

JURIDICI CONVENTUS. [PROVINCIA.]

JURISCONSULTI or JURECONSULTI. For some considerable time after the enactment of the Twelve Tables, the function of interpreting the law, both sacred (*fas*) and profane (*jus*), appears to have been a monopoly of the College of Pontifices, which appointed one of its members every year to superintend the trial of private actions (cf. Pomponius in Dig. *de origine juris*, 1, 2, 2, §§ 6, 7; Liv. ix. 46, "jus civile in penetralibus pontificum repositum"). [PONTIFEX.] The pontifices alone had an exact knowledge of the legal calendar, and were familiar with the intricate forms of action which prevailed in the courts, whence the importance attached to the publication of the calendar and of the forms of legis actio by Cn. Flavius about 312 B.C. [JUS FLAVIANUM.] The opening of the office of pontifex to plebeians, the growth of the praetor's jurisdiction, and the gradual separation of the Jus Civile from the Jus Pontificium, tended to make the profession of the law a more open one (cf. Ihering, *Geist. d. R. R.* ii. 2, § 42). Tiberius Coruncanius, a plebeian, who was consul B.C. 281, and also the first plebeian pontifex maximus, is mentioned as the first who publicly professed (*publice professus est*) to expound the law (Liv. xxx. 1; Dig. *l. c.* § 35). A distinct profession of lawyers certainly existed before the time of Cicero, and the persons belonging to it were called by the various names of *jurisperiti, jurisconsulti*, or *consulti* simply. They were also designated by other names, as *jurisprudentes, prudentes, juris periti*, and *juris auctores*. The words which Plutarch uses are νομοδείκτης (*Tib. Gracch.* 9) and νομικός (*Sulla*, 36). Cicero (*Top.* 5) enumerates the *jurisperitorum auctoritas* among the component parts of the Jus Civile. The definition of a *jurisconsultus*, as given by Cicero (*de Or.* i. 48), is a person who has such a knowledge of the laws (*leges*) and customs (*consuetudo*) which prevail in a state as to be able to give answers to questions submitted to him (*respondendum*), act (*agendum*), and to secure a person in his dealings (*cavendum*). Sextus Aelius Catus [JUS AELIANUM], M. Manilius, and P. Mucius are examples. In the oration *pro Murena* Cicero uses "scribere" in the place of "agere." The word "scribere" refers to the employment of lawyers in drawing up formal instruments, such as contracts or wills; "cavere," to the advice given in the conduct of a suit or the carrying out any transaction; "agere" to the execution of some legal act on account of a client. At a later period some of these functions were performed by persons who were paid a fee, and thus there arose a body of practitioners distinct from those who gave *responsa*. The jurisconsulti gave their advice gratuitously. Payments or gifts to them were prohibited by the Lex Cincia. They did not, as a rule, argue cases in court; this task being left to the orators or advocates. [ORATOR; ADVOCATUS.] Before the time of Cicero the study of the law had become a distinct branch from the study of oratory, and a man might raise himself to eminence in the state by his reputation as a lawyer, as well as by his oratorical power or skill; the profession of the law being regarded as one of great dignity and independence. It is probable that *responsa* were not in Cicero's time absolutely binding on courts of justice, although the judge would be mainly guided by them.

Jurisconsulti gave their advice or answers either in public places—especially in the forum—or in their own houses (Cic. *de Or.* iii. 33: cf. Hor. *Sat.* i. 10; Sen. *de Vita*, iii. 37). We are told of one distinguished jurist that a house near the forum was provided for him at the public expense, in order that he might have easy access to clients. They gave advice not only on matters of law, but on anything else that might be referred to them. The jurisconsulti were not professors of law in the modern sense, but they were attended by students who obtained instruction by listening to *responsa*: hence called *auditores*. Towards the end of the republic we also find the practice in existence of instructing students in the elements of law (cf. Dig. 1, 2, 2, § 43: "[Servius Sulpicius] institutus a Balbo Lucilio, instructus autem maxime a Gallo Aquilio"), and under the empire the systematic teaching of law gradually became a distinct professional function.

The earlier lawyers mentioned by Pomponius differed from those of a later period by their want of scientific method (as to their characteristics, see Ihering, *Geist. d. R. R. l. c.*). Their excessive technicality is frequently ridiculed by Cicero. The first whom Pomponius mentions was Papirius, who is said to have made a collection of leges regiae in the time of Tarquinius Superbus [JUS PAPIRIANUM]. There were many distinguished jurisconsulti in the last two centuries of the republican period, among whom are M. Manilius, consul B.C. 149 (cf. Cic. *de Or.* i. 48, iii. 33; *Brutus*, 21, 22, &c.; Varro, *L. L.* vii. 105); P. Mucius Scaevola, pontifex maximus B.C. 131; Q. Mucius Scaevola, the augur, and Q. Mucius Scaevola, the son of Publius, who was consul B.C. 95, and afterwards pontifex maximus: he was one of the masters of Cicero, who calls him "jurisperitorum eloquentissimus," "eloquentium jurisperitissimus" (Cic. *de Or.* i. 39; *Brutus*, 89). This Scaevola, the pontifex, was considered to have been the first who gave the Jus Civile a systematic form, by a treatise in eighteen books (Dig. 1, 2, 2, § 41). There are four excerpts in the Digest from a work of his in one book on Definitions. C. Aquilius Gallus, praetor B.C. 66, was a most distinguished lawyer; he invented the *actio doli*, the *stipulatio Aquiliana*, and a form for instituting or disinheriting the class of *postumi* called after him Aquiliani.

Servius Sulpicius Rufus, a pupil of Aquilius (Cic. *Brut.* 42) and the friend and contemporary of Cicero, was consul B.C. 51. He was as great an orator as the pontifex Scaevola, and even more distinguished as a jurist. Many persons, both his predecessors and contemporaries, were eminent for their practical knowledge of law, but he was distinguished from them by his scientific mode of handling it; and as he had both numerous *auditores* and was a voluminous writer, we may perhaps view him as the founder

of that methodical treatment of the matter of law which characterised the subsequent Roman jurists, and in which they have not been surpassed (Cic. *Brut.* 41; Dig. 1, 2, 2, § 43).

The jurists of the imperial times are distinguished from those of the republican period by two circumstances—the *jus respondendi*, and the rise of two schools of law. We learn from Pomponius (Dig. 1, 2, 2, § 49) that Augustus determined that the jurisconsulti should give their *responsa* under his sanction (*ex auctoritate ejus responderunt*). The *jus respondendi* or right of giving such *responsa* appears to have been granted by Augustus and Tiberius and their successors to eminent jurists selected by them, who were thus placed in a position analogous in some respects to that of the pontifices in earlier times. But the jurists who had not received this mark of imperial favour were not excluded from giving opinions, though their opinions would have little weight in comparison with those of the privileged class. The *responsa* of those who had the *jus respondendi* were given sealed (*signata*), apparently to prevent falsification. They were probably given by each jurist in his individual capacity, but whether on the application of the judge or of a party to a suit is uncertain. The matter proposed for the opinion of the jurisconsulti was sometimes stated in the *responsum*, either fully or briefly; sometimes it contained the grounds of the opinion and sometimes it did not (Brisson, *de Form.* iii. c. 85). The *responsum* of a privileged jurisconsultus in a particular case would be an authority for the decision of a judex, and probably the same authority was extended by custom to the writings of such jurists who by the *jus respondendi* were given the condition of *juris auctores*. The definition of *responsa* by Gaius (i. 7; cf. Inst. i. 2, 8), "responsa prudentium sunt sententiae et opiniones eorum quibus permissum est jura condere," seems to support this view of the authority of the writings of the priests; the words *sententiae et opiniones* being sufficiently wide to include such writings, and the technical expression *responsa* with which the passage begins may, owing to the increased importance of legal literature, have been very well used by Gaius in a wider sense than originally attached to it. The duty of the judge, if the *responsa* were conflicting, was, we are told by Gaius in the same passage, determined by a rescript of the Emperor Hadrian. If the opinions of the privileged jurists agreed, the judge was to be bound by them; but if not, he was to be free to follow the opinion he preferred. (For an account of the different views of modern writers respecting the nature of the *jus respondendi*, see *Étude sur Gaius*, by E. Glasson, § 6.)

Under the early empire there arose two schools (*scholae*) of jurists, the origin of which is attributed to the opposition between Antistius Labeo and Ateius Capito, two eminent jurists who lived in the time of Augustus. (See Pomponius in Dig. 1, 2, 2, § 47: "Hi duo primum veluti diversas sectas fecerunt.") Labeo, a jurist distinguished for his abilities and varied acquirements (Gell. xii. 10; Pomponius in Dig. *l. c.*), appears to have been a great legal reformer ("plurima innovare instituit"), and the most notable jurist of his time. His opinions are frequently cited in the Digest. He was attached to the old republican constitution. Capito, a jurist of much less eminence, held fast to the traditional learning of his profession ("in his quae ei tradita fuerant perseverabat"), and so was in opposition to Labeo.

The followers of Labeo, whom we know with certainty to have been such, were M. Cocceius Nerva, Sempronius Proculus, Nerva the son, Pegasus, Juventius Celsus, Celsus the son, and Neratius Priscus. The followers of Capito were Masurius Sabinus, C. Cassius Longinus, Caelius Sabinus, Priscus Javolenus, Aburnius Valens, Tuscianus, Salvius Julianus, and Gaius. But the schools did not take their names from Labeo and Capito. The followers of Labeo were named Proculiani, from Proculus. The followers of Capito derived their name of Sabiniani from Masurius Sabinus, a most eminent teacher of law, the author of a celebrated work on the Jus Civile, who lived under Tiberius, and as late as the reign of Nero: they were sometimes also called Cassiani, from C. Cassius Longinus. The schools may, like the schools of philosophy in Greece, have consisted of students united together under an eminent teacher and leading a common life; to the office of head of the Proculian and Sabinian schools there seems to have been a regular succession (cf. Pomponius in Dig.: "Ateio Capitoni Masurius Sabinus successit, Labeoni Nerva," &c.). Some recent writers suppose that the schools were not established by Labeo and Capito, but that Sabinus, a disciple of Labeo, first instituted a school, and that Proculus, who taught the doctrines of Labeo, subsequently set up a rival one; but from the account of Pomponius we should rather gather that Labeo and Capito were the founders of the schools.

It is not possible to educe from the various disputes between the Sabinians and Proculians, which are mentioned in our sources, any fundamental differences which characterised the two schools. (For a list of the disputes between the schools, see Roby's *Introduction to the Digest*, cxxxi. &c.) The head of a school would exercise a predominant influence over it; and as one jurist succeeded another to the office of teacher, the character of its teaching might vary. It is sometimes said that one school adhered more closely to what was established and to the letter of what was written, while the other looked more to the internal meaning than to the external form; and thus, while apparently deviating from the letter, they approached nearer to true results: but some writers attribute the latter method to the Sabinians and others to the Proculians. In the period of the classical jurists the division of schools disappears. (Cf. Hommel, *de principali causa dissensionum inter Labeonem et Capitonem*; Dirksen, *Beiträge*, 3; Kuntze, *Excurse über röm. Recht*, 2nd edit., p. 319; Bremer, *Die Rechtslehrer und Rechtsschulen im Kaiserreich*, p. 68, &c.; Pernice, *Antistius Labeo*.)

Of all public callings the profession of the law was the most independent under the early emperors, and consequently it attracted to itself an unusual proportion of men of high ability. Jurisprudence made considerable progress during this period, especially its influence in developing the principles of Jus Gentium as

contained in the praetor's edict, and in giving the law a more systematic character.

The great literary age of Roman jurisprudence, that of the classical jurists, is generally understood to begin under Hadrian and to end with Alexander Severus. The great Julian, the compiler of the Edict, may be regarded as the earliest classical jurist; subsequent jurists of the first rank were Marcellus, Cervidius Scaevola, Marcianus, Papinianus (the most distinguished of all Roman lawyers), Ulpianus, Paulus, and Modestinus. (For an account of the lives of the classical jurists, see Roby, *Introd. to the Digest.*)

Towards the end of the classical period jurisprudence showed signs of decay: compilations from the works of previous writers were taking the place of original work; the influence of the jurists was chiefly exercised in the council of the emperor; the *rescripta* were supplanting the *responsa* as a source of law. After the time of Septimius Severus no legal writings of importance were produced; the writings of earlier jurists were the chief authority in the courts, and, when these were in conflict with one another, the law remained unsettled. Thus the "law of citations," A.D. 426, limited legal authority to the writings of Gaius, Paul, Ulpian, and Modestinus, and to the writings of earlier jurists cited by these five (see Muirhead, *Roman Law*, section 78; Roby's *Introd.* p. lxxxiv. &c.). The Digest of Justinian is mainly composed of the writings of the classical jurists [PANDECTAE]. The want of constructive legal science in this period made compilations of law a practical necessity. The writings of the jurisconsulti consisted of *commentarii* on the Twelve Tables, on the Edict, on particular leges, more especially on some of the Juliae leges, and on other matters. The later jurists also commented on the writings of the earlier jurists; *e.g.* the commentaries on the great work of Sabinus. They also wrote elementary treatises (*elementa, commentarii*), such as the *Institutiones* of Gaius, which is the earliest work of the kind that we know to have been written; books called *regulae* and *definitiones*, which were probably collections of maxims and legal principles intended for advanced students; collections of cases and answers, under the various names of *responsa, epistolae, sententiae*, and *opiniones;* systematic treatises on law and various works of a miscellaneous character, with a great variety of names, such as *disputationes, quaestiones, notae, enchiridia, res quotidianae*, and various other titles. The term *Digesta* probably signifies the collected writings of a jurist.

With the exception of the fragments preserved in the Digest, this great mass of literature is nearly lost [PANDECTAE]. The most important writings which have survived are the *Liber singularis Regularum* and the *fragmenta* of Ulpian, the Institutes of Gaius, and the *Sententiae* of Paulus.

The mode of teaching law at Rome in the republican period was of a practical nature, the instruction which was given consisting in the jurisconsulti allowing young men to be present as *auditores* when they delivered their legal opinions, and to see how they conducted their business (Cic. *Brut.* 89; *Laelius*, 1). Previous, however, to attending to this practical instruction, young men were taught the elements of law, which was expressed by the term *institui*, whence probably the term *Institui* was given to elementary treatises like those of Gaius. Accordingly, *institui* and *audire* expressed the two parts of a legal education. The most distinguished jurists freely imparted instruction to young men (Cic. *de Or.* i. 41, 142: "Jus civile docere semper pulchrum fuit hominumque honestissimorum discipulis floruerunt domus"). In the imperial period, probably young men devoted themselves for a still longer period to attendance on those jurists who had the *jus respondendi*. These young men are the *juris studiosi* mentioned by Ulpian and others. Thus Ulpian calls Modestinus "studiosus meus." But, besides this practical training, a more systematic legal education was established under the empire.

Jurists taught law at fixed places—*stationes, jus publice docentium*—which were probably near the law courts (Gell. xiii. 10, 13). The Proculian and Sabinian schools may have been institutions of this kind, as has been already noticed. A class of teachers of law—called *professores, ἐξηγηταί, antecessores*—thus came into existence, who were entitled to a honorarium for their services.

The student went through a curriculum of study, being obliged to read prescribed books in a certain order. The plan of study was newly arranged by Justinian (cf. Rudorff, *Gesch. de R. R.* § 112; Const. Omnem). Law schools were gradually established in the principal cities of the empire, the principal ones in the time of Justinian being those at Constantinople, Rome, Berytus, Alexandria, and Caesarea.

(Pomponius, *de Origine Juris*, 1, 2; Roby, *Introduction to the Digest*, ch. vi.–xvi.; Muirhead, *Roman Law*, 262, 315–327; Paul Jörs, *Römische Rechtswissenschaft zur Zeit der Republik;* Sanio, *Zur Geschichte der röm. Rechtswissenschaft;* Karlowa, *Röm. Rechtsgeschichte*, § 61, &c.; Pernice, *M. Antistius Labeo;* Rudorff, *Röm. Rechtsgesch.* i. §§ 89–91; Filting, *Ueber das Alter d. Schriften der Juristen von Hadrian bis Alexander.*) [G. L.] [E. A. W.]

JURISDICTIO is the technical term to denote the power which belonged to a Roman king and magistratus of administering justice in suits between private persons (*inter privatos*); that is, in civil as opposed to criminal causes. This right was part of the imperium or supreme executive power of a Roman magistratus (cf. Dig. 2, 1, 3: "imperium cui jurisdictio in est"); accordingly jurisdictio (*jus dicere*) belonged to the officium of all the higher magistrates, who were invested with imperium, and was confined to these magistrates [IMPERIUM]. Thus the plebeian magistrates and the inferior magistrates of the Roman people, as the quaestor, did not possess it. An exception, however, was made to this principle in the case of the curule aediles, who were given jurisdictio in matters relating to the market [AEDILES]. Moreover municipal magistrates had jurisdictio without imperium (cf. Dig. 50, 1, 26: "quae magis imperii sunt quam jurisdictionis magistratus municipalis facere non potest"), and it was perhaps for the purpose of defining the

power of such magistrates that the term *jurisdictio* had a confined as well as a more general sense. The origin of the word *jurisdictio* is to be traced to the *legis actio* procedure of early times, the function of the magistratus in an action under it consisting in (1) *jus dicere*, i.e. defining the issue between the parties, and declaring it in formal words, which was jurisdictio in its earliest sense (Voigt, *Zwölf Taf.* i. § 54); (2) *judicium dare*, or *addicere*, the appointing of a judex for the purpose of inquiring into the facts in dispute between the parties; (3) *rem addicere*. Addictio belongs to that part of jurisdictio by which the magistratus himself makes a decree or judgment, by which he assigns a right to one of the parties to a suit: thus in the case of *in jure cessio* he is said *rem addicere* (Gaius, ii. 24). It is with reference to the three words *do, dico, addico*, that Varro (*L. L.* vi. 30) remarks that the praetor must use one of these words, "cum lege quid peragitur," *i.e.* when a *legis actio* is being carried on. (As to these *tria verba solemnia*, see E. Hartmann, *Der Ordo Judiciorum*, p. 17; Huschke, *Das alte römische Jahr*, p. 197; Karlowa, *Der röm. Civilprocess*, p. 275, &c., cited by Keller, *Civilpr.* ed. Wach.) Accordingly those days are called *nefasti* in which jurisdiction could not be executed, because the words of legal force could not be used (compare Ovid. *Fast.* i. 47; Macrob. *Saturn.* i. 16). The place of jurisdiction at Rome was the forum.

When the term *jurisdictio* is used in a strict sense, it signifies the *judicis datio*, or right of a magistratus to appoint a judex (cf. Dig. 2, 1, 3: "jurisdictio est etiam judicis dandi licentia"). The appointment of a judex was, however, only an act of jurisdictio in this strict sense, when it was done according to the regular course of procedure, as is illustrated by the division of actions into *judicia legitima* and *judicia quae imperio continentur* (Gaius, iv. 103; Poste's comm.). *Judicia legitima*, which belonged to jurisdictio, were actions prosecuted within Rome or within the first milliarium before a single judge (*unus judex*). Actions tried before recuperatores ["JUDICIUM"], or even before a single judex, if the judex or one of the parties was an alien, or beyond the first milestone, whether the parties were citizens or aliens, were *judicia quae imperio continentur*. Thus, while imperium when used in a general sense includes jurisdictio, every act of jurisdictio being an act of imperium, that part of the imperium which is not jurisdictio is imperium in the narrower sense in which it is opposed to jurisdictio. This opposition between jurisdictio and imperium relates to the formal character of the acts of a magistratus, and not to the subjects with which he deals. If he took cognisance of a civil cause acting according to established principles and forms, he exercised his jurisdictio; while, on the other hand, if he interfered in a more arbitrary way simply by virtue of his supreme power of command, it was an act of imperium. When he gave interdicts and other legal remedies by this latter means, he was said to be exercising *imperium merum*, which is of the same nature as jurisdictio: when the exercise of imperium had no relation to jurisdictio, it was *imperium merum*. Some acts of the magistratus were not attributed either to his imperium or jurisdictio, but to some special lex, senatusconsultum, or imperial constitution, as the *tutoris datio* (cf. Dig. 26, 1, 6, § 2: "Tutoris datio neque imperii est neque jurisdictionis, sed ei soli competit, cui nominatim hoc dedit, vel lex vel SS.C. vel princeps"). The term *jurisdictio* is, however, very commonly used in a wide sense, so as to signify the power of the magistratus to grant civil remedies of any kind. Ulpian notices that the term is improperly used in the edict in reference to the *cognitio extraordinaria*, whereby the magistratus decided certain cases himself by a decretum (Dig. 42, 1, 5, pr.: "melius scripsisset: cujus de ea re notio est").

The *jus edicendi* was used by the praetor for the purpose of administering his jurisdictio, and by this means he created many new remedies. Hence jurisdictio sometimes signifies the right of the praetor to declare law, and so to establish rights by his edict (cf. Inst. iv. 6, §§ 7, 8: "actiones, quae praetor ex sua jurisdictione introduxit"). *Praetoria jurisdictio*, i.e. edictal law, is found in opposition to *jus legitimum* (Cod. 6, 58, 15, pr.).

Jurisdictio was either *voluntaria* or *contentiosa* (Dig. 1, 6, 2). *Jurisdictio voluntaria* rendered valid certain acts done before the magistratus, such as adoption, emancipation, and manumission which involved a collusive action [CESSIO IN JURE], of the form of early procedure called *legis actio;* hence the phrase *magistratus apud quem legis actio est* for a magistrate with jurisdictio (Gell. v. 19, 3; Dig. 1, 7, 4, 16, 3; Cod. 8, 48, 1). *Jurisdictio contentiosa* had reference to contentious proceedings before a magistratus, which were said to be *in jure* as opposed to proceedings before a judex, which were said to be *in judicio*.

Magistratus appointed especially for military purposes, such as the dictator and magister equitum, could only exercise jurisdictio voluntaria, nor could jurisdictio contentiosa be exercised by a Roman magistratus outside Rome (cf. the phrase *jus Romae jus dicit*, which is equivalent to magistratus: Cic. *ad Fam.* xiii. 14; and thus, as Mommsen remarks, jurisdictio was separated from imperium militiae. The province of exercising jurisdictio in contentious proceedings was assigned to the office of praetor, when this magistratus was instituted; the consuls being prevented by statute from interfering in matters relating to jurisdictio, except in the negative form of intercessio [PRAETOR]. Jurisdictio contentiosa could be the subject of delegation (*mandata jurisdictio*); thus the praetor delegated jurisdictio to *praefecti*. The propraetores and proconsules exercised an independent jurisdiction in the provinces. (Dig. 2, 1; Bethmann-Hollweg, *Civilprocess*, ii. 70; Mommsen, *Staatsr.* i. 182 ff., ii. 1, 210 ff.) [E. A. W.]

JUS (in early Latin *jous*, from Sanskrit *yu* to join, and of the same root as *jubeo*, in early Latin *joubeo*) has the following legal senses: 1. law, or a system of law: 2. the place of declaring the law: 3. power or authority: 4. right to do a thing: 5. what is right or lawful = *justum*: 6, in the plural, rules of law, legal decisions, and so legal authority (Nettleship, *Contributions to Latin Lexicography*, s. v.: cf. Muirhead, *Roman Law*, sect. 7).

Jus, in its general signification, is law, and in this sense it includes all law, whether made by

statute or otherwise; but in a narrower sense it is opposed to lex, which is a special written enactment,—strictly, a transaction entered into between the magistratus and the populus (Nettleship, *Contributions*, etc., who thinks that the usages of lex are in favour of deriving it from *ligare*, to bind). Lex is sometimes used for law of any kind. Thus Cicero (*de Off.* iii. 5, § 23) opposes natura to leges, where he explains natura by the term jus gentium, and makes Leges equivalent to Jus Civile (see below). In the Partitiones (c. 37), he divides Jus into natura and lex; lex, in this sense, comprehending leges and all the other parts of the Jus Civile. In its special sense of a written enactment, lex is included in jus; but jus or jura, as distinguished from lex, may mean "the special provisions, lex the whole enactment containing them; or jura are special rules or provisions, lex a comprehensive written enactment; or jura may mean the general rules on which leges are subsequently framed" (Nettleship, *s. v.* Jus). So the provision of the Lex Julia de adulteriis, which forbade the alienation of the fundus dotalis, is thus referred to by Gaius (ii. 62), "quod quidem jus," "which rule of law" or "which law"—it being a law comprehended in another law which contained this provision. Gaius again (i. 47) speaks of the jura or legal provisions contained in the Lex Aelia Sentia. Thus, though lex, in its strict sense of a written enactment, is opposed to jus, and though jus is perhaps never used for a lex, still jus, or rather jura, may be used to express rules of law contained in a lex or a part of a lex. Jura, in the sense of rules of law, is of frequent occurrence, and is combined with the following verbs: describere, dicere, dare, ponere, reddere, petere (Nettleship, *l. c.*). For instance, Gaius speaks of jura as built up or established by the Responsa Prudentium ("responsa prudentium sunt sententiae et opiniones eorum quibus permissum est jura condere," i. 7). Jus is specially used to signify law as contained in the writings of the Jurists. Jus is sometimes opposed to judicium, a thing being said to be done in jure or in judicio, according as it was done before a magistratus or before a judex. [JUDICIUM.] Thus all matters of legal concern were said to be done "aut ad populum, aut in jure, aut ad judicem" (Plaut. *Menaech.* iv. 2, 18). The expression jus dicere is explained under JURISDICTIO. Jus, in the sense of the place "in quo jus redditur" (Dig. 1, 1, 11), is only an application of the name of what is done to the place in which it is done.

Jus was not only the general law of the state, but also the law which a superior, such as the head of a family, was entitled to administer to those subordinate to him. So persons are divided into those who are sui juris,—that is, independent persons; and those who are alieni juris—that is, subject to the law or rule of another. Hence jus signified that which binds, in the sense of power, authority, and from this sense came to mean a right to do a thing. Accordingly, Gaius says (iv. 3): "It is an actio in rem when we claim a corporeal thing as our own, or claim some jus as our own, such as a jus utendi, eundi, agendi." The meaning of a law generally, and of a legal right, are applied to jus by Cicero in the same sentence: "I, a man ignorant of the law (*imperitus juris*), seek to maintain my right (*meum jus*) by the Interdict" (*pro Caecin.* 11, § 32). As the several rules of law, which are often comprised in one lex, or which make up the whole body of Jus (Law), may be called Jura with reference to their object; so the several legal rights which are severally called jus, with reference to some particular subject, may be collectively called jura. Thus we find the phrase jura parentis to express all the rights that flow from the fact of legal paternity. The phrase jura praediorum, which is equivalent to servitutes, is explained under SERVITUS.

Jus sometimes means the entire property of a deceased person ("successio in jus demortui"—"in omne jus"—"heredes juris successores sunt").

Jus is also used to signify the bond or tie of relationship (Dig. 1, 1, 12: "Nonnunquam jus pro necessitudine accipimus, veluti est jus cognationis vel affinitatis").

The adjective justum often occurs in the Latin writers, in the sense of that which is consistent with Jus or Law, or is not contrary to law, and especially of that which is in accordance with jus civile as opposed to jus gentium. Thus it is justae nuptiae, marriage according to jus civile, if there is conubium between the two parties to the marriage. Jus, in its general sense of law, is opposed to fas; jus being law made by human authority, fas (from *fari*) what is declared by divine authority,—the will of the Gods. (Muirhead, *op. cit.* sect. 7.) The knowledge and determination of what was fas or nefas belonged to the pontifices, except that matters concerning international intercourse were regulated by the fetiales. But the distinction between fas and nefas, or between pium and impium, on the one side, and between justum and injustum on the other, was not clearly marked till the office of praetor was instituted; and so, till this time, the pontifices were the chief interpreters of jus as well as of fas. (Danz, *Lehrbuch*, &c., § 36.) Still, even after the separation of jus pontificium or sacrum from jus civile, there was a relation between these two branches of law: for instance, an adrogatio was not valid by the jus civile unless it was valid by the jus pontificium (Cic. *de Or.* iii. 33, 136; *Brut.* 42, 156; ADOPTIO), the pontifices having the supervision of privata as well as publica sacra. Again, as it was for the pontifices to determine whether a res was sacra, sancta, religiosa, or profana, so the law relating to res divini, as opposed to humani juris (Inst. ii. 1), was derived from jus sacrum, and continued to be partly under its sanction (Macrob. *Sat.* iii. 3;—Dig. 39, 3, 17, § 3; 11, 8, 5, § 1).

Those rules of fas which regulated the declaration of war, the conduct of war, and the making of treaties, are comprehended under the term Jus Fetiale. This jus prescribed the formalities which were observed by the Italian nations in their international intercourse (*jure gentium agere*). It derived its name from the fact that it was under the supervision of the fetiales, a class of priests who acted as the envoys of the state (*publici nuntii populi Romani—oratores*) in making a formal demand for satisfaction from other states (*clarigatio de rebus repetendis*), and in declaring war in case of refusal (Danz, § 36). The Romans sometimes used the expression jus gentium in a sense which nearly corresponds to the modern phrase Law of Nations, or, as it is more frequently called, International Law.

(Liv. ii. 14; vi. 1, "quod legatus in Gallos, ad quos missus erat, contra jus gentium pugnasset;" xxxviii. 48; Sall. *Jug.* 22; cf. Tac. *Ann.* i. 42—fas gentium.) The term jus belli (Cic. *de Legg.* ii. 14) is used in a similar sense.

The conduct of a Roman was regulated by boni mores as well as by jus and fas. Loyalty and obedience on the part of the dependent members of a family to their head (*obsequium et reverentia*), moderation in the use of their power on the part of superiors (*clementia*), chastity (*pudicitia*), and the observance of good faith in dealing with others (*bona fides*), were among the duties attributed to this source. As Mr. Muirhead (*Roman Law*, sect. 8) remarks, "The constant reference in the pages of both the lay and professional writers to infamia, ignominia, turpitudo, improbitas, as imposing disqualifications, shows how much store continued to be set, theoretically at least, on integrity of character." (See Voigt, *Zwölf Taf.* i. § 15.) The rules prescribed by boni mores were partly included in the sphere of jus, and partly lay outside it. Mores is also used in the sense of immorality (*mali mores*); that which positive morality disapproves of. Thus, in the matter of the dos, there was a retentio in respect of the mores graviores or majores, *i.e.* in cases of adultery (Ulp. *Fragm.* tit. 6). [Dos.]

The law of Rome was originally a body of customary law; and though it came in course of time to be based on statute, custom was still regarded as one of its original sources. This is the jus which is said to be moribus constitutum—not to be confounded with boni mores. The ultimate foundation of customary law was considered to be the common consciousness of the people of following a custom in obedience to a rule of law: the evidence of this conscibusness is usage—repeated and continued use—"longa, inveterata, diuturna, antiquitus probata et servata tenaciter consuetudo" (Dig. 1, 3, 32). Lex, statute, and mos (custom) are sometimes opposed to one another, as component parts of the jus civile, but different in their origin. Horace (*Carm.* iv. 5) speaks of "mos et lex." The actio injuriarum is said by Paulus (v. 4, 6) to have been introduced "aut lege aut more aut mixto jure." The Roman writers indeed frequently refer to a large part of their law as founded on mores, or on the mos majorum, and not on Leges (Quintil. *Inst. Orat.* v. 10). Thus Ulpian (Dig. 1, 6, 8) says that the jus patriae potestatis is moribus receptum.

The Jus Civile or civil law of Rome was divided into publicum and privatum by the Roman jurists (Dig. 1, 1, 1, § 2; Inst. i. 1, 4). Publicum jus is defined to be that which relates to the status rei Romanae, or the Romans as a state; privatum jus is that which relates "ad singulorum utilitatem," that is, to the interests of private individuals. The publicum jus is further said by Ulpian (*l. c.*) "in sacris, in sacerdotibus, in magistratibus consistere." (Cf. Cic. *de Or.* i. 46, 201, "publica quoque jura, quae sunt propria civitatis atque imperii.") According to this view, it comprehends the law of religion and constitutional law, and in fact all the rest of the jus civile which is not jus privatum; the latter comprehending the law of status and family law, the law of property and the law of civil procedure, which is the subject of the Institutes of Gaius and Justinian. The elementary treatise of Gaius does not mention this division. Justinian, in his Institutes, after making this division of jus into publicum and privatum, says, "We must therefore treat of jus privatum," from which it appears that he did not contemplate treating of Jus Publicum, though the last title of the fourth book is "de judiciis publicis," concerning criminal trials, which properly belong to the Jus Publicum.

The law of Rome appears to have been called in early times Jus Quiritium. The expression "populus Romanus, quirites," has given rise to much discussion. Becker (*Handb.* ii. 24) concludes that Romani and quirites are so far opposed that Romani is the historical and political name viewed with respect to foreign states, and quirites the political name as viewed with reference to Rome. According to Mommsen, the distinction between Romani and quirites (literally, lance-bearers) is that "where the locality was meant to be referred to 'quirites' was never used, but always Rome and Romans (urbs Roma, populus, civis, ager Romanus), because the term quiris had as little of a local meaning as civis or miles. For the same reasons these designations could not be combined: they did not say civis quiris, because both denoted, though from different points of view, the same conception in law. On the other hand, the solemn announcement of the funeral of a burgess ran in the words, 'this warrior has been consigned to death' (*ollus quiris leto datus*); and in like manner the party aggrieved employed the word in calling the burgesses to aid him (*quiritare*): the king addressed the assembled community by this name; and when he sat in judgment, he spake according to the law of the warrior freemen (*ex jure quiritium*) quite similar to the later *ex jure civili*. The phrase 'populus Romanus, quirites' thus means the community and the individual burgesses" (Mommsen's *Hist. of Rome*, Dickson's transl., ed. 1867, i. 78). Accordingly jus quiritium was equivalent to jus civium, jus civile. Jus quiritium may also mean the entire rights of a Roman citizen, being equivalent to civitas (Gaius, i. 32 c, 33, 35). Jus quiritium is frequently used in connexion with ownership in the expressions dominus, dominium ex jure quiritium; that is, ownership according to the law of the quirites, or jus civile. A lance was the symbol of such ownership. Quiritary ownership was contrasted with ownership in bonis, which was praetorian ownership. [Dominium.]

"All people," says Gaius (i. 1), "who are governed by leges and mores use partly their own law (jus), partly the law (jus) that is common to all mankind; for the law (jus) which a state establishes for itself is peculiar to such state, and is called jus civile, as the peculiar law (jus) of that state. But the law (jus) which natural reason (naturalis ratio) has established among all mankind is equally observed by all people, and is called jus gentium, as being that law (jus) which all nations follow. The Roman populus therefore follows partly its own peculiar law (suum proprium jus), partly the common law (commune jus) of all mankind."

According to this view, Roman law (jus) is distributed into two parts, jus gentium and jus civile, and the whole body of law peculiar to any

state is its jus civile (Cic. *de Orat.* i. 44, § 197). As we see in the Institutes, this was only a division of jus privatum; the Roman private law, therefore, which is peculiar to the Roman state, is its jus civium, or jus civile, that part of Roman law which might also be the law of other communities, was the jus gentium.

The jus gentium is here viewed by Gaius as springing out of the naturalis ratio common to all mankind, which is still more clearly expressed in another passage (i. 189), where he uses the expression "omnium civitatium jus" as equivalent to the jus gentium, and as founded on the naturalis ratio. In other passages he founds modes of acquisition of property, which are not peculiarly Roman in character, on naturalis ratio, and in other places he derives such acquisitions from naturale jus, the naturale jus being the product of naturalis ratio (cf. ii. 65, 66, 69, 73, 79). He founds cognatio, blood relationship, on naturalis ratio, and agnatio on civilis ratio, as being a purely Roman institution (i. 158). In two passages in the Digest (i. 8) he calls the same thing naturale jus in § 2, and jus gentium in § 3, 5 (compare Gaius, iii. 132). The naturale jus and the jus gentium are therefore treated by Gaius as identical (Savigny, *System*, u. s. w. i. 113). Thus Gaius considers jus gentium, as being the law of natural reason, to be older than the jus civile, which is law peculiar to a particular state (Dig. 41, 1, 1, pr.; cf. Inst. ii. 1, 11).

But other Roman jurists distinguished jus naturale, the law taught by nature, and so common to men at all times and in all places, from the jus gentium or gentile law of positive enactment.

There were, in fact, legal institutions, especially the important institution of slavery, which could not be reconciled with the identification of jus naturale and jus gentium (cf. Inst. i. 3, 2: "Servitus autem est constitutio juris gentium, qua quis dominio alieno *contra naturam* subjicitur").

Ulpian makes the threefold division of jus—jus civile, jus gentium, jus naturale; but his conception of jus naturale is one which was apparently peculiar to this jurist, though it is unfortunately adopted by Justinian in his Institutes (Inst. i. 2, pr.). "Jus naturale," according to Ulpian, "est, quod natura omnia animalia docuit. Nam jus istud non humani generis proprium est, sed omnium animalium, quae in caelo, quae in terra, quae in mari nascuntur. Hinc descendit maris atque feminae conjugatio, quam nos matrimonium appellamus, hinc liberorum procreatio et educatio: videmus etenim cetera quoque animalia istius juris peritia censeri." The foundation of this conception seems to have been a theory of the progress of mankind from what is termed a state of nature, first to a state of society and then to a condition of independent states. This definition had, however, no practical application, and must be viewed merely as a curious theory. Absurd as it appears at first sight, it is capable, according to Savigny, of a reasonable explanation, who shows that Ulpian does not mean to say that beasts have law, but only that they have the matter from which law springs; that is, some of those natural relations on which legal relations are founded exist among beasts as well as men. Such natural relations are those by which the species is propagated. (See also Puchta's remarks, *Inst.* i. § 9, note a.) In the Institutes the two divisions are confounded (1, 2, de jure naturali, gentium, et civili); for the explanation of jus naturale is first taken from the threefold division of Ulpian, and then the jus gentium and jus civile are explained according to the twofold division of Gaius already quoted, so that we have in the same section the jus naturale explained in the sense of Ulpian, and the jus gentium explained in the sense of Gaius, as derived from the naturalis ratio. Further, in the second book (tit. 1, 11) the jus naturale is explained to be the same as the jus gentium, and the jus naturale is said to be coeval with the human race.

The origin of the opposition between jus gentium and jus civile was not a speculative notion, nor did it originate with the jurists, though they gave it a theoretical form. The jus gentium appears to have been in its origin a body of rules which the praetor recognised as governing the relations of aliens at Rome with one another and with Roman citizens, the jus civile being only applicable to cives. It is probable that till some time after the enactment of the Twelve Tables, aliens were incapable of entering into any transaction which could be legally enforced, but the growth of commerce and the settlement of foreigners at Rome during the fifth and sixth centuries occasioned the establishment of a special law, distinguished from the jus civium by its informal and equitable character, treating all freemen as on an equality without consideration of political status. This new law, the jus gentium, was perhaps at first confined to transactions in which aliens were interested, but it soon came to be applied also to the relations of cives; and accordingly Roman private law was composed of two parts, the jus civile or law of cives exclusively, and the jus gentium, the general law of free persons. Jus gentium, then, was law in positive force among the Romans, devoid of national peculiarities by reason of its origin, and so having much in common with law elsewhere, though not, as one might suppose from the language of Gaius, the law actually prevailing in all communities.

The jus gentium was chiefly introduced by the Edictum—as the law of peregrini by the Edict of the Praetor peregrinus and the Edicta Provincialia, and as the general law of Rome by the Edictum of the Praetor urbanus, and by means of leges and responsa prudentium. The conception of the jus naturale was a philosophical one derived from Greece. The preference which the jurists showed to the jus gentium over the jus civile was partly due to the fact that they conceived it to be more in harmony with the law taught to man by an indwelling natural reason (naturalis ratio). Thus the tendency of the jus gentium to supersede the jus civile, instead of existing alongside of it as a parallel institution, was partly due to the influence of the prudentes, the effect of this change being to deprive Roman law to a great extent of its distinctively Roman character.

(For the origin and nature of the jus gentium, see Voigt, *Das Jus Naturale*, &c.; Muirhead, *Roman Law*, § 42; Nettleship in *Journ. of Philol.*

xiii. 169 ff.; *Contributions to Latin Lexicography*, s. v.)

Jus Civile is opposed to the jus praetorium or honorarium [EDICTUM]; and the opposition consists in the opposition of the means or form by which the two severally obtained an existence; whereas the opposition of jus civile and jus gentium is founded on the internal character of the two kinds, and the extent of their application.

The terms jus scriptum and non scriptum, as explained in the Institutes (i. 2), comprehended the whole of the private law of Rome (Dig. 1, 1, 6). Jus scriptum signified all law embodied in writing, whatever its source might be, and so in the later history of Roman law comprehended all except customary law (quod usus comprobavit). The sense in which written and unwritten law has been used by English writers is hardly the same as the Roman sense. Hale says (*Hist. of the Common Law*, p. 2): "Those laws that I call leges scriptae are such as are originally reduced into writing before they are enacted." Hale applies his definition only to statutes or acts of Parliament; but it is equally applicable to any rules which are promulgated in writing, and have the force of law or of a law, by virtue of authority delegated to those who make such rules. The division of jus scriptum and jus non scriptum does not appear in Gaius, custom not being mentioned by him as a source of law, but he enumerates the other sources of law which are included by Justinian under the head of jus scriptum.

"Law," says Gaius (i. 2), meaning the Roman private law (jura), "is composed of leges, plebiscita, senatusconsulta, constitutiones principum, the edicta of those who have the jus edicendi, and the responsa prudentium."

This is a division of law merely according to its formal origin. The divisions enumerated by Cicero (*Top.* 5, 28) are "leges (which include plebiscita), senatusconsulta, res judicatae, jurisperitorum auctoritas, edicta magistratuum, mos, aequitas."

The subject-matter of private law is distributed by Gaius, and Justinian in the Institutes, under the heads of the Law of Persons (Jus Personarum); the Law of Things, which is expressed by the phrase "jus quod ad res pertinet;" and the Law of Actions, "quod ad actiones pertinet." In his first book Gaius treats of the Law of Persons in the sense explained in the article INSTITUTIONES; in the fourth he treats of the Law of Actions; and accordingly the second and third contain the Law of Things —that is, the law of property. [INSTITUTIONES.] [G. L.] [E. A. W.]

JUS AEDILI'TIUM. [AEDILES; EDICTUM.]

JUS AELIA'NUM was a compilation by Sextus Aelius Paetus, called Catus "the shrewd" (Gell. iv. 1, § 20), who was aedile B.C. 200, consul 198, censor 193 (Liv. xxxi. 50; xxxii. 7; xxxv. 9), and who is described by his contemporary Ennius as "egregie cordatus homo Catus Aelius Sextus." He is also frequently mentioned with praise by Cicero (*Brut.* 20, 78; *de Rep.* i. 18, 30; *de Or.* i. 45, 198, iii. 33, 133). According to Pomponius (Dig. 1, 2, 2, § 7), the Jus Aelianum was composed not long after the publication of the Jus Flavianum, in order to supply certain kinds of action which were required "quia durant quaedam agendi genera, alias actiones composuit et librum populo dedit, qui appellatur Jus Aelianum." In another paragraph (§ 38) of the same title of the Digest we learn from Pomponius that Sextus Aelius was the author of a work called *Tripertita*, which contained the law of the Twelve Tables, the juristical interpretations of that law (*interpretatio*), and the *legis actiones*. This collection of early law was still in existence when Pomponius wrote.

It is a question whether *Tripertita* and *Jus Aelianum* are only two names for the same book, or whether they signify two distinct compilations. Cicero speaks of some commentarii of Aelius (*de Or.* i. 56, 240; *Top.* 2, 10), which may or may not be identical with the *Tripertita* or *Jus Aelianum* mentioned by Pomponius. (Huschke, *Zeitschr. f. gesch. Rechtsw.* xv. 177; Karlowa, *Rechtsgesch.* i. p. 475; Krüger, *Gesch. d. Quellen* u. s. w.; Roby, *Introduction to the Digest*, ch. vii. p. xciii.) [G. L.] [E. A. W.]

JUS ANULO'RUM. [ANULUS.]

JUS APPLICATIO'NIS. [EXSILIUM.]

JUS CIVI'LE. [JUS.]

JUS CIVI'LE FLAVIA'NUM. Appius Claudius Caecus, who was censor B.C. 312, is said to have drawn up a book of actiones or forms of procedure, with a calendar of days on which actions might or might not be tried: this was made public by his clerk, Cn. Flavius, and was known as the Jus Flavianum (Cic. *de Or.* i. 41, 186). According to one story (Dig. 1, 2, 7), Flavius surreptitiously obtained possession of the book of Appius, and was rewarded by the people for his services by being made tribunus plebis and curule aedile. The effect of this publication was to extend the knowledge and the practice of the law to the plebeians, and to separate to some extent the jus civile from the jus pontificium. This reform was almost contemporaneous with the opening of the pontificate to the plebeians by the Lex Ogulnia. (Liv. ix. 45; Cic. *pro Mur.* 11, 25, *ad Att.* vi. 1, 8; Plin. *H. N.* xxxiii. § 17; Macrob. i. 15, 9; Gellius vii. (vi.) 9; cf. Danz, *Lehrbuch der Gesch. des röm. Rechts*, i. § 49; Karlowa, *Rechtsgesch.* i. p. 475; Krüger, *Geschichte d. Quellen.*) [G. L.] [E. A. W.]

JUS CIVI'LE PAPIRIA'NUM is said by Pomponius to have been a compilation of the Leges Regiae or laws passed in the kingly period of Rome, and to have derived its name from Papirius, its compiler. There is great doubt as to the exact character of this compilation of Papirius, and as to the time when it was made. It seems to have consisted of rules of law prescribed by the pontifices, concerning *fas* and *nefas*. [JUS.] There was a tradition that the Leges Regiae were written on wooden tablets by command of king Ancus, and exposed to public view in the market-place (Liv. i. 32; Dionys. iii. 36). The tablets, as the story goes, were destroyed after the expulsion of the kings, but new ones were subsequently set up by the Pontifex Maximus C. Papirius, which were burnt in the Gallic conflagration. Henceforth the Leges Regiae were kept secret by the pontifices, till they were published as the Jus Papirianum, the title being derived from their original compiler. This improbable account is all the information which we have respecting

the authenticity of the Leges Regiae. Even the name of the compiler of the Jus Papirianum is not certain, as he is variously called Caius, Sextus, and Publius. There is no reference to such a compilation in Varro or Cicero. It was, however, commented on by Granius Flaccus in the time of Julius Caesar (Dig. 50, 16, 144), and from this time seems to have been regarded as a source of law respecting religious observances. The compilation was probably made by some private jurist at the end of the republic. (Mommsen, *Staatsr.* ii. 41–44 (ed. 1877); Karlowa, *Rechtsgesch.* i. 106; Voigt, *Die Leges Regiae*; Bruns, *Fontes*, § 1, &c.)

[G. L.] [E. A. W.]

JUS CIVITA'TIS. [CIVITAS.]

JUS COMME'RCII. [CIVITAS.]

JUS CONU'BII. [CIVITAS.]

JUS EDICENDI. [EDICTUM.]

JUS GENTILI'TIUM. [GENS.]

JUS GE'NTIUM. [JUS.]

JUS HONORA'RIUM. [EDICTUM.]

JUS HONO'RUM. [CIVITAS.]

JUS IMA'GINUM. [NOBILES.]

JUS ITA'LICUM. [COLONIA.]

JUS LA'TII. [CIVITAS.]

JUS LIBERO'RUM. [LEX JULIA; LEX PAPIA POPPAEA.]

JUS NATURA'LE. [JUS.]

JUS PONTIFI'CIUM. [JUS; PONTIFEX.]

JUS POSTLI'MINII. [POSTLIMINIUM.]

JUS PRAEDIATO'RUM. [PRAES.]

JUS PU'BLICUM, PRIVA'TUM. [JUS.]

JUS QUIRI'TIUM. [CIVITAS; JUS.]

JUS RELATIO'NIS. [SENATUS.]

JUS RESPONDENDI. [JURISCONSULTI.]

JUS SCRIPTUM. [JUS.]

JUS SUFFRA'GII. [CIVITAS.]

JUS, VOCA'TIO IN. [ACTIO.]

JUSJURANDUM (*ὅρκος*), an oath. **1.** GREEK. An oath is an appeal to some superior being, calling on him to bear witness that the swearer speaks the truth, or intends to perform the promise which he makes (*μετὰ θείας παραλήψεως*, Anaxim. *Ars Rhet.* 17; Clem. Alex. *Strom.* vii. 8). Hence the expression *ἴστω Ζεύς, θεὸς ἴστω*, and others of the same import, so frequently used in the taking of oaths (Soph. *Trach.* 399; *Ant.* 184; *Oed. Col.* 521;—St. Paul, *Ep. Galat.* i. 20). It is obvious that such an appeal implies a belief not only in the existence of the being so called upon, but also in his power and inclination to punish the false swearer; and the force of an oath is founded on this belief.

1. By whom did the Greeks swear? Sometimes all the gods were invoked: *ὀμνύω τοὺς θεοὺς καὶ τὰς θεὰς ἅπαντας καὶ ἁπάσας* (Dem. *c. Conon.* p. 1269, § 41), *πρὸς θεῶν Ὀλυμπίων* (Lys. *c. Agorat.* § 95, *de bon. Aristoph.* §§ 33, 54; Isae. *Philoct.* § 58), *μὰ τοὺς θεούς* ([Lys.] *Accus. adv. Famil.* § 18), *πρὸς θεῶν καὶ δαιμόνων* (Isae. *Menecl.* § 47), *ὦ Ζεῦ καὶ θεοὶ πάντες* (Antiph. *Sup. Chor.* § 40; Dem. *F. L.* p. 345, § 16), *ὦ γῆ καὶ θεοί* (Dem. *c. Boeot.* i. p. 1000, § 21). At other times the occasion suggested a special deity: thus, Iphigeneia the priestess swore by Artemis (Eur. *Iph. Taur.* 728); Menelaus bids Antilochus swear by Poseidon (the equestrian god), the subject being on horses (*Il.* xxiii. 584; cf. Aristoph. *Nub.* 83): cf. *νὴ τὸν Δία τὸν Ὀλύμπιον καὶ τὸν Ἀπόλλω* (Aeschin. *c. Tim.* § 83; Isae. *Philoct.* § 61), *μὰ τὸν Δία τὸν Ὀλύμπιον* (Aeschin. *c. Tim.* § 55), *μὰ τὸν Δία* ([Lys.] *c. Andoc.* §§ 7, 32, 38), *μὰ Ἀπόλλωνα* (*Il.* i. 86; see Lys. *c. Theomn.* i. § 17), Helios (Eur. *Herc. Fur.* 857), *νὴ τὴν Ἥραν* (Plat. *Phaedr.* p. 230 B), *νὴ τὴν Ἀθηνᾶν* (Lyc. *c. Leocr.* § 75), *νὴ τὴν Δήμητρα* (Dem. *F. L.* p. 425, § 262; *Olynth.* iii. p. 37, § 32), etc. Women too had their favourite oaths: *μὰ τὼ θεώ, i.e.* Demeter and Persephone (Aristoph. *Eccles.* 156), *νὴ τὴν Ἀφροδίτην* (Aristoph. *Eccles.* 189 ff.: cf. Plat. *Symp.* p. 183 B, *ἀφροδίσιον ὅρκον οὔ φασιν εἶναι*), etc. The Lacedaemonians swore by Castor and Pollux (*ναὶ τὼ σιώ*, Xen. *Hell.* iv. 4, 10; Plut. *Mor.* p. 189 F; Aristoph. *Lys.* 148), the Boeotians by Hercules and Iolaus (Aristoph. *Acharn.* 860, 867), the Corinthians by Poseidon (Aristoph. *Eq.* 609, etc.), the Athenians principally by three deities (so Draco ordained, *Schol. Venet. B.* on *Il.* xv. 36; cf. Pollux, viii. 142, *τρεῖς θεοὺς ὀμνύναι κελεύει Σόλων*), viz. Zeus, Poseidon, and Athena (*Schol. Venet.* l. c.), or Zeus, Poseidon, and Demeter (decree of the deme Aexone in *Mitth. d. a. Inst. Ath.* iv. p. 201; Dem. *c. Timocr.* p. 747, § 151, *jusjurandum*, and *Schol. Venet.* l. c.), or Zeus, Apollo, and Demeter (Dem. *c. Callipp.* p. 1237, § 9; Aristoph. *Eq.* 941; *C. I. A.* i. No. 9, ii. No. 578; Pollux, viii. 122; Schol. Aeschin. *c. Tim.* § 114), or Zeus, Apollo, and Athene (Dem. *c. Mid.* p. 578, § 198); see also Plat. *de Leag.* xi. p. 936 E; Aesch. *Sept.* 42 ff. But the Greeks also swore by whatever was dear and sacred to them: Achilles swears by his sceptre (*Il.* i. 234), Telemachus by the sorrows of his father (*μὰ Ζῆν' . . . καὶ ἄλγεα πατρὸς ἐμοῖο, Od.* xx. 339), Helena to her husband by his head (Eur. *Hel.* 835; cf. *Hippol.* 605), friends to one another by their friendship (Xen. *Cyrop.* vi. 4, 6), warriors by their weapons (Eur. *Phoen.* 1677), Demosthenes by the ancestors who fought at Marathon, etc. (*de Cor.* p. 297, § 208; cf. [Longin.] *de Sublim.* 16), the disciples of Pythagoras by their master (Plut. *Mor.* p. 877 A), etc. The god, however, by whom the most solemn oaths were sworn, was Zeus (*ὅρκιος*, Soph. *Philoct.* 1324, *Trachin.* 1188; Eur. *Hippol.* 1025, *Med.* 208; Apoll. Rhod. 4, 95; *ὃς ὅρκων θνητοῖς ταμίας νενόμισται*, Eur. *Med.* 171); by his head (*Hymn. in Mercur.* 274), or by the Styx (the most terrible oath the gods swear, *Il.* xv. 36 ff., *Od.* v. 184 ff.). Zeus punishes the violation of oaths (Aristoph. *Nub.* 397; cf. Paus. v. 24, 2), and Dike is seated by his side (*ξύνεδρος Ζηνός*, Soph. *Oed. C.* 1381; [Dem.] *c. Aristog.* i. p. 772, § 11). The poets frequently allude to the punishment of perjury after death (*Il.* xix. 260, iii. 279; Pind. *Ol.* 2, 71; cf. Aristoph. *Ran.* 275), and we find many proofs of a persuasion that perjurers would not prosper in this world (Lyc. *c. Leocr.* § 79; Polyb. iv. 33, 3; Hesiod, *Op. et Dies*, 285, etc.). One of the most striking is the story told by Leotychides to the Athenians, of Glaucus the Spartan, who consulted the Pythian oracle whether he should restore a deposit, or deny on oath that he had ever received it; and who, for merely deliberating upon such a question, was cut off with his whole family (Herod. vi. 86; cf. Theogn. 199 ff.; Juv. *Sat.* xiii. 199 ff.).

2. As to the customs observed in taking an oath. Anciently the prince who took an oath stood up (*Il.* xix. 175), raised his sceptre (*Il.*

vii. 412; x. 231, etc.), and lifted up his eyes and hands to heaven, as he would in prayer (*Il.* xix. 257; Pind. *Ol.* 7, 65); for an oath was a species of prayer, and required the same sort of ceremony. Oaths were accompanied with sacrifice and libation; the victims (Plut. *Pyrrh.* 6) on such occasions were not eaten (Paus. v. 24, 2), but either buried in the ground or thrown into the sea (Schol. to *Il.* iii. 310; xix. 268), and the wine used was undiluted (*Il.* iii. 269 and Schol.; ἄκρητοι σπονδαί, *Il.* iv. 159 and Schol.: cf. Spengel, *Herm.* 1880, p. 330). Those who swore laid their hands on the victims (προσλαβοῦ μοι τοῦ κάπρου, Aristoph. *Lysistr.* 202; ὀμνύναι καθ' ἱερῶν, Isae. *Apollod.* § 28; Dem. *c. Eubul.* p. 1306, § 26; [Dem.] *c. Neaer.* p. 1365, § 60, etc.; Suid. *s. v.* βοῦς ὁ Μολοττῶν: Bernhardy, p. 1027), or on the altar (λαβόμενος τοῦ βωμοῦ, Andoc. *Myst.* § 126; πρὸς τὸν λίθον ἄγοντες, Dem. *c. Conon.* p. 1265, § 26, and Harpocr. *s. v.* λίθος: cf. also Pericles' saying, μέχρι τοῦ βωμοῦ φίλος εἰμί, Plut. *Mor.* p. 186 C; Gellius, *N. A.* i. 3, 20), or on the heads of their children (κατὰ παίδων, Dem. *c. Conon.* p. 1270, § 40; *c. Aphob.* iii. p. 852, § 26; Lys. *c. Diogit.* § 13), pronouncing a solemn form of imprecation (Lys. *c. Eratosth.* § 10; Dem. *c. Conon.* p. 1270, § 41; Aeschin. *c. Tim.* § 114; Aristoph. *Eq.* 660). The alliance between Hercules and the sons of Neleus is confirmed by oath, ἐπὶ τομίων κάπρου (Paus. iv. 15, 4; see iii. 20, 9, ἐπὶ τοῦ ἵππου τῶν τομίων: cf. Aristoph. *Lysistr.* 192, and Plut. *Pyrrh.* 6); the Greeks and Ariaeus took an oath to be true allies after sacrificing a bull, a wolf, a boar, and a ram over a shield (Aristoph. *Lysistr.* 188), the Greeks dipping their swords and the barbarians their lances into the blood (Xen. *Anab.* ii. 2, 9; cf. Herod. iv. 70, on the rites of the Scythians). The Phocaeans, before setting out for Cyrnus, invoked the heaviest curses on the man who should draw back from the expedition, and, having dropped a red-hot mass of iron into the sea, swore never to return to Phocaea till that mass reappeared upon the surface (Herod. i. 165; Hor. *Epod.* 16, 17 ff.; and Suid. *s. v.* Φωκαέων ἀρά: cf. Plut. *Arist.* 25). Valckenaer (*Opusc.* i. p. 27 ff.) tries to prove, from *Hymn. in Vener.* 27 and Soph. *Trach.* 1180 ff., that it was customary to touch the head of the person to whom the promise was made: certain it is that the hands were joined in making agreements and contracts (*Il.* iv. 158 ff.; Soph. *Philoct.* 803; Eur. *Iph. Aul.* 57, 471; *Med.* 496;—Xen. *Anab.* vii. 3, 1; ii. 4, 1). To make the taking of an oath more impressive, it was done sometimes in temples or other localities sacred to popular belief. Thus at Athens, in the temple of Athena on the Acropolis (Andoc. *de Myst.* § 42; Isocr. *Trap.* § 20; Dem. *pro Phorm.* p. 949, § 15; cf. Lys. *c. Diogit.* § 13); at Sparta, in the temple of Athena Chalcioecus (Plut. *Mor.* p. 218 D); in Arcadia, near the Styx, not far from Nonacris (Herod. vi. 74); at Haliartus, in the temple of the Praxidicae (Paus. ix. 33, 2); at Syracuse, in the temple of Demeter and Persephone (Plut. *Dion*, 56); at Gortyn, near the Amyclaean temple (*Gort. Code*, iii. l. 8), etc.

3. The occasions when oaths were taken. We find early mention in the Greek writers of oaths being taken on solemn and important occasions, as treaties, alliances, vows, compacts, and agreements, both between nations and individuals. Thus, when the Greeks and Trojans agree to decide the fate of the war by a single combat between Menelaus and Paris, they ratify their agreement by an oath (*Il.* iii. 276). The alliance between Croesus and the Lacedaemonians is confirmed by oath (Herod. i. 69). So in the treaty between the Medes and Lydians, whose rites in swearing (as Herodotus tells us, i. 74) were the same as those of the Greeks, with this addition, that they made an incision in their arms and tasted each other's blood (cf. Tacitus, *Ann.* xii. 47). We may further notice the alliance between Athens, Argos, Mantinea, and Elis, upon which every state was to swear, τὸν ἐπιχώριον ὅρκον τὸν μέγιστον κατὰ ἱερῶν τελείων (Thuc. v. 47); such treaties were as a rule cut in στῆλαι, together with the imprecations upon perjurers, and such στῆλαι were set up in or near temples (*C. I. G.* No. 2554, 2555): a part of the original monument from which Thucydides copied was discovered lately near the Dionysiac theatre (*C. I. A.* iv. No. 46[b], and Hicks, *Manual*, No. 52. See also Thuc. v. 18, 23); the oath of the Amphictyons (Aeschin. *c. Ctes.* § 109); the vow of the Ionian women (Herod. i. 146); of the Acarnanians (Polyb. ix. 40, 4; Liv. xxvi. 25), etc. Every new constitution, every settlement of party feuds, had to be confirmed and ratified by an oath. Thus the senate collectively and the archons individually swore to observe Solon's laws with fidelity for the space of ten years (Plut. *Sol.* 25; see also Herod. i. 29); when, after the overthrow of the Four Hundred, the democracy was restored at the beginning of the archonship of Glaucippus, Demophantus proposed and carried a decree prescribing the form of an oath to be taken by all Athenians to stand by the democratical constitution (Andoc. *de Myst.* § 97 f.; cf. Lyc. *c. Leocr.* § 127, and Dem. *c. Lept.* p. 505, § 159, τῆς Δημοφάντου στήλης); see also the additions to the oaths taken by the senate and by the dicasts (Andoc. *de Myst.* § 91). The security which an oath was supposed to confer induced the Greeks, as it has people of modern times, to impose it as an obligation upon persons invested with authority, or entrusted with the discharge of responsible duties. The Athenians, with whom the formalities of legislation were carried to the greatest perfection, were, of all the Greek states, the most punctilious in this respect. The youth after having completed his seventeenth year was not allowed to assume the privileges of a citizen and to be registered in the ληξιαρχικὸν γραμματεῖον without taking a solemn oath in the temple of Aglaurus (Dem. *F. L.* p. 438, § 303; Plut. *Alcib.* 15; Pollux, viii. 105: the Schol. to Dem. *l. c.* explains the reason why in the temple of Aglaurus). For the oath itself, cf. Pollux, viii. 105, Stob. *Floril.* 43, 48, and Lyc. *c. Leocr.* § 76 f.; see also the oath sworn by all the Greeks at Plataeae (Lyc. *c. Leocr.* § 80 f., μιμησάμενοι τὸν παρ' ὑμῖν εἰθισμένον ὅρκον: cf. Diod. xi. 29; Isocr. *Panegyr.* § 156). All ἀρχαὶ were required to bind themselves by an oath to perform their respective duties (Lyc. *c. Leocr.* § 79, yet see Hermann, *Staatsalt.* i. § 154, 1; cf. [Xenoph.] *Rep. Laced.* 15, on the oaths of the kings and ephors in Sparta). The archons first took the oath at the βασίλειος στοά (ἐπὶ τοῦ λίθου ἐφ' οὗ τὰ τόμια συός,

φυλάξειν τοὺς νόμους καὶ μὴ δωροδοκήσειν ἢ χρυσοῦν ἀνδριάντα ἀποτῖσαι, Pollux, viii. 86, as emended by Bergk, *Rhein. Mus.* 1878, p. 448 ff.: cf. Plat. *Phaedr.* p. 235 D; Heracl. *Polit. quae extant*, ed. Schneidewin, p. 5, 15, and Plut. *Sol.* 25), and repeated it on the Acropolis (Pollux, *l. c.*). Part of the oath of the στρατηγοί is quoted by Lys. *pro Mil.* § 15, τοὺς ἀστρατεύτους καταλέξειν: as we learn from Plut. *Per.* 30, on the motion of Charinus a clause was added to the oath in B.C. 431: ὅτι καὶ δὶς ἀνὰ πᾶν ἔτος εἰς τὴν Μεγαρικὴν ἐμβαλοῦσιν, cf. Thuc. iv. 66; they took their oath (Dinarch. *c. Philocl.* § 2) μεταξὺ τοῦ ἕδους (*i.e.* the ἄγαλμα of Athena Polias: Bekk. *Anecd.* p. 246, 3) καὶ τῆς τραπέζης (on which the myrtle branches lay: Pollux, x. 69; Gilbert, *Staatsalt.* i. p. 212, n. 1). The oath of the judges of the games is mentioned in Dem. *c. Mid.* p. 520, § 17; p. 535, § 65; [Andoc.] *c. Alcib.* § 21; Plut. *Cim.* 8; Aristoph. *Eccles.* 1160 (cf. the oath of the athletes in Paus. v. 24, 2, δέκα ἐφεξῆς μηνῶν ἀπηκριβῶσθαί σφισι τὰ πάντα ἐς ἄσκησιν). We know portions of the βουλευτικὸς ὅρκος from various sources: κατὰ τοὺς νόμους βουλεύσειν (Xen. *Mem.* i. 1, 18), τὰ βέλτιστα βουλεύσειν τῷ δήμῳ τῷ Ἀθηναίων ([Dem.] *c. Neaer.* p. 1346, § 4; Lys. *c. Philon.* §§ 1, 31; *c. Nicom.* § 10), not to divulge the discussions at secret sittings (Lys. *c. Philon.* § 31; *c. Agor.* 21;—[Dem.] *c. Aristog.* i. p. 776, § 23; Aristoph. *Eccles.* 442 ff.), ἀποφαίνειν εἴ τίς τινα οἶδε τῶν λαχόντων ἀνεπιτήδειον ὄντα βουλεύειν (Lys. *c. Philon.* § 2), οὐδὲ δήσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελοῦντας πλὴν ἐάν τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνιὼν ἁλῷ, ἢ τέλος τι πριάμενος ἢ ἐγγυησάμενος ἢ ἐκλέγων μὴ καταβάλλῃ (Dem. *c. Timocr.* p. 745, § 144; p. 746, § 147; p. 747, § 151;—Andoc. *Myst.* § 93: cf. [Andoc.] *c. Alcib.* § 3). In the archonship of Glaucippus in B.C. 410–409 was added, καθεδεῖσθαι ἐν τῷ γράμματι ᾧ ἂν λάχωσι (Philochorus, *fr.* 119 = Schol. Aristoph. *Plut.* 972: cf. Gilbert, *Beitr. z. innern Gesch. Athens*, p. 348 ff.); and in the archonship of Eucleides, οὐ δέξομαι ἔνδειξιν οὐδὲ ἀπαγωγὴν ἕνεκα τῶν πρότερον γεγενημένων πλὴν τῶν φυγόντων (Andoc. *de Myst.* § 91; Taylor, *Lect. Lysiac.* p. 325). Fraenkel (*Hermes*, 1878, p. 452 ff.; see also Westermann, *de iusiur. iudic. Athen. formula*, and *Att. Process*, ed. Lipsius, p. 153) restores the oath of the Heliastic dicasts (Dem. *c. Timocr.* p. 746, § 149) as follows: ψηφοῦμαι κατὰ τοὺς νόμους καὶ τὰ ψηφίσματα τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς τῶν πεντακοσίων, περὶ δ' ὧν ἂν νόμοι μὴ ὦσι γνώμῃ τῇ δικαιοτάτῃ, καὶ οὔτε χάριτος ἕνεκ' οὔτ' ἔχθρας. καὶ ψηφοῦμαι περὶ αὐτῶν ὧν ἂν ἡ δίωξις ᾖ καὶ ἀκροάσομαι τῶν τε κατηγορούντων καὶ τῶν ἀπολογουμένων ὁμοίως ἀμφοῖν. ὄμνυμι ταῦτα νὴ τὸν Δία, νὴ τὸν Ἀπόλλω [or Ποσειδῶ], νὴ τὴν Δήμητρα καὶ εἴη μέν μοι εὐορκοῦντι πολλὰ καὶ ἀγαθά, ἐπιορκοῦντι δ' ἐξώλεια αὐτῷ τε καὶ γένει. This oath very probably also contained (after ἔχθρας) the phrase: οὐδὲ δῶρα δέξομαι τῆς ἡλιάσεως ἕνεκα οὔτ' αὐτὸς ἐγὼ οὔτ' ἄλλος ἐμοὶ οὔτ' ἄλλῃ εἰδότος ἐμοῦ οὔτε τέχνῃ οὔτε μηχανῇ οὐδεμιᾷ. Westermann (*l. c.* pt. iii. p. 6 f.) took exception to ἐμοὶ οὔτ' ἄλλῃ ("putida sane haec est utriusque sexus distinctio"), but Hofmann (*de jurandi ap. Athen. formulis*, p. 49) restores the same phrase in *C. I. A.* ii. No. 578, and points to a similar one in *Gk. Inscr. Brit. Mus.* ii. No. 299 a (Calymna).* For a time ("its value being essentially temporary," Grote, *Hist. of Gr.* viii. p. 101 n.) the clause καὶ οὐ μνησικακήσω οὐδὲ ἄλλῳ πείσομαι, ψηφιοῦμαι δὲ κατὰ τοὺς κειμένους νόμους (Andoc. *de Myst.* § 91) was added to the oath.—The demotae took an oath at a διαψήφισις (ψηφιεῖσθαι γνώμῃ τῇ δικαιοτάτῃ καὶ οὔτε χάριτος ἕνεκ' οὔτ' ἔχθρας, Dem. *c. Eubul.* p. 1318, § 63; cf. p. 1301, § 8, p. 1306, § 26; Aeschin. *c. Tim.* § 78); and when the youths were enrolled in the ληξιαρχικὸν γραμματεῖον (Dem. *c. Eubul.* p. 1318, § 61; Isae. *Apollod.* § 28): for the oaths of the euthyni, logistae, and synegori of the demes, cf. *C. I. A.* ii. No. 578, and Aeschin. *c. Tim.* § 107; for that of the demarchus or some other officer in connexion with the *sacra* and the finances of the demes, cf. *C. I. A.* i. No. 9 = *Gk. Inscr. Brit. Mus.* i. No. 1.—The oath to be sworn in the δίκαι φονικαί is mentioned by Dem. *c. Aristocr.* p. 642, § 67; Din. *c. Dem.* § 47 (ἐν Ἀρείῳ πάγῳ), [Dem.] *c. Neaer.* p. 1348, § 9 f. (ἐπὶ Παλλαδίῳ); we know something of its contents: ἐν τῷ ὅρκῳ διορίζεται ὅ τι προσήκων ἐστί, [Dem.] *c. Everg. et Mnes.* p. 1161, § 73; μὴ ἄλλα κατηγορήσειν . . . . ἢ εἰς αὐτὸν τὸν φόνον, etc. (Antiph. *de caed. Herod.* § 11, cf. *de Choreut.* § 9; Lys. *c. Simon.* § 46; Pollux, viii. 117); ὁ μὲν διώκων ὡς ἔκτεινε διόμνυται, ὁ δὲ φεύγων ὡς οὐκ ἔκτεινεν (Lys. *c. Theomn.* i. § 11; *c. Simon.* § 21; Antiph. *de Choreut.* § 16). An oath on the part of the prosecutor after he had gained his suit (ἐπὶ Παλλαδίῳ) is only mentioned by Aeschin. *F. L.* § 87. In other cases both the accuser and the defendant had to swear an oath in the ἀνάκρισις [ANAKRISIS]; on the oath of the witness, see MARTYRIA; on the evidentiary oath (even a woman who was not competent to give testimony could take an oath of this kind: *Att. Process*, ed. Lipsius, p. 898 ff.), see DIAETETAE. The importance, at least apparently, attached to oaths in courts of justice, is proved by various passages in the orators. Demosthenes constantly reminds his judges that they are on their oaths, and Lycurgus (*c. Leocr.* § 79) declares that τὸ συνέχον τὴν δημοκρατίαν ὅρκος ἐστίν: cf. Lys. *de Affect. Tyrann. Apol.* § 28.

According to Gortyn law, the judge (δικαστὰς) was bound in all the cases where this was prescribed by law to follow the evidence of witnesses, and to give credit to a denial on oath (δικάδδεν κατὰ μαιτύρανς ἢ ἀπόμοτον) touching other matters he had to decide himself under oath (ὀμνύντα κρίνεν, xi. ll. 26–31). Several instances of this oath of exculpation are given: it is sworn by a debtor, in default of witnesses (ix. l. 54); by a wife (within twenty days) who was charged with having taken away from the house more than her due on being divorced

* ναὶ τὸν Δία καὶ τὸν Ἀπόλλω τὸν Δύκ[ιον καὶ Γᾶν δικασσάω περὶ] ὧν τοὶ ἀντίδικοι ἀντώμοσαν κατὰ γ[νώμαν τὰν δικαιοτάτα]ν . . . . οὐδὲ δῶρα ἐλαβον τὰς δίκας ταύτας ἕ[νεκεν οὔ]τε αὐτὸς ἐγὼ οὔτε ἄλ[λος] οὔτε ἄλλα ἐμὶ[ν οὐ μηχανᾷ οὐδ]εμιᾷ· εὐορκεῦντι μέμ μοι εὖ εἶμεν, ἐπιορκεῦντι [ἐ δὲ τὰ ἐναντία]. Cf. also the oath administered to the dicasts in the inscription from Eresus (Cauer,[2] No. 430 c, l. 11 ff.): [ἦ] [μ]ὰν δικάσσω τὰν [δίκαν] [ὁ]σσα μὰν ἐν τοῖ[ς νόμο]ις, τὰ δὲ ἄλλα ἐ[θ[ελ]όντας ὡς ἄριστα [καὶ δ]ικαίατα, καὶ τιμά[σ]ω, αἴ κε κατάγνω, ὀρθω[ς κ]αὶ δικαίως· οὔτω ποήσω ναὶ μὰ Δία καὶ Ἄλιον.

from her husband (iii. l. 7; xi. l. 48 ff.). If a wife bore a child after being divorced, she had to carry it to her husband's house in the presence of three witnesses; if he refused to receive it, it was in her power either to bring it up or to expose it. If she exposed it, however, without having presented it, she made herself liable to a fine of 50 staters; if the husband afterwards claimed such a child or the fine for exposing it, her relatives and witnesses had preference in taking the oath (or had more title to credence) whether they carried the child to the father (*ὁρκιστέρους δ' ἔμεν τὸς καδεστὰνς καὶ τὸς μαιτύρανς, αἰ ἐπέλευσαν*, iii. l. 44 ff.). A man taken in adultery with a free woman (not in her father's, brother's, or husband's house) was liable to a fine of 50 staters. The captor had to give notice, in the presence of three witnesses, to the kinsmen of the man taken, that they had to redeem him within five days; if he was not redeemed within that time, it was in the power of the captor to do with him as he liked. If the man taken asserted that a plot had been laid for him, the captor himself and four others had to swear, each calling down curses on himself, that no plot was laid (ii. l. 37 ff.). Lastly, a female house-slave debauched by force had a prior claim to swear, or had more title to credence (*ὁρκιστέρα*, ii. l. 15 ff.).

The experience of all nations has proved the dangerous tendency of making oaths too common. The history of Athens and of Greece in general furnishes no exception to the observation. The practice of swearing in daily life became very common amongst the Greeks, and in vain did lawgivers and philosophers try to check it. Rhadamanthus did not allow swearing by the gods at all, but ordained swearing by beasts (Schol. Aristoph. *Av.* 521); Lampon used to swear by the goose, Socrates by the dog (Plat. *Apol.* p. 21 E: cf. Athen. ix. 9), etc., in order that they might not take the names of the gods in vain (cf. phrases like *μὰ τὸν* with the name of the deity suppressed, Aristoph. *Ran.* 1374; Plat. *Gorg.* p. 466 E, etc.). *Ὅρκῳ μὴ χρῶ* was the maxim of one of the wise men (Stob. *Floril.* 3, 80): cf. Theognis, 399, 1195 ff. "Accept an imposed oath for two reasons only," says Isocrates (*ad Demon.* § 23), "either to free yourself from a shameful charge, or to rescue your friends from great perils; never swear where it is a question of money:" cf. Plat. *Legg.* xii. p. 948, who restricts the oath to those who, as far as men may judge, have nothing to gain by a false oath. The sayings of Solon (*καλοκἀγαθίαν ὅρκου πιστοτέραν ἔχε*, Diog. L. i. 60) and Aeschylus (*οὐκ ἀνδρὸς ὅρκοι πίστις, ἀλλ' ὅρκων ἀνήρ*, *fr.* 290 Dind. = Stob. *Floril.* 27, 2) do not imply depreciation of the oath, but rather enforce the necessity of truthfulness in all the transactions of life. Complaints about perjury are almost as old as the oath itself (Hesiod, *Op. et D.* 190 foll.; Eur. *Iph. T.* 1171; Plat. *Legg.* xii. p. 948, etc.), and the Greeks never enjoyed the reputation of observing their oaths very strictly, although they were probably in this respect no worse than others (Mahaffy takes a more unfavourable view of them: *Social Life in Greece*, pp. 123, 414 ff.). The Spartans especially had a bad name for violating oaths (Isocr. *de Pac.* § 96; Eur. *Androm.* 447 ff., *ψευδῶν ἄνακτες*, etc.; Aristoph. *Acharn.* 308: cf. the story of king Cleomenes and the Argives in Plut. *Moral.* p. 223 B, C, and the saying of Lysander, *ὅπου ἡ λεοντῆ μὴ ἐφικνεῖται, προσαπτέον ἐκεῖ τὴν ἀλωπεκῆν*, etc., Plut. *Lys.* 7). The Cretans were proverbially perjurers (Callim. *Hymn. in Jov.* 8, *Κρῆτες ἀεὶ ψεῦσται*: St. Paul, *Tit.* i. 12, etc.), and so were the Thessalians (Dem. *Olynth.* i. p. 15, § 22; *c. Aristocr.* p. 657, § 112; *ἀεὶ τὰ Θετταλῶν ἄπιστα, ἡ παροιμία φησίν*, Schol. Aristoph. *Plut.* 521). It was different with the Athenians, and "fides Attica" was proverbially used to denote perfect trustworthiness and good faith (Vell. Paterc. ii. 23, 4); the words which Euripides put in the mouth of Hippolytus (611), *ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος*, are said to have provoked cries of indignation amongst the audience. (Lasaulx, *Ueber den Eid bei den Griechen*). [L. S.] [H. H.]

2. ROMAN. The subject of Roman oaths may be treated under four different heads, viz. (i.) oaths taken by magistrates and other persons who entered the service of the Republic, (ii.) oaths taken in transactions with foreign nations in the name of the Republic, (iii.) oaths or various modes of swearing in common life, (iv.) oaths taken before the praetor or in courts of justice.

(i.) *Oaths taken by magistrates or other persons who entered the service of the Republic.*—In the later periods of Roman history we find evidence of an oath which was taken by candidates immediately on their election and before the *renuntiatio* was made. This oath of fealty to the state was taken by the Emperor Trajan on his election to the consulship (Plin. *Pan.* 64), and the form of the *execratio* is given by Pliny (*l. c.* "explanavit verba quibus caput suum, domum suam, si sciens fefellisset, deorum ille irae consecraret"), the gods appealed to being Jupiter and the Dii Penates, to whom were added later the *genii* of the deified emperors (Lex Malacitana, *C. I. L.* ii. n. 1964, cc. 57, 59). We have every reason to think that this oath extended back to republican times, but Mommsen remarks that it could never have been formally necessary, since it supposed the presence of the candidate, which had not been always a necessary condition of election (*Staatsr.* i. p. 620). Besides this oath, there was another originating from the power the populus possessed of binding either present or future magistrates to respect a *lex*. This became eventually a general oath *in leges*, which was required of all magistrates already elected before entering on their official functions, and which had to be taken five days after entrance on office (Liv. xxxi. 50). If we may argue from the Lex Salpensana (*C. I. L.* ii. n. 196, c. 26), the magistrate could not summon the senate until the oath had been taken; and from the fact that the new magistrate generally summoned the senate upon the day of his entrance on office, it is concluded that the oath must generally have been taken on Jan. 1st (Mommsen, *Staatsr.* i. p. 621). The penalty for not taking the oath within five days was originally loss of office (Liv. *l. c.*); afterwards apparently only a fine (Lex Salpens. c. 26): but persistence in a refusal to take the oath must always have been followed by the severer penalty. Vestal virgins and the flamen Dialis were not allowed to swear on any occasion (Liv. *l. c.*; Fest. s. v. *jurare*; Gell. x. 15; Plut. *Qu.*

Rom. p. 275); but whether they also entered upon their sacred offices without taking an oath analogous to that of magistrates is unknown. Where a flamen dialis was elected to a magistracy he might petition the people for an especial dispensation (*ut legibus solveretur*), and with their consent depute some one to take the oath for him. During the later period of the Republic we also find that magistrates, when the time of their office had expired, addressed the people and swore that during their office they had undertaken nothing against the Republic, but had done their utmost to promote its welfare (Cic. *ad Fam.* v. 2, § 7; *pro Sulla*, 11; *in Pison.* 3; *pro Dom.* 35). During the Empire we find the Emperor Augustus taking this oath after the holding of the census (Dio Cass. liii. 1), as it had been taken by the censors of the Republic (Liv. xxxix. 37), and the Emperor Trajan taking it when laying down the consulship (Plin. *Pan.* 65). In cases where the people required the observance of a special *lex* to be sworn to, the existing magistrates were sometimes required to take the oath five days after the passing of the law (Lex Bantina, *C. I. L.* i. n. 197, l. 14). Other laws bound candidates for office to swear to their observance, as was the case with Caesar's Campanian law (Cic. *ad Att.* xi. 18, 2, "habet etiam Campana lex execrationem in contione candidatorum"): and in the case of the agrarian law of Saturninus the whole senate was made to promise on oath that they would observe the plebiscitum, and allow it to be carried into effect. The censor Q. Metellus, who refused to swear, was sent into exile (App. *Bell. Civ.* i. 30; Plut. *Mar.* 29). Analogous to the oath *in leges* was that which was required to be taken during the Empire, to observe the *acta* of the emperors. The obligation to swear *in acta Caesaris* began in 45 B.C. (App. *Bell. Civ.* ii. 106), and was renewed during the triumvirate (Dio Cass. xlvii. 18), the formula running *se nihil contra acta Caesaris facturum.* This oath bound both magistrates and senate to observe the ordinances of all past emperors, except those whose reigns and memory had been condemned (Suet. *Tib.* 67; Tac. *Ann.* i. 72, xii. 11; Dio Cass. lvii. 8, lix. 9), and was renewed yearly on Jan. 1st (Dio Cass. lviii. 17).

All Roman soldiers, after they were enlisted for a campaign, had to take the military oath (*sacramentum*). The sacramentum first *gave* the soldier the right of using weapons against enemies, and distinguished true *militia* from mere rapine or *latrocinium* (Liv. viii. 34, "latrocinii modo caeca et fortuita pro solemni et sacrata militia sit"). The oath contained an *execratio*, and he who broke it was *sacer*. Hence he could be put to death without trial by the general (Dionys. xi. 43). In accordance with the collegiate principle the oath was taken to all the colleagues, the soldier being said *jurare in verba consulum*, &c. (Liv. ii. 52). It was a personal obligation and did not descend to successors in command, except these were in the circle of colleagueship. It, therefore, had to be renewed at every change of command (Liv. iii. 20; Mommsen, *Staatsr.* i. p. 623), and ceased to be binding when the general was taken by the enemy (Caes. *Bell. Civ.* ii. 32). The formal sacramentum was administered in the following manner. Each tribunus militum assembled his regiment, and picked out one of the men to whom he put the oath that he would obey the commands of his generals and execute them punctually (*ἢ μὴν πειθαρχήσειν καὶ ποιήσειν τὸ προσταττόμενον ὑπὸ τῶν ἀρχόντων κατὰ δύναμιν*, Polyb. vi. 21, 2). The other men then came forward one after another and expressed their obligation to the oath, which had been sworn "conceptis verbis" by the first, by the words *idem in me* (Fest. s. v. *Praejuratio*, p. 224; Polyb. *l. c.*; Liv. ii. 45; Serv. *in Aen.* vii. 1). Livy (xxii. 38) says that until the year 216 B.C. the military oath was only a sacramentum taken by acclamation, the soldiers swearing voluntarily (*conjurabant*), and promising that they would not desert from the army nor leave the ranks except to fight against the enemy or to save a Roman citizen. But in the year 216 B.C. the soldiers were compelled by the tribunes to take the oath which the tribunes put to them, that they would meet at the command of the consuls and not leave the standards without their orders, so that in this case the military oath became a *jusjurandum.* The *conjuratio*, however, continued to exist side by side with the later sacramentum, and was employed in cases of *tumultus*, in which there was no time for the recruits to swear singly, and the oath was uttered simultaneously by the troops (Serv. *ad Aen.* viii. 1). Lastly, in cases of sudden danger we find the *evocatio* employed, which gave rise to the third kind of military oath. The name was applied to the demand made on soldiers who had served their time to resume service on a sudden emergency; the general addresses these citizens (*cives*, for they are not properly *milites*, Serv. *ad Aen.* ii. 157) with the words "Qui Rempublicam salvam vultis me sequimini" (Donat. *ad* Ter. *Eunuch.* iv. 7, 2): and they answer by an acclamation that has all the force of an oath. The true *sacramentum* only belonged to *legitima militia*, which was distinguished from the conjuratio and evocatio, as a more to a less formal mode of exercising war; but in each case it was the oath which rendered the act of warfare legitimate, by showing that the soldier was acting in the service of the state. Polybius (vi. 33) speaks of another military oath which was taken in camp. This was put to all who served in the army, whether freemen or slaves, as soon as the castrametatio had taken place, by which all promised that they would steal nothing from the camp, and that they would take to the tribunes whatever they might happen to find. A perfect formula of a military oath is preserved in Gellius (xvi. 4).

During the Empire the *sacramentum* acquired a greater extension as the oath of fealty to the emperor. There was no special oath to the princeps as such, but the military oath was taken to him as imperator. As the republican soldier swore *in verba consulis*, so the subjects of the emperor swore *in verba principis* or *in nomen principis* (Tac. *Ann.* i. 7 and 8). The subjects of the emperor, whether citizens or provincials, were in the habit of swearing allegiance, although the oath was only formally necessary for the soldiers, and was a voluntary act on the part of the magistrates, the burgesses and the provincials (Tac. *Ann.* i. 7; Plin. *ad Traj.* 52). It was renewed on every recurrence of the day on which it had been taken (Plin. *l. c.*) and also on every

new year's day (Tac. *Ann.* i. 8; *Hist.* i. 55). It was administered both at Rome and in the provinces: at Rome by the chief magistrates, the consuls (Tac. *Ann.* i. 7); in the provinces by the provincial governor (Tac. *Ann.* i. 34; Joseph. *Ant. Jud.* xviii. 5, 3). On the accession of Tiberius we find that the consuls took it first, then administered it to the two chief non-senatorial officers, the praefecti praetorio and annonae, and then to the senate, soldiers, and populus (Tac. *Ann.* i. 7). The form of the oath was probably on the whole the same as that of the sacramentum taken to the republican imperator; but we find that a clause was added in which the soldiers declared that they would consider the safety of the emperor of more importance than anything else in life, and that they held him dearer than themselves and their children (Suet. *Calig.* 15; Dio Cass. lix. 9). (On the magistrate's oath, see Mommsen, *Römisches Staatsrecht*, i. pp. 619–622; Madvig, *Verwaltung und Verfassung des römischen Staats*, i. p. 393, ii. p. 547. On the military oath, see Brissonius, *de Formul.* iv. c. 1–5; Mommsen, *Röm. Staatsr.* i. p. 623, ii. p. 792; Marquardt, *Römische Staatsverwaltung*, ii. p. 372 ff.; Madvig, *Verw. und Verf. d. röm. St.* ii. pp. 479, 546.)

(ii.) *Oaths taken in transactions with foreign nations in the name of the Republic.*—There were two main forms of agreement with a foreign nation: the *sponsio* (the formula of question and answer), which soon lost the religious signification which it possessed, and the *foedus* or sworn treaty. The latter was usually ratified by two or more members of the college of Fetiales, under the authority of the magistrates of the state. The conclusion of the terms of agreement was the act of the magistrate, the king, the consul, or the proconsul in the field; but after he had dictated, or had accepted the terms of agreement, the Fetiales came forward at his bidding (Liv. i. 24, xxx. 43), and swore, on behalf of the state, that they should be observed. The presence of the magistrate at this ceremony was not necessary, and the foedus might contain only the names of the Fetiales as witnesses to its observance (Liv. ix. 5, 4); but it was necessarily understood that the oath which they took was taken by the imperator (Liv. i. 24, 9), and the state was bound by this act of magistrate and priest. It is probable, however, that for the ratification of a sworn foedus the intervention of the Fetiales was not necessary, although their presence gave added sanctity to the treaty; and that, besides the *sponsio*, we must consider that there was a *foedus* capable of being sworn to by an imperator besides that sworn to by the Fetiales. Of the former kind was in all probability the treaty concluded at the Caudine Forks; the absence of the Fetiales made it none the less binding, but rendered its violation less of an open breach of religion than would have been the case, had they been present and sworn its observance (Mommsen, *Staatsr.* i. p. 251, n. 1). The Fetiales did not accompany the general to the field; and in every case of a treaty being sworn to with full solemnity at a distance from Rome, they had to be sent to the seat of war (Liv. xxxviii. 39, 1): thus, after the Second Punic War, we find them travelling to Africa to perform the ancient ceremonies (Liv. xxx. 43). The oath which they took was in the form of an *execratio*, or imprecation pronounced on the state they represented, in the case of its wilful violation of the terms of the treaty ("Si prior defexit publico consilio dolo malo," Liv. i. 24). The most ancient form of oath of this kind is recorded by Livy (i. 24) in a treaty between the Romans and Albans. The *pater patratus* pronounced the oath in the name of his country, and struck the victim with a flint stone, calling on Jupiter to destroy the Roman nation in like manner as he (the pater patratus) destroyed the animal, if the people should violate the oath. The *execratio* was sometimes differently worded, the Fetiales casting away the stone from his hands and saying, "Si sciens fallo, tum me Diespiter salva urbe arceque bonis ejiciat, uti ego hunc lapidem" (Festus, s. v. *Lapidem*, p. 115). Owing to the prominent part which the stone (*lapis silex*) played in this act, Jupiter himself was called Jupiter Lapis (Cic. *Fam.* vii. 12; cf. Polyb. iii. 25); other deities whose names might enter into the *execratio* were Mars and Quirinus (Polyb. *l. c.*). In swearing to a treaty with a foreign nation a victim (a pig or a lamb) was always sacrificed by the Fetiales (whence the expressions *foedus icere*, ὅρκια τέμνειν), and the priest, while pronouncing the oath, touched the victim or the altar (Verg. *Aen.* xi. 201; Liv. xxi. 45: cf. FETIALES). The employment of the Fetiales for the purpose of ratifying a foedus continued throughout the Republic (Varro, *L. L.* viii. 86): in the Empire it seems to have sunk into disuse, although the ceremony was revived by Claudius (Suet. *Claud.* 25). At first the Romans were very scrupulous in observing their oaths in contracts or treaties with foreigners, and even with enemies; but attempts were soon made by individuals to interpret an oath sophistically and explain away its binding character (Gell. vii. 18; Liv. iii. 20, xxii. 61; Cic. *de Off.* iii. 27, § 102); and from the Third Punic War to the end of the Republic, perjury was common among the Romans in their dealings with foreigners as well as among themselves. (Mommsen, *Römisches Staatsrecht*, i. p. 249 ff.) [L. S.] [A. H. G.]

(iii.) *Oaths or various modes of swearing in common life.*—The practice of swearing or calling upon some god or gods as witnesses to the truth of assertions made in common life or in ordinary conversations, was as common among the Romans as among the Greeks. The various forms used in swearing may be divided into three classes:—

1. Simple invocations of one or more gods, as *Hercle* or *Mehercle*,—that is, ita me Hercules juvet, amet, or servet (Fest. s. v. *Mecastor*); *Pol*, *Perpol* or *Aedepol*, that is, per Pollucem; *per Jovem Lapidem*, or simply *per Jovem*; *per superos*; *per deos immortales*; *medius fidius*, that is, ita me Dius (Δῖος) filius juvet (Fest. *s. v.*; Varro, *de Ling. Lat.* v. 66 M.); *ita me deus amet*, or *dii ament*. Sometimes also two or a great number of gods were invoked by their names (Plaut. *Bacchid.* iv. 8, 51; Terent. *Andr.* iii. 2, 25). The genii of men were regarded as divine beings, and persons used to swear by their own genius, or by that of a friend, and during the Empire by that of an emperor (Hor. *Epist.* i. 7, 94; Suet. *Calig.* 27). Women as well as men swore by most of the gods; but some of them were peculiar to one of the sexes.

Thus women never swore by Hercules, and men never by Castor; Varro, moreover, said that in ancient times women only swore by Castor and Pollux, while in the extant writers we find men frequently swearing by Pollux (Gellius, xi. 6). Juno and Venus were mostly invoked by women, but also by lovers and effeminate men in general (Plaut. *Amphitr.* ii. 2, 210; Tibull. iv. 13, 15; Juv. ii. 98; Ovid, *Amor.* ii. 7, 27, ii. 8, 18).

2. Invocations of the gods, together with an execration, in case the swearer was stating a falsehood. Execrations of this kind are, *Dii me perdant* (Plaut. *Mil. Glor.* iii. 2, 20; *Cistell.* ii. 1, 21); *dii me interficiant* (Plaut. *Mostell.* i. 3, 35); *dispeream* (Hor. *Sat.* i. 9, 47); *ne vivam* (Cic. *ad Fam.* vii. 23; Mart. x. 12, 3); *ne salvus sim* (Cic. *ad Att.* xvi. 13), &c.

3. Persons also used to swear by the individuals or things most dear to them. Thus we have instances of a person swearing by his own or another man's head (Dig. 12, 2, 3, 4; Ovid, *Trist.* v. 4, 45; *Heroid.* iii. 107; Juv. vi. 16), by his eyes (Plaut. *Menaech.* v. 9, 1; Ovid, *Amor.* ii. 16, 44), by his own welfare or that of his children (Dig. 12, 2, 5; Plin. *Epist.* ii. 20), by the welfare of an emperor (Cod. 2, 4, 41), &c.

Respecting the various forms of oaths and swearing, see Brissonius, *de Formul.* viii. cc. 1–18. [L. S.]

(iv.) *Oaths of parties to an action.*—A party to an action might be required to take an oath (jusjurandum) either when the proceedings were before the magistratus (in jure) or when the trial was taking place before a judex (in judicio). The jusjurandum in jure is the oath which one party proffered to his adversary (*detulit*) that he should take about the matter in dispute, the effect of taking or refusing it being equivalent to that of judgment. Thus, if the defendant took the oath on its being proffered to him by the plaintiff, he was free of the action, and he had answer to any future action on the same claim in the *exceptio* (plea) *jurisjurandi*, analogous to the *exceptio rei in judicium deductae* and *rei judicatae*. If he simply refused to take it, such refusal was equivalent to confession ("confessionis est nolle nec jurare nec jusjurandum referre"), and so he was in the position of a judgment debtor. A defendant might, however, instead of taking the oath, throw it back on the plaintiff (*jusjurandum referre*), in which case, if the plaintiff accepted the oath, the action was concluded in his favour; and on the other hand, if he refused it, his claim was extinguished. A defendant not challenged to take the oath by the plaintiff might himself propose it (Paul. ii. 1, 1: "alter ex litigatoribus"). A person before accepting the oath might call on the person proposing it to take the *jusjurandum calumniae* (CALUMNIA; cf. Quintil. *Inst. Or.* v. 6, 5).

In the event of the defendant refusing to swear, or of the plaintiff accepting the oath when it was offered to him, the plaintiff was allowed by the praetor an *actio in factum*, which corresponded to the *actio judicati*. The reason of the jusjurandum having the effect of judgment is explained to be that a party to a cause makes his adversary the judex by proffering the oath to him (*deferendo ei jusjurandum*, Dig. 44, 5, 1: cf. Quintil. *l. c.* § 4, "qui defert, alioqui agere modeste videtur, cum litis adversarium judicem faciat"); the person who proffers the oath voluntarily leaving the matter to the judgment of the Gods and to the conscience of his opponent, instead of having it tried in the ordinary way. Its effect was even greater than that of judgment, since it did not leave an outstanding *obligatio naturalis* (Dig. 12, 2, 2: "Jusjurandum speciem transactionis continet, majoremque habet auctoritatem quam res judicata").

The jusjurandum in jure is called *necessarium*, because he to whom it is proffered cannot simply refuse it, being thus opposed to the jusjurandum voluntarium, which was a proceeding of the same kind as the jusjurandum in jure, except that it took place out of court. The jusjurandum voluntarium, as well as the jusjurandum necessarium, might be a bar to any further claim (Dig. 44, 5, 1; *Ep. Hebr.* vi. 16, *πάσης ἀντιλογίας πέρας ... ὁ ὅρκος*), or it might give rise to an *actio in factum*.

As the proffer of an oath was possibly prejudicial to a person's interests, so only those who were fully capable of acting for themselves could proffer it. A person could not be compelled to take the oath unless he was of sufficient age: thus a pupillus could not be made subject to the oath. Nor could a procurator or defensor, a vestal and a flamen dialis, be compelled to swear (Gell. x. 15).

The jusjurandum in jure may have been first used in the *legis actio per condictionem*, and hence its connexion with the *actio pecuniae creditae* in the Code. In the formulary procedure its lega effects depended on the edict of the praetor. The jusjurandum in judicio (jusjurandum judiciale), which is an oath proffered by one party to the other at the trial of the action, has not the effect of the jusjurandum in jure; it is merely evidence, and the judex can give it such probative force as to him seems just. The employment of it was sometimes prejudicial to the party who proposed it. (See Quintil. *Inst. Or.* v. 6; M. Annaeus Seneca, *Controv.* iii. praef.) The oath was not compulsory, but the refusal of it was regarded as strong evidence against the party refusing, unless he was ignorant of the matter in question, or was excused from swearing in order that he might not lay himself open to the suspicion of perjury.

A judex might require a party to an action to make a declaration on oath respecting a matter in dispute. Such an oath was particularly applicable in cases in which the judex had to determine the value of the matter in dispute. As a general rule the *aestimatio*, or estimation of value or damages, was to be made by the judex conformably to the evidence furnished by the plaintiff; but if the defendant by his dolus or contumacia prevented the plaintiff from recovering the specific thing which was the object of the action, and consequently the plaintiff must have the value of it, the judex could put the plaintiff to his oath as to the value of the thing: but he could also fix a limit (*taxatio*) which the plaintiff must not exceed in the amount which he declared upon oath. This is called "jusjurandum in litem" (Dig. 12, 3). This oath is merely evidence: the judex may still either acquit the defendant or condemn him in a less sum.

As to the jusjurandum calumniae, see CALUMNIA; and see JUDEX, JUDICIUM. (Paul. ii. 1, *de rebus creditis et de jurejurando*; Dig.

12, 2, *de jurejurando sive voluntario sive necessario, sive judiciali*; Cod. 4, 1, *de rebus creditis et jurejurando*; Puchta, *Inst.* § 173; Savigny, *System*, §§ 309–313; Keller, *Civilprocess*, § 64; Bethmann-Hollweg, *Civilprocess*, § 107.)

[G. L.] [E. A. W.]

JUSSU, ACTIO QUOD. A paterfamilias or a master of a slave who gave an order (*jussus*) authorising a contract to be entered into with his filiusfamilias or slave was made liable by this action on account of a contract thus entered into, as if he had been himself a party to it. (Dig. 15, 4, 1, pr.: "Merito ex jussu domini in solidum adversus eum judicium datur; nam quodammodo cum eo contrahitur quid jubet.") The order might be given directly to the other contracting party, or it might be implied by the appointment of a son or a slave to conduct a business or to enter into a particular transaction; but, to make the superior liable, the other party must have contracted with the filiusfamilias or slave as a representative. The *actio quod jussu* is a praetorian action, and belongs to the class of *actiones adjecticiae qualitatis*. (Dig. 15, 4; Gaius, iv. 70; Vangerow, *Pandekten*, i. § 240, Anm.; Windscheid, *Pandekten*, ii. § 482.) [EXERCITORIA; INSTITORIA ACTIO.]

[E. A. W.]

JUSTA FU'NERA. [FUNUS.]

JUSTINIANE'US CODEX. [CODEX JUSTINIANEUS.]

JUSTI'TIUM. Justitium (derived from "Juris statio") was the name given to the suspension of certain public and private business of the community which was ordered by the higher magistrates at Rome, when occasion seemed to demand it: the name being derived from the suspension of that department of state which was the most obvious and constant sign of political life, the courts of law. The declaration of a justitium rested on the right of intercession in one of its forms—the right, that is, possessed by the higher magistrates, those armed with *major potestas*, of forbidding all action on the part of the inferior magistrates [INTERCESSIO]. It was usually pronounced by the highest magistrate present in Rome who possessed the imperium, by the dictator (Liv. iii. 27, 2; vii. 9, 6), or by the consuls (*Mon. Ancyr.*[2] 2, p. 54), and was generally called forth by some great public event, such as a war or a calamity affecting the whole state. But such a suspension of business might be declared for the purposes of party warfare. It was not unfrequently declared with this object by the tribunes, who, in order to break down the opposition to a measure they advocated, might issue a decree, based on their superior right of veto, announcing a total suspension of business until their object was attained (Plut. *Tib. Gracch.* 10, διαγράμματι τὰς ἄλλας ἀρχὰς ἁπάσας ἐκώλυσε χρηματίζειν, ἀχρὶ ἂν ἡ περὶ τοὺς νόμους διενεχθῇ ψῆφος). Against the tribune, on the other hand, the higher patrician magistrates, the consul and praetor, could employ no such weapon directly. Indirectly, however, they could, on their own authority, check the passing of a plebiscitum by a decree which had the practical effect of a justitium; namely, by the declaring of those "feriae, quas consules vel praetores pro arbitrio potestatis edicunt" (Macrob. *Saturn.* i. 16, 6). In order to secure obedience on the part of the lower magistrates to a prohibition of this sweeping kind pronounced by a superior, some sanction was required, and hence we find that the tribune, in pronouncing the justitium, also declared a penalty in case of disobedience (Plut. *Tib. Gracch.* 10, τοῖς ἀπειθήσασι τῶν στρατηγῶν ζημίαν ἐπεκήρυξεν, ὥστε πάντας ὑποδείσαντας ἀφεῖναι τὴν ἑκαστῷ προσήκουσαν οἰκονομίαν). But, as Mommsen points out, the fact that the lower magistrate's actions have been forbidden by the higher, does not create an invalidity in an act the former may choose to perform in spite of the prohibition. The magistrate's right to forbid differs from the magistrate's intercession, in that the latter is levelled at a completed act and renders it invalid; the former, which is a prohibition based on some power which the magistrate has in reserve, is merely "the threat of coercitio in the case of opposition" (Mommsen, *Staatsr.* i. p. 252); and if the coercitio is not effectively put forward, the act that contravenes the command is valid.

Such was the Justitium so far as it rested on the bare theory of the magistrate's power, but as such it was rarely realised. The action of Tiberius Gracchus in declaring a suspension of business on his own authority was no doubt legal, but was also highly unconstitutional, both in regard to the purpose for which it was employed, and in its being employed at all without the previous advice of the senate. As a rule the justitium was proposed on a vote of the senate (Liv. iii. 3, 8; Cic. *Phil.* v. 12, 31) and to meet certain definite contingencies. It might be pronounced on the occasion of a festival (Dio Cass. lix. 7), but the most usual circumstances that called for it were a sudden war or tumultus (Liv. iii. 5, 4, vi. 7, 1; Cic. *Phil.* v. 12, 31), or public mourning, such as that following on a national disaster or the death of a distinguished man. A justitium of the latter kind was declared after the death of the dictator Sulla (Granius Licin. p. 44, Bonn, "Justitium fuit matronaeque eum toto anno luxerunt"), and generally, under the principate, on the death of a member of the ruling house, as on that of Augustus (Tac. *Ann.* i. 16), Germanicus (*ib.* ii. 82), and the younger Drusus (Suet. *Tib.* 52). The justitium on these occasions sometimes closed with the funeral ceremonies (*Monumen. Ancyr.*[2] p. 115, "Romae justitium indictum est, donec ossa ejus in mausoleum inferrentur"), but were sometimes prolonged beyond it (Suet. *Tib.* 52, "non statim a funere ad negotiorum consuetudinem rediit justitio longiore inhibito"); and it is a probable supposition that, on the occasion of any public funeral, a short justitium was declared for the time during which the funeral retinue remained in the forum (Mommsen, *Staatsr.* i. p. 251, n. 4). The cessation of the justitium ("justitium remittere," Liv. x. 21, 6) was pronounced, when the circumstances that demanded it were past, by a decree of the same magistrate who had enjoined it.

The effect of a justitium was the suspension of almost all the business of the state, including the administration of justice both civil and criminal, and was accompanied by the closing of the Aerarium (Cic. *de har. Resp.* 26, 55, "justitium edici oportere, jurisdictionem intermitti,

claudi aerarium, judicia tolli;" Plut. *Tib. Gracch.* 10, τῷ δὲ τοῦ Κρόνου ναῷ σφραγῖδας ἰδίας ἐπέβαλεν) and the suspension of the senate's sittings (Cic. *pro Planco*, 14, 33). It even extended to private business, when the exercise of this would have interfered with the purposes for which the justitium was declared (Liv. iii. 27, 2, "dictator justitium edicit, claudi tabernas tota urbe jubet, vetat quemquam privatae rei quicquam agere:" cf. Liv. ix. 8, 7). But it did not necessarily suspend all the business of the state, since for political purposes it was often declared that exclusive attention might be given to some sphere of state administration. If declared on the occasion of a war, the dilectus still went on (Liv. vi. 7, 1); and during the Justitium declared in the time of the Social war, the Varian commission still sat, in spite of the suspension of all other judicial business (Cic. *Brut.* 89, 304, "exercebatur una lege judicium varia, ceteris propter bellum intermissis"). (Mommsen, *Römische Staatsrecht*, i. pp. 263–266.) [A. H. G.]

JUVENA'LIA, or JUVENA'LES LUDI (Ἰουβενάλια ὅσπερ τινὰ νεανισκεύματα), were scenic games instituted by Nero in A.D. 59, in commemoration of his shaving his beard for the first time, thus intimating that he had passed from youth to manhood. He was then in the twenty-second year of his age. These games were not celebrated in the circus, but in a private theatre (Plin. *H. N.* xxxvii. § 19) erected in a pleasure-ground (*nemus*), and consisted of every kind of theatrical performance, Greek and Roman plays, mimetic pieces, and the like. The most distinguished persons in the state, old and young, male and female, were expected to take part in them. The emperor set the example by appearing in person on the stage; and Dio Cassius mentions a distinguished Roman matron, upwards of eighty years of age, who danced in the games. It was one of the offences given by Paetus Thrasea that he had not acquitted himself with credit at this festival (Dio Cass. lxi. 19; Tac. *Ann.* xiv. 15, xv. 33, xvi. 21). Suetonius (*Ner.* 12) confounds this festival with the Quinquennalia, which was instituted in the following year, A.D. 60. [QUINQUENNALIA.] The Juvenalia continued to be celebrated by subsequent emperors, but not on the same occasion. The name was given to those games which were exhibited by the emperors on the 1st of January in each year. They no longer consisted of scenic representations, but of chariot-races and combats of wild beasts. (Dio Cass. lxvii. 14, of Domitian; Sidon. Apoll. *Carm.* xx. 315, 433; Capitol. *Gord.* 4: cf. Lipsius, *ad* Tac. *Ann.* xiv. 15.) [W. S.] [A. S. W.]

K. *See* C.

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